



Volume: 2, Issue: 10, 418-420
Oct 2015
www.allsubjectjournal.com
e-ISSN: 2349-4182
p-ISSN: 2349-5979
Impact Factor: 5.742

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Ecological Imbalance and Global Concerns- A Perspective

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Abstract

With the development of modern industry and technology all over the world, the issue of ecological imbalance is the most urgent one. This problem has reached a scale at which it is practically impossible to resolve. Much of what has been destroyed; unfortunately we will not be able to recover. Ecological imbalance between the natural factors and human activities is socio-ecological crisis. This means that the balance between the environment and society is broken. The extent of the ecological imbalance may be different. This situation can lead to the destruction of humanity. The reasons for ecological imbalance are associated with the increasing industrialisation, irrational waste of natural resources, deforestation, water pollution — all this because of what ecological disaster is happening. Harming nature, man jeopardizes its existence. This also creates a lot of trouble for mankind: a demographic crisis, hunger, lack of natural resources and destruction of the environment. Unjustified deforestation leads to the disappearance of animals and birds. This leads to changes in the ecological balance. If mankind will not restore destroyed crops and will not engage in the protection of endangered animals, it will lead to the destruction of humanity. Such problems have intensified over recent years with unprecedented population growth and urbanization, resulting in increased human impacts not only on individual species, but also on whole ecosystems. The fast pace of development has led to many unwanted results. Exotic species get destroyed faster than we can discover them and ancient ecosystems are getting disturbed in our scientific explorations.

Over a period of time, the concerted efforts of environmental agencies have resulted in framing and formulation of many rules and regulations to protect and safeguard the environment; particularly the environmental components like water, air and forests. Whole world is the stakeholder in creating awareness for protection of environment and combating the environmental degradation. Some examples of environmental issues of global significance are: Ozone layer depletion, Global warming and Loss of biodiversity.

Keywords: Biodiversity, Web, Life

1. Introduction

Environmental degradation affects mankind at a global scale regardless of any particular country, region or race. Over a period of time, the concerted efforts of environmental agencies have resulted in framing and formulation of many rules and regulations to protect and safeguard the environment; particularly the environmental components like water, air and forests. Whole world is the stakeholder in creating awareness for protection of environment and combating the environmental degradation.

Few examples of environmental issues of global significance are: Ozone layer depletion, Global warming and Loss of biodiversity. Earth's atmosphere is divided into three regions, namely troposphere; stratosphere and mesosphere. The ozone layer, in the stratosphere acts as an efficient filter for harmful solar Ultraviolet rays. In recent years, scientists have measured a seasonal thinning of the ozone layer primarily at the South Pole. This phenomenon is being called the ozone hole. Increased penetration of solar UV-B radiation is likely to have high impact on human health, forests and grasslands, etc. The ozone layer, therefore, is highly beneficial to plant and animal life on earth filtering out the dangerous part of sun's radiation and allowing only the beneficial part to reach earth. Any disturbance or depletion of this layer would result in an increase of harmful radiation reaching the earth's surface leading to dangerous consequences.

Over the years, it was found out that the earth is relatively getting warmer and warmer. The key greenhouse gas (GHG) causing global warming is carbon dioxide. Chlorofluorocarbons (CFCs), even though they exist in very small quantities, too contribute to global warming, significantly.

Biodiversity refers to the variety of life on earth, and its biological diversity. It actually boosts ecosystem productivity where each species, no matter how small, all have an important role to

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play and that it is in this combination that enables the ecosystem to possess the ability to prevent and recover from a variety of disasters. But nowadays human activity is changing biodiversity and causing massive extinctions. Rapid global warming can affect ecosystem's chances to adapt naturally. Over the past 150 years, deforestation has contributed an estimated 30 percent of the atmospheric build-up of CO₂. It is also a significant driving force behind the loss of genes, species, and critical ecosystem. Climate change is ocular, opulent and omnipresent; its gigantic tentacles in the form of disturbance of monsoon, melting of glaciers, rise in sea level, tsunami, earthquakes, global warming etc. are reasons of climate change with anthropogenic and catastrophic effects.

Against this background environment protection had become an issue of concern in the specific content of international human rights law where, it is expressly acknowledged and recognized that personal growth and happiness on one side and fundamental human rights on the other cannot be achieved in a severely damaged environment.

The campaign for recognition of right to a healthy natural environment as a fundamental human right found its expression in various international treaties and the concerns of the International Red Cross and Red Crescent Movement, through a variety of resolutions and studies. During last three decades man's physical and biological environment, is witnessing rapid changes. Lack of proper judgment in massive use and misuse of technology has created global environmental problems. In order to live in a wholesome environment there is dire need to identify the causes of the degradation of environment and to suggest responses and alternate causes of action. The ruthless use of science and technology for urban development has precipitated problems of pollution of air space, water and land in many ecological systems of various parts of the earth. We need a comprehensive solution to the problems of environment. Even though laws have been passed for the protection of environment the enforcement of the same has been tardy, to say the least. Today, we stand face to face with global warming and resultant natural disasters.

UNEP Report of 2012 discusses about certain glaring effect of climate change. Between 1906 and 2006, Africa's glaciers lost 82% of land area; over last 25 years, 25 % of global land area has seen productivity hit due to soil carbon loss and the Japan tsunami produced 6.15 million tons of debris in one city, equal to 103 years of normal waste. To mitigate the effect of climate change in 1972 in Stockholm United Nations Conference on the Human Environment took place. The conference had the effect of initiating worldwide participation, by urging governments all over the world to consider that the environment must be protected in order to operationalise the right to life. The manifesto 'protect environment to save mankind' saw a worldwide evolution as a result of this conference. It had a profound impact on the way in which environment and environmental protection would be addressed by member countries in the future. The first few to recognize the connection between life and environment were regional conventions like African Charter, Protocol of Salvador, American Convention on Human Rights and the Convention on the Rights of the Child (1989).

The perception of the global concern about environment is of recent origin. After Second World War, a new phase started in which nations started addressing the environmental issues and started forming international organizations. It was also during this period that there was a growing awareness about the

relationship between economic development and environmental degradation and its preservation.

The main reasons for the development of international environmental law were the ruthless and unscientific exploitation of the natural resources. In 1970, the organization for Economic Cooperation and Development (OECD) also established a committee for environmental problems. In 1971, the Convention on International Liability for Damages caused by space objects was made. The basis of the liability was not on the proof of wrongfulness, but on the absolute damages caused by space objects to the surface of the earth or to aircrafts in flights. Central to all these conventions, is the process of the globalization. But the globalization is not only expanding market forces, but also about social and cultural change that serve as the basis for new thinking on international environmental law.

After the U.N. Conference on Human Environment in Stockholm, the provisions of environment protection were added in the Constitution. Through the 42nd amendment. Article 48-A of the Constitution provides, "The state shall endeavour to protect and improve the environment and to safeguard forests and wildlife of the country". Article 51(A) (g) provides: "it shall be duty of every citizen of India to protect and improve natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."

Article 21 of the Constitution of India protects the right to life as a fundamental right. Enjoyment of life and its attainment including the right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed.

Though the Constitution of India has not made a specific reference to environment as a fundamental right, it is implicit in the right to life and personal liberty under Article 21. *The Chhetriya Pradushau Mukti Sangrash Samiti v. State of U.P.*, the Supreme Court has declared that every citizen has a fundamental right to have the enjoyment to equality of life as granted by Article-21 of the constitution. In *M.C. Mehta v. Union of India* it was held by the Supreme Court- "the enterprise must be held to be under an obligation to provide that hazardous or inherently dangerous activity in which it is engaged must be conducted with the highest standards of safety and it would be no answer to the enterprise to say that it had taken all reasonable care and that the harm occurred without any negligence on its part." The judiciary, in their quest for innovative solutions to environmental matters within the framework of public interest litigation, looked to constitutional provisions to provide the courts with the necessary jurisdiction to address specific issues. Furthermore, Article 142 afforded the Supreme Court considerable power to mould its decisions in order that complete justice could be done. As the Supreme Court is the final authority as far as matters of constitutional interpretation are concerned, it assumes a sort of primal position in the Indian environmental legal system. In *Subhash Kumar v. State of Bihar* the court observed that: "Right to live is a fundamental right under Article 21 of the constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has the right to have recourse to Article 32 of the constitution."

In *Rural Litigation and Entitlement Kendra v. State of U.P.* the Supreme Court based its five comprehensive interim orders on the judicial understanding that environmental rights

were to be applied into the scope of Article 21. The court has successfully isolated specific environmental law principles upon the interpretation of Indian statutes and the Constitution, combined with a liberal view towards ensuring social justice and the protection of human rights. The principles have often found reflection in the constitution in some form, and are usually justified even when not explicitly mentioned in the statute concerned.

2. Conclusion

Environmental degradation is a social problem and considering its impact on society, law courts need to take a pro-active action in regard to environmental protection by implementing the laws that have come up to combat the environmental degradation. More so, as environmental degradation has social implications because it impacts the socio-economic progress of the nation. Failure on the part of the governmental agencies to effectively enforce environmental laws and non-compliance with statutory norms by polluters resulted in an accelerated degradation of environment. Environmental problems are not confined only to a particular nation, but have become the problems of international community. Prior to 1950, the environment received little attention of the nations as trans-boundary problem, and such changes were viewed as local or to some extent regional problems. But the continuous growth of population, over and unbridled exploitation of natural resource and increasing demand for better life has led newer scientific and technological innovations, which in turn, have posed serious threat to mankind including flora and fauna. In recent times, environmental awareness is acquiring such importance in national policies of the developed as well as developing countries that no development project is approved unless and until competent authority assesses its impact on environment. It has been realized by mankind that living and non-living elements in the environment keep interacting with one another to maintain a mutual balance called "ecological balance". But regrettably, man in his journey to civilization started polluting his own environment. And it has, of late, dawned upon him to resort to "sustainable development" as a part of distributive justice- think of future generations too and make the planet earth fit for the coming generations.

3. References

1. Article 24 of the African Charter on Human People's Rights signed in Nairobi in June 1981.
 2. Resolution No. XVII, 22nd International Conference, Tehran, 1973, and Resolution No. XXI, 23rd International Conference Bucharest, 1977.
 3. United Nations Environment Programme Report, 2012.
 4. G.S. Karkara, "Environment: Development as Human rights Imperative" in Satish C. Shastri (ed.) *Human Rights. Development and Environmental Law- An Analogy*"49 (Bharat Law Publications, New Delhi, 2006).
 5. Sarth Chandram, "Human Rights and Environment Protection" *CULR* 175-176 (2002).
 6. <http://www.globalwarming.org>
 7. <http://www.wri.org>
 8. <http://www.safeclimate.net>
 9. <http://www.epa.org>
 10. <http://www.epa.org>
 11. National Aeronautics and Space Administration, Goddard Institute for Space Studies (2005) Air Pollution as Climate Forcing. Goddard Space Flight Center.
12. http://upload.wikimedia.org/wikipedia/commons/e/e0/Greenhouse_Gas_by_Sector.png