

ROLE OF HIGHER EDUCATION IN ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT

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- *Growing Concern Over Climate Change and Human Survival*
- *Lessons from Ancient Indian Legal Thought*
- *Environment, the Constitution and the Idea of Sustainable Development*
- *Environmental Law and Governance*
- *Environmental Law, Sustainable Development and Higher Education*

1

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More than an inevitable ritual tolerated by the audience, convocation speeches nowadays mean very little to the graduates to whom they are addressed. Nevertheless, I would like to make an attempt in my speech today to convey a message which you can forget only at your peril. It is about negotiating a future for you and your children which critically depends on steps taken today for the protection and improvement of human environment, often termed in public discourses as “Sustainable Development” Jagran Lakecity University by its very name and location conveys the idea of sustainable development. Water, air and forest are three natural resources which sustain life on Planet Earth and this University has its abode amidst the lakes, the forest and fresh air, bounties of Mother Nature. And this unique natural environment compels the university community to explore ways and means to advance the culture of environmentalism in its educational programmes. I would, therefore, like you to consider on how this learning objective could get into the process of curriculum development at all levels of higher education irrespective of the subject of study or the course being pursued in the university.

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GROWING CONCERN OVER CLIMATE CHANGE AND HUMAN SURVIVAL

Concern over the state of environment has grown the world over since the United Nations Conference on the Human Environment held at Stockholm in June 1972. Increasing pollution, depletion of vegetal cover and biological diversity, excessive concentration of harmful chemicals in the atmosphere and in food chains, growing risks of environmental accidents and threats to ecological and life support systems have aggravated the concern to near panic in recent times. The impact of climate change is being felt today and the world community's resolve to take urgent steps to arrest the catastrophe is evident in the Paris Agreement of 2016 and the follow-up action proposed by each country including India.

LESSONS FROM ANCIENT INDIAN LEGAL THOUGHT

The Vedas (Rig-Veda, Sama-Veda, Yajur-Veda and Atharva-Veda) are the ancient literature known to mankind which incorporate knowledge of all sorts, physical, material and spiritual – they are the source of all knowledge according to Manusmriti. It revolves around the concept of Life and Nature. The oldest and simplest form of Nature worship finds expression in Vedic texts. What is revealed in modern science finds parallel in Vedas. No wonder Nalanda and Taxila attracted students and scholars from all over the world for pursuit of knowledge including what was considered science at that time. The concept of environmentalism dates back to Vedic period as Vedas explain the relationship of Life in all forms in relation to land, water and air. Nature has maintained the balance in Universe and therefore the study of Nature was part of self-protection and survival from the very beginning in this land of Bharat.

Vedic approach to environment and ecology has engaged sages to understand the monsoon, thunder and lightning, flood and drought and the energy that sustains all these forces in such a manner to support Life in sustainable manner. They attributed divinity to these events as they are beyond men's control. They felt the order or balance found in Universe is "Rita" as it reduces chaos to cosmos and gives order and integration to matter. Rita is cosmic order found in Nature which no one can ignore or fail to acknowledge. It is controlling and sustaining energy, essential for Life. Earth is considered Mother in Atharva Veda as the Earth holds all the secrets of Nature.

Rig Veda describes water in its different forms and relates it to the sustenance of Life on Earth. It is the immediate cause of all organic beings and therefore has divinity in it. Water pollution is considered in Padma Purana saying “the person who pollutes waters in ponds, wells or lakes goes to hell”.

Similarly Rig Veda mentions “O Air! You are our father, our protector”. Air has medicinal values as it contains herbal elements and therefore it is the international physician that annihilates pollution and imparts health and happiness. Vayu God is worshipped for bringing health, happiness and long life to mankind.

Animals and birds are considered part of Nature and Rig Veda asks for protecting them. Similarly plants and vegetables which came to earth before the creation of animals are born out of water and they led to generation of food. The Atharva Veda mentions certain names of herbs (oushadhis) with their values. Later in India this knowledge has become a source for the growth of Ayurveda. Puranas say that “one tree is equal to ten sons”, a profound way of conveying importance of forests for sustaining Life on Earth.

In Environment all elements are inter-related and impact on each other to maintain ecological balance to sustain life. Ancient seers knew about this balance and advised people to be part of Nature and respect all creations. ‘Om Shanti’ and “Vasudaiva Kutumbam” are expressions to convey this idea of inter-relationship and harmony in Nature developed in later period as environmentalism and sustainable development. Living in harmony with Nature propagated by Vedic texts is not merely in the physical sense but also in a spiritual sense as well. Ayurveda or life immortal is possible only when environment is unpolluted, clean and peaceful. Vedic message is clear that environment belongs to all living beings, so it needs protection by all, for the welfare of all. (Source: Origin of Environmental Science from Vedas by Ms. Shashi Tiwari).

ENVIRONMENT, THE CONSTITUTION AND THE IDEA OF SUSTAINABLE DEVELOPMENT

Realizing the importance of concerted action both by the State and the citizen for protecting the environment, the Indian Constitution has made it a duty on their part. Article 48A commands the State to protect and improve the environment and to safeguard the forests and wild life of the country. This is a Directive Principle of State Policy declared by the Constitution as fundamental in governance and a specific duty of the Central and State Governments to pursue while making laws.

Article 51 A(g) makes it the Fundamental Duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures. This is a duty enforceable through courts.

In ancient Indian legal philosophy the object of environmental protection was subsumed in the concept of "Dharma" which is imperfectly translated into "that which sustains". The tradition of living in harmony with NATURE led to equating life and living creatures with divinity. Trees, forests, lakes, rivers and wild life became objects of worship for ancient Indians which neither the State nor the citizen could dare challenge. A duty-based environmentalism became part of Indian culture. The Britishers brought their concept of conquest of Nature and science-based acquisitive model of development in their colonies including India and made laws accordingly. It was assumed that Nature has infinite capacity to supply natural resources to support industrialization and increasing consumption would necessitate an expanding market that will lead to what was considered "development". Slowly but steadily, pollution spread everywhere and accidents increased threatening life and livelihood of people. Environment in relation to human activities became the focus of attention of the international community which met at Stockholm and came up with the notion of "sustainable development". The immediate reaction in some quarters was to put conservation as an obstacle to development. The report of the U.N. Commission on Environment and Development (Brundtland Commission, 1983) titled "Our Common Future" clarified the linkages between environment and development and interpreted "sustainable development" as the kind of development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

It was left to the Indian Supreme Court to articulate clean environment as part of the fundamental right to life and liberty of individuals under Article 21 and evolve an environmental jurisprudence consistent with human rights and sustainable development. The Court invoked the "public trust" doctrine and compelled the State to conform its development policies to ideas of conservation and sustainability. The precautionary principle and the polluter pays principle were freely adopted to get mining leases terminated, industrial projects modified and to entrench "sustainable development" as the organizing principle to balance environment with development. Environmental impact assessment and techno-scientific evidence became critical factors in judicial decision-making and the new rights-based environmental jurisprudence became part of development administration.

In this shift from duty-based environmentalism to rights-based environmental governance, one common thread which needs emphasis is the “public trust” doctrine which is India’s contribution to sustainable development discourse. The mainstreaming of human rights in international environmental law is now an accepted phenomenon; it is not yet fully recognized in national human rights instruments including the Constitution of countries. The ignorance of actors both of government and civil society on essential linkages between environment and human rights contributed to this state of indifference and consequent tolerance of environmental violations in the name of development. Hence the need for environmental education as integral to education generally and higher education in particular.

ENVIRONMENTAL LAW AND GOVERNANCE

To understand and appreciate environmental law in the present context, one must know where it comes from, what it contains, how and by whom it is administered, what it aims to achieve and with what tools, techniques and institutional arrangements.

From where does environmental law come from? The normal answer is that it comes from the State Legislature, like any other law. This is only partly true. Some others will say that it came out of disputes adjudicated before courts on contested issues relating to property, contract or human rights. Still others will argue that environmental law is the product of a country’s history and culture evolved through interaction between man and environment over several centuries. All these points of view reflect the truth that environmental laws of various periods swing between individual rights of one generation and public interest and social justice concerns in the following. Environmental politics follows this pattern and oscillates between a period of public purpose and a time of private rights, a period of planned governance based on public interest and a time of free market economy taking priority over social concerns.

In India, environment was of very little concern in the beginning of the Republic and the item was not even listed as a subject in the division of powers between the Centre and States under the Constitution. This does not mean that environmental concerns were absent in India at the time of Constitution making. It was so integrated in Indian culture and history that environmentalism was taken for granted both by the State and the citizenry. However, the beginning of conservation politics and abatement of pollution dawned on those in charge of governance only in the 1980s

with legislative activism following the Stockholm Declaration. The judiciary soon took over and gave impetus to environmental consciousness by generating a set of principles for governments to follow in dealing with environment. Two significant principles long cherished by Indian legal thought found expression in judicial reasoning on environmental issues. One is about the application of the “public trust” doctrine and the other about the notion of public rights in the “Commons”. *M. C. Mehta v. Kamal Nath* decided by the Supreme Court in 1996 reiterated the public trust doctrine in Indian environmental law under which the Court cautioned the State on its duty to protect ecologically fragile lands, water bodies, rivers, public parks, beaches, coal fields and air waves/spectrum. The public trust doctrine widely employed in governance in ancient India and popularized by Mahatma Gandhi in modern times, declared that natural resources like political power are held in trust by the State/rulers for the benefit of people living and yet to be born. The State is the trustee of all natural resources which are meant for public use and enjoyment. The State therefore is under a legal duty to protect the natural resources which, in turn, puts limits on governmental power in dealing with natural resources. Further, as a trustee, the State is obliged to take affirmative steps to protect the environment for the enjoyment of general public. In addition, public trust doctrine implies that whenever decisions are made in use of natural resources, it must be transparent and based on proper assessment of all relevant considerations including the rights of future generations.

The idea that natural resources are part of the Commons on which no single individual can claim private ownership is again part of ancient Indian wisdom. Even ownership on land was limited to use under certain conditions in native jurisprudence as evidenced in the situation still obtaining in tribal areas. Appreciation of ecological systems sustaining life and of the inter-relatedness of everything environmental in the global village, strengthened environmental awakening and the need to promote public rights in the Commons for sustainable development.

ENVIRONMENTAL LAW, SUSTAINABLE DEVELOPMENT AND HIGHER EDUCATION

Having analyzed the objects, concerns, content and sources of environmental law, what remains for consideration before us is the role of higher education in the matter of environmental protection and sustainable development. Given the involvement of higher education in developmental goals and activities, it is imperative that it should be informed by sustainability as dictated by the Constitution and the

laws. In other words, awareness of the environmental regime and the duties it casts on individuals and state agencies must necessarily find place in the curriculum of universities and colleges across disciplines and courses of studies.

As early as 1991, in *M. C. Mehta v. Union of India*, the Supreme Court ordered environmental education to be introduced as a compulsory subject in schools and colleges. The Supreme Court left it to the authorities of school and college education to prescribe the syllabus and make it part of the mandatory curriculum across courses of studies. This order of the Supreme Court was followed up by a subsequent order in 2003 wherein the Court directed the National Council for Educational Research and Training (NCERT) to prepare a model syllabus for different grades. The NCERT model syllabus for Grades 1 to 12 was later recommended by the Court for introduction by States and the Court even went on to monitor its implementation. In spite of the importance given by the apex court, the subject appears to have not received the attention it deserves in the scheme of things.

In higher education, the University Grants Commission prepared a common syllabus and informed the court that it was overseeing its implementation. There is no credible information available on how the orders of the Supreme Court are being implemented by the nearly 80,000 colleges and 800 Universities in the country offering innumerable courses both in under-graduate and post-graduate education. Even if the subject is part of the curriculum, it is not known whether it is being taught by teachers qualified in the subject with the required importance directed toward shaping attitudes and behavior of the youth. Further, no one knows what impact it makes on the learners in terms of knowledge, skills and attitudes for advancing the cause of environmental protection. Ultimately it is upto the management of colleges and universities as well as the faculty involved in the programmes of instruction to give the treatment the subject deserves in securing what the Brundtland Commission called, "Our Common Future".

Ladies and Gentlemen, it is not my intention to engage you in a long drawn discourse on law and practice relating to environment. However, I believe that higher education is incomplete without adequate understanding of the implications of the "environment vs. development debate" which holds the key to our common future. The world is passing through a series of crises most of which are man-made arising from the acquisitive urge among the so-called educated persons and the reckless ways in which it is pursued, despite the laws and sanctions. It appears that the world is in need of new ways of thinking to solve common problems and the more it is

delayed, the more complex and costly the solutions would become. As such, responsible citizens have to take the initiative to use the platform of higher education to influence public opinion on the need to take urgent steps to imbibe the principles of sustainable development and desist from such things like polluting the environment and dealing with natural resources irresponsibly.
