



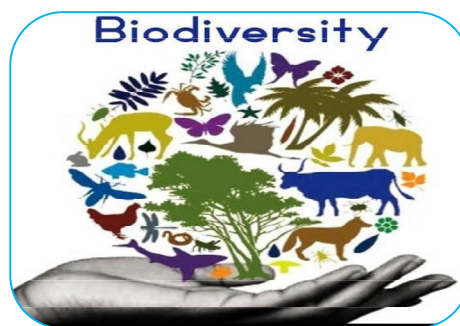
BIODIVERSITY AND HUMAN RIGHTS: NEED OF THE DAY FOR SURVIVAL

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ABSTRACT:

Human rights is the journey of empowerment of mankind which is more or less dependent on biodiversity for successful attainment of its destination. Here the author is intended to describe the value of biodiversity in terms of human rights. For that purpose a deep analysis of scriptures as well literature is made by the author. Advocacy for advancement of rights relating to individuals is gradually attempting to attain its optimum level world at large. In this journey for the fulfilment of diverse needs attached to life human being have overexploited the natural resources which have been resulted in the continuous severe loss of bio diversity. During all that human race have forgotten the value-added principle of "Vasudheva kutumbkam¹". Existence of community as well rights of community members are interconnected with the wellbeing of other living and non-living beings which are inseparable parts of body of "Mother Nature". Disturbance in one unit of nature have made the reaction against the action of human race which is apparent in multidimensional loss of resources and rights. India remained the representative of welfare concept since the ages and have given its own jurisprudence of conservation and promotion of human rights and biodiversity. There was value-added attitude of Indian community towards the concept of Serve bhavantu sukhina² (wellbeing of all). But during last century great countdown is measured in environmental values which have resulted in loss of biodiversity. It is closely connected with the human rights like right to food, water, Shelter, health, hygienic environment and that's why requires protective as promotional attitude for well-being of human being.



KEY WORDS: Mother nature, Diverse, welfare, human rights, biodiversity

INTRODUCTION

Biodiversity is as closely connected to human rights as another face of coin. Many folds of human dignity flow with the current of biodiversity. Human rights like right to food, fresh air, water, clean and hygienic environment education, health, shelter, is more or less based on the existence of the biodiversity. Human right is the journey of empowerment of various sects of society which runs parallel to the biodiversity. Believe in principle of serve bhavantu sukhina have been obeyed by the Indians since ages which enlightens the gradual development and protection of human rights which actually based on welfare of all living and non-living beings. Ancient Indian jurisprudence reveals it very clearly

¹Vasudheva kutumbkam "Maha Upanishad" Chapter 6 (VI. 71-73) Available at <https://en.wikipedia.org> Accessed on 12th oct 2021

² Serve Bhavantu Sukhina, "Brihadaranyak Upanishad" <https://hi.unionpedia.org> Accessed on 12th oct 2021

that Indian social structure as well its value-added principles were designed in such a way that on one hand it promotes and protects the human rights and makes them more valuable and sustainable by securing the sustainability of diverse biological units which are collectively known as biodiversity. Protection of diverse natural living and non-living things remained treated as common moral duty. Rivers, trees, animals and resources like air has been treated as pious and subject matter of prayer which are forming the base of inherent human rights. Facts reveals that Ancient Indian society remained very caring and vigilant towards the protection of biodiversity as if there will be any violation of fundamental moral principle it will be treated as violation of basic rights and sin which was sanctioned by Dharma.

With the growth of science and human knowledge, indiscriminate use of resources has brought us in that day where nature with eyes full of tears and bagging hands calling for conservation, protection. Increasing scientific, technical knowledge have swallowed the various species of plants and animals which were the members of a diverse family of mother "Nature". During all that we have forgotten that we coexist on this planet and disturbance of one organ like plant, animal, rivers will definitely affect the other.

fortunately, the wisest creation of God the human being started to think about conservation of endangered biodiversity for securing his own existence. In fact, it is not the kind-heartedness towards nature but towards himself because man can never exist without the existence of nature. It is in fact not the need came from conscience but the greed of human being for securing his life. The issue is of global nature and requires a multidimensional effort as it is connected to many folds of welfare and human rights. In this regard, science and policy-based efforts has been started on the international, national and local level. During all that overexploited species remind connected with the livelihood, remained the subject matter of consumption of public at large and that's why somehow condition remained unchanged.

Therefore, a more serious debate started across the globe to come back with such a serious issue which has been resulted in international treaty's, legislation on the national as well on international level for the welfare of mankind this was the point when human rights are identified to be enjoined with biodiversity.

For better understanding of this gradual evolution of the Mutual dependence of human rights and biodiversity we can go through time divisions of diverse principles under ancient Indian jurisprudence for securing the sustainability of biodiversity, human rights and the situation of the day including the issues approach and possible solution, in analytical manner.

HUMAN RIGHTS AND BIO DIVERSITY: ANCIENT INDIAN PERSPECTIVE

For ages India remained the world leader by evolving the concepts like Vasudhev Kutumbkam regarding the promotion of symbiotic living which was in fact for favouring the sustainability of biodiversity. Human rights and fundamental freedoms help for our multidimensional development and fulfilment of our spiritual, material needs. Without recognition of those inherent rights including right to education, food, environment, development and strengthening of human being could not be imagined. Ancient Indian ideology is distinctly identified with the gradual evolution of knowledge, science and technology since ages. Religious scriptures illustrate it very clearly that people at that time were vigilant for conservation of biodiversity which reflects in legendry creations like Vedas, Manu smriti, Ramayana Mahabharata, Arthshastra by securing and showing its commitment for conservation of forest ecology in a sustainable manner.

The traditional knowledge of India has developed its own environmental jurisprudence which remains the torch bearer for the whole world. Scriptures reveals the understanding of policy makers as well of common people about biodiversity and existence basic rights connected with existence of nature.

Scriptures like Ramayana, Mahabharata provides the description of Tapovana³ which were very rich in biodiversity. Here the value-added principles and their application towards the conservation of biodiversity is also described. Rishi Valmiki have cursed the hunter on killing of bird "Crounch"⁴ is a good illustration of their attitude towards the concept of wellbeing of all. Ashoka garden Chandan garden were very popular of that time which were the specially protected areas and very rich places in reference to biodiversity. Personification of various environmental components⁵ like water (God Jal), Grain (God Anna) air (God Marut), fire (god Agni) nature (Goddess Nature) etc certain very prominent illustrations which shows inclination of people of that time to establish the connection with the various diverse components of nature. People of that time were having the caring and friendly approach towards the biodiversity. The rivers were personified and given the status of mother and goddess like Ganga, Yamuna, Sarasvati. No prayers could be successfully organised without the waters of pious rivers. There are several illustrations like Army of Lord Shree Rama was made of monkeys, bear and other animals. They were capable to communicate with the diverse natural entities like plants and animals. Various animals like tiger, snake, crow, eagle, mouse, turtle was personified as vehicles of God and goddess and in this way, they are regarded as subject matter of prayers. Killing of them brings the people subject to severe penalties.

Lord Krishna in famous Bhagavat Gita, compared the word with banyan tree which contains the multiple branches and represents the world at large as the concept of symbiotic association with diverse natural entities in nature. The banyan peepal and ashoka were designated as sacred plants which were in fact the representative of keystone species. A rich economic unit of Mathura was based on the produces of cows. Illustrations shows that for their protection lord Krishna swallow the forest fire. He lifted the mountain Govardhan⁶ for the protection of citizens as well of cows and other living beings. They were hardly vegetarian and that's why friendly to living beings as well to biodiversity. Lord Krishna have killed several persons who were asura and threatens the other creatures of god. He have preached that welfare of human being rests in welfare of other living beings. In this way he gave the message of maintenance and conservation of biodiversity in current sense.

Kautilya in Arthshastra⁷ have provided the principle for dealing with vegetation, animals either domestic or wild and other creatures. Special provision for punishment and penalties was there. Supervisors were there for forest cattle's and for butcher houses for the regulatory purpose. Those were responsible for the protection of wildlife. List of protected animals, living beings were there which shows the scientific knowledge and understanding about importance of symbiotic association of that time. Village head men were also responsible for the protection of biodiversity. Resources of forest were directed to be used in sustainable manner. For any unauthorised cutting of trees or parts of them especially in reference to fruit bearing trees brings the offender subject to penalty which were based on type of harm or injury.

Manu Smriti⁸ the world's first compendium on human jurisprudence codified by the Maharishi Manu, states several principal dealings with maintenance of biodiversity as integral part of human development which are - Chara (movable living organisms) and Achara (plants) which forms collectively biodiversity. Imbalance in five components of nature Agni Jal Nabha Vayu Prithvi which forms the basis of life and of all major human rights on this planet brings the harmful stage of pollution when their relation is disturbed. Contamination denotes towards any action against wholesomeness. Manu smriti provides punishment for any injury to plant or part thereof. Vegetarian food habits were promoted by them. The protection of biodiversity was regarded as axis of system.

³Tapovana, "forest of austerities or spiritual practice" available at <https://en.wikipedia.org/wiki/> accessed on 12th oct 2021

⁴Valmiki Ramayana, Available at <<https://www.thehindia.com/>> Accessed on 14th oct 2021

⁵Panch Mahabhuta, Available At <https://www.kamakoti.org/> Accessed on 14th oct 2021

⁶Govardhan puja, Available At <<https://www.ndtv.com/>> Accessed on 15th oct 2021

⁷Arthshastra, Available At <<https://en.wikipedia.org/wiki/>> Accessed on 15th oct 2021

⁸Priya Darshan Sensamarma "Conservation Of Biodiversity In Manu Samhita", available at <<https://insa.nic.in/>> Accessed on 15th oct 2021

For the protection of biodiversity, he stated that fishes pigs moving animals' birds of village forest, carnivorous birds should not be killed for food. He further held that killing off Khara(ass)Ashva(horse), Ustra(camel) Mriga (deer) Ibha(elephant), goat, snake, buffalo is a sin.

Charak and Sushruth Sanhita are the legendary welfare scriptures on protecting the health of common people. It provides the knowledge about the use of diverse natural resources for the medical purpose. Sushruth classified the animals on the basis of their nature habitat and food habits. He classified the lands in three major categories (1) Jangla or open space of common plants (2) Anupa or marshy tracts (3) Sadharana or the region featured with the above mentioned both categories. All that reveals very clearly that they were aware about the interconnection between the biodiversity and basic rights of human being. An attempt to minimize the invasion could be seen in their description.

Aryan influence the biodiversity-based humanitarian jurisprudence very much. In that Vedic era⁹ Aranyaka provides about somehow the knowledge of ecology and symbiotic interest. development of irrigation system, agriculture of Yava (barley), Kodama (rice) barley and others crops shows their commitment of dependence for food resources on agriculture. Vedas declared the andaja (born egg) Jeevaja (born of womb) a SwedJa (moist born) udbhidja (born on earth) and declared them to nick be impelled by consensus.

Relationship between human rights and biodiversity remained the integral part of the ancient Indian societies. way of Interaction with Mother Nature and its protection was taught as a shared moral science to communities. In the early human history humans were harmlessly close to the nature and resources which is clearly specified in scriptures like Ramayana. Effective measures to safeguard the ecosystem and environment as reflecting the attention towards the sustainable development in real sense. Importance was given to development and protection of forests and compared the plants with family members friends. water was regarded as a mark of purity and encouraged common common consumption for securing its purity.

In the Vedic literature the earth was personified as mother Bhumi and her beauty has been characterized in Atharvaveda. In Ishopnishad the concept of sustainable development¹⁰ and protection of living and non-living beings were described in manner as the creatures are subject to the lordship of God and no one is allowed to harm another. Ayurveda have clearly linked the live living beings with environment trees flora and fauna. Vrikshayurveda, the creation of Surpala, provides a detailed description of plants health Science which is really a milestone towards environmental jurisprudence. Here Bijotpatti Kanda provides the detailed description of forest ecosystem. Hindus have treated the whole world as a forest and treated them as a sacred promoted ethnic forestry, treated the species of Organism as sacred and connected them with the temples which shows their scientific vision towards conservation of ecosystem.

The great kingdoms and their capital like Hastinapur, kuru, Panchal were located in the forest areas. In Ramayana loud affection towards the forest have been shown as the ashrama of various saints' schools (Gurukul) were located in forest. Kalidas have romanticised the forest life. Vaishali, champa have maintain the sacred groves.

The life of Lord Krishna in itself is a wide chapter in environmental history¹¹. Krishna have usually worshipped nature like Govardhan Pooja, serving of cows etc. Lord Krishna said that your environment is your concern and it is a better to worship hills forest and cows. He defeated Kaliyah snake to purify river Yamuna. He swallowed the forest fire to protect it. He always protected the nature. The Brindavan was held by her as a place of welfare. Vedic teaching of Upanishad like Brihad Aranyaka represents the teaching which is given in forest. Vanaprastha and sannyasa represent the phase of life when men were scheduled to go here the nature of discovering the self.

⁹ "Vedic View of Ecology" Available At <https://yogainternational.com/> Accessed on 16th oct 2021

¹⁰ Sayan Bhattacharya "Forest and biodiversity conservation in ancient Indian culture: A review based on old texts and archaeological evidences" Available at <https://www.scipress.com/> Accessed on 18th oct 2021

¹¹ "Disaster dominate the environment" Available At <https://timesofindia.indiatimes.com/> Accessed on 20th oct 2021

City planning¹² and social structures of ancient civilizations like Indus valley civilization reflects their awareness and commitment of being eco-friendly. There was a well-developed irrigation system which was usually canal based. Clay was used for the manufacturing of bricks for construction of buildings. Analysis of architecture and city planning shows that they were well equipped with the knowledge of need for sustainability of resources. Presence of water storage units in the city which was in fact for storage of rain water represents their wise approach towards the sustainable use of resources. Availability of deer, tigers, Peacocks, elephants, plants in their paintings, pottery and seals represents their affection with nature.

All that makes it very clear that thinkers and policy makers in ancient India were having the diverse knowledge about the importance and interconnection of Biodiversity and basic rights of human being. By giving the importance to nature protective attitude for securing the various basic rights like right to food, water, health, shelter, education, spiritual wellbeing was secured.

HUMAN RIGHTS AND BIODIVERSITY: CURRENT PERSPECTIVE

All human activities or the exercise of rights bears certain impact on surroundings. It is followed by the ecological footprint representing the use of biotic or abiotic resources which results in contribution of the pollution. The basic consumption was based on use of resources for food, clothing, housing needs of human being. The needs were represented by the basic human rights of communities at large. Excessive enforcement of rights by overlooking the abusive feeding based on diverse biological entities threatened the biodiversity.

Exploitative use of resources and contamination of natural habitat through pollution and waste beyond the soaking capacity of nature have exposed the biodiversity in to danger. The complex coexisting living units continued closely connected and dependent for existence on one another which are known as ecosystem, capable to be identified distinctly due to its diversity in biomass. It renders the community services like food water timber fibre. It also serves for managing the various inherent needs of human being and spiritual benefits. All that is based on diverse flora and fauna. In other words, biodiversity serves as nutrient cycle. In this context the past century has registered itself as milestone for causing disturbance in diverse biological system. It happened to meet out the rapid growing demand for food, using, fresh water, timber, fuel, and fibre. All that have adversely affected the wellbeing of mankind and ecosystem. Though all that have honoured the human rights but exploited the biodiversity very much. Human rights and biodiversity are the two interdependent variables and wellbeing of one secures the wellbeing of another. Therefore, such exploitation of biodiversity has progressed the ways for snatching of human rights fed on nature. Communities have witnessed the snatching in form of growing number of diseases, natural calamities, extinction of species etc.

Rapid growth in the cultivation for food grains have promoted the accelerated clearing of forests. The accelerated clearing of forests has adversely affected the temperature of our planet, flora and fauna. A major portion of clearing of forests is subsistence based and connected to human survival system which is founded on diverse socioeconomic need of community. Clearing of forests also became the need of day for establishment of various industries based on agriculture. Use of chemicals for manuring and protecting the crops like urea and DDT have boosted the chemical content in soil, water, air, living and non-living beings. The fact has been resulted in disfiguration of human rights as well biodiversity both. The chemicals like DDT are flowing in the whole biological cycle and has been found even in the mother milk¹³. Use of medicines like Diclofenac have given an example of species loss by killing the birds like vultures. Human right of health has got paralysed due to manmade mismanagement of services of nature. Enhanced toxic substance in surroundings have moulded itself in several diseases like cancer, TB etc. Increasing health issues are founded on pierced heart of flora and fauna. Dams¹⁴ are

¹² Sayan Bhattacharya "Forest and biodiversity conservation in ancient Indian culture: A review based on old texts and archaeological evidences" Available at <<https://www.scipress.com/>> Accessed on 18th oct 2021

¹³ "Worldwide Trends in DDT Level" Available at <<https://pubmed.ncbi.nlm.nih.gov/10342677/>> Accessed on 25th oct 2021

¹⁴ Ronald Janson "The effect of dams on biodiversity" Available At <<https://www.researchgate.net/>> Accessed On 25th oct 2021

created for the purpose of electricity and irrigation which have widely affected the habitat of species as well communities. It has also threatened the cultural biodiversity. On one hand it strengthens the human right of food, electricity (power supply) but on another hand disturbs the terrestrial and aquatic ecosystem. Use of fossil fuels have resulted in ozone layer depletion, global warming which accelerated the melting of glaciers, sheet of Antarctica, and consequently resulted in rise of sea level. This all have also resulted dramatically into the natural calamities which are destroyer of whole development. Increase in instances of natural calamities like flood, landslide, earthquake, rise in sea level, earthquakes are certain specific illustration which are connected in its remoteness with the disturbance in biodiversity. Due to that such various reason species are declining. Unfortunately, no midway for maintaining the sustainability of agricultural biodiversity is still developed. Other than this the organic farming is not being promoted by countries due to economic factors. Relationship of agriculture and biodiversity is required to be harmonised. It could be an effective tool to repair the increasing gap between the food related requirements and sustainability of diverse natural resources.

Increasing residential deeds have also started swallowing of biodiversity. Unplanned development has given birth to fast-tracked invasion of natural flora and fauna. Large number of housings, commercial, other construction projects resulted in threat to natural habitat of various species which are directly indirectly associated to wellbeing of community life of human being.

Harvesting and trade of animals and plants for food, commercial purpose on mass level has destroyed the central pillar of ecosystem. Wildlife came at risk in this way. It has also started damaging human survival system of dependent population. Uncontrolled interference in habitat of pollinators has endangered the agricultural biodiversity. Author has found that right to health, food and essential services based on biodiversity are at risk. Reduction in human contact with diverse biomass could be a better approach towards the strengthening of human rights.

The financial burden for managing the disturbance in ecosystem and balancing it is somehow more than the output obtained from exploited user of biodiversity. There are several projects for conservation of tiger, elephant, vulture and other endangered species are running out of public funds. Several policy-based regulations have been imposed on communities living there and depends for survival on the diverse biomass. Change in sociological pattern could be calculated in terms of various development indicators. Monetary loss in such destruction and repair of incurred loss is greater than the benefits extracted out of exploited usership. The right to shelter, health, education, fear free atmosphere, food and fresh water are several human rights are there which are at risk due to disturbance in biodiversity. Dignified human life could never be guaranteed without securing the wellbeing of biodiversity. The development has been insulted by the chaos in diversity in absence of concept of sustainability. Due to that reason, conservation of biodiversity became the need of the day. There is a great need for resolving the conflict between biodiversity conservation and socioeconomic development. Local community-based conservation approach towards the biodiversity could be a better tool for protection as well harmonization of human rights with diverse biomass. It is very clear that impact of degradation in the biodiversity is cross boundary in nature in remoter way and it could not be measured easily. Therefore, a collective respectful approach towards the policy based political efforts for conservation of biodiversity is need of the day. Approach of conservation is guided by social, economic and political factors therefore they are required to be collectively harmonised. Religiously respecting the global efforts like Quoto protocol, Montreal protocol could bring a better picture of world. The wealth could not secure the human rights with the adverse effect of nature.

Human rights of poor and resourceless population remained the bigger victim of loss of biodiversity¹⁵. Resourceless people are more and more dependent on the nature for the fulfilment of their basic needs like natural medicines, food substances, timber, fuel for cooking the foods and resources for cottage industries. Science have promoted the competition in market and accelerated the consumption of substances in industries as well in society. Natural resources and compounds which are

¹⁵UN Environmental Programme "Human Rights And Biodiversity" available at <https://wedocs.unep.org/bitstream/handle/> Accessed on 02nd Nov 2021

derived from plants and animals used for industrial production. The substances so used takes more time for attaining maturity and therefore agap between availability of resources and demand is increasing. Socioeconomic conditions of people, community as well country remained the important factor behind this bigger problem. The development of human rights shall be quite meaningless if it does not care for the basic rights of poor population which is dependent directly or indirectly on the biodiversity.

The law and policies, made and imposed on countries and common people to combat with the increasing problems which has been backed by severe punishment and penalties. But enforcement mechanism is in fact very poor. That's why securing justice to people whose human rights are violated remained a tough job. Special courts are established for the determination of liability. All that remained meaningless which is very apparent in increasing natural calamities and other problems which are directly affecting the human rights of public at large. So, it is quite clear that development at the cost of biodiversity will definitely outrage the human rights¹⁶. Therefore, the better caring of human right is not possible in absence of a caring attitude towards the biodiversity.

CONCLUSION AND WAY FORWARD

Existence of human rights is another face of biodiversity in its remoteness. It shall be meaningless to make efforts for the advancement of human rights in absence of conservation of biodiversity. Biodiversity in manifolds secures and promotes the human rights which is very apparent in ancient Indian environmental jurisprudence. Sustainability is the need of the day and in absence of wellbeing of diverse living and non-living units of nature, wellbeing of human race could not be presumed. Better understanding of increasing problem, commitment from conscience for the resolution of existing issues attached with the conservation of biodiversity will definitely strengthen the human rights of common people. The protection of biodiversity can be made in two ways (1) by applying direct methods which could be made by the change in policy and securing their effective implementation. On the other hand it could be made by the change in user habits, attitude of common people. Measures to reduce the over exploitation of natural resource is required to be strengthened. Reduction in over invasion, appropriate governance is required to fight with the existing issue attached with the biodiversity as well human rights. Students who are the coming generation of citizens should be educationally and morally trained for the conservation of biodiversity. Awareness of public large regarding mutual dependence of human rights on biodiversity should be secured on each level. Subsidise should be increased to promote the cottage industry. Free access to resource, wildlife should be strictly regulated. Management at the local level should also be strengthened.

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¹⁶United nations Human Rights special report Aug 2021 "Human rights-based approaches to conserving biodiversity: equitable, effective and imperative" Available At <<https://www.ohchr.org/>> Accessed On 29th oct 2021

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