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Sustaining the Environmental Sustainability: Role of Hindu Religion

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Abstract

Environmental protection and conservation of natural resources have become core concern of governance irrespective of its model. Debates and efforts are on since long back especially when scientists identified the negative impacts of human activities on the environment. Domestic and international bodies ventured upon to design measures in order to adopt policies, legislation and future plans conducive to the natural properties. Growing population and the unbridled exploitation of natural resources are accepted phenomenon now days. Consequently depletion of environment and its preservation cannot be controlled by these extraneous measures as hypocritical man could not altered the situation positively, thus, internal conscience became the only option. A theological implication of environmental ecology is now becoming crucial in order to testify the measures and its appropriateness. Religions do have the answer for the dichotomy of environment and development as the limit on human conduct is extremely desired. The failure of external regulatory mechanism forced us to look at different option and obvious shelter one finds in ethical component of individual's behavior. Religious mandates and dictates may prove fruitful in this regard and eventually Hindu Religious texts have enough to say in this regard. Present paper very briefly ventured upon to discuss the texts and messages therein aiming at sustaining environmental properties. It also discusses how we treat and regard natural properties in our daily life.

Keywords: Sustainability, Hindu Religion, Cultural ethos, Environmental principles and Moral forces.

"Humanity stands at a defining moment in its history, we are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystems on which we depend for our wellbeing. However, integration of environment and development concerns, and greater attention to them will lead to the fulfillment of basic needs, improved living standards for all better protected and managed ecosystems and a safer, more prosperous future (Robinson, 1993, p. 1)."

On our planet the milieu of nature embraces innumerable life forms inhabiting air, water and soil of which human beings form an integral part (Sharma, 1981, p. 5). The environmental balance is a product of natural evolution the history of which dates back the evolution of life. Man has himself though a product of evolution has created an environment of his own (Sharma, 1981, p. 5; UNEP, 1972). This man made environment is the outcome of his cultural evolution which has far outstripped his biological evolution defying often the forces of natural selection. With the help of scientific and technological tools and techniques, innovative mind of man has fashioned an environment suited to his own purpose and satisfaction. Industrial revolution is aimed at improving and maintaining human existence in increasing comfort and safeguarding national interests; green revolution is geared to the elimination of hunger and poverty, progress in transport and communication technology to making life more comfortable. All these benefits accrue from cultural evolution. But the process of development introduced a range of bye products and disposable materials in the environment unsuited equally to the natural

scenario. A high proportion of such products is extremely harmful not only to human system but to the biological world as a whole. No doubt our environment is getting day by day heavily polluted becoming uncongenial for human survival. The outcome of rapid industrialization, urbanization by growing population construction of barrages and dams, indiscriminate use of fertilizers and pesticides needed to sustain high yielding varieties in agriculture, depletion of forests, over congestion, waste accumulation are leading to drastic pollution of the environment (Sharma, 1981, p. 6). Ecosystem is getting imbalanced and signaling in a quite negative manner. In order to protect environment from the vice attempts of human being measures by the responsible institutions have been adopted from time to time. Sincere effort were started from regional to global levels with the help of various working plans documents, policy steps, legislative endeavors etc. but nothing positive has come out. In order to sustain the developed mechanism what is required is minimum ethical standards to which one should strictly adhered to. Law and policies are barely written letters and words which are required to be concretized by human beings through their action. Thus, other measures and approach needs desirable to this end as the formalized system proved pigmy before the pollution giant. This essay attempts to lineate the interrelationship between sustainability of natural resources and cultural as well as religious practices prevailing in the Hindu community deriving its force from their religious texts.

Dangerous Signaling

The dichotomy of environment and development has been a matter of serious concern for all those who feel responsible in this context. Growing population by leaps and bounds and nature's resource, over exploitation are by and large directly responsible for the environmental degradation. According to one opinion by the middle of 21st century with 1.6 billion populations ours will be the most populous Country in the globe (Jayant, 2002, p. 143). Away from the global arithmetic when one is confronted with the realties of domestic environmental challenges the dependence of large population on the limited environmental resources would clearly be seen as a problem. Within the next few decades about 750 million people will live in the Indian villages and an almost equal number will be sweating in urban areas, where the basic environmental amenities are already under severe strain (Jayant, 2002, p. 143). We do have targets for a rapid economic growth in the future years which will have its own environmental impacts. Conflicts over basic natural resources like water and biomass are bound to expand and become more acute exposing the natural resource base to the risks of destruction (Jayant, 2002, p. 143).

Environmental problems attracted attention since sixties which continued in the same spirit even during seventies and afterwards (Biswas and Bishwas, 1981, p. 108). Tendency to link environment with development crept in. However, during these decades our understanding of the multidimensional implications of development processes and its interrelationship to environment was in rudimentary stage (Biswas and Bishwas, 1981, p. 109). Environment protection became common issue of concern in quite a few countries. A problem related to environment is considered to be the price of progress of economics and technology. During late sixties the undesirable side effects of economic development became visible and pronounced in certain parts of the globe. Among the problems encountered were extensive air, water and noise pollution, solid wastes, lack of land use planning, deteriorating quality of life etc. It was increasingly realized that human activities have reached a scale and intensity at which these are significantly modifying many of the elements of the biosphere that are vital in sustaining human life (Biswas and

Bishwas, 1981, p. 109). Increased consumption of fossil fuels proliferation of nuclear reactors accelerated deforestation, loss of productive soil, intensification of water pollution, introduction of increasing number of man made organic chemicals, loss of genetic diversity and other similar problems cumulatively have significant adverse impacts on natural ecosystems in more ways than one. Developmental processes as realized poses real and immediate problems which often transcended national boundaries (Biswas and Bishwas, 1981, p. 109).

If we look at the existing danger to biotic and biotic components, including human life, as a consequence to depleting environment, situation is quite alarming. Take first water pollution, major sources of pollution are industries discharging effluent into rivers, municipal sewage, domestic effluents, agricultural waste, drainage from silage, manure slurry, leaches from refuse disused, mine shafts and quarries etc. Intake of such contaminated water causes diseases like gastroenteritis, disturbance in the neuro-system, skin disease, cirrhosis of liver, loss of resistance capacity. Permanent indigestive symptoms are often reported problem caused due to polluted water. It is rather very difficult to pinpoint or enumerate all the problems relating to health due to consumptions of polluted water (Manivasakam, 1984, p. 38-96). Next comes air pollution, major source are stationary combustion, transportation, industrial process, solid waste disposal, vehicle, chimneys, smoke spraying etc. Pollutants are gaseous and particulate. Such pollutants affect respiratory system, reduce hemoglobin, temporary spasm of the smooth muscle of bronchus, epithelium in the mucosa, cough, short breath, spasm of the larynx, acute irritation to the membranes of eye resulting in tears and redness, allergy, lung cancer, bromidic, emphysema, asthma and some of the chromic diseases caused due to polluted air. Atmospheric lead is known to affect children's brain. On the other hand the growing noise causes stress, strain, neuronal impairment, pain and heaviness in the head etc (Manivasakam, 1984, p. 130-135).

Soil and land pollution are caused mainly due to industrial and urban waste, agricultural particles, radioactive materials, biological agents, solid waste, toxic chemicals etc. Pesticides cause indirect health hazards. Bacteria transmitted from man to soil infect man causing bacillary dysentery, cholera , typhoid, paratyphoid fever. Flies which breed or come into contact with contaminated soil become carriers of disease organism (Manivasakam, 1984, p. 97-106).

Thermal pollution is caused due to the discharge of hot trade effluents from industries, factories and mills and large volume of cooling water from electricity generating station, municipal sewage etc. Such discharge raises the temperature of the atmosphere which further cause disturbance in chemical reactions. It disturbs reproductive cycles, digestion and respiratory rates. Thermal pollution also severely affects to aquatic organisms. Due to rise in temperature, physical and chemical properties of water get changes which causing harm to living being (Manivasakam, 1984, p. 121-129).

Radioactive pollution from mining of radioactive ores, nuclear experiments drainage from hospitals, industries and research institution is other contributor. A replaceable type of radioactive pollution also occurs, i.e., some radioactive elements replace other elements. The danger primarily arises through the increased production of nuclear weapons. Radiations consisting of X-ray, α, β and y rays produce both somatic and genetic effects. Radioactive materials cause blood abnormalities, leukemia and hemorrhagic diseases, thyroid, bone, skin, pigment, ulceration and lung changes. Radiations cause damage to germ cells.

Brief Survey of Pollutants and related health hazards

S.No.	Pollutants	Health Hazards
1.	Carbon	Fatal in large dose; aggravates heart disorder, affects central nervous system and impairs oxygen carrying capacity in blood.
2.	Nitrogen	Irritation in respiratory tract.
3.	Ozone	Eye, nose & throat irritation; risk asthmatics.
4.	Lead	(From petrol vehicles) Extremely toxic, affects nervous system and blood, cause hypertension, impair mental development of children.
5.	Hydrocarbons	Drowsiness, eye irritation, coughing.
6.	Benzene	Carcinogenic
7.	Aldehydes	Irritation of eyes, nose & throat; sneezing congaing, nausea, breathing problem etc.
8.	Polycyclic	Aromatic Carcinogenic hydrocarbons
These are a few ramifications of environmental pollution and its impact on human health.		

Some facts and figures:

35,000 young children are dying each day from the combined effects of poverty and environment degradation.
Water use has been growing at more than twice the rate of population increase during the twentieth century. At any given time, approximately one half of the people in the developing world are suffering from a sickness associated with bad water.
Three quarters of the Earth's surface is covered by water in mighty oceans and seas, great rivers and lakes. But we have only about less than 1 per cent of this water, mainly that found in lakes, rivers and underground for routine use. The rest is either salty sea water or ice, frozen in glaciers and the polar ice caps.
Freshwater comes from the water which evaporates from the ocean, at a rate of more than half a million cubic kilometers $(km)^3$ a year. Nearly 90 percent of this evaporated water falls back into the sea as rain. And most of the rainfall that reaches land is evaporated before it is available for human use. The 47,000 cubic Km that returns to the oceans via rivers, ground water and glaciers – known as the global runoff- is the amount that is theoretically available for human use. Capacity of the hydrological cycle to supply water is being outstripped by the volume of human demands, pollution of water resources and poor water management.
Even a simple action such as turning off the tap while brushing your teeth can save two gallons of water per user.
Most deserts are created from large-scale destruction of forests and misuse of land. The Sahara, for example, was one green. Today, we destroy an area of rainforest the size of a football field every second. Unless we are careful, forests will totally disappear in many countries.
Recycling of one ton of paper, can save 17 trees.
Climate models predict that the global temperature will rise by about 1-3.5 degree Celsius by 2100. There is evidence that climate change has already retain.
With global warming sea level will also rise. What impact will it have on human life can be known from the fact that about two-thirds of the world's population (3.6 billion people) live within 60

kilometers of the coasts and many nations depend on the sea for survival, whether through fishing, maritime trade or tourism. This proportion will rise to 75 percent (6.4 billion) within three decades nearly a billion more people than the current global population.
Nowadays, the coasts are a powerful magnet for tourism, the world's top growth industry. Of the world's 23 mega-cities (those with over 2.5 million inhabitants), 16 are in the coastal belt and are growing at a rate of about one million people per day.
Oceans are home to 10 million species we know nothing about. According to the United Nations Food and Agriculture Organisation (FAO), an estimated 12.5 million fisherman, operating from more than three million vessels, land around 90 million tones of fish per year. The fishing industry provides a livelihood directly or indirectly to about 200 million people. Global warming would cause great loss to this oceanic wealth.
An estimated 100,000 man-made chemicals have been introduced into our daily life. Most of them end up in the oceans.
Some 1.2 million barrels of oil are spilled into the Persian Gulf alone, annually.
It took 8 million years for the dinosaurs to disappear. Today, animals and insects are disappearing at a much quicker rate. Illegal trading in rare or disappearing species as an international business turns over more than 1.5 billion dollars a year, second only to smuggling in drugs or arms. it directly effects the populations of more than 37,000 animal and plant species and represents a severe threat to their survival.
Approx. annual trade in wildlife (legal and illegal) is 600,000,000 living ornamental fishes for aquariums; 250,000,000 frogs for restaurants; 10,000,000 skins of reptiles; 15,000,000 skins of feliness and other mammalians (Otters, primates, Kangaroos, deer's etc.) - (UNESCO, 2002).

Concern of humanity: Recourse to Legal Sanction

World community has never been sluggish in relation to protecting environment. Efforts and sensitivity reflected way back in mid 20th century where arbitrators in a proceedings took, stock of the situation and awarded heavy compensation to the affected state, U.S., in Trail Smelter Arbitration (Bratspies and Miller, 1941, p. 684; Luna and Visscher, 1957, p. 101). Although, it was a case of indirect environmental damage. In the post UN period environment was started to be linked with development consequently deteriorating effect of such activities became a matter of serious concern worldwide (Biswas and Biswas, 1981, p. 107). Population growth coupled with technological advancements started to forge the globe in a new domain of anxiety and sensitivity in view of environmental concern. Environment and its governance for the human survival got impetus and the only recourse to the situation was law making process, no matter, soft or hard. International Law by and large developed in the course of state exchange, thus, customary and piecemeal efforts were visible till mid of the 20th century. The seeds of intergovernmental environmental action were sown in 1947 by the UN with Environmental and Social Council resolution convening the 1949 UN Conference on the Conservation and Utilization of Resources (Sands, 1995, p. 30-32). With a very limited scope the Convention provided modest start. The resolution emphasized the importance of the world's natural resources and its importance to the reconstruction of devastated areas; it also recognized the need for the continuous

development and widespread application of the techniques of recourse conservation and utilization. It addressed issues of minerals, fuels and energy, water, forests, land and wildlife as well as fish (Sands, 1995, p. 30-32) and was followed by other Convention and treaties governing environment (Stuart & Donald, 2001, p. 84). By the time the Stockholm Conference was convened there was, therefore, an emerging body of international environmental rules at the regional and global levels and international organizations were addressing environment issues. Moreover, till this date no international organization has overall responsibility for coordination of policy and law. International procedures for ensuring the implementation of and compliance with international environmental standards are virtually non-existent (Sands, 1995, p. 33). Undoubtedly the type and nature of legal mandates required for governing all the components of environment were missing. Stockholm Conference popularly known as Conference on Human Environment 1972 happened to be a milestone as it established a strong linkage between human development and the environment. Attended by 114 states and good number of international institutions conference adopted 3 non binding instruments, a Declaration containing 7 realities and 26 Principles and an Action plan containing 109 recommendations. It did not adopt any binding obligations and formal decisions yet designed new way of environmentalism. Its significance underlies in its innovation in redefining international issues, rationale for co-operation, approach to international responsibility and conceptualization of international organizational relationship (Caldwell, 1995, p. 27). From a legal perspective significant developments included the recommendation for creation of new institutions and the establishment of coordinating mechanism amongst existing institutions, the definition of a framework for future action and adoption of set of Principles.

Apart from this historical moment certain other norm setting events took place at global level. In the post Stockholm era situation changed as there came institutions like UNEP to monitor and coordinate activities of environmental governance. Thus, in the year 1978 UNEP adopted a draft on principles of conduct in the field of the environment for the guidance of states in the conservation and harmonious utilization of natural resources. It comprised 15 principles to govern the use of shared natural resources (Caldwell, 1995, p. 41).

Another effort took place in 1981 under the auspices of UNEP in the name of Montevideo program (Program for the development and periodic review of environmental law). Divided into three parts first part proposed that guidelines, principles or agreements should be developed to address marine pollution from land based sources; protection of the stratospheric ozone layer; transport handling and disposal of toxic and dangerous wastes. The second proposed that action should be taken to address eight priority areas:

- International cooperation in environmental emergencies
- Coastal zone management
- Soil conservation
- Trans boundary air pollution
- International trade in potentially harmful chemicals
- Protection of rivers and other inland waters against pollution
- Legal and administrative measures for the prevention and redress of pollution damage
- Environment Impact Assessment

The third program area proposed work of a general nature to promote the development of environmental Law including research, writing and teaching of theoretical and practical aspects of environmental law and the dissemination of information (Sands, 1995, p. 41, 42).

Ten years after Stockholm the UN General Assembly adopted another document World Charter for Nature setting forth principles of conservation by which all human conduct affecting nature is to be a guided and judged. The charter divided into three sections is a nonbinding instrument having likelihood of being crystallized into customary law. It differs from earlier two major documents just mentioned in substance and form both as these were anthropocentric and focused on the protection of nature benefiting mankind whereas Charter emphasizes the protection of nature an end in itself. Section I. entitled "General Principles" contains inspirational language calling for the respect for nature and its essential processes; Section II entitled Functions" is operational in nature and Section III entitled "Implementation" includes elements of the approaches endorsed and applied by subsequent treaties and instruments (Sands, 1995, p. 43).

Parallel to world charter for Nature World Conservation Strategy 1980 was prepared by IUCN, UNEP, WWF, UNESCO and FAO. The strategy gave currency to the term sustainable development and has led to the preparation of national and sub national strategies in numerous countries of the world including international legal developments. It emphasized three objectives stressing the interdependence of conservation and the development: (1) Essential ecological processes and life support systems must be maintained; (2) Genetic diversity must be preserved; and (3) Any use of species or ecosystems must be sustainable (Sands, 1995, p. 44).

The most significant and revolutionary document at the global level came into being when Brundtland Commission known as World Commission of Environment and Development submitted and published its report (WCED) in 1987. The commission an independent body of experts to study the critical situation had three objectives; to reexamine critical environment and development issues and formulate realistic proposals for dealing; to propose new forms of international cooperation and to raise levels of understanding and commitment to action of individual's institutions and other state entities. It provided support for expanding the role of sustainable development and also proposed a UN Programme on it and identified the central legal and institutional issues. The Commission focused attention on population, food security, loss of species and genetic resources, energy, industry and human settlements, recognizing that these are connected and can't be treated in isolation. On international cooperation and institutional reform the focus included the role of international economy; managing global commons; relationship between peace, security, development and the environment and institutional and legal change. In addition commission identified six priority areas for future action at global level (Sands, 1995, p. 46).

The most comprehensive and systematic effort came in the World Conference on Environment and Development (WCED) commonly known as Earth Summit in the year 1992 at Rio de Zenario, Brazil. World community had to constantly work in furthering the concept of sustainable development a key issue for governance of the countries in future. Rio Convention provided a platform of attaching flesh and blood to the bones of sustainable development emerged in World Conservation Strategy strengthened in Brundtland Commission (Stuart & Donald, 2001, p. 97). Rio Conference created documents having legal flavor on various components of environmental governance. Legal documents emerged during the summit were:

Declaration of Principles (27 Principles)
Convention of Bio-diversity
Convention on climate change
Agenda 21 (Plan of Action)
Non-binding nature of Forest Principles

Declaration of Principles happens to be the most-crucial feature of establishing legal standard to be observed by nation states. Certain Principles like Precautionary Approach (Rio declaration, 1992, principle-15)[1], Polluter Pays (Rio declaration, 1992, principle-16)[2], Risk Communication (Rio declaration, 1992, principle-18, 19)[3], Environment Impact Assessment (Rio declaration, 1992, principle-17)[4], Fostering of Public Awareness and Participation in Environmental decision making (Rio declaration, 1992, principle-10)[5] have taken the shape of law and now no more remains customary.

These Principles have taken the shape of International Environmental and as such become the guiding factor of states conduct in relation to environmental governance. Agenda 21 a global plan for action during 21st Century is a comprehensive action plan and touch almost all the components of inter as well as intra state conduct model. It defines the role of each institution formal or informal cooperation among states and the institution and the responsibility of each one in making the environment healthy and smooth. Financial and technological cooperation do find proper place in the commitment. Convention on Bio-diversity, Climate Change and Declaration on Forest Principles delineate the conviction in a sectoral perspective and expect states to behave accordingly. Thus, these documents have a deep impact on the issue of environmental governance worldwide. It's not the issue to discuss at this juncture in detail the provisions of each one. Suffice to say here that sufficient legal texts emerge to guide the states conduct on various components of environment. Rio+5 and +10 in Kyoto and Johannesburg were the events to discuss the practicality of the commitment made in 1992. Rio +5 confined to the discussion on climate change in which states were asked to evaluate the framework convention and its aftereffects. Johannesburg Declaration in 2002 in South Africa reasserted states commitment with a new focus on five issues; water, energy health, agriculture and bio-diversity (WEHAB) It was found that sustainable development can never be ensured unless these issues be seriously thought off and implemented in a manner conducive to the growth.

It is neither possible nor reasonable under the canvass of the present title to discuss piecemeal regional efforts made at global level to regulate the environment. Various standard setting texts on sectoral issues have been adopted to guide states conduct[6]. Recently world leaders met in Brazil to discuss the development during two decade after Rio[7].

Domestic Commitments

Government of India being signatory to all the documents sincerely took positive steps in framing laws consistent therewith. Amendment in the Constitution of India in 1976 mandating respect for nature has been a welcome step (Article, 48(A) & Article 51 (g), 1976). Prior to this, enactment of sister legislation followed by a plethora of laws reflects our concern made at global level (The water (Control of Pollution & Prevention) Act, 1974; Air (Control of Pollution & Prevention) Act, 1981; The Environmental Protection Act, 1986). Before 1976 environmental issues were controlled under criminal law or law of torts (Chapter-14, Indian Penal Code 1973, Sections 268-294A; Cr. P. C. 1973, Section 133-143). But global awakening tempted the Government to bring forth separate issue based legal standards to control the pollution and preserve the natural resource (The National Environmental Tribunal Act 1995; The Natural Environment Appellate Authority Act. 1997; Wildlife protection Act 1972, Wildlife Conservation Strategy 2002, Forest Conservation

Act 1980; Noise Pollution (Regulation and Control) Rules 2000; Prevention of Cruelty against Animals Act 1960; The Scheduled Tribes and Other traditional forest Dwellers (Recognition of forest Rights) Act 2006; The Hazardous Wastes (Movement, Handling and Transboundary Movement Rules 2008; The Chemical Accidents (Emergence by Planning, Preparedness and Response) Rules 1996; The Plastic Manufacture, Sale and Usage Rules 1999; The Bio-Medical Waste (Management and Handling) Rules 1998; The Ozone Depleting Substance (Regulation and Control) Rules 2000; The Municipal Solid waste (Management and Handling) Rules 2000; The Batteries (Management and Handling) Rules 2001. There are other rules and Regulations to govern environmental issues). Govt of India has never been lethargic in keeping pace with the changing facets of environmental governance at international level and the testimony to the fact is often enacted laws. Even Indian courts have shown equal amount of sensitivity and started interpreting the domestic laws and the Constitutional provisions in the light of international standards (Indian Council of Enviro Legal Action V. Union of India (1996) 3SCC212 (Polluter Pays Principle); M.C. Mehta V. Union of India AIR 1987 SC (Absolute liability) Vellore Citizens Forum V. Union of India (1996) SSCC 647 (Precautionary Principles) Series of cases reflect the concern of Indian courts. N.D. Jayal V. Union of India (2004) I SCC 362; Sushant Tagore V. Union of India 2005 3SCC 16; Dr. G Hargopal V South Central Railway (2005) 11 SCC 596; Research Foundation for Science Technology Resource policy V. Union of India (2005) 10 SCC 510 (Court inter preted Basel Convention). Not only this supreme court interpreted Articles of Indian Constitution under the chapter of Fundamental Right. Striking a balance between these rights and the protection of environment vis-a-vis natural resource. The court favoured environment as an important component as compared to fundamental Rights as the latter vill have little significance without the former). Regulatory Principles evolved have been accepted by the courts in its pronouncements from time to time. Thus, ours is a country having every passion and regards for natural resources and environmental protection.

Debating Law and Morals

Without indulging in the debate between law and morals the purpose of this discussion is to forge its inter relationship. To implement the provisions of law is one thing and to enact is other or the vice-versa. Secondly the assumption that law will cure the evil for which it is made is equally fallacious. In case of environmental standards rights and duty bearers are not two separate entities but are the same and to have a control over one's right is rather a herculean task. With the trilogy of realities in the case of environmental protection, one has to embark upon discussing its implications. There is hardly any disagreement amongst scholars that implementation of law in order to govern the behaviour is not a cakewalk. Black lettered laws though traditionally interpreted as a separate, distinct autonomous reality have a strong legacy. Within this tradition law is separated from morality (Dhawan, 1989, p.17). It has two levels, i.e. nobler and sophisticated. In the former it concerns itself with legal doctrine –seeking to redefine and reconstitute peoples understanding of their social, political and economic relations whereas in latter it is not concerned with doctrine but with serving narrow, technical needs of the administrator and legal practitioner (Dhawan, 1989, p. 18; Eddy, 1992, p. 339-342). But the kind of juro culture needed to pinpoint the agencies or for that matter individuals did not –imbibe even after a long years of independence. The content of law is more important for one group of scholars while the morality is meant to force the legal texts to work (Eddy, 1992, p. 340). To obey the norms devised in a Code can effectively be possible only

when the inner conscience speak to that end. Ernest Barker says that in matters of conscience there is no compulsion of Law, though important, touches only a very limited segment of life whereas morality includes the whole of life, i.e. man's thoughts, motives, actions and aspirations (Eddy, 1992, p. 340). Law can prescribe external acts but it cannot prescribe morality. It is only when thoughts and motives translate into action law gets attracted. Furthermore, sanction behind law is force-more often physical whereas force or sanction behind morality is ones own conscience, social indignation and the fear of incurring God's rath (Eddy, 1992, p. 340). In ultimate analysis the force which comes from inside do have significant approach when the obedience becomes the issue. External force to be used in adherence of a norm hardly gives better result. However, the assumption that the force generated through law or the phrases of law will yield better results hardly works in reality. Thus, any normative system has to meet the standards of moral principles (Hart, 1970, p. 181-195).

Looking at the mechanism proposed in the environmental matters what is striking is the kind of constraint or limits which one has to impose on oneself and that can hardly be ensured unless one's inner self tempts to that end. The respect for natural resource will be enhanced only when the attitude changes. Accepting that available resources have to be used within a limit requires enlightened consciousness which law can never teach or be capable of inculcating in the minds of consumer. So much so that growing consumerism attached to the development model again adds fuel to the fire and arbitrary, misdirected use of natural resource is on the cards. So respect for nature has now become a matter of dam cares and this is the reason that any number of documentation setting standards and norms become a matter of joke and the malaise remains as such. Question is how to overcome and tackle the problem.

Response to Nature: Religious Approach

The conflict of inner conscience and its outer manifestations are well known and get exposed in cases of exercising some limit on behavioural component. Complexity of human behaviour is innate phenomenon and its natural outcome hardly be judged by the preceptors in exactum. In case of environmental governance human being is in the nuclei and its ordered behaviour can never be imagined with some external standards as the conflict would be quite natural in all the time.

In this perspective Hindu mythology has known answers and its adherence may give miraculous results in the environmental governance. Since time immemorial our ancestors have taken a pro-environmental approach in their life style and accepted the fact that natural resources are worth respecting and should be exploited with due caution. Such self imposed/in built restraints will work effectively so for as environmental governance is concerned otherwise make a law and invites its violation. Ours have a rich legacy of respecting the nature's properties which is evident by the writings, preaching and conduct of the saints and *Rishis*. Even a common man did exercise extreme restraint in respect of use of the nature. The feeling that components of nature are God and one should not disobey, destroy, damage and deteriorate the bounty of nature and going against this mandate will invite the wrath of Almighty. Indian society happened to be duty oriented and God fearing with strong faith and respect in supernatural elements (Desai, 2001). Testimony to the fact is worshipping of animals, religious festivities, nurturing and grooming of plants and trees, plants with extreme faith in Gods existence etc. Its not possible here to discuss all those in detail, however, salient features and noteworthy glimpse and events needs to be delineated at this juncture which substantiate the proposition. We simply need to understand how our Aryan ancestor's attitude to nature has been shaped by their perceptions about cosmos

creation, the animate world, plant kingdom and his relation to external world. Hindu religion believes in complete harmony between man and nature. One is born from nature, nurtured in nature, grows up in the lap of nature and terminates his life in nature. Respect and compassion towards nature and its properties are ingrained in the Hindu culture and practices.

Religious Prescriptions

Instances are innumerable wherein the instinct of respect and veneration of individual being towards nature is perceptible. Since morning till evening and in the sleeping situation where subconscious mind always remains in the awakened condition we live with nature. Hindu religious ethos is primarily dominated with the obligation towards natural properties and one has to use in the minimum without greed. It believes in the feeling of others welfare as opposed to one's own benefit. To think always about others interest and wellbeing in harmony with own interest is the noteworthy feature of Indian tradition. Earth is the mother, therefore, when we rise in the morning and allow our foot to fall on earth for the first time seeking excuses for putting load on the mother is accepted behaviour[8]. Besides this remembering the planets in the morning for ones welfare is the common practice of our Rishis and Maharsis and was dictated to be adhered by the human being (Markandey Smriti Puran, 32). The concept that human body is formed by five components of nature is accepted and that why it is known as *panchbhuta* (*Panchbhuta* Means five elements of Universse, i.e., Earth (*Prithvi*), Water (*Jal*), Fire (*Agni*), Sky (*Akash*) and Air (*Vayu*). In every morning one has been suggested to pray for all these five for the pleasant and comfortable day and night (Vaman Puran, 14/24). Respect for nature is evident where seven sea, seven mountains, seven Rishis in sky, seven Ban (Forests), seven islands and seven Lok (world) usually remembered in the morning (Vaman Puran, 14/26). It is believed that these will come for our rescue and obviate any danger to our life and living. Prayer of sun at the time of sun rising by way of offering salutation has been the tradition of Hindu life system[8b]. What is accepted that this kind of daily practice give you all the wealth, shine, health and prosperity in the life of the practitioner. Worshipping of *Panchdev* is essential and mandatory in any newly started work. It is further a matter of common belief that every program involving state occasion having good sense in Hindu family may be either *sanskar* or new venturing should be pre ceded by good words called *Swastin*[9]. In this hymen we invite all the natural forces to be a witness of the activities by ensuring their presence at the stipulated time and participate in such state ocassion. It is as follows : ॐ द्यौ शान्तिस्तरिक्ष शान्तिः पृथिवी शान्तिरापः शान्तिरोषधयः शान्तिः वनस्पतयः शान्तिर्विष्वं देवाः शान्तिब्रह्म शान्तिः सर्व गुँग शान्तिः शान्तिरेव शान्तिः सा मा शान्तिरेधिः यतो यत सभीहसे ततो नो अभयं कुरू । शं नः कुरू प्रजाम्योऽ मयं न पशुभ्यः सुषान्तिर्भवतु (Rigveda, 1/89/10)।

Literally Adity (sun), Antariksha (outerspace), Panchajana (Five persons, i.e., fire, water, air, soil and the atmosphere) are the mother and father and we are the son. We all pray for peaceful and normal sky, antariksha, earth, water, air, fire, plants, trees etc. All these must be in peace and harmony. If these are in its peaceful situation O Almighty make my life happy and peaceful. Instances are numerous in the scriptures to substantiate the proposition. Hindu religion believes in absolute sovereignty of God over its creation and man cannot act as a viceroy of God over the planet and thus, under the suzerainty of Almighty. Therefore, all lives (human and non-human) are of equal value and all have the same right of existence (Dwivedi, 1989, p.159).

Irrespective of four theories of creation God is one though named differently who thinks always for his creatures, therefore, projected through natural resources of earth deserves to be respected[10]. Exploitation of these resources disproportionately and destroying its quality by

human action has been termed as pap (sin) a serious evil which will invite bad consequence and discomfort to one's life.

Furthermore, Hindu religion and its practice do recognize animals, birds, trees, plants etc. by paying respect and God's like honor while observing fasts or celebrating festivals (Dwivedi, 1989, p.171, 175). Though the list of such activities and festive occasion and corresponding trees, plants, animals to be worshipped is exhaustive. Following is the description of Gods/ Goddesses and related animals and trees.

Sl. No.	Gods/Goddesses	Animals/Birds	Trees/Plants
1	Brahma	Wild goose	*Vata (Ficus benghalensis), Palash (Butea monosperma)*
2	Vishun	Eagle	*Pipal (Ficus religiosa), Tulsi (Ocimum tenuiflorum)*, Fig (Ficus carica)
3	Mahesh	Snake, Cow, Nandi Bull	*Bel (Aegle marmelos), Rudraksh (seed of Elaeccarpus), Ber (Zizyphus jujuba)*
4	Ganesh	Elephant, Rat	*Durva (Cynodon dactylon)*, Sugarcane (Saccharum officinarum)
5	Durga	Lion	*Neem (Azadirachta indica)*
6	Laxmi	Owl	Tulsi (*Ocimum tenuiflorum*), Amalki (Phyllanthus emblica)
7	Saraswati	Swan, Peacock	Jasmine (Jasminum officinale)
8	Indra	Elephant	*Ashok (Sereca indica)*
9	Sitta (Mata)	Ass	*Sij, Neem (Azadirachta indica)*
10	Santoshi (Mata)	Ass	*Neem (Azadirachta indica)*
11	Hanuman	Monkey	Banana (Musa paradisiaca), Mango (Mangifera indica)
12	Krishna	Cow	*Kadamb (Anthocephalus cadamba)*
13	Sun	Horse	*Tulsi (Ocimum tenuiflorum)*
14	Sani	Vulture	*Shami(Prosopis cineraria)*
15	Kamdev	Fish, Parrot	*Ashoka (Sereca indica)*

These are prominent names of Gods. In Hindu religion 84 lakhs of animal species and 33 crores of Gods/Goddesses are worth worshipping and this reflects our deep concern towards natural properties. Killing of animals and birds invite the wrath and disfavour of Gods and Goddess. Animal Worshipping started since early days as these had rendered valuable services to our Gods, i.e., Hanuman for Ram, Cows for Krishna etc. Cow's milk, curd, Ghee, urine are required to prepare liquid used in religious ceremonies and offered as oblations to God[11]. Instances are available when Gods are called in the name of animals which shows our reverence towards such creatures[12]. Bad and cruel treatment to animals has been condemned (Yajurved, 13/47, 49; Manusmriti, 5/45; Narsinghpurna, 13/44, Vishnupuran, 3/8/15). Trees and plants have been used for food and fodder to the domesticated animals, medicinal use mannuring, trade items preparation etc. Although a large number of people all over the world worship trees and plants for joy and happiness and for other purposes. Hindus consider trees and plants as the abode of Gods and Godesses. The details have been given in the above table. We believe in vriksha Devta (tree deity) which are worshipped with prayers and offering of water, flowers, sweets and encircled by sacred threads (Dwivedi, 1989, p.176). Planting of tree is religious duty as this is being treated as son. Thus, the respect paid to fauna in our literature is common and noteworthy.

Taking stock of the situation and God like feelings and respect towards nature it is further directed that one is not allowed to introduce any change in the properties of nature. Thus, polluting these properties have been called as Pap (sin). Numerous text and writings of the Rishis do reflect such instances, therefore, we have a clear,

strong perception of eco system and our attitude towards animals, birds, plants and trees has been respectful. Maintaining proper sanitation was considered to be the duty of everyone. Sanctity of water needs to be maintained as it is media of purification and source of energy (Rigveda, 7/49/2). The healing property and medicinal value of water has been accepted provided it is pure and free from pollution (Charak samhita, 27/213, 215; Manusmriti, 4/56). Hindus were cautions about such activities which were detrimental in any way to the quality of environment. Disposal of obnoxious elements in the water stream like civil disposal, industrial waste, dead bodies, carcass of animals was prohibited and punishable. Thats why we treat rivers as mothers. It is very well summarised in Prayaschita Tatva is the following manner.

> One should not perform 14 acts near the holy river of Ganga; i.e., remove excrement, brushing and gargling, remove cerumen from body, throwing hairs, playing in water, taking donations, performing sex, attachment with other sacred places praising other holy places, washing clothes, throwing dirty clothes, thumping water and swimming (Vishnu Puran 3/11/12; Derr, 1975, p. 43).

It is also believed that bathing in the water stream in the night will cause inconvenience to the sleeping mother river. Personification of animate object injecting Godly spirit is our culture and that was the reason that human beings were never allowed to dominate the nature. We treat natural properties and the nature as mother and father as it allows us to grow, blossom and gives comfort and pleasure in our life.

Concluding Observations

Phrases of great Scholars Socrates that *'the richest man on the earth is one who uses the natural resources at the least as commodity' and great saint Bisheshwar 'that the person who is stealing for his essential needs is not the thief but one who posses disproportionate to the need is the thief '*are sufficient to conclude the scenario and the inter linkage of environment and its sustainability. Exercise restraint in the matters of environmental properties is not an easy task, thus, scholars and the policymakers are roaming in the air or whopping in the dark. Things are moving beyond control and the humanity is facing serious challenge. Situation is getting worse and our job is to design measures with legislative value in the chambers or statute books devoid of any meaning in reality. How shall we sustain and strike a balance between expanding horizon of human needs which requires maximum exploitation of resources is a great question for one and all. Inter generational equity and Polluter Pays Approach wandering as an orphan child as the institutions have to be honest and committed. Let us not quote with proud these guiding landmark principles in future. Obviously these principles or normative standards have been delineated to shape our behaviour conducive to environmental sustainability. Development and change in the socio- economic perspectives are not isolated which in turn lead to pressure on the natural resource. Balancing of this in such a way as to maintain the quality of our environment is tough task ahead which requires strong moral and social concern which is difficult to be generated through black lettered law as Rajeev Dhawan suggests. Sustainability goes beyond that and it needs continuity in such behaviour for long time. Undoubtedly the kind of limitation or regulation desired in such situations is different and deep sense of respect and care is the only answer. The question is whether Law with its organic body will be effective and if so how?

Making of Law is one thing and its implementation is another. Society develops in built mechanism and the institutions to regulate its functioning albeit in an inchoate way. Sanctions are the instruments which help and perpetuate institutions to work. Institutions of Law works on

the mandates of external sanctions which we used to call punishments. It creates temporal respect towards standards. Unless institution of morality comes for rescue the physical sanctions proves to be a helpless child. So the question of sustaining environmental protection by and large becomes ceremonial. Theological standards project rosy picture and the nature of human behaviour, restraint, preaching, conduct and mandates depicted in all the religions especially Hindu mythology deserves mention with a positive hope. Hindu *Rishis* of the Vaidic and Upanishdic era perceived the value of maintaining a harmonious relationship between the needs of man and the diversity of the universal phenomenon. Man, in Hindu culture, has been instructed to maintain harmony with nature and to show reverence for the presence of divinity in the nature. Ethical and moral beliefs and values influence ones' behaviour towards others including relationship with all creatures and plants. However, such beliefs have been a matter of attack by the other systems of governance from time to time diluting our respect towards nature. We are witnessing the culture of barbaric consumerism, selfishness and anthropocentricism which is still persisting and largely responsible for environmental distress. What is desirable is the grooming of cultural tradition of environmental conservation and the development of sustainable consumption pattern which might remedy the evil otherwise legal domain may not prove its worth in conserving our prosperous eco-system.

Hindu religion (including other religions) and its sacred mandates can be of great help to see transformation in the society from its current preoccupations with materialism and consumerism to a conserve society. Laws so enacted to protect environment can only be strengthened by a moral awakening. Religion can exert a unique moral leadership in establishing a strong base in sustaining eco system particularly with respect to strengthening man's harmony with nature. Thus, trembling legs of Law must join religious practices and traditions in waging war against environmental damage to see a change otherwise we are moving towards a disaster to a limit beyond one's imagination where humanity might face collapse.

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[1]Principle 15-In order to protect the environment, the precautionary approach shall be widely applied by the states according to their capabilities.

[2]Principle 16- National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments taking into account the approach that polluter….bear the cost of pollution with due regard to the public interest

[3]Principle 18- States shall immediately notify other states of any natural disaster or other emergencies that are likely to produce sudden harmful effects to the environment to both the states.

[3]Principle 19-States shall provide prior and timely notification and relevant information to potentially effected states on activities that may have significant adverse transboundary environmental effect.

[4]Principle 17-Environmental impact assessment ….shall be undertaken for proposed activities that are likely to have significant adverse impact on the environment

[5]Principle 10-Environmental issues are best handled with the participation of all…at the relevant level. At the national level each individual shall have appropriate access to on formation concerning the environment

[6] Frequent meetings on cut in emission level of GHG in order to strong then the commitment made under Framework Convention. It was held in Delhi as Ministerial Conference and in the Kyoto.

[7] This Meeting has been given the name of Rio + 20

[8]समुद्रवसने देवि पर्वतस्तनमण्डिते, विष्णुपत्निमस्तुभ्यं पादस्पर्ष क्षमस्व मे (O, Mother Earth wife of Lord Vishnu execuse my touching of foot). Nityakarma Puja Prakash (p. 3). Gorakhpur: Geeta press.

[8b] One has to go for offering *Pranam* in Twelve ways which is popularly known as *Surya Namarkar* in Hindu Mythology During this procedure Twelve Mantras need to be chanted. ऊँ मित्राय नमः; ऊँ रवयेनमः; ऊँ सूर्याय नमः, ऊँ भानवेनमः; ऊँ खगाय नमः; ऊँ पूष्णेनमः; ऊँ हिरण्यगर्मायनमः; ऊँ मरीचयेनमः; ऊँ आदित्याय नमः; ऊँ सवित्रे नमः; ऊँ अर्कायनमः ऊँ भास्कराय नमो नमः। Geeta Press (2013). *Nityakarma Puja Prakash (p. 102)*. Gorakhpur: Geeta press.

[9]Chanting of a long hymn by using Mantras to request Lord Ganesh who has to be pleased as he is the carrier of all the pleasantness and have the capacity to wipe off any difficulties (Vighna) or problems that may come within the completion of the task.

[10]These theories of creation are known as Vedic theory, Upanishdic theory, Pyramid theory and theory depicted in Ramayana and Mahabharata (Dwivedi, 1989, p. 160-164)

[11]Known as Panchgabya, and important mixture having miraculous capacity to purify any evil spirit and bad elements in the geographical area. It is sprinkled in the house to bring peace and comfort.

[12]Hindu mythology talks of Avatar (appearance of heavenly spirit either through human being or animals. Ram and Krishna come under former category. Narsingh Avatar, Matsya Avatar, Varah Avatar are a few examples of the latter Even religious texts like Matsyapuran, Garunpuran, Narsinghpuran etc. are named representing animals.