

Rights Nature and Sustainability



HIDAYATULLAH
NATIONAL LAW UNIVERSITY, RAIPUR



RIGHTS, NATURE AND SUSTAINABILITY

CONFERENCE PROCEEDINGS



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Message

It takes pleasure in writing a message for the edited book titled, 'Rights, Nature and Sustainability' to be published by the Hidayatullah National Law University, Raipur. The University has organized two conferences, namely, 'Rights of Nature for Sustainable Development' and '**Protection of Traditional Knowledge and Biodiversity: Problems and Prospects**' to commemorate World Environment Day and World Nature Conservation Day. It is good to know that the University has decided to publish selected research papers of the participants of these two conferences in an edited form.

In the past decade, the concept of the Rights of Nature has evolved for a wide range of national and international issues and has been a subject matter of judicial interventions across jurisdictions. The edited book is an attempt of the University to collate the thoughts of the researcher on the contemporary approach towards environmentalism and to contribute to a rich literature on the area of environmental and sustainability.

I congratulate the University and the editorial team for making a significant contribution towards the important area of academic discourse.

(Miss Anusuiya Uikey)



Hidayatullah National Law University

Prof. (Dr.) V.C. Vivekanandan
Vice Chancellor

Message from Vice-Chancellor on the proceedings of “Rights, Nature and Sustainability”

Fifty years of the Sustainability Movement, on World Environment Day and World Nature Conservation Day, has brought great progress in protecting nature and the environment. Governments around the world have adopted laws and policies to protect the environment and to promote the sustainable use of natural resources.

Natural resources. The right to a healthy environment is enshrined in the Universal Declaration of Human Rights and in other international human rights instruments. This right is increasingly being recognized as a fundamental right of all people, regardless of their economic or social status. Governments have a responsibility to ensure that everyone has access to a safe, clean and healthy environment, and to ensure that the natural environment is maintained and protected in a sustainable way.

This includes protecting land and water resources, conserving biodiversity, and managing emissions of pollutants and greenhouse gases. The right to a healthy environment also includes the right to access information about the environment and to participate in decisions that affect it. People should have the right to challenge decisions and actions that threaten their environment. They should also have the right to hold their governments accountable for protecting their environment. Finally, governments have a responsibility to ensure that all people benefit from the sustainable use of natural resources. This includes ensuring that indigenous peoples and other marginalized communities are not excluded from the decision-making process and that they benefit equitably from the use and management of natural resources.

Rights related to nature and sustainability are the legal rights of individuals and communities to access, use, and manage the resources of their environment, as well as the rights of nature itself to exist and thrive. This includes the right to clean air, clean water, food, shelter, and the right to be free from contamination and

pollution. It also includes the right of species to exist and evolve, the right of ecosystems to thrive, and the right of future generations to benefit from the preservation of natural resources. These rights are often codified in national and international laws and may be enforced through domestic courts and international tribunals. They are increasingly being recognized in the global discourse on human rights and the environment.

This publication as an outcome of the programme on the International Conference on Rights of Nature for Sustainable Development held on 5th June 2022 at HNLU will be a valuable addition to the researchers of environmental law and sustainable development crusade. I wish the editors of this compendium and the organizers of the event the very best.



Prof. (Dr.) V.C.Vivekanandan

Vice Chancellor



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Message

The entitlement to inhabit a clean and healthy environment is inherent and universal. Therefore, it is necessary to create and leave for future generations an environment where each individual can live a natural, dignified life. Firm environment laws and the practice of sustainable development are so crucial to lead a minimally good life.

The year 2022 is the year of completion of 50 years of the Sustainability Movement. With the same spirit and expressing concern to contribute one's small but significant effort towards our environment, the Hidayatullah National Law University, Raipur organized two conferences, namely, '*Rights of Nature for Sustainable Development*' on the World Environment Day, 5th June 2022, and '*Protection of Traditional Knowledge and Biodiversity: Problems and Prospects*' on 27th and 28th July 2022, the World Nature Conservation Day respectively, in collaboration with the Global Network for Human Rights and the Environment and the Chhattisgarh State Biodiversity Board.

I am glad to write this message of advance praise, for the edited book titled, '*Rights, Nature and Sustainability*' to be published by HNLU. This compiled book is a synergistic product of many dynamic minds from varied backgrounds of legal and environmental science fraternity, which includes, Lawyers, students, academicians, and dignified researchers from several countries. Its indeed a matter of pride for the Chhattisgarh that such a significant and decisive event took place in the state which shall surely add towards the gamut of environmental awareness.

There is one thing for sure with this book, that it will deliver its readers irrespective of having a legal background to find ways to understand the pulse of necessity as to how and what we can do for this environment through our legal system. And to have these selected research works all-packed into a book makes it a must read for anyone looking to be a part of this noble cause. These nuggets of deep legal research, analysis, and dissemination, distilled from decades of legal introspection on the aforesaid issue expressed in an easy-going way.

I wish my best compliments for HNLU's effort to lay bare such insightful works in this philistine age, where sincere environmentalism is bound to be rare. May this book be a success so that people in great numbers may get the pleasure in reading such articulated and laboriously executed research-work.

With Love, respect and every good wish!


(Rakesh Kumar Chaturvedi)



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Message

I take pleasure in writing this message regarding two conferences organized by the HNLU Raipur namely, '*Rights of Nature for Sustainable Development*' on 5 June 2022 and '*Protection of Traditional Knowledge and Biodiversity: Problems and Prospects*' on 27-28 July 2022. The selected research papers from the aforesaid conferences are being published by the University in the form of an edited book titled '*Rights, Nature and Sustainability*'.

I believe a work like this shall be useful to the readers, beyond doubt. These selected research papers have been set forth with many imperative ideas in a manner apt to best serve the members from different strata of the legal profession-be the practicing lawyers, judges, law students, academicians, and environmentalists. And not only that, the individuals beyond the legal profession who find fascination for law or are inquisitive about enviro-legal concepts and sustainable development shall surely draw much advantage out of this compiled work which is an outcome of research of various individuals from the legal fraternity.

The commemoration of the 50 years of the Sustainability Movement, was observed gracefully on the World Environment Day and World Nature Conservation Day by the Hidayatullah National Law University, in collaboration with the Global Network for Human Rights and the Environment and the Chhattisgarh State Biodiversity Board, by way of such esteemed conferences. Wherein acclaimed academicians from Australia, Italy, UK and Mexico graced the event and more than 80 participants, including faculty members, professionals, researchers and students presented their valuable research before us.

The past decade, has been a decennary of evolution of the international concern for nature rights and judicial interventions pursuant to the same. The University has compiled a valuable collection of research writings in this book to facilitate a rich body of literature on the contemporary approach to environmentalism, and to contribute to the development of a rich body of literature on the subject of the 'rights of nature', and to allow new insights to be conveyed earlier and with greater vigor.

Lastly, best wishes for the publication of this book, I hope it finds more attention from the legal profession and environmentalists. Many Congratulations to the HNLU fraternity and especially the editorial board for making a significant contribution on such a crucial area of academic discourse.

(Arun Kumar Pandey)

ABOUT ORGANIZERS

HNLU Raipur

Established in 2003, Hidayatullah National Law University has completed the journey of more than one and half a decade. In such a short span of time, HNLU has carved out a niche in the realm of legal education across India and the legacy is soaring towards newer heights day by day. Named after the great legal luminary Justice Mohammed Hidayatullah, the University was established by the Government of Chhattisgarh under the Hidayatullah National University of Law, Chhattisgarh, Act (Act No.10 of 2003).

HNLU is the sixth in the series of National Law Schools across India. HNLU has been included in the list of the Universities maintained by the University Grants Commission under Section 2(f) of the UGC Act, 1956, and has been declared fit to receive Central assistance in terms of the rules framed under Section 12 (B) of the UGC Act, 1956. The university is recognized by the Bar Council of India under section 7 of the Advocates Act 1961.

Chhattisgarh State Biodiversity Board

Chhattisgarh State Biodiversity Board has been constituted by the State Government as per the provisions of the Biological Diversity Act, 2002 notified by the Government of India. Chhattisgarh State Biological Diversity Rules, 2015 were notified by the State Government on 1st June 2015 under the provision of Section 63 (1) of Biological Diversity Act, 2002.

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ABOUT THE BOOK

In the year 2022, to commemorate 50 years of the Sustainability Movement, on World Environment Day and World Nature Conservation Day, Hidayatullah National Law University, in collaboration with the Global Network for Human Rights and the Environment and the Chhattisgarh State Biodiversity Board, organized an International Conference on '*Rights of Nature for Sustainable Development*' and National Conference on '*Protection of Traditional Knowledge and Biodiversity: Problems and Prospects*.'

In these conferences, research papers were invited from the Academicians, Judicial Officers, Researchers, Professionals, Practitioners, Students of law, and environmental science, and other stakeholders on the emerging issues and related areas on the broader sub-themes given above. And, the present edited book titled, '*Rights, Nature and Sustainability*' consists of sixteen chapters is an outcome of the research papers presented in abovementioned two conferences organized on 5th June 2022 and 27th-28th July 2022. These papers after the conferences have been duly edited by the editors of the book.

To make it more comprehensive and specific, the present edited book is arranged in two parts, namely Part A titled, "*Protection of Traditional Knowledge and Biodiversity: Problems and Prospects*" covers nine chapters on the broader themes of traditional knowledge and biodiversity, traditional cultural expression, technology, and intellectual property rights etc. Part B titled, "*Rights of Nature for Sustainable Development*" covers seven chapters related with the environmental sustainability, sustainable business, biotechnology in agriculture and role of nuclear energy in recognizing the rights of nature etc.

This book aims to provide comprehensive literature on the emerging areas related with the rights of nature, sustainable development, protection of traditional knowledge and biodiversity. With this, editors bring forth this book before prospective readers. Hoping that this work will add meaningful substance to the already existing knowledge.

Editors

Rights, Nature, and Sustainability

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