

HON'BLE DR. Shanker Dayal Sharma, President of India, Hon'ble Mr. P.V. Narasimha Rao, Prime Minister of India, Mr. H.R. Bharadwaj, Hon'ble Minister for Law and Justice, Mr. R.L. Bhatia, Hon'ble Minister for External Affairs, Hon'ble Mr. Justice Ratnavel Pandian, Hon'ble Mr. Justice A.M. Ahmadi, Hon'ble Mr. Justice Kirpal, Mr. R.K. Anand Dr. Jon E. Rhode, Mr. Lalit Bhasin, Mr. Malhotra, Dr. Sinha, distinguished delegates, esteemed invitees, ladies and gentlemen.

It is indeed gracious on the part of the Hon'ble President of India, himself a great legal luminary and humanist, to have agreed to inaugurate this conference. The conference has acquired an added lustre by his presence. The Hon'ble Prime Minister Mr. Narasimha Rao has so kindly agreed to address the conference.

The theme of the conference "Shaping the Future By Law: Children, Environment and Human Health" symbolises the hope, the survival and the future of man on this planet.

Children are the symbol of our hope for the future, the environment for our survival, and health for our well-being. In the elaboration of the strategies for the realisation of these goals the state as parent, as preserver of the ecology and as provider of social security and health services needs to depend on law and legal institutions.

In India there are over 300 million children who constitute 35% of the population. United Nations General Assembly on 12th November, 1989 unanimously adopted the Convention on the Rights of the Child, fulfilling the need for a formal international legal recognition of the human rights of the child. The Convention protects the child's civil, political, economic, social, cultural and humanitarian rights. But the ground realities in the developing countries are quite distressing. Malnutrition, illiteracy, forced labour and exploitation of the child and infant-mortality by contagion are a disgrace to any civilization and a blot on its conscience. The high rate of infant-mortality in the developing countries is still a great embarrassment to the administrators of health-services.

Developmental processes, in so far as they merely over emphasise the mere material aspects, tend to depend on technology of mass industrial growth and to disregard indigeneous techniques and cultural values. Such processes, in the ultimate analysis, invite their own rejections.

There is always the other side of development: its social and cultural price. Culture and tradition on the one hand and modernity and technology on the other are not necessarily antagonistic to each other. Ethical issues put developmental aspirations in their proper perspective and prevent them from being ethic-neutral.

Interdependence of environment and health are too well known not to require reiteration. In the developing countries lack of potable water, paucity of immunisation from infections and malnutrition are mortgaging their future, impairing their potentials for growth, affecting their

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** President, The Indian Law Institute and President the Organising Committee of the International Conference on "Shaping the Future By Law : Children, Environment & Human Health", hosted by the Indian Law Institute, New Delhi, March 21-25, 1994.

economics and largely impairing the human resource potential.

Another great challenge to our civilisation is the continual environmental degradation. In the past decades and more some deep and disturbing results in environment have surfaced. All physical and biotic activities are triggered and sustained at the interface of the lower atmosphere and the earth's surface. The tropics are the cradles for our planet's biological diversity. But great devastations are occurring in these areas vital to human survival. Rate of extinction of life-species and reduction of biotic diversity has assumed alarming proportions.

In the year 1870 the German biologist, Alex Haggel, defined ecology as a study of all the complex inter-relations referred to by Darwin as conditions for the struggle for existence, emphasising the inter-relationship between all living things and their environment. On law and environment, a learned author made the profound observation that it is a ".....big issue in political terms, since protection of the environment is high on most people's priorities for 1990s. As a result, political parties and government are falling over each other in their eagerness to appear green even if, as yet, their actions do not readily match their rhetoricIt is big in terms of the knowledge and skills required to understand a particular issue". As indicated by the white paper on environment, "the issues range from the street-corner to the stratosphere".

Law, it is said, is an useful prism through which to view societies and to understand the nature of their social processes. Modern states resort to statutory and other forms of law as a part of their endeavour to reach the goals that cumulatively represent

'development'. If law merely embodies and reflects the very value, ideas, and institutions which a nation wishes to transform, the process may mean a transformation into something which they seek to transform from or transcend above. Law may then become not an instrument of, but an obstacle to, the perceived needs for change. Then law itself requires to be changed in drastic ways to achieve the social, economic, cultural and political goals contained within the idea – sustainable development.

Environmental law has largely to do with the ways of ensuring integration of our standards and ways of life with the preservation of life-sustaining forces of nature. It is perhaps for this reason that the ancient wisdom of India defined the elements of nature which emphasise and preserve their sanctity. A legal system for environment must be perceptive which the profound inter-connection of natural phenomenon with culture and development, of the importance of inter-dependent analysis, of inter-disciplinary solutions and inter-generational equities. Good governance recognises the uniqueness of the ecological heritage and its indispensability for human survival. Law is only one element in what is a major cross disciplinary topic.

This Conference will discuss the strategies which will halt and reverse these pernicious trends and will help foster the right- values and right-strategies. I do hope that its deliberations will contribute to the enhancement of the efficacy of the state's resources to evolve and apply appropriate remedial measures in these problem areas.

Thank you.

