



Hon'ble Mr. Justice Swatanter Kumar

## PREFACE

"Earth provides enough to satisfy every man's need, but not every man's greed."

— *Mahatma Gandhi*

The Organizing Committee of the 'International Seminar on Global Environment & Disaster Management: Law and Society' has made a humble attempt to bring members of the global family to a common platform to discuss crucial issues relating to environment and its impact on human life. The Seminar is aimed at debating upon various aspects of global environment and disaster management with a social perspective. The purpose is not only to examine the events of calamity from historical point of view but also to provide solutions which would help in prevention, mitigation and holistic management of disasters in future.

Economic advancement is not the same thing as human progress. Development, however well planned, fuelled by rapid economic and population growth has lead to destruction of biodiversity, deforestation, imbalance in coastal and other ecology and land erosion. Keeping this in mind the Supreme Court of India, the High Court of Delhi, the Indian Law Institute, the Ministry of Environment & Forests and the Ministry of Law and Justice resolved to organize the International Seminar on 'Global Environment and Disaster Management: Law and Society' resolved to bring together academicians, policy makers, the judges, lawyers, civil society and other stakeholders from 15 countries including India to deliberate and discuss pertinent issues relating to climate change, natural resource management, disaster management, legal responses to natural and man-made hazards, nuclear accidents and the role of the legislature, executive and judiciary in strengthening law and policy on environment and disaster management.

The organization and management of resources and responsibilities for dealing with all humanitarian aspects of emergencies, in particular preparedness, response and recovery in order to lessen the impact of disasters is becoming more and more important in the wake of the recent natural as well as man-made disasters. Although businesses and governments at times would rather avoid paying the environmental costs of urban excesses, the two are aware of the economic and political significance of disasters.

For these reasons and more, it is critical that a holistic view be taken of environmental concerns and disaster management practices. Over the last few decades, various measures have been undertaken to use the law to combat the impact of climate change. Different

governments, organizations, communities and individuals have taken recourse to national and international instruments such as human rights law, constitutional law, emission control regulations, protection of endangered species, freedom of information and international legal obligations for the cause of the environment. Judgments and administrative decisions have begun to come through at the national level as well as the international level. It is largely acknowledged that effective and timely international cooperation is not only expedient but also a human rights obligation.

The purpose of this Seminar is to learn from the past so as to provide solutions for the future. The destruction from the earthquake and tsunami in Japan was no different from the eruption of Vesuvius in 79 AD, which wiped out the ancient Roman city of Pompeii. For millennia, floods, volcanic eruptions, earthquakes, lightning and meteor strikes have happened randomly, wiping out populations and creating new land. For all our technological and economic advancement, we can seldom control Nature's fury but what we can do today is ensure that disaster is not left to chance by putting in place sufficient mechanisms.

The international seminar on "Global Environment and Disaster Management: Law and Society" is poised for this much needed reflection. Its objectives are:

- ❖ to nurture discussion on the useful linkages between the disciplines of law, disaster management, natural sciences, environmental conservation and anthropology and human rights law
- ❖ to identify and understand legal, scientific and technical issues of contemporary significance in relation to the environment
- ❖ to share the best local, regional and international practices and/or experiences in combating climate change and successful disaster management.
- ❖ to collectively seek solutions that are environment friendly and promote inclusive growth

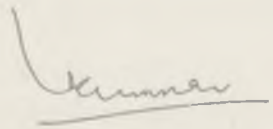
The Organizing Committee decided to publish a 'Seminar Volume' of the International Seminar to enable the participants and delegates from all over the world to have the benefit of dispensation of expert knowledge relating to various facets of environment and disaster management. This volume, thus, provides you with messages from the highest dignitaries of the country and a choice selection of papers, which have been provided by experts in diverse fields of environment from all over the world. These papers refer to certain basic problems faced in the concerned parts of the globe and provide innovative and effective solutions, which may be considered for adoption by the global community, for instance, the proposal for a protocol for water for better water conservation and purity like the Kyoto Protocol.

The judicious use of law for maintaining environmental standards has been appreciable in India. It creates new rights, incorporates appropriate legal principles, and even monitors implementation. The 'polluter pays' principle, precautionary principle, public trust doctrine, principle of intergenerational equity are some of the principles that have become an invaluable part of the Indian environmental jurisprudence. The right to life under Article 21 of

the Constitution of India has been used in a diversified manner. The Supreme Court of India has interpreted it on multiple occasions to include, inter alia, the right to survive as a species, quality of life, the right to live with dignity and the right to livelihood. In several landmark judgments the Supreme Court of India has reiterated that the right to a wholesome environment is part of the fundamental right to life.

Today, when seeking a synergy and balance between our interests and the interests of planet Earth, we should learn to extend the right to life to not only mean our right to live but also cover our duty to let live.

As Elwyn Brooks White, in his book, "Essay of E.B. White" said, 'I would feel more optimistic about a bright future for man if he spent less time proving that he can outwit Nature and more time tasting her sweetness and respecting her seniority.' This is the essence of this seminar volume and the papers contained therein.



**Justice Swatanter Kumar**  
Judge, Supreme Court of India  
Chairperson, Organizing Committee