

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## **EDITORIAL TEAM**

### **EDITORS**

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**

*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*



*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **ECOCIDE: A THREAT TO HUMAN RIGHTS AND ENVIRONMENTAL JUSTICE**

AUTHORED BY - PRANITHA P PAI

Assistant Professor, Soundarya College of Law

*“To destroy nature is to destroy ourselves”-*

Mark Allen Gray

## **INTRODUCTION**

When Fat Man and Little Boy were dropped in Nagasaki and Hiroshima, the world stopped for a minute. But these cities came to a devastating end. When one hears about atom bombs, the first thing that comes to one's mind is death of people. But what about the death of the environment? Even after 79 years, these cities have not recovered from the devastating effects of the atom bombs. Weaponry such as the atom bomb are known as weapons of mass destruction. The name itself talks about complete annihilation. Time and again we have seen that man and war always been together. Where there is man there is war. Be it fight between cave men for food, or fight between kings for the expansion of their kingdoms or fight between religions wanting to show who is superior, or the fight between countries, since time immemorial war has been fought by man which has led to destruction. War can have its effect on various different things, it can be loss of lives, animals and environment. The first two can replenish after a passage of time, but environment once destroyed cannot be replaced. What is gone is gone. There is no coming back. Us humans have been lucky, in the sense that Mother Earth has her own ways of repairing herself, but there will come a point in time, wherein our activities will be the cause of our own demise. And this we are experiencing with our own eyes. “Global Warming”. This term was first used in 1975 by Wallace Smith Broecker for the journal *Science* in which he wrote his paper “Climatic Change: Are We on the Brink of a Pronounced Global Warming?”<sup>1</sup>. Since then, this term i.e. Global Warming has been used frequently. There are various of causes of global warming and one of them is war, as discussed above. Man cannot survive without environment! this is what we believed in, but in recent years, it looks like man cannot survive without war. Half of the population wants to save the environment by

---

<sup>1</sup> This Day In History, available at: <https://www.history.com/this-day-in-history/global-warming-appears-first-time-paper-science> (last visited on January 11, 2025)

discussing different ways of sustainable development, while the other half is inventing new weapons of mass destruction. These weapons of mass destruction are not just violating various environmental rights, but they are also violating the human rights of all. Since right to safe and clean environment is intrinsic part of human rights, wars fought with such weaponry become causes of violations of such rights. With an advent in technology, the use of such weapons has increased which in turn has led to a rise in mass destruction of environment. This mass destruction has now got a new name- it is known as Ecocide.

From the academic point of view, there is very less literature on this concept of Ecocide, and there is a need to have a legal framework to regulate the same. Although we see that this concept is in trend, yet there is dearth of proper laws, and understanding of this concept. It is high time that we start to take Ecocide in its full seriousness and discuss the issue of its devastating effect and the need for an Indian and international legal framework. This paper aims at discussing the already existing laws on genocide in and outside India, and the need for new laws and the loopholes in the current laws.

### **DEFINITION OF ECOCIDE-**

The word Ecocide sounds similar to Genocide. The term 'genocide' was first used after the World War II, to describe the Holocaust. When an entire race of people is discriminated and killed based on their nationality, religion or ethnicity it is known as Genocide. Hence it is considered as one of the worst forms of acts against humanity. Similarly, the word ecocide means "killing our home"<sup>2</sup>. "Eco" in Latin means home and "cide" means to kill. Thus, the term Ecocide means to kill our home i.e. kill the natural environment. As discussed above, humans are a part of the environment or the entire ecological system thus damaging the environment means violating the human rights<sup>3</sup>. And this new generational war is ecocide, i.e. destructing the environment of a country to target the people living in it. This type of war not just ensures mass destruction of the present generation, but also makes sure that for the next few generations to come, they do not have a place/ ecosystem to survive in. Ecocide harms both the human and the non-human life present. Richard Falk was the first person who discussed about the concept of ecocide in 1973 at an International Convention on the crime of

---

<sup>2</sup> Andrea Curcio Lamas, "Ecocide: addressing the large scale impairment of the environment and human rights, CA' Foscari University of Venice, European Master's Degree in Human Rights and Democratisation, (2016-2017)

<sup>3</sup> Ibid

Ecocide<sup>4</sup>. Since then, only few scholars or academicians have discussed this issue of Ecocide. Despite it being one of the most heinous and dangerous forms of crime, it is the least talked about. With the increase in the number of such cases in the 21<sup>st</sup> century, it is important for us (not just India, but at the international level as well) to enact laws that protect us from Ecocide.

## WHAT ARE HUMAN RIGHTS?

Human rights as the name suggests are the rights enjoyed by all the humans on this planet regardless of their age, gender, race, nationality etc. If one is born as a human, he/she is bound to enjoy these rights. As per the Preamble of the Universal Declaration of Human Rights (herein referred to as the UDHR) human rights recognise the inherent dignity of all the human beings which are inalienable. Recognition of such human rights is essential as they are the foundation of freedom, justice and peace in the world<sup>5</sup>. There are 30 Articles in the UDHR which describe the various types of human rights. These are categorised under civil, political, economic, social, and cultural rights. Therefore, based on these rights, we have the International Bill on Human rights which includes the UDHR, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These instruments not just highlight the rights but also establish mechanisms for monitoring and enforcing them globally.

## HUMAN RIGHTS IN INDIA-

In India, we have the concept of fundamental rights enshrined in Part III of the Indian Constitution. Article 12 to 35 of the Constitution discuss the various types of fundamental rights which are basic to all the humans in India. While drafting the Indian Constitution, UDHR was one of the sources/ inspiration from where we got the idea to include some of the fundamental rights. One can find a lot of similarities between the human rights mentioned in the UDHR and Chapter 3 of the Indian Constitution. One of them being Right to Life under Article 21. The Article is as follows- "*Protection of Life and Personal Liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law*<sup>6</sup>." This article begins by saying – "No person", this implies that it is for all the humans in India, be it a citizen or a foreigner. The next words used are "life and personal liberty". The article does not explain what is the meaning of the words, and thus the Supreme Court in India, has

---

<sup>4</sup> Ibid

<sup>5</sup> UN General Assembly, *Universal Declaration of Human Rights*, GA Resolution 217A (December, 10, 1948)

<sup>6</sup> The Constitution of India, Article 21

taken upon itself to explain the ambit of these words in the judgements that it has passed. And the ambit of Article 21's right to life is wide. It starts from right to be treated humanely to right to environment, right to privacy and so on. The list is endless. But for the purposes of this paper, we are only concerned with right to environment as right to life.

*Subhash Kumar v. State of Bihar*<sup>7</sup>, is one of the important judgements, as the Supreme Court identified the right to clean and healthy environment as part of right to life under Article 21. The court went on to say that for all humans to grow we need a healthy environment which is free from all sorts of pollution and that ecological imbalance will cause negative effect on the quality of life<sup>8</sup>.

Again in the case of *Vellore Citizens Welfare Forum v. Union of India*<sup>9</sup> the Supreme Court said that all of the humans under Article 21 of the Constitution have the right to life, which includes in itself the right to a clean and healthy environment. And that the duty to ensure that the humans enjoy their right to clean and healthy environment lies with the state. In this case, the Supreme Court stated that the industries operating in the country had the duty to not pollute<sup>10</sup>.

The Supreme Court in the case of *Indian Council for Enviro-Legal Action v. Union of India*<sup>11</sup> went on to explain how protecting the forest and maintaining the wildlife was part of balancing the ecological system which in turn led to healthy and safe environment, which was part of right to life under Article 21<sup>12</sup>.

Later again in 2012, the Supreme Court in the case of *T.N. Godavarman Thirumulpad v. Union of India*<sup>13</sup> held that protecting the forest and the wildlife was part of ensuring that there were no violations of the human rights of the tribal communities living in those forests<sup>14</sup>.

Thus, these are just some of the many judgements which explain how right to environment is part of the human rights.

---

<sup>7</sup> 1991 AIR 420

<sup>8</sup> Ibid

<sup>9</sup> 1996 5 SCR 241

<sup>10</sup> Ibid

<sup>11</sup> [1996] Supp. (1) S.C.R. 507

<sup>12</sup> Ibid

<sup>13</sup> (1997) 2 SCC 267

<sup>14</sup> Ibid

## HOW IS ECOCIDE AND HUMAN RIGHTS RELATED?

As mentioned above, the term Ecocide means to kill out natural home i.e. the environment. mass destruction of Mother Earth is Ecocide. There is no proper legal definition for the term Ecocide. One of the earliest definition of Ecocide will be found when Richard Falk explained this concept. He said that when the environment was damaged due to the result of war actions such as use of weapons of mass destruction, bulldozing of forests or crops for military purposes it is known as Ecocide<sup>15</sup>. Later Lynn Berat in 1993 gave a more wider meaning to Ecocide, and he compared it with genocide. He said that Ecocide/ Genocide is- *“intentional destruction, in whole or in part, of any portion of the global ecosystem.”* he also went on to say that when bodily or mental harm is committed against the species which not only causes death but also prevents birth and leads to birth defects, that too is known as Ecocide/ Genocide<sup>16</sup>. Three years later in 1996, Mark Allen Gray, a Canadian lawyer gave a three-point definition for Ecocide. The definition is as follows-

- “(1) the act must have caused serious and extensive or long-lasting ecological damage*
- (2) the damage must have had an international dimension, and*
- (3) the act must have been wasteful (inflicting higher costs on society than benefits).”<sup>17</sup>*

The more latest definition was given in 2010 by ecocide law expert Polly Higgins. This is now widely used everywhere<sup>18</sup>. She is the one who began demanding Ecocide to be considered as one of the war crimes at the International level. She says that ecocide is an act by which there is extreme damage to the ecosystem by human agency or by other factors<sup>19</sup>. And such extreme damage effects the peaceful enjoyment of the inhabitants (be it human or animal). She has also identified two types of Ecocide- 1) Due to Natural Causes and 2) due to human intervention. She goes on to say that both are equally bad for the ecosystem and its inhabitants.

After going through nearly 4 definitions of Ecocide spanning from 1973 to 2010, one thing remains constant in the definition and that is total or mass destruction of the environment ending in hurting us humans. Therefore, it can be concluded that Ecocide is a product of violating human rights while destroying the environment. Currently our situation is such that we are facing the threat from all the sides i.e. natural and man made. Be it war and use of such

---

<sup>15</sup>Andrea Curcio Lamas, “Ecocide: addressing the large scale impairment of the environment and human rights, CA’ Foscari University of Venice, European Master’s Degree in Human Rights and Democratisation, (2016-2017)

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> Supra Note 15

mass destruction munitions, we are also facing some of the worst glacier melts, rise in sea level, temperature rise and change in the weather pattern<sup>20</sup>. Be it natural or man made threat to the environment, Mother Nature is facing the crisis from all the sides. Time and again we have seen mother nature rises from the dust/ ashes like the phoenix and restore everything when it was natural cause of destruction. But maybe now we have gone too far. With extensive use of such weapons perhaps now we have crossed the limits on how much the ecosystem can handle. As per the United Nations Environment Programme (herein after referred to as the UNEP), it was seen that in the last 60 years, 40% of the wars are linked with the depletion of the natural resources<sup>21</sup>. Which is why now there is a pressure on the state and the non state actor to participate in sustainable development. Time and again it has been mentioned that ecocide not only effects the environment, but it effects the humanity in the present generation and the future generation.

### **WARS WHICH WERE ECOCIDE-**

*“Earth provides enough to satisfy every man's need, but not every man's greed.”-*

Mahatma Gandhi

Apart from the atom bombs in Japan, the next example would be the use of chemical Agent Orange by USA in Vietnam. This chemical is known as “*jungle eating defoliant*”<sup>22</sup>. It not just destroyed the mangroves of South Vietnam, but it also caused high rates of miscarriages and birth defects among the local women. Till today the people are facing the consequences of this chemical use<sup>23</sup>.

If we look at the latest news, the Russia and the Ukraine war too has its toll on the environment. Due to heavy use of machinery and clearing of lands for fortification purposes, there is deforestation, poisoning of the land and the water bodies. Many national parks and biosphere reserves have been destroyed completely. Because of this, Ukraine has had to suffer a loss of €52.4 billion just in environmental damages<sup>24</sup>. Ukraine’s agricultural and arable land has now

---

<sup>20</sup> Lisa Oldring and Kate Mackintosh, “The Crime of Ecocide Through Human Rights: A New Tool For Climate Justic” *International Crime Database*, (May, 2022)

<sup>21</sup> Andrea Curcio Lamas, “Ecocide: addressing the large scale impairment of the environment and human rights, CA’ Foscari University of Venice, European Master’s Degree in Human Rights and Democratisation, (2016-2017)

<sup>22</sup> Supra Note 21

<sup>23</sup> Vietnam Still Suffering With Pollutants From Agent Orange, *available at: <https://www.technologynetworks.com/applied-sciences/news/vietnam-still-suffering-with-pollutants-from-agent-orange-316112>* (last visited on January 15, 2025)

<sup>24</sup> Russia's war on Ukraine: High environmental toll, European Parliament, *available at: [https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/751427/EPRS\\_ATA\(2023\)751427\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/751427/EPRS_ATA(2023)751427_EN.pdf)* (last visited on January 15, 2025)

been permanently effected and its farming sector has had a severe impact. Apart from this, the Russian troops also destroyed the largest dam in Ukraine known as the Kakhovka Dam, which led to so much flood and destruction that now it is being considered as the worst ecological damage in Europe since the Chernobyl disaster<sup>25</sup>. Thousand of people were displaced, animals died and natural flora has been lost permanently. Land mines were dislodged and nearly 150 tonnes of industrial waste was found to be floating all around<sup>26</sup>.

Now comes the Israel and Palestine war. This ongoing war has had some major impact not just on the people, but also on the environment. The UNEP has not yet been able to calculate the impact of the war, as they have not been able to conduct a survey<sup>27</sup>. But one thing is for sure that due to the continuous bombings the water sources have become polluted and thus there is dearth of clean drinking water. Because of contamination of the water bodies, there has been an increase in water borne diseases. Again, due to the dumping of waste on the ground itself, it has led to polluting of the main source of water for the Gaza strip<sup>28</sup>. The rubble and the debris are also a point of major concern as they contain in them harmful substances like asbestos, heavy metals, fire contaminants, unexploded ordnance, and hazardous chemicals. During the initial days of the war, there was a survey conducted by the UK and USA which showed that 281,000 tonnes of planet-warming gases were released in the first 60 days of the war<sup>29</sup>.

## LEGAL FRAMEWORK REGULATING ECOCIDE

In 2012, the UN Human Rights Council appointed an independent expert which investigated the matter of how human rights includes in itself right to clean and safe environment. This same issue was made into a Special Rapporteur mandate in 2015<sup>30</sup>. This was later converted into a resolution in October 2021 and the issue was recognising the independent human right to a clean, healthy and sustainable environment<sup>31</sup>. This resolution will look at the various ways to tackle the adverse effects of climate change.

---

<sup>25</sup> Ibid

<sup>26</sup> Supra Note 24

<sup>27</sup> The UN is investigating the environmental impact of the war in Gaza. Here's what it says so far, Euro News, available at: <https://www.euronews.com/green/2024/03/06/the-un-is-investigating-the-environmental-impact-of-the-war-in-gaza-heres-what-it-says-so-> (last visited on January 15, 2025)

<sup>28</sup> The UN is investigating the environmental impact of the war in Gaza. Here's what it says so far, Euro News, available at: <https://www.euronews.com/green/2024/03/06/the-un-is-investigating-the-environmental-impact-of-the-war-in-gaza-heres-what-it-says-so-> (last visited on January 15, 2025)

<sup>29</sup> Ibid

<sup>30</sup> Special Rapporteur on the human right to a healthy environment, available at: <https://www.ohchr.org/en/special-procedures/sr-environment> (last visited on January 15, 2025)

<sup>31</sup> UN Human Rights Council resolution 'The human right to a clean, healthy and sustainable environment', A/HRC/RES/48/13 (21 October 2021)

Regarding Ecocide, there is an increase in the trend of trying to make ecocide an international crime. In this trend the people are bringing in evidence which is showing the devastating effect of ecocide and then they are comparing it with genocide. Thus, they want to put individual responsibility over the state and non-state actors, whoever is liable for such acts. The Rome Statute of the International Criminal Court describes genocide as “*unimaginable atrocities that deeply shock the conscience of humanity*” and which “*threaten the peace, security and well-being of the world*”. Thus, if ecocide is now being put on the same pedestal as genocide, then it means that it is equivalent to genocide in terms of damage and destruction<sup>32</sup>. Nearly 12 countries have enacted laws which makes ecocide a crime, and these are- Russia, Ukraine, Vietnam, Kyrgyzstan, Belarus, Georgia etc. Unfortunately other major countries do not have such laws<sup>33</sup>.

Another sad information for the Indians, is that in India ecocide is not yet criminalised. Even though the Supreme Court time and again has acknowledged ecocide as a crime, yet there are no enacted laws. The Madras High Court in the case of Chandra CFS and Terminal Operators Pvt. Ltd. v. The Commissioner of Customs<sup>34</sup> said that some people have been committing the act of ecocide by removing valuable timber. Even though India has laws such as Environmental (Protection) Act of 1986, The Wild Life (Protection) Amendment Act, 2022, and the Compensatory Afforestation Fund Act, 2016 (CAMPA) and other such laws, there is no mention of ecocide in these. There is an urgent need for India to enact a new law. Unfortunately, India has abstained from signing the October 2021 UN resolution on the human right to a clean, healthy and sustainable environment. In some aspects of environmental protection India has worked through the National Green Tribunal and the Supreme Court, yet there is a long way to go.

## CONCLUSION

Mankind has been digging his own grave by engaging in activities that have led to extensive damage to the environment. Due to the ongoing climate crises, the biodiversity is collapsing and so is the support system of planet earth. It is now an established fact that one of the most basic human rights is right to clean and safe environment and this can now be only protected if

---

<sup>32</sup> Lisa Oldring and Kate Mackintosh, “The Crime of Ecocide Through Human Rights: A New Tool For Climate Justice” *International Crime Database*, (May, 2022)

<sup>33</sup> Andrea Curcio Lamas, “Ecocide: addressing the large scale impairment of the environment and human rights, CA’ Foscari University of Venice, European Master’s Degree in Human Rights and Democratisation, (2016-2017)

<sup>34</sup> 2015 (326) ELT 122 (Mad)

we have strict rules in place. One of the most common reasons for environmental degradation is war i.e. ecocide. It not only effects the humans, but the most vulnerable among us like tribal groups, elderly, women and children are seriously effected. It is now high time that ecocide be recognised as a fifth international crime. The already existing four specific types of criminal acts: genocide, war crimes, crimes against humanity and crimes of aggression. One act of Ecocide leads to all these 4 types of crimes, then why is it that ecocide is still left unattended? If there is no nature there will be no man. We cannot sustain without mother nature, and this we have taken for granted. This inclusion of ecocide is a must, and the reason is that mother nature will gain her importance back. We greedy humans have lost sight of the results of our action. We are talking about technological advancement while we already have one foot in our grave. We are the monsters who are damaging our own house. We had a peak of what the environment will look like if there were no humans. The Covid -19 era. The world came to a standstill and mother nature was thriving. There were no travels, no industries and no weapons of mass destruction. As humans we have to keep one thing in mind and that is that this planet has been living for the past billions of years and it will continue to live on no matter what. But we humans have nowhere to be. This is it. No other planet and no other solar system. A slight rise in the temperature and we can see the devastating effect. Cities are drowning and some cities are drying up. If we have to live here, then we need to respect mother nature, and this can be achieved only if we put our egos aside and start to live in harmony, otherwise the day is not far when the entire planet will be barren and too toxic for anything to grow. The entire planet will be like the aftermath of Chernobyl.

As Indians, let us not forget our fundamental duty i.e. *“to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.”*<sup>35</sup>

## BIBLIOGRAPHY

### Articles/ Journals-

1. Andrea Curcio Lamas, “Ecocide: addressing the large scale impairment of the environment and human rights, CA’ Foscari University of Venice, European Master’s Degree in Human Rights and Democratisation, (2016-2017)

---

<sup>35</sup> The Constitution of India, Article 51A (g)

2. Lisa Oldring and Kate Mackintosh, “The Crime of Ecocide Through Human Rights: A New Tool For Climate Justice” *International Crime Database*, (May, 2022)

#### Websites-

1. Ecocide: Will it be the Fifth International Crime, Kerti Sharma, *available at:* <https://www.sconline.com/blog/post/2021/11/26/ecocide/> (last visited on January 15, 2025)
2. Special Rapporteur on the human right to a healthy environment, *available at:* <https://www.ohchr.org/en/special-procedures/sr-environment> (last visited on January 15, 2025)
3. The UN is investigating the environmental impact of the war in Gaza. Here’s what it says so far, Euro News, *available at:* <https://www.euronews.com/green/2024/03/06/the-un-is-investigating-the-environmental-impact-of-the-war-in-gaza-heres-what-it-says-so-> (last visited on January 15, 2025)
4. Russia's war on Ukraine: High environmental toll, European Parliament, *available at:* [https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/751427/EPRS\\_ATA\(2023\)751427\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/751427/EPRS_ATA(2023)751427_EN.pdf) (last visited on January 15, 2025)
5. Vietnam Still Suffering With Pollutants From Agent Orange, *available at:* <https://www.technologynetworks.com/applied-sciences/news/vietnam-still-suffering-with-pollutants-from-agent-orange-316112> (last visited on January 15, 2025)

#### International Documents-

1. UN General Assembly, *Universal Declaration of Human Rights*, GA Resolution 217A (December 10, 1948)
2. UN Human Rights Council resolution ‘The human right to a clean, healthy and sustainable environment’, A/HRC/RES/48/13 (21 October 2021)

#### Indian Legislation-

1. The Constitution of India

#### Indian Case Laws

1. Subhash Kumar v. State of Bihar, 1991 AIR 420

2. Indian Council for Enviro-Legal Action v. Union of India, [1996] Supp. (1) S.C.R. 507
3. Vellore Citizens Welfare Forum v. Union of India, 1996 5 SCR 241
4. T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 SCC 267
5. Chandra CFS and Terminal Operators Pvt. Ltd. v. The Commissioner of Customs 2015 (326) ELT 122(Mad)

