

The Global Regime of Climate Justice and the Right of Indigenous Communities in India – The Case of Meghalaya

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Abstract

The demands for environmental justice have been emerging across the globe for the last seven decades. Apparently, researchers and environmental activists are also asserting themselves to safeguard the nature from human degradation. In India, the environmental issues hardly resonate much in the public discourse as they should be and the unholy nexus between the politician and the big business houses is chiefly responsible for this. Thus, the indigenous communities of India are greater risk of having their human rights violated. Therefore, the issue of environmental justice is one of the biggest concerns of many intellectual in India. This paper focuses on the issue of Environmental Justice for the indigenous communities in the state of Meghalaya and proposes certain suggestion for the Indian state to be followed in order to address environmental concerns of these local people. The study also focuses on several issues related to environmental justice especially in relation to the marginalized communities and presents a critique of the current dominant model of the Industrial Development which is founded on the ethics of consumerism like greed and over exploitation of natural resources.

Keywords: *Climate, Global Regime, Indigenous, Human Rights, Degradation.*

Introduction

Environment literally means surrounding and everything that affect an organism during its lifetime is collectively known as its environment. The word Environment is derived from the French word ‘Environ’ which means ‘surrounding’. In another words environment is defined as the surroundings in which the organism lives. The environment may be the physical, chemical or the biological environment. In addition, the environment has two components - abiotic and biotic. The abiotic environment includes the air (atmosphere), water (hydrosphere) and land (lithosphere). The biotic environment includes the plants, animals and the microbes. It includes all the physical and biological surrounding and their interactions. Plethora of studies on environment provides a holistic approach towards understanding the environment of our planet and the impact of human life upon the environment. People take

much interest on the environment because their living of life depend on it and forest or the environment is the backbone to the people. As an educational subject, it is quite young and interdisciplinary, with important contributions coming from history, political science, geography, sociology, anthropology and environmental science. While clearly influenced by traditional studies, environmental is unique in number of respect. There for the global and the regional governance for environmental management and climate change has centre stage in the contemporary world political discourses.

The un scientific, huge and massive exploitation of natural resources, forest and blind race for the material development not only devastated the natural environment and climatic conditions also has various impact on the human health of the people especially those who are living near the area where mining of the natural resources take place or the indigenous people who depend on the forest.. There are ranges of global and local environmental issues including climate change such as deforestation, air and water pollution, electronic hazards, and nuclear waste management, so on and so forth.

The situation in India seems not different from the global level. The Central-State environmental discourses and interstate interactions to resolve the contrary issues; the environmental justice for these indigenous communities and their rights over natural resources so far has been neglected. India is still having unfurnished environmental policies which ignore indigenous communities for a long time but have been giving prominence on national, political and economic interests. Moreover, it favours the interests of multinational corporations. However, the concept of environmental justice believes in environmental protection for all people irrespective of the various clans, castes and tribes. Environmental justice make an efforts that there should be equality among the people, so that there should be no distinction between the people and equality should be all to the people but in practice the indigenous communities have been violate from the environmental justice, policy setting or decision-making process; where they are subject to a disproportionate impact from one or more environmental threats and the poor people have to suffer or they don't have the equal right compare to the rich people. This paper will try to explore various perspectives of environmental justice for the indigenous communities with special reference to the state of Meghalaya.

The International Governance for Environmental and Climatic Change

The international regulation and the national regulation which are the part for the environmental justice and also for the human right or the indigenous community, the treaty or the agreement in which different part of the state, group, organisation are discuss and implement it for the safeguard and the protection of the environment. These treaty or the agreement are made because there are too much destruction to the environment, the destruction or the damage of the environment are because of the unscientific activity of man, selfishness and not respect of the individual to the environment. The earth is full by the individual and the demand for the resources are not sufficient for the people in the world and there for it make the people to destroy the mother earth at a very faster step to meet the need of the individual especially the people in the urban who is continuous destroying the useful element of man.

Some of these regulations are *The Paris Agreement for Environment, The convention on Wetland of International Importance especially as Waterfowl Habitat, International Plenipotentiary Conference to Conclude an International Convention on Trade in Certain Species of Wildlife: Convention on International Trade in Endangered Species of Wild Fauna and Flora*. These regulations try to protect the environment where they try to reduce 2 degree Celsius above the pre-industrial level and to make an effort to limit the rising of the temperature even to the 1.5 degree Celsius. They try to protect the wet land where there is water fall and also try to protect the flora and fauna which are present in the environment.

The Vienna Convention for the Protection of the Ozone Layer, Environmental Inequalities beyond Borders, Scaling Greenpeace: From Local Activism to Global Governance also are the agreement where the protection of the ozone layer, the international trade also let to the danger of the small society and they are against the using of the nuclear where they destroy a lot to the environment. The UN also plays a very vital role for the protection of the environment where they make a report so that they can share the information about the environment. The leader of the powerful country also play a crucial role when they make the policy regarding the State, Donald Trump who is the President of the USA in order to raise the economic development he said that he will withdraw from the Paris climate change agreement which is a major threat and fear to the other countries if he is withdraw.

There is also *The United Nation Declaration on the Right of the Indigenous People* which help the indigenous individual and the people to be treated equally in case if they are abuse because of religion, sex, colour etc. *The United Nation Conference on Environment and Development* that was held in Rio de Janeiro and the main aim or objective is to work together and cooperate with each other in development issue after the cold war. *The Wild Life protection Act of the 1972, The Directive Principle of the State Policy, Fundamental Duties of India, Seventh Schedule* and also other rule and regulation which help to protect the environment from the destruction of the human being

The Issues, Challenges and Policies of Environmental Justice in Meghalaya

Meghalaya is highly prone to the climate change issues because most of the population of the states is dependent on the forest and agriculture. Geographically, Meghalaya is one of the states in North East of India. The name Meghalaya mean ‘the abode of clouds’ in Sanskrit word, the population are include by the three tribe the Khasi, Jaintia and the Garo. The Meghalaya is surrounded by Bangladesh and Assam, the capital of Meghalaya is Shillong which is one of the good places in Meghalaya, during the British rule in India the state Meghalaya was called the “Scotland of the East” as the nickname because it is full hilly area and full of trees and beautiful forest.

Meghalaya is one of the states in the corner side of India, where it is rich with mineral resources inside the earth. One of the most expensive resources was the present of the Uranium and it is the most important resource that they will use for the nuclear energy. H.S Shylla who was the Chief Executive Member of the KHADC at that time approve the mining of the Uranium but it was opposed by Hoping Stone Lyngdoh who is the MLA after one of his constituency affected by the mining which cause harmful to the health especially the children. The planning construction of railway line in Meghalaya had been suggested by the government for the development of the state for which it will connect between the state of Assam and Meghalaya and it is also bring the economic development especially in trade and commerce but this was opposed by the NGO especially the KSU (Khasi Student Union) where they believe that the construction of railway will bring insecure of the local indigenous people where they are less in number if the people from outside can come without proper document to do business in Meghalaya.

Meghalaya even though they receive the highest rainfall in the world but still they scarcity of the water because there is no proper water storage during the rainy season, all the water go to the Bangladesh which cause the rise of the water in Bangladesh and because of deforestation this led to the soil erosion .The shifting cultivation, the uncontrolled and uncheck sand mining, the burning of wood into charcoal and many other more let to the cause of the harmful of the environment which cause air, water, soil pollution.

Some of the ***Rules and Regulations*** which the state of Meghalaya have Implemented for the protection of the environment are here below: Meghalaya State Pollution Control Board play an importance role in the protection of the mother earth and it also set up the Pollution Control Board to check the pollution. The Board for the prevention of water was constituted by the government of Meghalaya on the Sixteenth day of November, Nineteen Eighty Three in pursuance of water (prevention and control) Act, 1974. It is also enactment for the prevention of the Air pollution. The Government also take step to prevent the noise and air pollution from the vehicle under the provision of section 15 of the motor vehicle act, 1988 and also in the line with rule 118,119, 122, 127 of the central motor vehicle rule.

The National Green Tribunal on 15 may 2016 declare that the extraction of the coal are illegal in the state of Meghalaya and it is the duty of the state government to take responsible for the checking of this coal mine that from this date 15 the state should auction or free to sell the coal but after some time the state government will not allow to continue on the coal mine in Meghalaya. The Forest and Environment Department of Meghalaya has been established to safeguard, supervise and protect the forest from the illegal activities of the people. The Forest and Environment Department was to protect, manage, improve the forest including scientific and sustainable harvesting, utilization of the resources that the forest government have and also to use clean and green environment. The main objective of the forest department is to reach the goal that the National Forest Policy was set it in 1988.

The National Environment Appellate Act 1997, this Act provide for the establishment of a National Environment Appellate Authority to hear the appeal with the restriction of area in which any industry operation or process or class of industry, operation or process with respect or process could not carry out or would be allowed to carry out subject to certain safeguard under the environment (protection) act 1986. National Green Tribunal Act 2010- the National Green Tribunal was established on 18-10-2010 under the National Green Tribunal Act of 2010, for effective and expedition disposal of cases relating to the

environment protection and preservation of forest and other natural resources and for compensation or damage to the person or the property that is related to the incidental.

Conclusion

After all the discussion we understand the environment is the surrounding around us which include the living and non-living organism and how the environment is very important to the living being. As a subject in the academic it is a very young and interdisciplinary but in practise it had been practise since a long time especially by the indigenous people who are depend on the forest. The environment is directly related to the people and mostly having impact on the life of the people who are heavily dependent on the land and forest. The environment is rich with many resources which the people can use it for their need but the un-satisfaction of the individual and the greedy of the individual make them to destroy and damage the environment which they think for their own benefit. The present of the resources in the mother earth it show how they are rich in resources but the unscientific and huge extraction of human being on the environment show the destruction of the environment which the man never care for the environment. There for in order to protect the environment there should be a rule and regulation in which the environment will be safe. The International organisation should make the agreement which will protect the environment, National and the State government should make the policies for the protection of the environment so that forest could be save from the destruction of mankind.

It is here that a lot of International, National and State conference have been conducted by different government, organisation and different body for the protection of the environment and it here that they make the treaty and agreement which they can protect for the destruction of the environment. These governance try to reduce the pollution which have been release by the industry, the issue have been discuss between the developing country and the developed country in which the developed country try to reduce the gas emission which they released from the industry but the developing countries cannot afford to use high technology for the reducing of the gas emission and the developing countries still they want to develop their state when compare to the other state which already developed there for the developed countries try to give the developing country some compensation in which it will help the developing countries for the reducing of the gas emission which is cause Air pollution. . It is here that every time the State, Organisation and many other bodies they come and meet

together and discuss what are the problem and what are the solutions in order to protect the environment.

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