

SUSTAINABLE DEVELOPMENT AND ENVIRONMENT PROTECTION

Dr. Yogesh A Mahajan

Assistant Professor,
S.S.Maniyar Law College,
Jalgaon.
KBC North Maharashtra University, Jalgaon

Abstract

Sustainable development is development that meets the needs of the present, without compromising the ability of future generations to meet their own needs. Environment and economy are interdependent and need each other. Hence, development that ignores its effect on the environment will destroy the environment that sustains life forms. The term sustainability is understood differently with different contexts. Sustainable development aims to meet our needs by eradicating poverty, climate change, and other factors affecting a country's economy without compromising the needs of our future generation. The paper deals with the very concept of sustainable development and the various principles associated with it for the environment protection. Developmental activities in India have put immense pressure on its finite natural resources, besides creating impact on human health and well-being. Hence there is a need to adopt a path of sustainable development. The role of judiciary and involvement of Supreme Court of India in ascertaining the basic principles of sustainability for the government, public and with that of environment promotion and protection is of great importance at present which has been discussed with the help of various case laws in this research paper. Sustainable development is based on the three pillars of sustainability: economic, environment and social sustainability and there needs to be a proper balance amongst them. Environmental pollution is a major issue at present and therefore, sustainable development is one of the best solutions to keep ecological problems under control and prevent them from worsening.

Keywords:- Environment, Sustainable Development, Principles, Judiciary etc.

INTRODUCTION

Sustainable development, according to the Brundtland Commission Report Our Common Future (1987), is defined as 'Development which meets the needs of the present without compromising the ability of future generations to meet their own needs. It can also be said that the development that comprises of economic and social development that protect and enhance the natural environment and social equity. Environment and economy are interdependent and need each other. Hence, development that ignores its effect on the environment will destroy the environment that sustains life forms. In India, factors like rapid growth of population, urbanization, industrialization, and poverty, among others are responsible for harming the environment. The main challenges to sustainable development which are global in character include poverty and exclusion, unemployment, climate change, conflict and humanitarian aid, building peaceful and inclusive societies, building strong institutions of governance, and supporting the rule of law. In India, rapid growth of population, poverty, urbanization, industrialization and several related factors are responsible for the rapid degradation of the environment. There are many environmental issues in India. Air pollution, water pollution, garbage, and pollution of the natural environment are all challenges for India. Environmental problems have become serious in many parts of the country, and hence cannot be ignored. The main environmental problems in India relate to air and water pollution particularly in metropolitan cities and industrial zones, degradation of common property resources which affect the poor adversely as they depends on them for their livelihood, threat to biodiversity and inadequate system of solid waste disposal and sanitation with consequent adverse impact on health, infant mortality and birth rate. In India, efforts are being made on for the environmental management in a sustainable manner.¹

SUSTAINABLE DEVELOPMENT PRINCIPLES TO PROTECT ENVIRONMENT²

Some of the basic principles of 'Sustainable Development' as described in 'Brundtland report' are as follows:

a) Inter-Generational Equity: The principle talks about the right of every generation to get benefit from the natural resources. Principle 3 of the Rio declaration states that:

¹ <https://www.walshmedicalmedia.com/open-access/sustainable-development--environmental-issues-in-india-some-challenges.pdf>

² <https://www.legalserviceindia.com/articles/jud.htm>

"The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations."

The main object behind the principle is to ensure that the present generation should not abuse the non-renewable resources so as to deprive the future generation of its benefit.

b) The Precautionary Principle:

This principle has widely been recognized as the most important principle of 'Sustainable Development'. Principle 15 the Rio declaration states that: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

In other words it means:

1) Environmental measures by the state government and the local authority must anticipate, prevent and attack the causes of environmental degradation.

2) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

3) The 'onus of proof' is on the actor or the developer to prove that his action is environmentally benign.

c) Polluter Pays Principle:-

Principle 16 of the Rio declaration states that:

National authorities should endeavor to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

The object of the above principle was to make the polluter liable not only for the compensation to the victims but also for the cost of restoring of environmental degradation. Once the actor is proved to be guilty, he is liable to compensate for his act irrelevant of the fact that whether he's involved in development process or not.

d) Public Trust Doctrine:-

The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes.

Public trust doctrine serves two purposes: it mandates affirmative state action for effective management of resources and empowers citizens to question ineffective management of natural resources.

ROLE OF JUDICIARY FOR SUSTAINABLE DEVELOPMENT AND ENVIRONMENT PROTECTION

India's judiciary more specifically, the Supreme Court and the High Courts have a crucial role in upholding the concept of sustainable development. A number of legislation has been passed by Parliament to address the issues of environmental degradation. The higher courts have played a vital role in interpreting those statutes in a way that aligns with the concept of sustainable development for environment protection.

The doctrine of Sustainable Development was implemented by the Supreme Court in the case of Vellore Citizen Welfare Forum v. Union of India³. The petition was filed in public interest under Article 32 of the Constitution of India against the pollution caused by discharge of untreated effluent by the tanneries and other industries in the river Polar in the State of Tamil Nadu. In the instant case, the Supreme Court held that the precautionary principle and polluter pays principle are a part of the environmental law of India. The court also held that: "Remediation of the damaged environment is part of the process of 'Sustainable Development' and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology." Thereafter in a number of judgments, the Apex Court implemented the doctrine of Sustainable Development. The Supreme Court of India in Narmada Bachao Andolan v. Union of India⁴ observed that "Sustainable Development means what type or extent of development can take place, which can be sustained by nature or ecology with or without mitigation". In T.N. Godavaram Thirumulpad v. Union of India⁵, the Court said "as a matter of preface, we may state that adherence to the principle of Sustainable Development is now a constitutional requirement. In Indian Council of Enviro-Legal Action v. Union of India⁶, the Apex Court held: "while economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments". Hence, importance has been given both to development and environment and the quest is to maintain a fine balance between environment and economic development.⁷

³ AIR 1996 SC 2715

⁴ (2000) 10 SCC 664

⁵ (2008) 2 SCC 222

⁶ 1996 (5) SCC 281

⁷ <https://www.researchgate.net/publication/336831850> Environmental Protection and Sustainable Development in India.

ROLE OF POLLUTION CONTROL BOARDS TO PREVENT POLLUTION⁸

In order to address two major environmental concerns in India, viz. water and air pollution, the government set up the Central Pollution Control Board and State Pollution Control Board under Water Prevention and Control of Pollution Act, 1974 and Air Prevention and Control of Pollution Act, 1981. This was followed by states establishing their own state level boards to address all the environmental concerns. The Boards investigate, collect and disseminate information relating to water, air and land pollution, lay down standards for sewage/trade effluent and emissions. These boards provide technical assistance to governments in promoting cleanliness of streams and wells by prevention, control and abatement of water pollution, and improve the quality of air and to prevent, control or abate air pollution in the country. These boards also carry out and sponsor investigation and research relating to problems of water and air pollution and for their prevention, control or abatement. They organize, through mass media, a comprehensive mass awareness programme for the same. The PCBs prepare manuals, codes and guidelines relating to treatment and disposal of sewage and trade effluents. They assess the air quality through regulation of industries. In fact, state boards, through their district level officials, periodically inspect every industry under their jurisdiction to assess the adequacy of treatment measures provided to treat the effluent and gaseous emissions. It also provides background air quality data needed for industrial sitting and town planning. The pollution control boards collect collate and disseminate technical and statistical data relating to water pollution. They monitor the quality of water in 125 rivers (including the tributaries), wells, lakes, creeks, ponds, tanks, drains and canals. Thus the Boards play an important role in preventing pollution which is very essential for the protection of environment.

CONCLUSION

Sustainable development is important because it integrates economic progress, social equity, and environmental management. Environment and the concept of development are the two sides of the same coin and any of these cannot be surrendered for the other. Economic development, which meant at increasing the production of goods and services to meet the requirements of a rising population, puts greater pressure on the environment. In the initial stages of development, the demand for environmental resources was less than that of supply. Now the world is faced with increased demand for environmental resources but their supply is limited due to overuse and misuse. Sustainable development aims at promoting the kind of development that minimizes environmental problems and meets the needs of the present generation without compromising the ability of the future generation to meet their own needs. The apex court of the country at present extends the different legal provisions which are relating to the protection and promotion of the environment, thus the judiciary is trying to fill up the gaps when there is a lack of proper legislation for environment protection. For the effective implementation, it is essential to have public awareness about the crucial things relating to environment protection.

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⁸ <https://ncert.nic.in/textbook/pdf/keec109.pdf>