



## Environment and Sustainable Development

**Gopal Panchal**

*Associate professor, at Dayanand College of Law, Latur (M.S)*

### *Abstract*

The concept of sustainable development in essence attempts to balance the scale between the quality of development and quality of environment. The effort is to see that the development does not disturb this scale when it's affects on the local and global environment are weighed. The traditional concept that development and ecology are opposed to each other is no longer acceptable. "Sustainable Development" is the answer. It is often felt that in the process of encouraging development the environment gets sidelined. However, the major threat to the environment, such as climate change, depletion of natural resources, the eutrophication of water system and biodiversity and global warming, the need to protect the environment has become a priority. At the same time, it is also necessary to promote development. The harmonization of the two needs has led to the concept of sustainable development. Keeping in mind the above facts this article tries to draw the attention of academicians, policy makers towards sustainable methods for improvement and protection of environment, a holistic approach with multidisciplinary, multi-locational and multi-institutional involvement, and making the practice of sustainable development right from local to global.

**Keywords: Environment, Sustainable Development**

### **Introduction:**

#### **1. Origin of the concept:**

"Sustainable Development" as concept came to be known for the first time in the Stockholm Declaration of 1972. Thereafter, in 1987 the concept was given a definite shape by the World Commission on Environment and Development in its report called "Our Common Future".<sup>i</sup> In 1991 the World Conservation Union, United Nations Environment Programme and Worldwide Fund for Nature, jointly came out with a document called "Caring for the Earth".<sup>ii</sup> Finally, came the Earth Summit in June, 1992 at Rio.<sup>iii</sup> During the two decades from Stockholm to Rio "Sustainable Development" has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting ecosystems.

"Sustainable Development" as defined in the Brundtland Report<sup>iv</sup>. There 'can be no hesitation' in holding that "Sustainable Development" as a balancing, concept between ecology and development has been accepted as apart of customary international law though its salient features and its finer nuances have yet to be finalized by international jurists.

#### **2. Development of the concept:**

The term "Sustainable Development" came to be used in Declaration on Environment and Development in the early seventies of 20th Century. Since then this term has received recognition in the International treaties dealing with environment. This has also been judicially recognised. The term means an integrated development and simultaneous preservation of environment. It contemplates both economical and ecological sustainability. The basic thought behind the concept is that the environment and so also the development are meant for the people and not vice-versa. The logic behind this doctrine is that for giving



benefits to the present generation the future generations should not suffer i.e. the present generation should be modest in their exploitation of natural resources.

As a matter of fact, it was the Maletese Proposal<sup>v</sup> where a proposal was put across that the common heritage of mankind requires to be protected and this required legal sanction of the International community. The logic behind this concept is that the "Natural Resources" are not the fruits of the labour of the present generations and therefore, these resources can only be exploited where provision is made for adequate consideration of the rights of future generations.

As indicated above, the concept of sustainable development received a concrete impetus in the Stockholm declaration<sup>vi</sup>. It was in this conference that several principles were formulated, emphasised that the capacity of earth to produce vital renewable resources be preserved wherever practicable and wherever practicable be restored.<sup>vii</sup> So far as non renewable resources - are concerned it is stated that these are to be used sparingly and are supposed to be protected and preserved for future generations and are to be protected from exhaustion.<sup>viii</sup> The environmental protection policies of all countries should be uniform and should support a system which is not detrimental to the present and future potential of the world community.<sup>ix</sup>

The world conservation strategy which was prepared in the year 1980 by the World Conservation Union with the advise and support of United Nations Environment Programme and World Wild Fund was a further step in the development of the Doctrine of Sustainable Development. This received the approval of Governments of the various Nations at the General Assembly in 1980. The South Pacific in 1989, the World Charter for Nature of 1989 are some of the later deliberations which led to the further development of the concept.

The Asean Agreement of 9th July, 1995 can be cited as an example where contractual arrangement between the covenanting parties was arrived at. It was in these deliberations an undertaking was given to preserve bio-diversity and to guarantee the continuing productivity of the workable natural resources in the territorial jurisdiction of the "Contracting Parties". The productivity was to be in accordance with scientific principles with the concept of Sustainable Development being kept in the fore front. From Rio to Johannesburg and beyond was another step towards the development of the concept of sustainable Development. This, conference was held towards the end of 2002.

### 3. Constitutionalized shape:

*"State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country" It is now" one of the fundamental duties of every citizen of the country under Article 51 A(g) "to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."*

Certain principles were enunciated in the Stockholm Declaration giving broad parameters and guidelines for the purposes of sustaining humanity and its environment. The natural resources of the earth including the air, water, land, flora and fauna especially representative samples of natural eco-systems must be safeguarded for the benefit of present and future generations through careful planning and management as appropriate.<sup>x</sup> In the same vein, "man has special responsibility to safeguard and wisely manage the heritage of wild life and its habitat which are now gravely imperiled by a combination of adverse factors".<sup>xi</sup> Nature conservation including wild life must, therefore, receive importance in planning for economic developments. These two principles highlight the need to factor in considerations of the environment while Providing for economic development.



The need for economic development has been dealt where it is said that, "economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions of earth that are necessary for improvement of the quality of life".<sup>xii</sup> The importance of maintaining a balance between economic development on the one hand and environment protection on the other is again emphasized in Principle 11 which says.<sup>xiii</sup>

#### 4. Salient principles of Sustainable Development:

Some of the salient principles of "Sustainable Development", as culled out from Brundtland Report and international documents, are Inter-Generational Equity, Use and Conservation of Natural Resources, Environmental Protection, the Precautionary Principle, Polluter Pays Principle, Obligation to assist and Co-operate, Eradication of Poverty and Financial Assistance to the developing countries.

The Pre-cautionary Principle" and "The Polluter Pays Principle" are essential features of "Sustainable Development". The "Precautionary Principle" - in the context of the municipal law-means-

1. Environmental measures-by the State Government and the statutory authorities-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 industrialist to show that his action is environmentally benign.

The salient principles of sustainable development when read in the light of the Declaration made at Rio known as Rio Declaration, reveals some of the concepts which are relevant.

These are-

1. Intergenerational equity
2. Use and conservation of natural resources
3. Environmental protection
4. The precautionary principle
5. The polluter pay's principle which envisages
  - a) obligation to assist and co-operate
  - b) eradication of poverty and financial assistance to the countries who have been termed as developing countries.

So far as intergenerational equity is concerned its main thrust is to see that the present generation utilises the resources in a manner which is beneficial to the future generations and what the future generations inherit should be a useful cultural and natural inheritance. The concept requires conserving of diversity and quality of biological resources and also of renewable resources such as forest, water and soil. The right to development has to be fulfilled, so as to equitably meet developmental and environmental needs of the present and future. Use of conservation of natural resources and environmental protection are steps in this regard only.

The Principle of Sustainable Development has further been developed and some concepts which have come into existence in aid of this principle may also be taken note of.

#### 6. The four terms dealing with this aspect of the matter are as under:

1. Best practicable means
2. Best practicable environmental option
3. Best available techniques not entailing excessive costs.



4. Environmental impact assessment is another term which has been evolved and has relationship with the concept of sustainable development.

**7. Four objectives of sustainable development**

**8. Sustainable development has four objectives:**

1. It refers to commitment to preserve natural resources for the benefit of present and future generation.
2. To appropriate standards for exploration of natural resources based upon use.
3. An equitable use of natural resources suggests that the use by any State must take account of the needs 'of other States and people.
4. Environmental consideration can be integrated into economic and other development plans. If required environmental consideration can be integrated into economic and other development plans, programmes and project and that the development needs can be taken into account in applying environmental objectives.<sup>xiv</sup>

**9. Guiding rules for sustainable development:**

Principle and guiding rules for sustainable development depends upon accepting a duty to seek harmony with other people and with nature.

The guiding rules are as under:

- a. People must share with each other and care for the earth;
- b. Humanity must take no more from nature than man can replenish and
- c. People must adopt life styles and development paths that respect and work within nature's limits.
- d. Sustainable development means a development which can be sustained by nature with or without mitigation. It is to maintain delicate balance between industrialization and ecology.
- e. As per Brundtland Report of 1987, this concept has been defined to mean as development that meets the needs of the present without compromising the ability of the future generation to meet their own needs.<sup>xv</sup>

**10. Principle of sustainable development and adherence to it:**

Adherence to the principle of sustainable development is now a constitutional requirement. How much damage to the environment and ecology has got to be decided on the facts of each case? While applying the principle of sustainable development one must bear in mind that development which meets the needs of the present without compromising the ability of the future generations to meet their own needs is sustainable development. Therefore, Courts are required to balance development needs with the protection of the environmental and ecology.

It is the duty of the State under the Constitution to devise and implement a coherent and coordinated programme to meet its obligation of sustainable development based on inter generational equity.<sup>xvi</sup>

**Conclusion:**

**TO BE A GOOD ENVIRONMENTALIST**

Generally, the laws by themselves are neither good nor bad, it is the people executing them make it good or bad. The people executing them are equally, if not more, important of the two. One cannot be good executor unless one is a good environmentalist: one has to practise what one preaches. Here are some tips to be a good environmentalist:

1. Buy products that come in reusable packaging, like resalable containers, bottles.
2. Get into the habit of taking your own bag when you shop.
3. Don't waste paper, use both sides of each sheet.



## OUR HERITAGE

ISSN (Online) : 0474-9030 Vol-68, Special Issue-5

Impact Factor (2020) - 6.8

Special Issue on "Sustainable Development Goals"



4. Collect all discarded paper for recycling.
5. Avoid plastic packaging. Fruits, vegetables and meat do not need plastic trays to protect them.
6. Look for products that come in simple refillable containers and refill them each time.
7. Store food in reusable airtight containers and not in cling wraps.
8. Save petrol pollute less.
9. Encourage car-pooling amongst offices, colleges and neighbors.
10. Switch off electricity when not in use.
11. Lobby-protect trees and forests.
12. Use recycled goods.
13. Use energy efficient electrical appliances-fluorescent bulbs instead of ordinary bulbs. They cost more but last longer and use less power.
14. Use environment friendly products.

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### Endnote

- [1] <sup>i</sup> The Commission was chaired by the then Prime Minister of Norway, G.H. Brundtland and as such the report is popularly known as "Brundtland Report".
- [2] <sup>ii</sup> This is a strategy for sustainable living.
- [3] <sup>iii</sup> This saw the largest gathering of World leaders ever in the history deliberating and chalking out a blue print for the survival of the planet. Among the tangible achievements of the Rio Conference was the signing of the two conventions, one on biological diversity and another on climatic changes. These conventions were signed by 153 Nations. The delegates also approved by consensus three non binding documents namely, a statement on Forestry Principles, a declaration of principles on environmental policy



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ISSN (Online) : 0474-9030 Vol-68, Special Issue-5

Impact Factor (2020) - 6.8

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- and development initiatives and Agenda 21, a programme of action meant for the century in areas like poverty, population and pollution.
- [4] <sup>iv</sup> “Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs”.
- [5] <sup>v</sup> United Nations General Assembly of 1967
- [6] <sup>vi</sup> Resulting from the deliberations of the United Nations Conference on Human Environment of 1972.
- [7] <sup>vii</sup> Principle 3
- [8] <sup>viii</sup> Principle 5
- [9] <sup>ix</sup> Principle 11
- [10] <sup>x</sup> Principle 2
- [11] <sup>xi</sup> Principle 4
- [12] <sup>xii</sup> Principle 8
- [13] <sup>xiii</sup> *Essar Oil Ltd. v Halar Utkarsh Samiti*, (2004) 1 SLT 603 : (2004) 2 SCC 392
- [14] <sup>xiv</sup> *Karnataka Industrial Areas Development Board v. C. Kenchappa*, (2006) 6 see 371 : AIR 2006 se 2038
- [15] <sup>xv</sup> *Intellectuals Forum, Tirupathi v. State of Andhra Pradesh*, AIR 2006 se 1350: (2006) 2 IT 568 : (2006) 2 SeALE 494 : (2006) 3 see 549.
- [16] <sup>xvi</sup> *T.N. Godavarman Thirumulpad v. Union of India*, (2008) 2 see 222.