

SUSTAINABLE DEVELOPMENT**-NIHARIKA BODLA****ABSTRACT**

This paper focuses on sustainable development pertaining to environment. There are many articles, declarations, commissions that talk about sustainable development and various principles in order to achieve it, are dealt in this paper. Sustainable development means a combination of development and environmental imperatives. In order to be sustainable, development must possess both economical and ecological sustainability and also this indicates the way in which the development planning has to be approached. The basic element in the sustainable development is to eradicate the problems in the society and protecting the environment. The salient principles of sustainable development, the judiciary in India related to sustainable development and also the international perspective of sustainable development is discussed in this paper.

INTRODUCTION

The term sustainable development was first used in early 1970's and it is mentioned in the Cocoyoc Declaration on Environment and Development. Since then it has become the trademark of international organisations dedicated to achieve the development which is environmentally benefitted. Sustainable development means a combination of development and environmental imperatives. In order to be sustainable, development must possess both economical and ecological sustainability and also this indicates the way in which the development planning has to be approached. Sustainable development is essentially a policy and strategy for continued economic and social development without damage or loss to the environment and natural resources on the quality of which continued activity and further development is depended. Therefore, while thinking of the development measures the need of the present and the ability of the future to meet its own needs and requirements have to be kept in view. We owe a duty to future generations and not only for future but also for the bright today. All of us must learn from our experiences, mistakes from the past, so that they can be rectified for a better present and the

future¹. There was time where people were not caring about the environment and were cutting down trees and forests in order to build smart cities. People were using plastic which makes environment much worse and eventually leads to global warming etc, all the lakes and water bodies are polluted because of the plastic people threw into them. But from the past two to three years awareness regarding saving the environment was spreading and accordingly people are planting trees and been avoiding plastic. Especially in India, initiatives like HarithaHaaram, Plant a tree challenges were done to create a better sustainable development environmentally. People realized now from their past mistakes and making changes so that the future generations won't suffer². In the case of T.N. Godavarman Thirumalpad vs Union Of India³, It was stated in the Judgement that "It cannot be lost sight of that while today is yesterday's tomorrow, it is tomorrow's yesterday"⁴.

Dominic McGoldrick has suggested that sustainable development consists of 3 pillars namely, International Environmental law, International Human Rights Law, International Economic law. According to him, the attractiveness of such a simple structure is that it presents sustainable development as integrating and interactive. The integrated structure of sustainable development is such that it requires support from each of the pillars⁵.

SALIENT PRINCIPLES OF SUSTAINABLE DEVELOPMENT⁶:

The balance between environmental protection and developmental activities could only be maintained by strictly following the principles of "sustainable development". This is a development strategy that provides the needs of the present without negotiating the ability of upcoming generations to satisfy their needs. All the environment related development activities should benefit more people while maintaining the environmental balance. The concept of "sustainable development" has grown since its inception at the international form and it has acquired different dimensions in terms of economic growth, development and environment protection. However, some of the salient principles of "sustainable development" as listed out

¹ Micheal Redcliff, Sustainable Development – Exploring the Contradictions, 32 (1987)

²Dr. Paramjit S. Jaswal, Dr. Nishitha Jaswal, Vibhuti Jaswal - Environmental law, Pg No. 98 - 99

³ (2002) 10 SCC 606

⁴ Dr. Paramjit S. Jaswal, Dr. Nishitha Jaswal, Vibhuti Jaswal - Environmental law, Pg No. 98 - 99

⁵ Dominic McGoldrick, "Sustainable Development and Human Rights : An Integrated Conception", 796 – 818 at 796 – 97, International and Comparative law Quaterly, Vol. 45(1996)

⁶ Dr. Paramjit S. Jaswal, Dr. Nishitha Jaswal, Vibhuti Jaswal - Environmental law, Pg No. 136 - 147

from the Brundtland report and other international documents such as Rio Declaration and Agenda 21 are as under:

1. **Inter – Generational Equity:** The central theme of the theory of inter generational equity is the right of each generation of human beings to benefit from the cultural and natural inheritance of the past generations as well as the responsibility to preserve such legacy for future generations. Inter – Generational equity requires conserving the diversity and quality of biological resources, and of the renewable resources such as forests, water and soils.
2. **Use and Conservation of Natural Resources:** In order to meet the needs on sustainable basis, it is absolutely necessary to use the earth’s natural resources carefully and the natural resource base must be conserved and enhances. It is part of our moral obligation to other living beings and future generations. The resources must be conserved and enhanced to meet the needs of growing populations.
3. **Environmental Protection:** The protection of the environment is an essential part of sustainable development. Without adequate environment protection, development is undermined; without development, resources will be inadequate for needed investments, and environmental protection will fail. Proper and perfect environment policies harmonize and strengthen sustainable development.
4. **The Precautionary Principle:** The main purpose of the precautionary principle is to ensure that a substance or activity posing a threat to the environment is prevented from adversely affecting the environment. In *Vellore Citizens Welfare Forum vs Union of India*⁷, the court expressed the view that “the precautionary principle” and “the polluter pays principle” are essential features of sustainable development and that they have been accepted as part of the law of the land. The court also observed that even otherwise, the above said principles are accepted as part of the customary international law and hence there should be no difficulty in accepting them as a part of our domestic law.
5. **The Polluter Pays Principle:** The PPP as interpreted by the Supreme Court of India, means that the absolute liability for harm to the environment extends not only to

⁷ (1995) 5 SCC 647

compensate the victims of pollution but also the cost of restoring the environmental degradation. In *Sterlite Industries (India) Ltd. vs Union of India*⁸, The Supreme Court again applied the polluter pays principle and considering the magnitude, capacity and prosperity of the appellant company directed it to pay compensation of Rs. 100 crores for failing to maintain emission and effluent standards and operating the plant without renewal permission and thereby causing air and water pollution which could have been averted.

6. **Obligation To Assist And Co – Operate:** The environmental problem is not the problem of an individual or that of one country. It is a global problem and it can be tackled only with the assistance and co operation of all.
7. **Eradication of Poverty:** The sustainable development has to address the problem of the large number of people who live in absolute poverty and who cannot satisfy even their basic needs. The UN Conference on Environment and Development, i.e., “Earth Summit” of 1992 has brought about a leap in public awareness of key environment and development issues and rightly projected that elimination of poverty is a must for sustainable development, particularly in the developing countries. The key to achieve sustainability is to break the vicious cycle of poverty.
8. **Financial Assistance to the Developing Countries:** It has already been explained above that the developing countries face poverty as the worst pollutant. The people in the developing countries strain their natural resources and over exploit them to meet their basic needs. The developing countries also do not have the finances and modern technology to follow the path of development which is sustainable.

Before getting into the international regime of the sustainable development let us first discuss about the Indian scenario of sustainable development.

SUSTAINABLE DEVELOPMENT AND THE JUDICIARY IN INDIA⁹

Role of Judiciary in Protecting environment and sustainable development:

⁸ (2013) 4 SCC 575

⁹ Dr. Paramjit S. Jaswal, Dr. Nishitha Jaswal, Vibhuti Jaswal - Environmental law, Pg No. 148- 160

In India, like any other developing country, there has been environmental degradation due to over exploitation of resources, depletion of traditional resources, industrialization, urbanization and also because of over population. In fact, India has always been in the fore – front of taking possible steps for the protection and improvement of the environment and aiming at sustainable development. Thus, it can be seen that in India, there has been a regular development of the law regarding the protection of the environment. However, neither the law nor the environment is static. So, the judiciary in India has played a pivotal role in interpreting the laws in such a manner which not only helped in protecting environment but also in promoting sustainable development. In the wake of 21st century it is neither feasible nor practicable to have negative approach to the development process of the country or of the society, but that does not mean, without any consideration for the environment. Thus sustainable development is the only answer and administrative action to be taken. In *Chairman-Cum-M.D., Tea Plantation Corporation Ltd. vs Srinivas Timbers*¹⁰, the question was whether a contract to fell trees could be continued by the appellant against the state policy of banning further expansion of tea plantation. In this case there was no concluded contract. The state made a policy decision to stop felling of trees in order to maintain ecological balance and protect and preserve the invaluable heritage of forest. The Supreme Court made it specific that the state plantation corporation had to fall in line and cancel the contract. In *Bombay Dyeing & Mfg. Co. Ltd. vs. Bombay Environmental Action Group*¹¹, The Supreme Court after referring to a large number of decisions rightly stated that whereas the need to protect the environment is a priority, it is also necessary to promote development. The court observed: “The development of the doctrine of sustainable development indeed is a welcome feature but while emphasizing the need of ecological impact, a delicate balance between it and the necessity for development must be struck, whereas it is not possible to ignore the dire need which the society urgently requires” thus, the harmonization of the two needs is required. The doctrine of sustainable development is required to be implemented taking a practical view.

SUSTAINABLE DEVELOPMENT: INTERNATIONAL PERSPECTIVE¹²

¹⁰ AIR 1999 SC 2284

¹¹ (2006) 3 SCC 434

¹² Dr. Paramjit S. Jaswal, Dr. Nishitha Jaswal, Vibhuti Jaswal - Environmental law, Pg No. 99- 107, 117 - 118

For the benefit of future generations, present generations should be modest in their exploitation of natural resources has found wide spread international approval since the Maltese Proposal at the UN General Assembly of 1967, which contended that there was a common heritage of mankind and that this also requires legal protection by the international community.

- (i) **Stockholm Declaration:** The concept of sustainable development further received impetus in the Stockholm declaration on Human environment in 1972. The initial stages of the UN Conference saw the emergence of two conflicting approaches. The first approach insisted that the primary concern of the conference should be regarding the human impact on the environment with prominence on control of pollution and conservation of natural resources, whereas the second approach laid emphasis on social and economic development as a real issue. The two opposite approaches were linked by the evolution of a concept that environment protection was the essential element of social and economic development. Environment protection and development were considered as two sides of a coin which is inseparable from each other. The concept of sustainable development received further boost in the “world conservation strategy” which was prepared in 1980 by the ICUN (world conservation union) with the advice and support of UNEP (United Nations Environment Programme) and WWF (World Wild Fund).

- (ii) **Brundtland Commission and Sustainable Development:** the term sustainable development was brought into common use the *World Commission on Environment and Development* (the brundtland commission) in its seminal 1987 report *Our Common Future*. The world commission on environment and development was set up by the General Assembly of the United Nations in the year 1983. The goals of economic and social development must be defined in terms of sustainability in all countries – developed or developing, market oriented or centrally planned, development involves a progressive transformation of economy and society. Sustainable development does not imply absolute limits to growth and it is not a new name of environmental protection. It is a new concept of economic growth. It is a process of change, in which economic and fiscal policies, trade and foreign policies, energy, agricultural and industrial policies all aim to induce development paths that

are economically, socially and ecologically sustainable. Sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological and institutional change are all in harmony and enhance both current and future potential to meet human needs.

- (iii) **Agenda 21:** It lays emphasis on the international co – operation for achieving the goal of sustainable development. Agenda 21 addresses the pressing problems of today and also aims at preparing the world for the challenges of next century. It reflects a global consensus and political commitment at the highest level on development and environment co – operation.

- (iv) **U.N. Commission on Sustainable Development:** The United Nations Commission on Sustainable Development (UNCSD) is a functional commission of the United Nations Economic and Social Council (ECOSOC). It is submitted that the establishment of the commission on sustainable development was a significant step but its success lies on many factors. The commission will have to rely on political rather than legal authority to integrate global environmental and economical policies.

CONCLUSION

Sustainable development is very much important in today's world for the best of present and also for the better future. Many commissions and reports have dealt with the points and principles regarding sustainable development. But few principles that help to promote are discussed above mainly; eradicating poverty, protection of environment, financial assistance etc are the problems in the country or in many of the developing or under developed countries which are needed to be eliminated in order to achieve the goals of sustainable development