

## Principle of Sustainable Development: Need for Environmental Protection

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### Abstract

The theory of Sustainable Development has originally understood within the framework of international environmental law. The universally accepted theory of sustainable development for the protection and improvement of the environment has been unanimously accepted by the countries of the world as a strategy that meets the needs of the present without depriving future generations of the right to available natural resources.

It clearly suggests that economic development and environmental protection are mutually reinforce and motto to provide a practical solution to the basic argument between above two. It is truly said that Sustainable Development is tool to make a balance between developmental activities for the assistance of the human and environmental protection and is, therefore, “a assurance of the present and bequeath to the generation to come”. The theory of sustainable development seeks to reconcile the clash among development which may be trade, financial or social and the right to a good environment. There are lots of studies show that environmental issues raised of developed countries are different from development countries it's a game of money and technology. While one hand its raised under developed countries due to industrial & technological development, ion other hand under undeveloped countries its raised due to poverty, population and illiteracy. Definitely, it is in the socio-economic concern of a nation to encourage and promote developmental activities, but it not cost of environmental degradation, as it will not only affect the present generation but will have an adverse effect on the generations to come. Therefore, It is the necessitate of the time, so that both development and environmental protection move together while maintain a balance. In the light of above, we shall attempt to present the concept and general principles of sustainable development and environmental protection.

**Keywords:** *Sustainable Development, Humanity, Bio-diversity, Eco-system and pollution.*

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## 1. INTRODUCTION

*“The Earth we abuse and the living things we kill will, in the end, take their revenge; for in exploiting their presence we are diminishing our future” – Marya Manes*

Long ago poet Words Worth lamented on “*What man has made of man*” “*Little do we see in nature that is ours*”, he said. The poet has expressed pithily the heart of the problem, alienation of man from nature. All life, human, animal and plant, depends on the environment which is ethos. The famed mantra in the Rig Veda, the world’s ancient text, portrays the beauty of Artha. Veneration & Ushash its glory. Our forefathers were ethos worshippers because worship is a form of greatest appreciation for nature. It reads nature with sanctity not to be defined by man. This healthy approach of man to nature declined with increase of population and growing stress on environmental property. Today humanity and particularly India is facing its greatest problem of the degradation of natural resources threatening the very existence of life.

Right from the mother’s womb, a person desires fresh air to breathe, pure water to drink, nutritious meal to eat and clean atmosphere to live in. These rudiments are essential for the development of individual qualities. God created this world and things in it. Everybody is assigned a particular job to perform and the physical condition is also made accordingly. Man is an integral part of the natural eco-system. He is not above or outside it. Nature balances itself; but man by his extraordinary intelligence is capable of distributing this balance. Science and nature are both permanent for the survival of man. But man in his technological and scientific lust has ravished natural assets formed desert, drought and how the exercises with atom and power of nuclear weapons in the earth atmosphere warn even the continuation of ozone layer and the incredibly atmosphere without which the men can’t exist at all unless immediate and urgent steps are taken to put a stop to the environmental pollution, a very terrible and bleak future awaits the humanity.

The novel technologically phase does not remove, but intensify, the clash between nature needs and development. Due to which many grave issues have arisen which are eye-opening and create a solemn intimidation to the entity of human.

The environmental protection isn't a local issue it's global. When we see international concern. When we touching about 21<sup>st</sup> century, mankind is faced among the frightening challenges of conveniences on the planet. Facing shrinkage forests land, ground water level, vanish teller kind, depletion of ozone layer, climate change and the extinction of biodiversity requires paradigm shifts while making all nations aware of their activities in harnessing natural resources. We have to be careful about environmental protection and development.

International environmental law is related with what sets standards for national activities and interdependence at the municipal, international and multinational levels to protect the environment and what constitutes environmental law goes beyond the boundaries of municipal law and is in line with international law.

In *Shubhas Kumar v. State of Bihar*,<sup>1</sup> the hon'ble Supreme Court of India has told that under Article 21 of the Indian Constitution 'Right to Life' also include live in pollution free Environment. The Supreme Court of India has observed:

*"Right to life is a Fundamental Right under Art. 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Art. 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life".*

## 2. SUSTAINABLE DEVELOPMENT

It has been an inevitable truth at all stages of economic integration. The most of the government support for the perception of sustainable development makes concrete work in environmental matters all the more necessary and legitimate.

Its 16 principles define by the Sustainable Development Act, which should be added into the involvement of all concerned agencies. In a spirit, these theories are a manual for function in the views of sustainable development. They are an original expression of the theories of the "Rio Declaration on Environment and Development," a fundamental content that reaffirms the international obligation to sustainable development.

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<sup>1</sup> AIR 1991 SC 420: (1991)1 SCC 598.

### 3. CONCEPT OF SUSTAINABLE DEVELOPMENT

In the Vedic Period, the most important aim of life of human being has to live with friendly with Environment.<sup>2</sup> Saints and Seers have brightly revealed that. “God sleeps in minerals, wakes in animal, thinks in man.” Further the literature of Vedic times reaches that all the creatures and plants stand a sole of the God and they be accepted like that. It like this from there that loss to any element of nature is a hurt to the lord. Thus, the whole environment was held in the highest admiration as if it symbolized the Almighty.<sup>3</sup>

As civilization advanced, there has been a great deal of change and increase in human activities. Man developed in him a sense that he was a supreme of the planet. Gratitude towards environment, which was taught by the religions gradually withered and proved to be inefficient and inadequate to deal with the growing activity. Science and technology crept into civilization and they became the guiding forces of activities of mankind.<sup>4</sup> Many Westerners then believed that there was nothing that science or expertise could not achieve or solve. Pollution was one of necessary evil of progress, which could regulate, just as dreaded bugs like small pox and plague had been. With gearing up of industrial revolution, this human tendency towards nature became much stronger.<sup>5</sup> It was only during 1970’s that our activities on earth became much more obvious and it was realized that man needs both ‘development’ and ‘healthy environment’.

So, development and Environment are in alt co-related to each other. Human have to pay every development cost like economic growth or industrialization in form of pollution like Air, Water and Land. But it’s necessary to economic growth.<sup>6</sup> The environmental issues developed countries differ from undeveloped countries, while one hand in developed countries environmental issues developed due to technological development, on other hand in poor countries these issues are raise un-development reasons. Therefore, the rich countries are deal with environmental disaster; they are inferring that the un-developed countries also have

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<sup>2</sup> Sweta Deshpande, ‘Environment and Sustainable Development: An Analysis’, Indian Socio-legal Journal, 34, 2008 p. 83.

<sup>3</sup> Ashok Desai, Environment Jurisprudence, 5 (New Delhi: Vikas Publishing House Pvt. Ltd., 1998

<sup>4</sup> Ibid.

<sup>5</sup> Id at P. 58.

<sup>6</sup> R. P. Anand, “Development and Environment: the case of Developing country”, LJ.IL. Vol. 20 (1980) p. 1.

to deal the similar problem if they formulate the similar growth. On the other hand, poor countries face that the best source of pollution is poverty.<sup>7</sup>

On the light of the above statement, word development is co-related to developing countries, while degradation of pollution is due to developed countries not through developing countries. As we earlier discussed environmental pollution not a local issue its global. When we see in 21<sup>st</sup> century we found that human beings are struggling for their sustainability in our earth. Human beings face many environmental issues like shrinking of forest, Acid Rain, detraction of Ozone Layer, losses of under water levels, climate change, Bio-diversity and so many issues related to environment. Every country should have harness of environment and controlled their action on this side, not only controlled also aware damages of natural resources and industrial terrorism.

On the first-time global society seat together in Stockholm conference 1972 for make a political boundary between environment and development. In this way Stockholm deceleration emerge as face of human development. Take a sprit from Stockholm deceleration 1972 global society steps towards green fraternity and make a principle of one nation and one earth. Make a centralized revolution for making an international pollution policy, its known as Sustainable development. Therefore, most of the International and municipal law are codified for the achieve goal of sustainable development. It was a thought whereas was responsible for different making of environmental law in India. which make not only environmental protection rather than its make for stop environmental pollution. Indian judiciary make important role to implementation of these environmental law and they have used public interest litigation as a tool for making environmental jurisprudence in India.<sup>8</sup>

The incentive was taken by the world commission on environmental development. A report published by the general assembly of the United Nation in 1982, and In 1987 a common feature was published. The commission's membership has split between developed and developing countries and the Prime Minister was chaired it, *Gro Harlem Brundtland*. The report submitted by the committee came to be known as '*Brundtland Commission Report*'

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<sup>7</sup> Ibid.

<sup>8</sup> Mohd. Zefar Mahamood Nomani, "Law Relating to Environmental Liability & Dispute Redressal; Emergence & Dimension" 11<sup>th</sup> ALJ 85 (1996).

which exhaustively dealt with concept of Sustainable Development and it did a committed work for the unity of environment and development. Brundtland explained relationship between environment and development thus;<sup>9</sup>

We do not separate the existing environmental field from human action, passions, requirements and attempts to separate it from human concerns have given the very wondering 'environment' connotation of simplicity in some political areas. The term 'development' has also been struttled down by some to a very limited spotlight, along the lines of what undeveloped nations must do to become rich. But the 'environment' is where we live; and 'development' is what we all do in an attempt to improve our position within that abode.<sup>10</sup>

#### 4. SUSTAINABLE DEVELOPMENT: INDIAN PERSPECTIVES

When we talked about developing countries as India, utilization of inartificial resources is necessary for economic development through industrial expansion. Whereas the global and municipal laws and policies have been ahead granted several instructions legal or administrative, the theory of sustainable development needs still a specific concentration and consequence to take understanding between industrialist and others engaged in the sucking of natural resource for monetary development. through this vision to reach this aim, the Hon'ble Supreme Court of India in a important landmark judgments not only exhorted the concept of sustainable development but also inflicted provinces for obedience therewith.<sup>11</sup>

In India, State policy on environment protection is based on the global norms. Environmental regime in India consists of four specific legislative enactments. Two of them i.e. "*The Water Prevention and Control of Pollution Act-1976 and The Air Prevention and Control of Pollution Act 1981*" object at prohibition and regulate of the water and air pollution. Among other two one is The Environment (Protection) Act,'1986, which is considered as a comprehensive enactment for the protection of environment. The last one is the Biological

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<sup>9</sup> A. Narsing Rao, "Sustainable Development and Environment Protection in India" A Study of Judicial Response (SCC) 3, 2012-p. 18.

<sup>10</sup> World Commission on Environment and Development (WCED), *Our Common Future*, New York, Oxford University Press, 1987. P. xi

<sup>11</sup> A Narsing Rao, "Sustainable Development and Environment Protection in India- A Study of Judicial Response", (SCC)3, 2012, p. 20.

Diversity Act, 2002 which is enacted for purpose of the conservation and protection of India's rich biodiversity.

## 5. CONSTITUTIONAL MANDATE AND SUSTAINABLE DEVELOPMENT

When we see to The Constitution of India, we found that there are no any make any special law or rule for environmental problems directly. But Article 47 indirectly discuss environmental issues, Article 47 of the Constitution of India says that, "*The state shall observe the raising of the intensity of nutrition and the standard of life of its people and the upgrading of human wealth as along with its fundamental duty.*"

After the Stockholm Declaration, to comply with the provisions of the declaration the Indian Government, by the 42<sup>nd</sup> amendment Act, 1976 in the Constitution of India makes the direct laws for the safety and encouragement of environment, by the foreword of Articles 48(A) and 51(A)(g) which form the part of Directive Principles of State policy and Fundamental Duties correspondingly.<sup>12</sup>

Article 48(A) runs as under: "The state shall endeavor to protect and improve environment and safeguard the forest and wildlife of the country."

*Article 51 (A)(g)* states that, "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures"

Thus, as a result of 42<sup>nd</sup> Amendment to the Constitution, now the courts are vested with the duty to intervene in the environmental problems and also take measures for the environmental protection.

## 6. SUSTAINABLE DEVELOPMENT- INTERNATIONAL PERSPECTIVES

Every anthropogenic activity has its impact on the environment. More often than not, it would be harmful to the environment than the mankind. Human activities cause raise impression in the get together of ecosystem which provides necessary resource & work for the goodness of

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<sup>12</sup> Sweta Deshpande, Environment and Sustainable Development-An Analysis, India Socio-Legal Journal, vol. 34, 2008. p.85.

mankind. Environmental consequences require assessment and consequential adjustments while undertaking industrial or other productive activities for socio-economic development. Environmental auditing is one such strategies of balancing environment and industrial production. ‘United Nation World Conference for Sustainable Development emphasizes for above aspects. This envisages so man in his greed for progress should permit sustainable conditions not only to the human and other creatures but also to the very Nature and natural resources. The following are some of the international efforts where greater emphasis is paid on achieving environmental safety and protection, through the doctrine of “Sustainable Development”<sup>13</sup>.

### **6.1 STOCKHOLM DECLARATION, 1972**

The period of 1972 makes a watershed in the account of environmental administration in the all countries, a submit organized by United Nation on Human Environment which was solemnized on June 1972 in Stockholm, and in this conference the numbers of strategies were evolved for protection of environment. The Stockholm Declaration is called the Magna Carta of environment. It is the first international document which expressing declares the right to environment as an important independent right. It is therefore necessary to look into the Stockholm Declaration and International Conventions, Chapters and Developments on environmental protection so that the right in our country may be raised to the international standard.

On the celebration of United Nation submit on Human Environment at Stockholm late the Prime Minister Mrs. Indira Gandhi had share her view before the world community, she said that: *“For the developed countries development might be the cause of destruction of environment, for a country like India it was the Primary means for improving the standard of living, to make available food products, water, cleanliness, shelter, to bring about greenery in deserts and to make hills and mountains worth living.”*

### **6.2 JOHANNESBURG DECLARATION ON THE SUSTAINABLE DEVELOPMENT-2002**

<sup>13</sup> N. Maheshwara Swamy, Sustainable Development: The objective Behind Environmental Legislation-A Critical Analysis. ALT, Vol. iv, 2003, p. 23



All the delegates of different countries of the world community, participated in the Conference on Sustainable Development in South Africa, Johannesburg city held on 2<sup>nd</sup> to 4<sup>th</sup> September 2002, reaffirmed their assurance on sustainable development. In between Rio and Johannesburg, the countries of the world met under the guidance of the United Nations at many major conferences, inclusive the Monterey Conference on economics for Development, as well as the Doha Ministerial Conference. These conventions laid down a broad vision for the future of humanity of the world.

The Declaration of Johannesburg observed, inter alia, that the world environment continues to undergo. Damage of bio-diversity sustains, fish stores continue to decrease, many fertile land become desertification, the opposite impact of climate change are already manifest, more frequent of natural disasters and more devastating and developing countries more vulnerable and air, water and marine pollution is robbing millions of civilized lives. The fight against worldwide conditions that pose severe threats to the sustainable development of the people was pledged to be focused upon.

It accepted that world community is capable with the resources to deal with the defiance's of poverty alleviation and sustainable development facing all mankind. Extra steps are said to be undertaken to guarantee that these presented resources are used to the assistance of humankind.

Johannesburg Declaration has also taken note of the fact that in order for achieves the objectives of sustainable development; we have needed more efficient, self-governing and responsible world and polygonal organizations.

## **7. SUSTAINABLE DEVELOPMENT AND ENVIRONMENT PROTECTION**

Within the last decade, serious about the nature and development have grown to be a central characteristic of growth, ideologies and discussions in the Third World. Working in the direction of sustainable development is no longer the special right of the government, but is promising as a leading concern of our civilized society. human and countries are beginning to recognize that the present ways of progress centered on Western illustration is not inter alia sustainable and there is a requirement to participate a more active responsibility in the growth

process. Information and communication technologies perform a major character in the whole activities of achieve sustainable development and this is a necessity from the beginning of the ‘Sustainable Development Networking programmed.’

On the occasion of the new millennium, human livelihood in under developed nations suffer incomparable deviances related to sustainable development due to the altering world economy, political change, environmental digressions and demographic pressure. The mission of driving sustainable development by the systems that obtain the essential requirement of the community even as defending the nature and authorizing the poor is stiff. People-oriented progress can comprehend its full probable merely when societies, developers, policy-makers and civil-society are concerned and inspired and there is constant distribution of information. The increasing space between what the world has and does not have is more aptly reflected in the gap between those who have access to information and those who do not.<sup>14</sup>

## **8. UNSUSTAINABLE TO SUSTAINABLE DEVELOPMENT**

Last two decades before until, the world recognized only at financial condition as a determine of human growth. Thus, nations which were financially well progressed and where human were comparatively wealthier were called ‘developed’ countries, while the rest of the countries where penury was pervasive and financially rearward were called developing nations. Mainly of the nations in North America and Europe, which became industrialized at an prior levels, are more financially superior. They not only speedily browbeaten their own natural resources, but used also the natural resources of developing nations to growth yet bigger economy. So as growth progressed, wealthy nations got wealthier while poor countries got poorer. However, the urbanized world has also started to recognize that their lives are being fatally exaggerated by the environmental penalty of expansion based solely on financial development. This form of progress did not add to the superiority of life as environmental circumstances began to depreciate.<sup>15</sup>

## **9. SUSTAINABLE DEVELOPMENT AND ECOLOGICAL BALANCE**

<sup>14</sup> [www.sdnip.delhi.nic.in](http://www.sdnip.delhi.nic.in) Vikas Nath “*the Sustainable Development Networking Programme (India)*”.

<sup>15</sup> Erach Bharucha, *Environmental Studies for Undergraduate Courses*, University Press. P. 158.

Open spaces are the lungs of a city. In 1996 the Supreme Court made an order to close down or shift 'H' category industries and surrender the lands to provide for 'Lung spaces' in Delhi. Though some of them relocated their industries, they were reluctant to surrender the land. This disturbing state of affairs provoked the Supreme Court to remark in *M.C. Mehta v. Union of India*,<sup>16</sup> that though not unknown in the adversarial litigation, law's delay ought not to enter the arena of public interest litigation concerning environment. The purpose of the order was to provide open space for the benefits of the people. Even after more than four years, the purpose stood unfulfilled. There are certain industries that are permissible under the master plan for Delhi. Such industries, newly started in the place after obtaining clearance from various agencies, were not to surrender the land. However, the position is different in the case of others.

These theories and other similar ones are incorporated into the exercises of a developing amount of government authorities, non-profit or personal agencies and those in service in sectors such as education, business, construction & research, development, Management etc. They illustrate motivation from these theories to progress their method in relation to the ideas of developing new areas of skills, manufacture & spending, national contribution, environmental liability and involvement.

## 10. CONCLUSION

We are succeeding our for-father habit of protection of environment, when been see in our Vedic Period, According to Padpuran tree are very important we are worship like God. In revival India the policy of "*Sustainable Development*" drive it means we use and protect tree for future and in a modern India our judiciary play very important role in protection of environment.

Sustainable Development such type of question which makes a balance between needs of present generation and requirement of natural resources for future generation. The requirement for this stability becomes clear in the context of large-scale financial incorporation as in Indians. Parliamentarians are undeniably in a position to make a

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<sup>16</sup> AIR 2001 SC 1544 p. 1566

significant contribution towards achieving sustainable development and enabling countries of Indians to act in solidarity with respect to their common asset, the environment. More specifically, they are best situation to be de facto emissaries for sustainable development and the key mediators between the public and decision makers in facilitate in sequence flow, collaboration and mediation, thereby ensuring that objectives in this area are achieved is obtained.

Modern law relating to environment protection has the objective of achieving “Sustainable Development”. This problem has been taken up for enforcement by the United Nations Organization (UNO) ever since the Stockholm Conference on the Protection of Human Environment, 1972 since then, a number of consequential Conventions Declarations and Protocols such as Nairobi Declaration, Rio Declaration, Kyoto Protocol to the UN Framework Convention on Climate Change, Johannesburg Declaration on Sustainable Development/ World Summit on Sustainable Development, the Delhi Ministerial Declaration on Climate Change and Sustainable Development etc., have been witnessed at the International scenario. The improbability of technical evident and its altering frontiers from time to time has led to great changes in environmental theories through the era between the Stockholm Conference of 1972 and the Rio Conference of 1992.

The concept of sustainable development is fundamental to the present and future growth of environmental law and plan. It requires that development should take place in a manner whereby the ecology is sustainable the two essential legal principle basing the sustainable development is, “Precautionary Principle” and “Polluter Pays Principle”. In other words, in countries like India “Sustainable Development” has the revolve which connect the two tiers of development, i.e., economic progress & environmental protection.

In growing nation like India, a use of natural resources is necessary for Economic development throughout Industrial growth. While the international and municipal laws and policies have previously make available different procedure legal or administrative, the principle of sustainable development needs still a specific concentration and focus to bring consciousness between industrialists and other occupied in the utilization of natural resources for economic development. Through a vision to attain this objective, the Hon’ble Supreme

Court of India in a series of land mark cases not merely explain the theory of sustainable development but also enforced responsibility for observance thereto and it has raised the status of fundamental right.

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