

CONCEPT OF SUSTAINABLE DEVELOPMENT AND RECENT TREND IN INDIA

ABSTRACT

The world today faces the greatest ecological dangers of all the circumstances comprising of climate change, developed specifically by methods for industrialization, urbanization, current consumerism and of unsustainable examples of improvement. The idea is to proceed with development and at the same time, maintaining the surroundings. Various issues such as global warming, climate change, rising sea level and rising levels of pollution has been a major concern. In this manner, there is a need to achieve a noteworthy progress whereby this age and all the more imperatively; the age to come will be rid of the evil impacts of the present improvement which is plainly not sustainable. If we keep on degrading and damaging the natural resources of the earth, we will not be able to derive the services that these resources intend to provide for living, both for human and other species. For instance, clean air and clean water are biological prerequisites for human beings to survive. However, environmental impacts of various activities are threatening these assets in a severe manner.

1.2. KEYWORDS

Sustainability, environmental, development, ecology, natural-resources, future generation.

1.3 INTRODUCTION

The human race has to bring about a rapid transition to a pattern of growth and development that is genuinely sustainable. Ultimately, if we want change, we not only need a new set of policies to be put in place by governments and those in authority, but also a major movement should be implemented involving people and all sections of the society. Many countries, including India, are on the path of development. Though India joined the developmental bandwagon relatively late due to its colonial past, the Indian experience with development is not that different. Indian planners followed the developmental models of the developed world as such models were readily available at the time of Independence. Development in India has been characterized by imbalance in and abuse of the environment. It has been observed that the current developmental practices are neither fully economically beneficial nor environmentally sustainable.

The concept of sustainable development can be interpreted in many different ways, but at its core is an approach to development that looks to balance different, and often competing, needs against an awareness of the environmental, social and economic limitations we face as a society. The term sustainable development today has become a catchword to every paper, policies concerned with the development and

protection of the environment as a whole. The conservation, protection and improvement of human environment are major issues all over the world. Sustainable development provides a framework for humans to live and prosper in harmony with nature rather than living at nature's expense. Today we can no longer live in isolation; this is the age of holism; there is one world. If the environment of one country is degraded, the global environment is to be affected. We need to realize that environmental law is only a key to achieving sustainability; however, for greater development and implementation of the concept, other legal frameworks must also be taken into consideration such as land use, property laws, taxation laws, laws involving governmental structures and the like.

2.1 Meaning and Concept of Sustainable Development

Sustainability is the ability of the earth's various systems including human cultural systems and economics to survive and adapt to changing environmental conditions. The term "Sustainable development" was used at the time of Cocoyoc Declaration on Environment and Development in the early 1970s. Since then it has become the trademark of international organizations dedicated to achieving environmentally benign or beneficial development. To be sustainable, development must possess both economic and ecological sustainability. Sustainable development implies "a change in all aspects of life in a way that causes little damage to the environment." Sustainable development follows "a form of growth and development in society that meets the current human needs preserving (conserving) the natural resources for meeting the needs of future generation as well.

As defined in the *Brundtland Commission Report* called "Our Common Future" in 1987, "Sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs."¹

As per the dictionary meaning of the term, "Sustainable development" refers to, "any construction that can be maintained over time without damaging the environment development balancing near term interest with the protection of the interests of the future generations."²

According to *Schneider*,³ "Although the term has assumed a guiding function since 'Our Common Future' in 1987, almost everything is unclear from its translation to its political consequences." Roe says, "...sustainable development is an oxymoron not, however, because 'development' is always unsustainable, but because sustainability cannot be developed the way of its advocate suppose."⁴

The concept of sustainable development can also be defined as the maintenance and sustainable utilization of the functions (goods and services) provided by natural ecosystems and biospheric processes. Conversely, in a situation of unsustainability, where the limits of the biosphere's carrying capacity (CC) are

¹ Prof. P.D. Sharma, *Ecology and Environment* 234, (Rastogi Publications, 13th edn., 2016).

² <http://dictionary.reference.com/browse/sustainable+development> (Visited on 17th March, 2018).

³ Dr. H.N. Tiwari, *Environmental Law* 53 (Allahabad Law Agency, Faridabad (Haryana), 3rd Edition, 2005).

⁴ Ibid.

exceeded, not all of the environmental functions can be fully fulfilled anymore.⁵ Taking into consideration the real issues of environment and development, the international community expressed its commitment to treat environment and development in an integrated manner. As the debate between the developmental and economic needs and that of the environment is an enduring one, it is desired that the international community should cooperate in the further development of international law in the field of sustainable development. P. Sands in his celebrated book *International Law in the Field of Sustainable Development* mentioned that, “sustainable development requires the states to ensure that they develop and use their natural resources in a manner which is sustainable.”⁶ According to him, sustainable development has four objectives:

First, it refers to a commitment to preserve natural resources for the benefit of present and future generations.

Second, sustainable development refers to appropriate standards for the exploitation of natural resources based upon harvests or use.

Third, yet other agreements require an “equitable” use of natural resources, suggesting that the use by any state must take account of the needs of other states and people.

And *fourth*, category of agreements require that environmental considerations be integrated into economic and other development plans, programmes and projects and that the development needs are taken into account in applying environmental objectives.⁷

In *India Council for Enviro-Legal Action v. Union of India*,⁸ the Supreme Court observed that:

“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. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring protection of the environment.”

Further in *Vellore Citizens' Welfare Forum v. Union of India*,⁹ the Supreme Court acknowledged that “the traditional concept that development and ecology are opposed to each other is no longer acceptable. Sustainable development is the answer.

Again in *Essar Oil Ltd. v. Halar Utkarsh Samiti*,¹⁰ the Supreme Court expressed the same view in the following words:

⁵ <http://www.biologydiscussion.com/sustainable-development/sustainable-development-meaning-concept-and-policies-ecology/70876> (Visited on 17th March, 2018).

⁶ Quoted in *Karnataka Industrial Areas Development Board v. C. Kenchappa* (2006) 6 SCC 371 at p.384.

⁷ *Ibid.*

⁸ (1996) 5 SCC 281.

⁹ (1996) 5 SCC 647.

¹⁰ (2004) 2 SCC 392.

“This, therefore, is the (sole) aim, namely, to balance economic and social needs on the one hand with environmental considerations on the other. But in a sense, all development is an environmental threat. Indeed, the very existence of humanity and the rapid increase in the population together with consequential demands to sustain the population has resulted in the concreting of open lands, cutting down of forests, the filling up of lakes and pollution of water resources and the very air which we breathe. However, there need not necessarily be a deadlock between development on the one hand and environment on the other. The objective of all laws on environment should be to create harmony between the two since neither one can be scarified at the expense of the other.”

Time and again the Indian judiciary supported the concept of sustainable development by recognizing this principle as being a fundamental concept of Indian law in a plethora of cases like *M.C. Mehta v. Union of India*,¹¹ *Narmada Bachao Andolan v. Union of India*,¹² *Bitu Sehgal v. Union of India*,¹³ and *Intellectual Forum v. State of A.P.*¹⁴

In *Sushetha v. State of Tamil Nadu*¹⁵ the Supreme Court held that “the doctrine of sustainable development although is not an empty slogan, it is required to be implemented taking a pragmatic view and not on ipse dixit of the Court.”

In *Bombay Dyeing & Mfg. Co. Ltd. (3) v. Bombay Environmental Action Group*¹⁶ the Supreme Court referring to a large number of decisions stated that whereas the need to protect the environment is a priority, it is also necessary to promote development. Further, the Court went on to observe:

“The harmonization of the two needs has led to the concept of sustainable development, so much so that it has become the most significant and focal point of environmental legislation and judicial decisions relating to the same. Sustainable development, simply put is a process in which development can be sustained over generations.”

2.2 Salient Principles of Sustainable Development

The concept of sustainable development has come to stay and is growing both in the national and international field according to the economic and developmental needs. As the problem of environment is not confined to any particular area or nation and in view of its global character, the remedial measures are to be taken in the global perspective. All environment related development activities should benefit more people while maintaining the environmental balance. The adherence to sustainable development principle is a sine qua non for the maintenance of the symbiotic balance between the right to environment and

¹¹ (1997) 2 SCC 353.

¹² (2000) 10 SCC 664.

¹³ (2001) 9 SCC 181.

¹⁴ (2006) 3 SCC 549.

¹⁵ (2006) 6 SCC 543.

¹⁶ (2006) 3 SCC 434.

development.¹⁷ Some of the salient principles of sustainable development as culled out from Brundtland Report and other international documents such as Rio Declaration and Agenda 21 are as under:

- 1) Inter-Generational Equity;
- 2) The Precautionary Principle;
- 3) The Polluter Pays Principle;
- 4) Use and Conservation of Natural Resources;
- 5) Environmental Protection;
- 6) Obligation to Assist and Co-operate;
- 7) Eradication of Poverty.

1) Inter-Generational Equity

Intergenerational equity is a concept that says that humans 'hold the natural and cultural environment of the Earth in common both with other members of the present generation and with other generations, past and future.' It means that we inherit the Earth from previous generations and have an obligation to pass it on in reasonable condition to future generations. The idea behind not reducing the ability of future generations to meet their needs is that, although future generations might gain from economic progress, those gains might be more than offset by environmental deterioration. Most people would acknowledge a moral obligation to future generations, particularly as people who are not yet born can have no say in decisions taken today that may affect them. There are two different ways of looking at the need to ensure that future generations can supply their needs. One is to view the environment in terms of the natural resources or natural capital that is available for wealth creation, and to say that future generations should have the same ability to create wealth as we have. Therefore, future generations will be adequately compensated for any loss of environmental amenity by having alternative sources of wealth creation.¹⁸

In *K. Guruprasad Rao v. State of Karnataka*,¹⁹ the appellant, an advocate filed a PIL praying for the cancellation of the mining lease granted to respondent and stopping mining within the radius of 1 Km from the Jambunatheswara temple (Karnataka). The Court explained the ambit and scope of inter-generational equity and sustainable development. Sustainable development includes preservation and protection of historical/archaeological monumental wealth for future generations. Right to development includes the whole spectrum of civil, cultural, economic, political and social process for the improvement of people's well being and realization of their full potential.

2) The Precautionary Principle

¹⁷ N.D. Jayal v. Union of India, (2004) 9 SCC 362.

¹⁸ <https://www.uow.edu.au/~sharonb/STS300/equity/meaning/integen.html> (Visited on 24th March, 2018).

¹⁹ (2013) 8 SCC 418.

The Precautionary Principle is a tool for making better health and environmental decisions. It aims to prevent harm from the outset rather than manage it after the fact. In common language, this means “better safe than sorry.” The Precautionary Principle denotes a duty to prevent harm, when it is within our power to do so, even when all the evidence is not in. In short, the “precautionary principle” is a notion which supports taking protective action before there is complete scientific proof of a risk; that is, action should not be delayed simply because full scientific information is lacking. In simple terms, the Precautionary Principle conveys the common-sense based advice “to err on the side of caution.” The principle intends to prevent harm to humans, environment, and eco-system at large.

When the impacts of a particular activity – such as emission of hazardous substances – are not completely clear, the general presumption is to let the activities go ahead until the uncertainty is resolved completely. The Precautionary Principle counters such general presumptions. When there is uncertainty regarding the impacts of an activity, the Precautionary Principle advocates action to anticipate and avert environmental harm. Thus, the Precautionary Principle favors monitoring, preventing and/or mitigating uncertain potential threats. There are two widely referred definitions of the Precautionary Principle. One of the most important expressions of the Precautionary Principle internationally is in the Rio Declaration from the 1992 United Nations Conference on Environment and Development, also known as Agenda 21. The declaration stated: *‘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’*. The second definition is based on 1998 Wingspread Statement on the Precautionary Principle and it states:²⁰ *“...When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. The process of applying the precautionary principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action. In this context the proponent of an activity, rather than the public, should bear the burden of proof.”* ‘Precautionary Principle’ plays a significant role in determining whether developmental process is sustainable or not. ‘Precautionary principle’ underlies sustainable development which requires that the developmental activity must be stopped and prevented if it causes serious and irreversible environmental damage. The emergence of Precautionary Principle marks a shift in the international environmental jurisprudence- a shift from assimilative capacity principle to Precautionary Principle.

Assimilative capacity principle underlies earlier legal measures to protect the environment. Before the Stockholm Conference 1972, the concept of ‘Assimilative Capacity’ was recognized at the international

²⁰ <https://newindialaw.blogspot.in/2013/05/precautionary-principle-of.html> (Visited on 24th March, 2018).

level. As per this concept the natural environment has the capacity to absorb the ill-effects of the pollution but beyond a certain limit the pollution may cause damage to the environment requiring efforts to repair it. Principle 6 of the Stockholm Declaration contains assimilative capacity principle which assumes that science could provide the policy makers with the necessary information and means to avoid encroaching upon the capacity of the environment to assimilate impacts and it presumes that relevant technical expertise would be available when environmental harm is predicted and there would be sufficient time to act in order to avoid such harm.²¹

Assimilative Capacity to Precautionary Principle – A Shift:²² The uncertainty of scientific proof and its changing frontiers from time to time have led to great changes in the environmental concepts during the period between the Stockholm Conference of 1972 and the Rio Conference of 1992. A basic shift to the approach to environmental protection occurred initially between 1972 and 1982. Earlier the concept was based on the assimilative capacity rule as revealed from principle 6 of the Stockholm Declaration. So, Precautionary Principle is a principle which ensures that a substance or activity posing a threat to the environment is prevented from adversely affecting it, even if there is no conclusive scientific proof linking that particular substance or activity to the environmental damage. The words ‘substance’ and ‘activity’ imply substance or activity introduced as a result of human intervention.²³

In *Research Foundation for Science (18) v. Union of India*,²⁴ the Supreme Court has explained that the “Precautionary Principle” generally describes an approach to the protection of the environment or human health based on precaution even where there is no clear evidence of harm or risk of harm from an activity or substance. It is a part of the principle of sustainable development. It provides for taking protection against specific environmental hazards by avoiding or reducing environmental risks before specific harms are experienced.

3) The Polluter Pays Principle

The Polluter Pays Principle was first introduced in 1972 by the Organization for Economic Cooperation and Development (OECD) Guiding Principles concerning International Economic Aspects of Environmental policies where under the polluter was held responsible for the environmental damage and pollution. Subsequently, the Rio Declaration laid down the guidelines for sustainable development meaning thereby a strategy to cater the needs of the present generation without compromising the needs of the future

²¹ Ibid.

²² Ibid.

²³ <https://newindialaw.blogspot.in/2013/05/precautionary-principle-of.html> (Visited on 24th March, 2018).

²⁴ (2005) 13 SCC 186.

generation. In furtherance of the aim of sustainable development Rio Declaration Principle 16 of the Rio Declaration enshrined the Polluter Pays principle stating that the polluter should bear the cost of pollution.²⁵

The Polluter Pays Principle, as interpreted by the Supreme Court of India, means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Thus, it includes environmental costs as well as direct cost to people and property. Remediation of the damaged environment is part of the process of sustainable development and as such, the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology.²⁶

Indian Council for Enviro-Legal Action v. Union of India,²⁷ is a classic example how by abuse of the process of law even the final judgment of the Apex Court can be circumvented for more than a decade and a half even after dismissal of review and curative petitions there against. This is a very unusual and extraordinary litigation where even after fifteen years of the final judgment of the Supreme Court in the case of *Indian Council for Enviro-Legal Action v. Union of India*,²⁸ the litigation was deliberately kept alive by filing one interlocutory application or the other in order to avoid compliance with the judgment and the polluter unjustly enriched himself by abusing the process of the court and by adopting delaying tactics to avoid paying remedial environmental costs.

In *Sterlite Industries (India) Ltd. v. Union of India*,²⁹ 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.

4) 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 enhanced. 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.

The idea that, for the benefit of future generations, present generations should be modest in their exploitation of natural resources has found widespread international approval since the Maltese Proposal at

²⁵<http://www.mondaq.com/india/x/645232/Clean+Air+Pollution/Polluter+Pays+Principle> (Visited on 24th March, 2018).

²⁶*Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647 at 659; *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212 at 247; *Karnataka Industrial Areas Development Board v. C. Kenchappa* (2006) 6 SCC 371.

²⁷ (2011) 8 SCC 161.

²⁸ (1996) 3 SCC 212.

²⁹ (2013) 4 SCC 575.

the UN General Assembly of 1967 which contended that there was a common heritage of mankind and that this also required legal protection by the international community.³⁰

5) Environmental Protection

Environmental protection is a practice of protecting the natural environment on individual, organization controlled on governmental levels, for the benefit of both the environment and humans. This has been recognized, and governments have begun placing restraints on activities that cause environmental degradation. Due to the pressures of over-consumption, population and technology, the biophysical environment is being degraded, sometimes permanently. 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. The strong environment policies complement and reinforce sustainable development. It is often the poorest who suffer the most from the consequences of pollution and environmental degradation.

In *Citizen, Consumer and Civic Action Group v. Union of India*,³¹ the Court observed that while the courts have social accountability in the matter of protection of environment, there should be a proper balance between the same and development activities which are essential for progress. There can be no dispute that the society has to prosper, but it shall not be at the expense of the environment. In the like vein, the environment shall have to be protected, but not at the cost of development of the society. Both development and environment shall co-exist and go hand-in-hand. Therefore, a balance has to be struck and administrative actions ought to proceed in accordance therewith, and not de-hors the same.

In *Intellectuals Forum v. State of Andhra Pradesh*,³² it was observed that, “the debate between the development and economic needs and that of the environment is an enduring one, since if the environment is destroyed for any purpose without a compelling development cause, it will most probably run foul of the executive and judicial safeguards. In response to this difficulty, policy makers and judicial bodies across the world have produced the concept of sustainable development. Accordingly, the court has to follow the principle of sustainable development and find a balance between the developmental needs and environmental degradation.”

6) Obligation to Assist and Co-operate

The environmental problem is not an individual problem or that of one country. It is a global problem and it can be tackled only with the assistance and co-operation of all. Principle 9 of the Rio Declaration provides that the States should co-operate to strengthen indigenous capacity- building for sustainable

³⁰ Meinhard Schroder, “Sustainable Development- A Principle for Action and an Instrument to Secure the Conditions for Survival for Future Generations”, 101, Law and State, Vol. 51 (1995).

³¹ AIR 2002 Mad. 298.

³² (2006) 3 SCC 549.

development by improving scientific understanding through exchanges of scientific and technological knowledge and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies. Principle 10 of the Rio Declaration further provides that environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Similarly, Principle 12 of the Rio Declaration provides that the States should co-operate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. And finally Principle 27 of the Rio Declaration expects the people and the States to co-operate in good faith and in a spirit of partnership in the further development of international law in the field of sustainable development.

7) Eradication of Poverty

The 2030 Agenda acknowledges that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development.³³ As recalled by the foreword of the 2015 Millennium Development Goals Report, at the Millennium Summit in September 2000, 189 countries unanimously adopted the Millennium Declaration, pledging to “*spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty*”.³⁴ This commitment was translated into an inspiring framework of eight goals and, then, into wide-ranging practical steps that have enabled people across the world to improve their lives and their future prospects. The MDGs helped to lift more than one billion people out of extreme poverty, to make inroads against hunger, to enable more girls to attend school than ever before and to protect our planet. Poverty eradication is addressed in Chapter II of the Johannesburg Plan of Implementation (2002), which stressed that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, particularly for developing countries.

Priority actions on poverty eradication include:

- Improving access to sustainable livelihoods, entrepreneurial opportunities and productive resources;
- Providing universal access to basic social services;
- Progressively developing social protection systems to support those who cannot support themselves;
- Empowering people living in poverty and their organizations;
- Addressing the disproportionate impact of poverty on women;
- Working with interested donors and recipients to allocate increased shares of ODA to poverty eradication; and

³³ <https://sustainabledevelopment.un.org/topics/povertyeradication> (Visited on 25th March, 2018).

³⁴ Ibid.

- Intensifying international cooperation for poverty eradication.³⁵

The General Assembly, in its 1997 Programme for the Further Implementation of Agenda 21 decided that poverty eradication should be an overriding theme of sustainable development for the coming years. It is one of the fundamental goals of the international community and of the entire United Nations system. "Combating poverty" is the topic of Chapter 3 of Agenda 21. It is also in commitment 2 of the Copenhagen Declaration on Social Development. Agenda 21 emphasized that poverty is a complex multidimensional problem with origins in both the national and international domains. No uniform solution can be found for global application. Rather, country-specific programmes to tackle poverty and international efforts supporting national efforts, as well as the parallel process of creating a supportive international environment, are crucial for a solution to this problem.

In December 1995, the General Assembly proclaimed the First United Nations Decade for the Eradication of Poverty (1997-2006). In December 1996, the General Assembly declared the theme for the Decade as a whole to be "Eradicating poverty is an ethical, social, political and economic imperative of humankind."³⁶

In December 2007, the General Assembly proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017) reiterating that eradicating poverty was the greatest global challenge facing the world and a core requirement for sustainable development, especially for developing countries. The proclamation recalls the outcomes of the World Summit for Social Development and the twenty-fourth special session of the General Assembly.³⁷

3.1 Sustainable Development: Recent Trends in India

As the human population is exploding, resources are shrinking. Concerns loom everywhere, from declining pollinators affecting food security, to air and water pollution affecting the quality of life, and land shortage and degradation affecting both agriculture and biodiversity. These are just some examples of the results of unsustainability. This is an important moment to find solutions for sustainable living, in harmony with Mother Earth.

India is home to one-sixth of the world's people and it has the densest population. It also has the second-largest population after China, which it will surpass in less than a decade if current trends continue. India is a country full of diversity and contradictions. While per-capita emissions are amongst the lowest in the world, it is also the third biggest generator of emissions. Despite being the third largest economy in the

³⁵ Ibid.

³⁶ <https://www.un.org/development/desa/socialperspectiveondevelopment/united-nations-decade-for-the-eradication-of-poverty.html> (Visited on 25th March, 2018).

³⁷ Ibid.

world, India also has the largest number of people living below the international poverty line. Because of this sheer size and rapid growth, sustainability is a challenge. In spite of these challenges, India is a conscious aspirant. It has shown leadership in combating climate change and meeting the Sustainable Developmental Goals (SDGs), as is reflected in many of its developmental schemes. India is ranked 116 out of 157 nations on a global index that assesses the performance of countries towards achieving the ambitious sustainable development goals (SDGs). The SDG Index and Dashboards Report produced by the Sustainable Development Solutions Network (SDSN) and the Bertelsmann Stiftung shows that world leaders need to strengthen their joint efforts to realize the 17 global goals³⁸.

India, as the fastest growing economy, is undergoing the dilemma of sustainable development too. India's immediate priority is to provide livelihoods and employment to its population besides creating sustainable economic opportunities at both- micro and macro – levels to keep its promises to take the GDP growth of the country to an ambitious double-digit target of 10 percent.³⁹ India has to provide houses to millions, ensure food & nutritional security, and make health services accessible & affordable. For the sustainable inclusive growth, jobs have to be created. In order to tackle its developmental challenges, and to push the economic growth further, India, apart from conventional development programs, plans to set up smart cities, construction of roads, railways, and other large infrastructure projects.

Under 'Make in India' mission, it lays emphasis on manufacturing sector which will help create jobs. But, all these actions put together will increase India's cumulative as well as per capita CO₂ emission rate which will potentially weaken India's global position on responses to climate change. The current political dispensation in India has shown the 'will' and accordingly decided to go on the path of growth without compromising its commitment to global action on climate change. As a result, despite several challenges, India has proactively ratified the Paris Agreement on Climate Action. India's Nationally Determined Contribution (NDC) targets to lower the emissions intensity of GDP by 33%–35% by 2030 below 2005 levels, to increase the share of non-fossil based power generation capacity to 40 percent of installed electric power capacity by 2030, and to create an additional (cumulative) carbon sink of 2.5–3 GtCO₂e through additional forest and tree cover by 2030.⁴⁰ The Prime Minister's appeal for doing business on the tenet of "Zero Effect & Zero Defect" is the evidence for dealing with the dilemma of sustainable development. This is where the corporate India has to showcase business innovations – technology or commercial – to pursue the profit which is inclusive and green, and promote low carbon economy. Business, as usual, will not help us to get the future we want. It is therefore critical for companies to change the

³⁸ http://www.business-standard.com/article/economy-policy/2017-sustainable-development-goals-index-india-ranked-117-of-157-countries-117071301204_1.html (Visited on 25th March, 2018).

³⁹ <http://businessworld.in/article/The-Challenges-And-Dilemma-Of-Sustainable-Development-India-s-Response/04-06-2017-119426/> (Visited on 25th March, 2018).

⁴⁰ Ibid.

‘purpose of doing business’ which expects them to make profits with a greater social and environmental responsibility than ever before.

Sustainable Development is, therefore, a historic opportunity for the world communities to deliver inclusive growth, eliminate poverty and reduce the risk of climate change by changing perspectives and approaches to economic development. It entails everyone to participate in making efforts to achieve sustainable development. India and the world have a long and challenging way to go in dealing with environmental problems, and learning to live together in sustainable communities. We need to realize that economic and sustainable development is a collective responsibility. So, while well-thought out policies will make growth and climate objectives mutually reinforcing in the short and long term, businesses will be required to make investments in the drive to low carbon economy. And, we as individuals also have to grow into responsible consumers by committing to a changed lifestyle. If we do not act now, we will be delayed to reverse the impact.

Conclusion and Suggestions

4.1. Conclusion

Sustainable development does not focus only on the environment but however, it is also for meeting the diverse needs of all the people in existing and future communities, promoting their personal well-being and equity in their relationships with each other, in a context where nature-society imbalances can threaten economic and social stability. Economic development achieved so far has adopted various techniques which have proved harmful to the environment in which we reside in. The developing populace and our rate of utilization of common assets have set a major weight on the earth. There is a requirement for improvement which is feasible in its inclination and which does not negatively affect the earth.

The way we approach development affects everyone. The effects of our choices as a general public have genuine outcomes on other individuals' lives. For example, by incorporating health plans, for instance, we can ensure that residents have easy access to healthcare facilities which in turn will provide them with a healthy standard of living. Also, poverty and degraded environment are closely inter-related, especially where people depend for their livelihoods primarily on the natural resources based on their immediate environment. Therefore, restoring natural systems and improving natural resource management practice at the grassroots level are central to a strategy to eliminate poverty.

As should be obvious, there is an intrinsic conflict between advancement and ecological contamination. But be that as it may, advancement and development cannot be overlooked out and out. Hence, a balance should be made between sustainable development and deviances of environmental regulations. Industrialization, exploitation and environmental damage cannot be wished away but we can

actualize techniques and consider ways and intends to diminish or to reduce the effects and if it is at all possible, to even perform those activities which are environment friendly only.

There must be recognition of the principle of sustainable development and importance must be given on environmental impact assessment. India being a developing country, it concentrates on the socio-economic development but it must be in co-ordination with environmental upgradation. Due to the rapid growing population and economic development India is facing a number of environmental issues because of the uncontrolled growth of urbanization and industrialization, expansion and massive intensification of agriculture and the destruction of forests. There are major environmental issues such as forest and agricultural land degradation, resource depletion (water, mineral, forest, sand, rocks, etc), environmental degradation, public health, loss of biodiversity, loss of resilience in ecosystems and livelihood security for the poor. One of the primary causes of environmental degradation in a country can be attributed to the massive growth of population, which heavily affects the natural resources and environment. The growing population and the environmental deterioration face the challenge of sustainable development. The existence or the absence of favorable natural resources can facilitate or retard the process of socio-economic development. The three basic demographic factors of births, deaths, human migration and immigration produce changes in population size, composition, distribution and these changes raise a number of important questions of cause and effect. Environmental calamities in India are a contribution of massive population growth and economic development which include heavy pressure on land, land degradation, forests, habitat destruction and loss of biodiversity. Changing consumption pattern has led to rising demand for energy and this in turn leads to air pollution, global warming, climate change, water scarcity and water pollution.

In the last century, development and modification have risen much faster than ever before. Development has increased so rapidly that nature has no time to adapt to these changes and to human requirement and greed. In the last century population growth has had an unmanageable increase, creating tremendous burden on natural resources. Food supply is also not enough for the world's hunger. Also, the earth itself is worn out due to excessive farming, use of chemicals and pesticides and excessive use of ground water. There has also been huge pollution of water resources and emission of toxic fumes from industry and vehicles has deprived us of our right to clean air. To look into these problems, world bodies like the United Nations and the World Commission on Environment and Development have been formulating ideas for environmental protection and sustainable development. Several international conferences have also been held on this subject such as the Earth Summit in Rio de Janeiro, the World Summit on Sustainable Development in Johannesburg and several others.

Through the years, the government of India has passed innumerable laws to help them in their task towards the protection of the environment. Sadly, all these initiatives have not been enough to protect the environment. Greediness of many governing bodies has led to the misuse of the laws and ruthless

exploitation of the land, leading to ecological destruction and social injustices. The leaders of industry also lack social conscience. They have exploited and misused our country's resources and polluted our earth, water and air.

In India, the judiciary has played a vital role in environment protection and also development in a sustainable manner. It has adopted various principles of sustainable development which has created a huge impact towards the path of environment protection and development, with a view to handover the environment to the future generations so that they can also meet their own needs in the same way as we are enjoying now. It has also adopted public interest litigation (PIL) for the cause of environmental protection which has proved to be an effective tool. The violence on environment should be denuded. There is also a need to look into the working of pollution control boards. Whenever there is a threat to the environment, there must be proper mechanisms and steps which must be taken to avoid the damage caused to it. The phrase, 'do or die' is the call at this crucial moment when environmental survival and life's safety are at risk. It has been repeatedly stressed that mankind must take global approach to maintain the ecological balance in order to preserve life on earth.

The Supreme Court has changed the course of environmental law by making environmental obligations binding on the state by interpreting that the right to a clean environment is integral to the right to life. This jurisprudence of fundamental rights and adopting a right-based approach towards the environment has empowered the citizens to seek enforcement of environmental rights. The Court has contributed to the development of environmental law by interpreting various provisions of the constitution to enable the application of international principles of environmental law into national law. By applying the principles of sustainable development the Supreme Court has given effect to the principles of social justice inherent in the constitution of India. Thus, while laying down environmental law, the court has in fact established the constitutional objectives of social economic and political justice and the fundamental rights of the citizen of India.

There is still hope for us. We can, to a certain degree, reverse the process of degradation of our surroundings, for Mother Earth is forgiving and able to heal her wounds if we do not inflict more grievous ones on her. The good earth is our mother and that if we destroy her, we destroy ourselves. So we should act today for a better tomorrow for our children.

4.2 Suggestions

The following are the suggestions intended as a contribution for the protection and sustainable development:

- 1) The judiciary has to play a much more vital role with the problems of pollution control and protection of environment. Better jurisprudential techniques have to be devised to deal adequately with such problems.
- 2) Speedy disposal of cases relating to the environment and development is the need of the hour as most of the environment litigations involve economical development.
- 3) Education the public and make them aware of their rights as citizens of this country to a clean environment, to clean water, clean air and clean surroundings. They must act together to fight corruption in governance and ruthless exploitation by the captains of industry. A strategy for environmental protection could be adopted.
- 4) Government must initiate programmes to create public awareness with regard to the relation between human rights and environmental protection and also related laws.
- 5) Perspective rights to pollute air and water should be constructively restricted by the Courts under its various legal provisions.
- 6) Sincere commitment to good environmental practices must be supported throughout the globe for sustenance of life and adopting green technologies such as using solar energy, low CFC emitting technology, those which are highly innovative, cost-effective, eco-friendly technologies.
- 7) Prescribed punishment for violation of environmental laws should be more deterrent and unlimited.
- 8) The legal provision of the closure of industries manufacturing hazardous substances shall be reconciled with the question of sustainable development and cost-benefit analysis.
- 9) Coordinating efforts globally between all states and locally among governments centre and states, private groups, organizations, operational and financial institutions and people at large in appropriate aspects of their respective activities through Exchange of information, sharing of expertise knowledge, developing arrangements for technical cooperation is needed.
- 10) The Court has to inculcate new methods and devise new strategies for the purpose of providing access to justice to large masses of people who are denied their basic human rights. Especially having regard to the peculiar socioeconomic conditions prevailing in the country where there is considerable poverty, illiteracy and ignorance obstructing and impending accessibility to the judicial process.
- 11) Public participation in the implementation of environmental legislation is to be encouraged by giving legal recognition and financial assistance to the voluntary non-governmental agencies.
- 12) Three important key factors should be taken into consideration by the government, viz., firstly, proper information regarding the seriousness of environmental problem, secondly, incentives may be provided to those who develop standards to meet the challenge of environmental pollution and lastly, setting a unified research centre and implement the principles of sustainable development.

It is high time that the people of India wake up to realize the severe magnitude of the damage wrecked on mother earth in the guise of development. The developers today must be conscious of the environment and adopt a green, scientific and energy efficient mind-set for each stage of a project. These measures may increase the over-all expenditure of the project, but in the long run the benefits would surpass such costs. Undeniably, sustainable development is the need of the hour and a harmonious marriage between development and environment is possible. It is time that each one of us adopt an 'energy-efficient and green' mind-set and use the natural resources available equitably, judiciously and save them for our future generations, as, *“the best way to predict the future is to create it”*.

