

# Environment And Sustainable Development

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## ABSTRACT

Any nation's ecological issues are identified with the dimension of its monetary improvement, the accessibility of characteristic assets and the way of life of its populace. In India, quick development of populace, neediness, urbanization, industrialization and a few related variables are in charge of the fast debasement of the earth. Ecological issues have turned out to be not kidding in numerous pieces of the nation, and subsequently can't be disregarded. The principle natural issues in India identify with air and water contamination especially in metropolitan urban communities and mechanical zones, corruption of regular property assets which influence the poor antagonistically as they rely upon them for their job, risk to biodiversity and deficient arrangement of strong waste transfer and sanitation with ensuing unfriendly effect on wellbeing, newborn child mortality and birth rate. In India, endeavours are being made on for the ecological administration in an economical way.<sup>1</sup> At all dimensions of training arrangements have been made for the information of condition and its protection. In the nation numerous focuses are giving extraordinary preparing to ecological administration. The projects of ecological mindfulness have been propelled through media. India is a functioning individual from International Organizations concerning condition. A few projects are going on under UNEP. The Government has as of late begun underlining the consolidated utilization of administrative and monetary instruments for improving natural quality. There is a requirement for coordination between government organizations, NGOs and the general population for the best possible administration of condition quality and to accomplish maintainable improvement in the nation.

**Keywords-** Ecological; Sustainable Development; Biodiversity; Antagonistically

## INTRODUCTION

Sustainable development is a development that meets the needs of the present without comprising the ability of future generations to meet their own needs. Manageable advancement is an improvement that addresses the issues of the present without involving the capacity of future ages to address their own issues. It contains two key ideas to be specific:

1. The idea of the requirements, specifically the fundamental needs of the world's poor, to which superseding need ought to be given; and
2. The possibility of restrictions forced by the condition of innovation and social association on nature's capacity to meet the present and what's to come needs Supportability can be characterized both emotionally and detectably as a proportion.

<sup>1</sup> Available at: <https://ideas.repec.org/a/jge/journal/622.html> (Visited on, March 7, 2019)

Put in subjective terms, supportability dives to give the most ideal of all universes for individuals and nature both now and in the uncertain future. As far as the 1987 Brundtland Report, supportable advancement implies, Meeting the necessities of the present age without trading off the capacity of future ages to meet their requirements.

Currently sustainable development has gained wide spread approval as a new policy goal to govern human course of action. Arrangement objective to oversee human strategy. Initially, the expression supportable advancement alludes to any improvement, which is progressing. Universally the term maintainable improvement showed up in the World Conservation Technique 1980 with regards to the worldwide dangers to biological systems. Afterward, the Brundtland Report 1987 introduced by the WECD (World Commission on Environment and Advancement) featured and brought into full prominence the idea of economical advancement. Since the production of the WECD's Report, the idea of manageable advancement as characterized by it has gotten acknowledgment as an approach objective adequate to the created and the creating state also. In spite of its more extensive acknowledgment, unattached reference to the idea of supportable advancement in all conceivable settings and its naturally wide range pleasing the assortment of indications and implications has prompted extraordinary arrangement of perplexity. This perplexity even raised a guess concerning whether the idea truly implies anything at all in viable terms. Be that as it may, it might be brought up that there are numerous ideas that control the social strategy which are free from any exact degree for example freedom, social equity and so forth. However, they are regarded as essential and significant objectives. Practical improvement as well has a place with a similar domain of ideas. Maybe, it isn't too silly to even think about saying that a wide definition is its prudence as in it picked up a most astounding conceivable acknowledgment in this way expanding the likelihood of trade offs on various sensitive issues.

Condition insurance winds up one of the chief worries of the world network. Ecological weakening through human movement is continuing at a phenomenal rate. Except if this procedure is kept under tight restraints, the harm caused will be grave and irreversible, harming ourselves as well as who and what is to come. The ecological harm will be caused in the country where it happens as well as at the worldwide dimension when all is said in done. Every single open organization, including the legal executive, need to make aggregate exertion to battle against this all-inclusive danger. Human exercises now and again tend to submerge ideas, for example, regard for nature, trusteeship of earth assets and network interests in like manner comforts, present in the conventions of numerous creating nations. These conventions can be a rich wellspring of motivation for the natural law of things to come, where pertinent consideration is attracted to them.

Man's condition comprises of characteristic assets like land, water, air, plants and creatures. With the advancement of human progress man needs to connect with his environment what's more, exasperates the nature. It prompts ecological contamination, which can't be killed essentially self-acting procedure i.e.,

carbon cycle, nitrogen cycle or water cycle. These ominous conditions made by man produced the issues of ecological fiascos and scatters. Ecological demolitions from both common what's more, man made causes, for example, earth tremors, tornados and atomic blasts, modern mishaps and so forth., have expanded danger for the human life. Each factor adding to ecological decrease serves in fluctuating degrees to uplift financial interruption, social strain and political hostility.<sup>2</sup> Subsequently, the investigation requires to bring into light the natural weakness and its immediate impact on individuals, physical, social, affordable, passionate and otherworldly prosperity and the very presence of life itself. Practical development is the organizing principle for meeting human development goals while at the equivalent time sustaining the capacity of regular frameworks to give the natural resources and ecosystem Norman Myers, *The Environmental basis of Political Stability*, 1993. Services upon which the economy and society depend. The ideal outcome is a condition of society where living conditions and asset use keep on address human issues without undermining the trustworthiness and soundness of the regular framework. Manageable improvement can be delegated improvement that addresses the issues of the present without settling the capacity of who and what is to come. While the cuttingedge idea of manageable improvement is determined generally from the 1987 Brundtland Report, it is likewise established in before thoughts about sustainable woodland management and twentieth century ecological concerns. As the idea created, it has moved to centre more on economic development, social development and natural insurance for who and what is to come. It has been proposed that the term manageability; ought to be seen as humanity's target objective of human- biological system balance (homeostasis), while manageable improvement; alludes to the all-encompassing methodology and fleeting procedures that lead us to the end purpose of sustainability; Present day economies are trying to accommodate driven monetary advancement and commitments of preserving natural resources and ecosystems, as the two are normally observed as of clashing nature. Rather than holding environmental change responsibilities also, other supportability measures as a medication [obscure] to financial improvement, transforming and utilizing them into market openings will do more noteworthy good. The financial advancement brought by such sorted out standards also, rehearses in an economy is called Managed Sustainable Development (MSD).

The idea of manageable improvement has been—and still is—subject to analysis, including the topic of what is to be supported in manageable improvement. It has been contended that there is no such thing as a manageable utilization of a non-sustainable asset, since any positive rate of abuse will inevitably prompt the fatigue of earth; limited stock; this point of view renders the Industrial Revolution as an entirety unsustainable. It has additionally been contended that the significance of the idea has artfully been extended from; conservation the board; to financial advancement; and that the Brundtland Report advanced only a the same old thing technique for world improvement, with an equivocal and pitiful idea connected as an open relations trademark.

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<sup>2</sup> Norman Myers, *The Environmental basis of Political Stability*, 1993

Ecological Pollution has now advanced and become a worldwide issue. The very presence of the man relies on the Nature, which depends on the biological parity, with the advancement of Science and Technology and ever-expanding total populace. Gigantic changes in human condition occurred. These progressions upset the eco-laws and shook the harmony between human life and the Condition and brought multitudinous issues influencing the Environment.

The life of people relies on nature as well as upon natural elements. Environment implies the investigation of the connection between living beings and all parts of their condition. In this way, the individuals ought to learn about condition and natural components and furthermore

About environmental variables which impact nature. Now a day's environmental deterioration has rapidly increased. Research and publicity also increased. Scholars, environmentalists, researchers and writers added more knowledge and discussed in their studies and writings. There are a number of publications, books and periodicals in developed and developing countries with regard to environment and ecological development. The review of literature is focussed to have insight into existing literature on the subject. The present research work is mainly based on secondary source material and the work is in the form of doctrinaire research. Environmental law, being a relatively new field, is largely contained in written texts, although some common law principles are relevant and customary international law is emerging. To have knowledge on the problem thoroughly the researcher referred and reviewed available literature. The following books are referred for the source material as the present research work. Mahesh Mathur in his work talked about the different sorts of contamination, natural administration methodologies and ecological insurance under different laws, custom-based law cures, explicit arrangements under Constitution and different laws and furthermore given exceptional laws identifying with condition in India.<sup>3</sup>The creators exhibited the ecological issues covering different variables influencing condition, wellsprings of contamination, degree of contamination in India and natural administration systems, idea of supportable improvement, the worldwide natural issues and legitimate establishments identifying with natural contamination in detail. Armin Rosencranz, in his book examined about cases, articles and rules and elucidation of current cases managing entire scope of natural issues.<sup>4</sup> He has given extraordinary consideration to value issues and to natural issues of the urban what's more, country poor and International ecological law and worldwide issues are too talked about. The book created by Paras Diwan has two volumes on laws identifying with ecological insurance and counteractive action of contamination. The principal volume manages different issues on natural security, sorts of contamination, legal activism and additionally manages driving cases on condition.<sup>5</sup>

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<sup>3</sup> Mahesh Mauhur, legal control of ENVIRONMENTAL Pollution, Jurisprudence and Laws applicable to Environmental violation and prevention, 1990

<sup>4</sup> Dr. Paramjit S. Jaswal and Dr. Nishtha Jaswal, et.al., Environment Law (Allahabad Law Agency, 16/2, Karkhana Bagh, Faridabad (Haryana) Fourth)

<sup>5</sup> Prof Paras Divan and Armin Rosencraz; Environmental Protection problems – Policy Administration – Law and Judicial attitude, 1992

The second volume contains all the resolutions with Rules confined there under identifying with condition. The book titled *Living with Nature* is an arrangement of many articles introduced by various creators. In this book the writers clarified the risky, social and social presumptions fundamental the prevailing natural talk. They too recommended the elective methods for thinking about the significance of nature and natural legislative issues. Solutions for ecological contamination different Constitutional and administrative arrangements, legal frame of mind, the idea and universal points of view of practical advancement with reference sections containing International arrangements and national authorizations in detail. The writers in their books talked about the Environmental insurance and how the air and water contamination has been connected with the key rights under Constitution of India. He additionally talked about the different authorizations gone by the Parliament and the State Legislatures. Prof. Dwivedi, in his book talked about wide scope of ecological issues confronted by India, the political, institutional, lawful, social, profound and worldwide measurements of India's natural difficulties. The work manages different elements that impact ecological quality and gives a casing work to natural the executives both national and universal concerns and made recommendations for improvement of natural preservation.<sup>6</sup> Equity V.R. Krishna Iyer, introduced the wide scope of subjects on natural quality. The book contains an abundance of lawful data with respect to the most and creating subject "Natural contamination". It is separated into two sections. Part I contains the articles and contextual investigation and Part II contains the enactments encircled by the Administration of India on security of environment.<sup>7</sup> The ongoing perspective with respect to the beginning of this locale is that its covering framed between northward floating Deccan level and the nearly delicate residue aggregated in the Tethyan Sea just as in the associated bowls of the north. The folding of the silt brought about the development of a mountain system. According to Edward Sues (1956), an extraordinary Austrian geologist, it is a foredeep shaped before the safe mass of the landmass when the Tethyan silt were thrust southward and packed against them. The landmass is viewed as a stable mass and Central Asia as the moving fragments of the hull. The streams from the Himalayas brought an enormous measure of stores since the Pleistocene time frame and along these lines the plain came into existence. The absolute thickness of the alluvium isn't actually known. The most profound drill gap made at a station in Lucknow, Uttar Pradesh is as it were 400 meters yet it has not contacted the absolute bottom. As per Oldham (1939), it has been derived geographically that the profundity of the alluvium along the external edge of the Himalayas sums in the middle of 4,416 and 6,156 metrics<sup>8</sup>. As indicated by Hayden (1939), the geodetic proof appears to affirm by and large that the Indo-Gangetic discouragement is a wide bowl, shallow on the external side

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<sup>6</sup> Dwivedi, O.P, *Indias Environmental Policies, Programmes and Stewardship*, 1997

<sup>7</sup> Justice Krishna Iyer, V.R. *Environmental Pollution and the Law*, 1984

<sup>8</sup> Oldham, R.D, *The Structure of the Himalayas and of the Gangetic Plain*, *Memoirs the Geological Survey of India*, Vol. 43 pt II, Delhi, 1939, p. 82

furthermore, inclining tenderly inwards the Himalayas.<sup>9</sup>

The silt of this bowl comprises of sand, salts, and dirt's with periodic event of rock beds and peaty natural matter, and changing extent of topsoil. The more established alluvium, bhangar is fairly dim in shading and wealthy in knobs of sullied calcium carbonate known as kankar northern portions of India. The vital waterways and their tributaries which frames the seepage of the locale are : the Ganga, the Mahawa, the Sot, the Ramganga, the Aril, the Deoha, the Bhagul, the Sarada, the Gangan and the Gomati. The Ganga is the biggest waterway depleting the Rohilkhand locale. It frames western limit of the district. It first contacts the area of Bijnore in the extraordinary north near a spot leaving the slopes over the area of Haridwar in the condition of Utranchal. It comes to in the region of Nagal in a town of Najibabad square. The Ganga enters in the Moradabad region from the northwest around 4 km. west of the town Papsari in Hasanpur square, at that point stream southerly way along the western limit of the locale for about 65 km and isolates the area of Moradabad from that of the locale of Meerut and Bulandshahar.

In this area, it has just two immaterial tributaries the Baia and the Matwali. The previous goes along with it close to the town of Kharajpur and last close to that of Dhoria in Budaun region then it frames a long limit of 149 km. in the west and south of the area. Where the Ganga stream enters the zone close town Dippur in Rajpura square. It goes through the Qadarchowk hinder in the extraordinary southeast corner of Budaun area. The Mahawa This is the biggest tributary of the Ganga. The course of the Mahawa generally is parallel to the Ganga stream. The Mahawa starts about 3 km. toward the north of the Moradabad area. It gets water from various occasional little streams. At Narioli, it is closest to the Ganga and goes through the Ganga Khadar. It goes through the squares of Rajpura and Sahaswan, and joins the Ganga nearly amidst the Budaun area. There are some lengthened lakes along the waterway Mahawa. In stormy season when it get overwhelmed, its course is isolated into two region channels. One of which is occasional depleting in the northwest of Sahaswan obstruct at a separation of 5 km. from the Mahawa.

There is one major semi-roundabout lake named Dhand, notwithstanding numerous little lakes framed in the blustery season and structure a constant sheet of water. It streams a southeasterly way through the square of Sambhal in Moradabad locale. It has an all around characterized and genuinely wide valley and at most places it achieves an impressive profundity. It is a perpetual stream and contains an expansive volume of water consistently. The Sot takes water right off the bat from the Bhaisaur and after that streams southeast ward lastly joints the Ganga. The nearness of various oxbow lakes near the left bank of the waterway obviously shows that already the stream was streaming at a separation of around 2 or 3 km. far from its present course. The waterway enters the Shahjahanpur region where it gets various little streams. The Kadwara is one of them which begins and depletes the marshes of Dataganj square in Budaun region and structures various lengthened lakes. The investigation goes for examining not just the logical and innovative viewpoints causing harm to nature yet in addition legal patterns in the development of ecological law since 2000 and the case laws identifying with condition as pondered and chosen by the

<sup>9</sup> Hayden, H.H, The Himalayas and Peninsula, Records of the Geological Survey of India, Vol.43, pt.2, Delhi, 1939, p. 167

Supreme Court and different High Courts will be taken up for examination. In this investigation the idea identifying with "Condition, Environmentalism, Biology, Ecosystem, Nature and Scope of Environment, National and International Archives on Environmental Law, General and Specific Laws identifying with Natural Protection and the job of Supreme Court of India in the Protection of Condition and Ecological Development will likewise be talked about. Natural law is a similarly new part of law and has developed basically throughout the most recent thirty years. It is, in this way, up 'til now in a developmental stage and is experiencing a procedure of quick advancement motivated by a quantum jump in our comprehension of the ecological test. By reason of its similarly ongoing development, direness in ensuring and saving condition requires the investigation. In the course of recent decades, developing open consciousness of dangers to the condition, educated by admonitions of researchers, has prompted requests that law secure the characteristic surroundings on which human prosperity depends. Under developing weight from national and worldwide popular conclusion, governments started to show worry over the general condition of the earth amid the 1960s and acquainted enactment with battle contamination of inland waters, sea, and air, and to protect certain urban communities or regions. At the same time, they set up exceptional managerial organs, services or ecological offices, to safeguard more successfully the personal satisfaction of their natives. Improvements in global ecological law paralleled this advancement inside states, mirroring a developing agreement to accord need to settling natural issues.

Today, national what's more, worldwide natural law is mind boggling and tremendous, involving a huge number of decides that mean to secure the world's living and non-living components and its natural forms.

In India, similar to some other creating nation, there has been condition debasement due to over abuse of assets, exhaustion of customary assets, industrialization, urbanization and populace blast. India's populace surpasses a billion. A yearly expansion of more than 15 million individuals isn't feasible. This is well known. Lamentably, there is almost no political will to improve matters. Anyway, India has never been unmindful of this reality. Actually, India has dependably been in the fore front of making every conceivable walk for the security and improvement of the earth and going for Sustainable Development. Since man is the maker what's more, disintegrate of his condition his lead can be controlled through the instrument of law. Along these lines, it very well may be seen that there has been ordinary improvement of law in regards to the insurance of the earth; his direct can be controlled through the instrument of law. The Constitution of India through its Directive Principles, which have been proclaimed to be essential in the administration of the nation, has attempted to picture legitimately a financial framework that will bring about decreasing financial inconsistencies and there by adjusted improvement securing the earth. In Article 48A a particular legitimate commitment has been forced on each one of the individuals who administer India to have strategies that will ensure the earth woods and untamed life. In like manner, the Condition Protection Act, 1986 characterizes condition as the aggregate and whole relationship of

people with all living and non-living things. It is this all- grasping or all-encompassing idea that legal executive in India has endeavour to translate through the catchphrases of Sustainable improvement. Along these lines, it very well may be seen that in India, there has been constant improvement of the law in regards to the security of the earth.<sup>10</sup> Be that as it may, neither the law nor the earth can stay static. Both are dynamic in nature; the changing pace of the earth is fast to the point that so as to keep the law on a similar wave length either laws must be revised so every now and again to address the new difficulties or it must be provided new guidance to for the legal elucidation. This turns into even more imperative in the perspective on the regularly expanding logical and mechanical improvement and progression which has been made. India has authorized different laws at practically customary interims to manage the natural corruption in the meantime the legal executive in India has played a significant job in deciphering the laws in such a way which not just aided in securing the condition yet in likewise advancing reasonable advancement.

Truth be told the legal executive in India has made another ecological statute. The facts confirm that in a creating there will be improvement, however that advancement will must be in the nearest conceivable amicability with condition, as generally there would be advancement however no condition, which would result in the aggregate decimation, however anyway may not be felt in present but rather sooner or later of time. Yet it would be past the point of no return in the day to control and improve the earth. Indeed, there must be an ideal harmony between the advancement and condition with the goal that both can exist together without influencing the other. On the wake of the 21 st century, it is neither possible nor practicable to have negative way to deal with the advancement procedure of the nation or of the general public, yet that does not mean with no thought for the earth. The general public will have to flourish, yet not at the expense of the earth and in the comparative vein, the condition will must be ensured however not the expense of the improvement of the society. Subsequently supportable improvement is the main answer and the managerial activity should continue as per and not the d'hors of the equivalent. The issue of the ecological corruption is a social issue. Considering the developing mindfulness and effect of this issue on the event to manage the circumstance as it requests in the present and as much as dependably work having due respect to the present day issues which the general public countenances. It is currently well settled essential of the law that social issue of the nation can't be overlooked by thought of law courts. Along these lines, the courts must take awareness of the ecological issues. Notwithstanding, law courts should not to put a ban on any improvement venture which might be in the advertising.

Individuals have reacted well to the ecological emergency brought about by aimless quarrying, mining, stone pulverizing close to the populated zones or close to the National Highways and felling of trees bringing about the deforestation and other ecological debasement. The primary case including the issues identifying with condition and natural balance which has brought into the sharp center the contention between the improvement furthermore, preservation and the court stressed the requirement for

<sup>10</sup> Down To Earth Magazine on Science and Environment October 31, 2005



accommodating the two into the bigger enthusiasm of the nation, mining which exposed the Mussorie Hills of trees and backwoods spread and quickened soil disintegrations bringing about the avalanches and blockage of the underground water which sustained numerous streams and springs in the waterway valley. The court delegated a specialist board to exhort the Bench on the specialized issues and based on the report of the board the court requested the conclusion of number of lime stone quarries. The court was additionally aware of the results of the request which rendered laborers jobless after the conclusion of the limestone quarries and caused hardship to the renters. The court saw that this will to be sure reason hardship to them, yet it is a value that must be paid for ensuring and defending the privilege of the general population to live in solid condition with insignificant unsettling influence of the environmental equalization and without keep away from risk to them and to their steers, homes and agrarian land and undue love of air, water and condition. It is presented that the choice of the court has appropriately re-insisted that the advancement isn't contradictory to condition be that as it may; neglectful improvement can cause avoidable damage to the earth. The Supreme Court was wary in its approach when it called attention to that for the Government and Nation and not the Court, to choose whether the contemplations or the modern prerequisites ought to be generally fulfilled. Nonetheless, the worry of the court towards biological equalization was apparent when it watched: We are not unaware of the way that the common assets must be tapped for the motivations behind the social advancement however one can't overlook at the equivalent time that the tapping of assets must be finished with the imperative consideration and care with the goal that biology and condition may not be influenced in any genuine way, there might be attempted to keep up the national riches. It has dependably to be recalled that these are the perpetual resources of the humankind and are not planned to be depleted in one age. It is presented that from the above perceptions of the Supreme Court the worry for the economical improvement is plainly obvious. The Court likewise recorded a sounding note that safeguarding of the earth and keeping the biological balance unaffected is an assignment which Government as well as each resident must embrace. The court observed the reality mining movement must be allowed to the degree it is vital in the financial and the safeguard interests of the nation as additionally for shielding of the outside trade position. The court guided the legislature to record a sworn statement of dependable expert regarding in the case of keeping the principals of nature, ecological insurance and shields and against contamination measures, it is in the enthusiasm of the general public that the monetary and the resistance prerequisite ought to be met by import or by tapping other exchange indigenous sources or mining movement in the territory ought to be allowed to constrained degree. In the consequent cases the Supreme Court coordinated to thoroughly stop the task of mining in certain region on the ground of natural security. The Supreme Court enabled a mine to work until the expiry of rent as an outstanding case on embraced by the resident that land taken on rent would be subject of the afforestation by him. Subsequently, when it was conveyed to the notice of the court that he has made a rupture of undertaking and mining was finished by the most informal and uncontrolled way making the harm the region and the ]condition., the court guided the resident to pay

rupees three lakhs to the reserve of the observing council which had been established by the court to manage the afforestation program to be embraced by the renter.<sup>11</sup> It is presented that the request of the Court depends on the polluter pays vital which is one if the fundamental important of the practical improvement.

R.L. also, E. Kendra, Dehradun versus Province of U.P., ( prominently known as Doon valley case) was the primary instance of its sort in the nation including issues identifying with condition and natural equalization which brought into sharp center the contention among improvement and preservation and the Court underlined the requirement for accommodating the two in the bigger enthusiasm of the nation, mining which bared the Mussorie Hills of trees and woodlands spread and quickened soil disintegration bringing about blockage and avalanches and blockage of underground water which nourished numerous streams what's more, springs in the stream valley. The Court designated a specialist panel to exhort the Seat on the specialized issues and on the report of the panel, The Court requested the conclusion of number of limestone quarries. Industry is vital to financial matters of the cutting edge social orders and essential engine of development. It is fundamental to creating nations, to extend their advancement base and meet the developing needs. Industry extricates material from the common assets base and embeds the two items and contamination into the human condition. It has the ability to upgrade or to debase the earth, it constantly does both. The negative natural effects of modern movement were seen as confined issues of air, water and land contamination. Be that as it may, with the modern development and urbanization these issues have additionally increased. Amid the as of late years in India there has been developing consciousness of ecological corruption and the general population just as the courts have appeared tension about the circumstance emerging out of modern development and contamination.

## CONCLUSION AND SUGGESTIONS

To meet the challenges for sustainable development and ecology in the 21<sup>st</sup> century therefore, it would be imperative to immediately support strengthen and augment human development (population, education, health and nutrition) as the predominately focused area besides extensive awareness campaigning in environmental protection and sustainability. We all need to work without any irresponsible obstinacy to establish a new frame work for a positive environment and economy that respects the differences, protects the weak, evaluates the strong and creates an environment that retains and maintain the sanctity and the serenity of all natural resources for the future generation, if we agree this is the time to change. The concept promulgated by India in 1989 for the establishment of planet protection Fund (PPF) with 0.1% contribution of GDP of all countries both developed and the developing should essentially include integrated Human Development. A poor country like India which was willing ten years ago to contribute to this fund, shows its earnestness to be willing partner in this process. This spirit needs to be revived and the Kyoto Protocol should be honed and pursued in right earnestness. Since it is recognized

<sup>11</sup> R.L & E Kendra, Dehradun vs. state of U.P. AIR, 1991 3SCC

by all that environmental and developmental policies would supplement and complement each other, there is no reason why right to sustenance and human development should not be recognized as the basic environmental right. The international conventions (The Montreal, the Rio, the Kyoto protocol) are indeed landmark international conventions in pursuit of global movements for sustainable development and environmental protection but, without recognizing the improvement of living standards and the welfare of people as recognized by the Indo - British Environmental Initiative will not be a constructive framework for responsible International Cooperation and Fund.<sup>12</sup>

India has always been in the fore front of taking all possible steps for the protection and improvement of the environment and aiming at Sustainable Development. Since man is the creator and molder of his environment his conduct can be regulated through the instrument of law. Thus, it can be seen that there has been regular development of law regarding the protection of the environment. The Constitution of India through its Directive Principles, which have been declared to be fundamental in the governance of the country, has tried to visualize legally a socio- economic system that will result in reducing socio-economic disparities and there by balanced development protecting the environment. In Article 48A a specific legal obligation has been imposed on all those who govern India to have policies that will protect the environment forests and wildlife.

India has enacted various laws at almost regular intervals to deal with the environmental degradation at the same time the Judiciary in India has played a pivotal role in interpreting the laws. There can be no dispute that the society has to prosper, but it shall not be at the expense of environment. In the like vein, the environment shall have to be protected, but not at the cost of the development of the society. Both development and environment shall co-exist and go hand-in-hand. The Court expressed the view that “the precautionary principle” and “the polluter pays principle” are essential features of sustainable development and that no hesitation of holding that the precautionary principle and the polluter pays principle are part of the environmental law of the country.

Supreme Court in various fields has laid down the law regarding sustainable development through PIL's and has tried to conserve the environment.

Indian Parliament inserted two Articles, i.e. 48A and 51A in the Constitution of India in 1976, Article 48A of the Constitution rightly directs that the State shall endeavor to protect and improve the environment and safeguard forests and wildlife of the country.

Under the Motor Vehicles Act, 1988 and Motor Vehicles Rules, 1989, there are sufficient provisions for regulating the emission resulting in the pollution. Emission checking, prosecution as also steps administration in this regard. But these steps have been found not fully successful in combating the air pollution from the vehicular traffic. The judiciary has shown its deep concern in this area as well.

The Ganga Action Plan (GAP) was a program launched by Rajiv Gandhi in April 1986 to reduce the pollution load on the river. But the efforts to decrease the pollution level in the river became abortive even after spending the huge amount. Therefore, this plan was withdrawn and is described as failure by many.

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<sup>12</sup> Down To Earth Science and Environment Fortnightly, April, 15'2006.

There are some suggestions:

The path for sustainable development aims to promote harmony among human beings, humanity and nature. Below is what the current national and international political and economic institutions need to overcome the development and environment crisis:

1. The need for a political system that secures effective citizen participation in decision making through transparency and responsive governance,
2. To generate surpluses and technical knowledge on self-reliant and sustained basis by counting the cost of so-called free goods like air, water and women's work at home and on the farms, through an economic system,
3. A system socially active that provides solutions for the tensions arising from frictional development,
4. A system that respects the responsibility to preserve the ecological base for development arising from various kinds of socio-economic inequalities,
5. A system that can continuously research for new solutions which are people oriented,
6. Encouragement of sustainable pattern of trade and finance by linking these with human rights,
7. A flexible and accountable administrative system and has capacity for self-correction within a reasonable time.

In Delhi, the public transport system including buses and taxies are operating on a single fuel CNG mode on the directions given by the Supreme Court. Initially, there was a lot of resistance from bus and taxi operators. But now they themselves realize that the use of CNG is not only environment friendly but also economical. It is evidently clear that there is no dearth of legislations on environment protection in India. But the enforcement of these legislations has been far from satisfactory. What is needed is the effective and efficient enforcement of the constitutional mandate and the other environmental legislations.

The unauthorized encroachment of pavements affects pedestrian's right to free passage and also creates unhygienic ecology, traffic hazards and risk to the lives of pedestrians. Therefore, the Municipal Corporation is entitled to remove such encroachments. There should be separation of recyclable waste/ non-biodegradable waste as well as domestic hazardous waste at source by means of door-to-door collections by municipal workmen or through private contractors.

There is a constant efflux of rural people to urban areas leading to consequential growth of slums and encroachments. It is for constitutional functionaries to evolve such schemes and policies so as to provide continuous means of employment in the rural areas and to prevent the immigration of rural people to urban areas. What we need is social awareness from below, not laws from the above. No law works out smoothly unless the interaction is voluntary. In order to educate people about the environmental issues, there should be exhibition of slides in the regional languages at cinema houses and television free of cost as directed by the Supreme Court of India. Environment studies shall be made a compulsory subject at school and college levels in graded system so that there should be general growth of awareness