

“Environmental Protection Through Sustainable Development: With Special Reference to India”

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Abstract

This Research Article analyses the concept of Sustainable Development and Environmental Protection. It is very big task while fulfilling the Present generation needs, to protect Environment for future Generation. The Environmental Pollution in India has led to so many health issues and Environmental Degradation. Though Environmental Pollution (Building Roads, Bridges, Buildings, Industries, Transportation) provides the benefits of economic growth and development, but it also brings the Health, Environmental Challenges. Various problems and issues regarding Environmental protection and solving these problems through Sustainable Development have been discussed under this Paper. Various legal provisions, Policies and Programme, Institutional Arrangements have been discussed under this Paper. It is necessary that without detriment to the environment and natural resources, social and economic development should happen. This Paper tries to come with the solution so that there should be balance between environmental Protection and Developmental Activities.

KEY WORDS – Sustainable Development, Environmental Protection, Pollution, India.

INTRODUCTION

Human development has created the drastic environmental pollution. When the environment of earth sustains injury it affects human security. There is a connection between environment and life. Destruction of environment means destruction of life on earth. Use of natural resources enormously, nuclear radiations, industrial wastes, cutting of forests, pollution of rivers and water resources, increase of air and noise pollution are main reason for environmental pollution. But simultaneously economic and social Development of the country is necessary. The one and only remedy on this is sustainable development.

Stockholm Conference Sustainable Development includes to protect flora and fauna (soils, animals, forests, human being and the atmosphere). All the countries around world are giving importance to protect environment. And hence the environmental law has come into existence. International concern for environmental protection started with Stockholm Declaration in 1972. It is considered to be Magnacarta of environmental protection and sustainable development. United Nations Conference on the Human Environment (also known as the Stockholm Conference) was an international conference held in Stockholm, Sweden from June 5-16, 1972. It was the UN's first major conference on international environmental issues. The term “Sustainable Development” had its root in “Stockholm Conference”. It was written down in declaration that,

" Man has the fundamental right to freedom , equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being and he bears a solemn responsibility to protect and improve the environment for present and future generation "

The term ‘Sustainable Development’ was Systemically used by the Brundtland Report in 1987 (Formerly known as the **World Commission on Environment and Development** (WCED), the mission of the **Brundtland Commission** was to unite countries to pursue sustainable development together. The Chairperson of the Commission, was Gro Harlem Brundtland. According to Beundtlad Report Sustainable Development means "Meets the needs of the present without compromising the ability of future generations to meet their own needs." Former Prime Minister of

India Smt. Indira Gandhi had categorically stated in her address at the Stockholm Conference, 1972 that water, air, land, soil, plants, trees and living organisms must be preserved because they are valuable natural resources for the benefit of the future generations.

Right to live in Pollution free environment is our fundamental right. Most of the countries in south East Asia are in their developing stages. Development comes through industrialisation, which is the main factor behind the degradation of environment. To solve this issue, the experts have come up with doctrine called “Sustainable Development”, it means there should be balance between Development and Ecology.

Examples of sustainable development are

- Use of renewable sources of energy for development purpose are best solution for environmental degradation.
- Solar energy, wind energy are an alternative as a source of energy, instead of using non-renewable fossil fuel energy. They are less costly and environment friendly.
- Use of natural manure or bio-compost is very nice alternative for chemical fertilizers. We can prevent Soil erosion and Soil Pollution.
- CNG and LPG are also good alternative for cooking and vehicles.
- Crop rotation (it maximize the growth potential of soil, it prevents insects in the soil without use of chemicals), Creation of Garden, Planting of Tress gives people Outdoor recreation.

Now Environmental Protection has become not only national but also international concern Environmental Pollution has become a global problem. Man can't live without Nature. The life of human beings depends upon the ecological balance and environmental protection. If the human beings protect the environment by the means of the sustainable Development then we can hope better future for upcoming generation

Environment protection has become concerns for world community. The environmental pollution not only affects the life of those people who live in the nation where it occurs but it affects the life of the persons of other nation. It is the duty of all people on the earth, Government of all nations to make collective effort to protect Environment. Environment consists of natural resources like land, water, air, plants and animals. When environmental imbalance happens it leads to earth quakes, cyclones and, threat for the human life. Therefore, the study necessitates to bring into light the environmental insecurity and its direct effect. It is the responsibility of present generation to save environment because the next generation will be not there if we will not save environment. Healthy environment is the pre requisite of right to life.

Principle of Sustainable Development

1. Inter-Generational Equity – This principle gives importance to the right of every generation to enjoy the benefit of Natural resources.
2. The Precautionary Principle - The precautionary principle means any human activity or behaviour which has a harmful effect on environment, should be prevented at all costs. This precautionary Principle is a part of the United Nations Environmental programme.

3. Polluter pays Principle - The objective of the Polluter pays principle is to make the polluter liable not only for the compensation to the victims but also for the cost of restoring of environmental degradation.

All the member countries participating in the Organisation for Economic Co-operation and Development (O.E.C.D.) agreed to incorporate in their environmental policies and laws, the principle of 'polluter pays'. The European Community in its Action Programme on Environment had accepted the 'polluter pays' principle as a part of its strategy to protect Environment. The principle was incorporated in Article 130 R (2) of the action programme which reads as follows:-

- (i) Preventive action is always preferable to remedial action;
- (ii) Environmental damage should be rectified at source;
- (iii) The polluter should pay the costs of the measures taken to protect and preserve the environment;
- (iv) Environmental policies should be a component of the European Community's other policies.

Now, the "polluter pays" principle is an integral part of the sustainable development by the international community. The 'polluters pays' principle is the commonly accepted practice that those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment. For instance, a factory that produces a potentially poisonous substance as a by-product of its activities is usually held responsible for its safe disposal.

Government Policy to Protect Environment

The Ministry of Environment and Forests, Government of India in the year 1992 announced a policy statement to control pollution. The policy gave importance to the need for a positive attitude of everyone in the society to prevent pollution. The policy statement adopted fundamental guiding principles. These principles are

- ◆ Prevention of pollution at source
- ◆ The adoption of the best available technology
- ◆ The polluter pays principle: and
- ◆ Public participation in decision making.

To give effect to the provisions of the **Stockholm declaration of 1972**, the water (prevention and control of pollution) Act 1974 was passed, the Air (prevention and control) Act 1981 passed. After Bhopal gas leak disaster of Dec 1984, Environment (protection Act 1986 was passed.

ROLE OF JUDICIARY

Indian Judiciary is playing a very important role to protect Environment by giving importance to Sustainable Development. In *Indian Council of Enviro-legal Action vs. Union of India* 1996 (5) SCC 281, The SC held: "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."

In *Rural Litigation and Entitlement Kendra Dehradun vs. State of Uttar Pradesh*, which was also known as Doon valley case, dispute arose over mining in the hilly areas. The SC ordered the stopping of mining work and held that: This would undoubtedly cause hardship to them, but it is a price that has to be paid for protecting and safeguarding the right of the people to live in a healthy environment with minimal disturbance of ecological balance and without avoidable hazard to them and to their cattle, homes and agricultural land and undue affection of air, water and environment."

In *M.C. Mehta vs. Union of India* (1992) 3 SCC 256 the Supreme Court issued directions towards the closing of mechanical stone crushing activities in and around Delhi, which was declared by WHO as the

third most polluted city in the world. However it realised the importance of stone crushing and issued directions for allotment of sites in the new 'crushing zone' set up at village Pali in the state of Haryana.

Thus it is quite obvious that the courts give equal importance to both ecology and development while dealing with the cases of environmental degradation. In **A.P. Pollution Control Board v. M.V. Naidu** (1999(2)SCC 718), the SC Court held that Earth's natural resources should be used carefully so that they can be conserved and enhanced for future generation. Natural resources are not in enough Quantity because of poverty, over- population, urbanisation, Industrialisation. And there may be acute shortage of these resources in future. It is necessary to develop techniques and technologies which would reduce utilization of natural resources. . The Supreme Court applying the principle of careful use and conservation of natural resources, observed in the case of **S. Jagannath v. Union of India AIR 1997 SC 811** that activities of the industries violates this principle and of, environmental legislations must be discouraged. In **Indian Handicrafts Emporium v. Union of India**, the indigenous ivory or ivory articles were prohibited from being exported as it impugned Wild Life (Protection) Act, 1972 and was also against the moral claims embodied under Article 48-A of the Constitution and principle of conservation of natural resources. In **Narmada Bachao Andolan v. Union of India** (2000) 10 SCC 664, the Supreme Court explained that "when there is a state of uncertainty due to lack of data or material about the extent of damage or pollution likely to be caused, then in order to maintain ecological balance, the burden of proof that the said balance will be maintained, must necessarily be on the industry or the unit which is likely to cause pollution

ENVIRONMENTAL PROTECTION

There is close relationship between protection of Environment and Sustainable development. Most of the nations have enacted environmental protection laws to ensure sustainable development within their territories. India has also enacted an act called Environment protection Act 1986 In order to reinforce sustainable development

The Environment Protection Act, 1986

The Environment Protection Act, 1986 (the "Environment Act") provides for the protection and improvement of environment. Under s 2(a) of the Environment Act, Environment includes water, air and land as well as the inter relationship which exists between water, air and land, and human beings, other living creatures, plants, micro-organisms and property.

Under the Environment Act, the Central Government has been empowered to take necessary action to protect and improve the quality of environment by setting up standards for emissions and discharges of pollution in the atmosphere by any person carrying on an industry or activity; regulating the location of industries; management of hazardous wastes, and protection of public health and welfare. From time to time, the Central Government issues notifications under the Environment Act for the protection of ecologically-sensitive areas or issues guidelines for matters under the Environment Act.

In case of any non-compliance or contravention of the Environment Act, the violator will be punished with imprisonment up to five years or with fine up to Rs 1, 00,000, or with both. In case of continuation of such violation, an additional fine of up to Rs 5,000 for every day during which such failure or contravention continues after the conviction for the first such failure or contravention, will be levied. Further, if the violation continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

In India, the Environment (Protection) Act, 1986 is the central legislation. Besides, there are some other pollution control and prevention laws and States have also framed their own anti-pollution laws according to their local requirements. The ultimate object is to ensure sustainable development for protection of environment from being degraded or polluted.

Lacunae of environment protection Act

Though there are so many laws present in India to protect Environment but still we are facing lots of problem to protect our Environment. The Environment (Protection) Act, 1986 —The Act is framed with 4 chapters. The major urban environmental ills like noise, traffic, overburdened mass transportation systems, slums and congestion are absent from the Act and no provisions have been made for their control., "plasma" used in advanced scientific and technological experiments and which is at the threshold of industrial use is left out. Section 15 prescribes the penalties for offences under the Act. This is the first time that very heavy penalties like imprisonment for period's upto 5 years and fine of upto Rs. 1 lac have been prescribed for environmental violation. This provision was given very great publicity in the press and scientific journals which espouse the ecological cause. The Section was put in perhaps to appease the environmental activists. But curiously enough, no minimum punishment is prescribed. It would have been in the fitness of things if a minimum of 2 years rigorous imprisonment had been mandatorily provided for offences of environmental pollution, considering that the attempt is to save mankind from the brink of disaster and annihilation.

The Supreme Court in M.C. Mehta v. Kamal Nath, (1997)1SCC 388 observed that 'polluter pays principle has been recognised as fundamental objective of Government's environmental policy to prevent and control pollution. The Court in this case observed that the calculation of environmental damages should not be on the basis of claim put forward by the party, but it should be on the basis of examination of the situation by the Court, keeping in view the factors such as deterrent nature of the award.

In **Vellore Citizens' Welfare Forum v. Union of India AIR 1996 SC 2715.**, the Supreme Court directed the Central Government to constitute an authority under Section 3 (3) of the Environment (Protection) Act, 1986 and confer on this authority all the powers necessary to deal with the situation created by tanneries and other polluting industries in the State of Tamil Nadu. The authority so constituted shall implement the 'precautionary principle' and the 'Polluter Pays Principle.'

CONCLUSIONS AND SUGGESTIONS

Increase in population and economic development are main reason of environmental problem in India. For the purpose of protection of environment and sustainable Development we should give importance to

- Conservation of flora, fauna, forests and wildlife
- Prevention and control of pollution
- Afforestation & regeneration of degraded areas. The existing laws are inadequate to control environmental pollution.

To protect environment from degradation massive awareness is necessary. Government has passed lots of Legislation to tackle the environment pollution but these all legislation are not implemented strictly. Minimum usage of hazardous materials and toxic chemicals, careful usage of toxic gases will reduce environmental pollution.

To protect environment is a responsibility of each and every individual living on the earth. Environment and development both are necessary. To protect environment is responsibility of each and every one living on this earth, any one of these cannot be sacrificed for the other.

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