

Sustainable Development and Environmental policy of India

Dr Sunny Sureshkumar Hasani,
Assistant Professor,
NTVS College of Law,
Nandurbar (MS)

Abstract

The good thing is that globally the nations have adopted the agenda of 'Sustainable Development 2030' and have decided to keep the world temperature below 2 centigrade under 'Paris Agreement 2015' to reduce the impact of climate change. Presently, environmental protection is a complex problem and a challenge for the whole world. Today's increasing pollution has become a curse for the entire human race. Apart from humans, forests and wildlife are affected by pollution. For this reason, special emphasis is being laid on environmental protection in the constitution and many laws have also been enacted from time to time to deal with this problem. The paper highlights about Sustainable Development and Environmental policy of India

Introduction

The history of environmental protection in India is centuries old. Hadappa culture was steeped in environment, then Vedic culture remained synonymous with environment-protection. What is the entire nature of the Indian public, all natural powers considered as deities. Surya, the source of energy, is considered a deity and calls him 'Surya Devo Bhava'. Water is also considered a deity in Indian culture. Rivers have been called life-giving, that's why ancient cultures grew and thrived on the banks of rivers. Banana, peepal, basil, banyan, mango etc. tree plants have been worshiped in Indian culture. Environmental love was seen everywhere from the Isophanishad to Ashoka the Great. The Delhi Sultanate made many efforts to keep the environment clean. Environmental love remained in medieval and Mughal India too. The British started the task of destroying the environment for their economic benefit in India. Ecological imbalances in the Indian environment began to appear in the British period due to the disastrous exploitation policy. As a result of western influence, industrialization and population explosion among the people of independent

India, Trishna woke up which gave rise to various types of pollution in the country. The independent Indian constitution was not directly linked to the provisions of environmental protection. The 1972 Stockholm Conference drew the attention of the Indian government towards environmental protection. The government amended the constitution in 1976 to add two important paragraphs 48A and 51A (G). Article 48A directs the State Government to 'ensure the protection and improvement of the environment, and protect the forests and wildlife of the country'. Article 51A (G) empowers citizens to 'protect and promote the natural environment and be kind to all living beings'. Increasing industrialization, urbanization and population growth after independence led to a continuous decrease in the quality of the environment. In order to maintain the quality of the environment and control pollution, the government has made several laws and rules from time to time. "The Supreme court has come to sustain a position where it calculates environmental damages not on the basis of a claim put forward by either party, but through an examination of the situation by the court, keeping in mind factors such as the deterrent nature of the award."¹

Sustainable Development and India

A) Meaning of Sustainable Development:

Sustainable development is essential to prevent environmental degradation and to solve the problem of global warming. At the 1992 Earth Summit, a long discussion was held on sustainable development and its social and economic benefits. Some of the key points of the Earth Summit will be briefly described below. Definition of sustainable development is also given in this conference. Scientists have given many definitions of sustainable development. According to Brandtland, it is such a development in which the needs of the present can be supplied and the succeeding generations can also supply their needs and the ecosystem should also be in a healthy and sustainable state.²

B) The main features of Sustainable Development are as follows:

- i) The ability to develop the ecosystem through which it can produce and remain in a healthy and sustainable state for the future.
- ii) Development that makes human life happy.

¹ Environmental Justice in India by Justice B.N.Kirpal (2002) 7 SCC (Jour) 1.

² World Commission on Environment and Development, 1987, report :Our Common Future"

iii) Such use of natural resources so that resources are available for future generations as well and make everyone's life happy.

Sustainable development is the absolute necessity of the present so that the productivity of the ecosystem can be maintained. The reality is that the basis of human life is ecosystem and environment. "It is necessary, therefore, to introduce the environment aspect into our planning and development. Along with effective conservation and rational use of natural resources, protection and improvement of human environment is vital for national well being".³ It is a process of change in which economic and fiscal policies, trade and foreign policies, energy, agricultural and industrial policies all aim to induce development paths that are economically, socially and ecologically sustainable.⁴

C) Many international conventions and conferences

The major types of these conference are:

- i) Montreal Protocol with respect to ozone depletion in the year 1987.
- ii) Basel Convention on Hazardous Substances in the year 1987.
- iii) Climate change coverage in the year 1992.
- iv) Biological-Diversity Convention 1992.
- v) Earth Conference 1992.
- vi) World Conference of the year 2002 in relation to sustainable development.

D) To achieve sustainable development, it is very important to pay attention to the following:

- i) Biodiversity,
- ii) emission of greenhouse gases,
- iii) Management of hazardous waste,
- iv) Management of large-scale output from industries,
- v) Ecological protection.

Scientists are of the view that while developing in most parts of the world, the principles of ecology are not being kept in mind, due to which there is a rapid depletion of natural resources and environment. The main causes of environmental degradation have been considered in the above.

E) Prerequisites of Sustainable Development:

³ "The Long Term Perspective", Fourth Five Year Plan. 1969-74, Chapter 2, Para 2.46. Planning Commission, Government of India.

⁴ Jaswal P.S & N. Jaswal: Environmental Laws, Pioneer Publications, Reprint 2004, p.91.

To establish ecological balance, economic development should be done keeping in mind the following principles:

- i) Natural resources should not be adversely affected by resilience.
- ii) Special care should be taken to conserve renewed resources while developing technology.
- iii) A special policy should be prepared for the use of renewed resources.

F) Principles of Sustainability:

The principles of sustainable development are as follows:

- i) Utilization of natural resources.
- ii) Conservation of biological diversity.
- iii) Protection of cultural diversity.
- iv) Sustainable Income from Environment and Resources.
- v) Resources should be used in such a way that all sections of the society benefit.
- vi) Recycling of Resource.
- vii) Qualitative development of human. To pay special attention to education, health and per capita income for human development.
- viii) Keeping the world perspective in mind for sustainable development.
- ix) Utilizing the resources of all sections of society.
- x) Human society should change its beliefs and realize that the resources on earth are limited.
- xi) The needs of generations to be kept in mind by all the communities of the world.
- xii) Strong participation of all individuals and societies for sustainable development.

G) Measurement of Sustainability:

Environmental and natural resources are utilized and maintained on the basis of their resilience. The simplicity of ecology can also be tested on the basis of economic, social and cultural utility. “Sustainable Development has come to be accepted as a viable concern to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting eco-systems”.⁵

⁵ Justice Stayabrata Sinha, Chief Justice of High Court of A.P. “Environmental Protection: Role of Constitutional Court” in the Souvenir released on the occasion of the 50 years celebration of the A.P. High Court.

A brief description of the indices to test the integrity of the ecosystem is presented in the following:

i) Ecological Indicator:

The ecosystem includes land use, land use change, quality and quantity of biomass, productivity of soil, achievement of energy and their management.

ii) Changing Pattern of Land Use:

With the help of land records and remote sensing, the present model of land use can be ascertained, on the basis of which future plans for land use can be prepared.

iii) Biomass Quantity and Quality:

The quantity and quality of the products obtained from the ground and aquatic ecosystems are also important indices of ecosystem strength.

iv) Water Quality and Quantity:

Life cannot be imagined without water. The quantity and quality of rivers, lakes, ponds, ponds and ground water are also considered as an index of ecosystem recovery.

v) Soil Fertility:

To produce crops through scientific crop cycle using soil properly.

vi) Energy:

Energy is an important element of environment and ecology. All types of energy ie fossil energy, sun energy, wind energy, tidal ebb energy have a profound impact on the ecosystem and the environment.

vii)Economic Indicators:

The ratio of cost to production and production also has a profound impact on the ecosystem.

viii) Social Indicators Quality of Life:

Quality of life is a major social index. It is said that the higher the standard of living of the people, the environment and ecosystem there is equally sustainable.

In short, all the above measures need to be taken for sustainable development. The right to environment following international law jurisprudence flowing form the Stockholm Conference has been recognised as part of the Right to Life.⁶

⁶ The Preamble to the United Nations Conference on the Human Environment at Stockholm.

Environmental Laws and Policy in India

The main objective of environmental law is to keep the major gift of the environment free from pollution. Natural resources (plants, animals, rivers) are worshiped here due to the religious nature of Indian society. For this reason, laws were not enacted to protect the environment in ancient times, but from the last century, a large number of laws were made to protect the environment. All these laws can be divided into three categories -

- a) Common law,
- b) Regulatory law and
- c) Special legislation

Common Laws - Common law is an interpretation of the customary law of England. It is based on judicial decisions and is still in force. Article 372 of the Indian Constitution is based on common law. Under this law, the affected party can claim compensation or injunction or both against any act which has caused the loss of any property or person.

Special Legislations - Water and Air Pollution Act.

Constitutional Provisions - The Indian Constitution is the first constitution in the world, which has specific provisions for the environment. The Preamble of the Indian Constitution ensures that our country is based on the concept of socialist society, where the state gives priority to social problems over the individual. The basic goal of socialism is to provide a comfortable standard of living to all, which is possible only in a pollution-free environment.

Pollution Control Legislation - The following laws have been enacted to control pollution in India-

- Laws related to water pollution :
 - a) River Borders Act, 1956
 - b) The Water (Prevention and Control of Pollution) Act, 1974
 - c) Water Cess (Prevention and Control of Pollution) Act, 1977
 - d) Environment (Protection) Act, 1986
- Law on land pollution :
 - a) Factories Act, 1948
 - b) Industries (Development and Regulation) Act, 1951
 - c) The Insecticides Act, 1968

- d) Urban Land (Ceiling and Regulation) Act, 1976
- Air pollution law
- a) Factories Act, 1948
- b) The Inflammables Substances Act, 1952
- c) The Air (Prevention and Control of Pollution) Act, 1981
- d) Environment (Protection) Act, 1986
- Forest and Wildlife Laws
- a) Forest's Conservation Act, 1960
- b) Wildlife Protection Act, 1972
- c) The Forest (Conservation) Act, 1980
- d) Wildlife (Protection) Act, 1995
- e) Biodiversity Act, 2002

Several legal provisions have been made for environmental management, whose main roles are-

The law punishes a person who damages the environment.

The law provides compensation to the victim.

The law prohibits increasing pressure on the individual's environment.

The law makes environmental protection policy in action.

The law also transforms development policy into action.

Conclusion

Not only India, the whole world is affected by this deteriorating nature of the environment. Developing and underdeveloped countries are more affected by this problem, because one is their relatively heavy population, the other is economic scarcity, third, illiteracy or less education can not get rid of this crisis easily. . The general public sought protection from administration and then from law in the name of progress this problem was linked to the causes. Therefore, he could not do anything. Yes, the law gave relief. The learned judges and jurists benefited the public from wherever they found something in law for the benefit of the common citizen. Even finding them in the interest of the Constitution of India in their sections and used them. The need for law in the environment was actually felt by the common citizen to fulfill the basic requirements for daily life, their purity, to prevent and prevent pollution and to improve the deformed environment. Therefore, many were made in the last years

to protect the environment and prevent pollution. Different types of environmental problems have emerged in the recent past (recent times) which have become a threat to human happiness and prosperity. An essential aspect of environmental problems is that their impact is not limited only to the area of the source but also spreads to far-flung areas. Although the law of conservation of elephants came to India in 1879 and the law of forest protection in 1929, the law on environment came only in 1972. It was inspired by the Wildlife Protection Act of 1971. As we all know, India is counted among the most diverse countries outside the world. There are still many animal species, which have not yet been identified. Biological diversity is directly related to consumption with agriculture, medicine and industry. Apart from this, it is also the property of the country. Our Constitution provides for the conservation of biodiversity. Effective laws are needed to prevent environmental misuse and degradation. Effective laws are needed to protect the evil people, forest mafia groups, poachers, polluters and excessive exploitation of environmental resources. Pollution is a factor that does not care about political walls and legal boundaries. So we can say that environmental problems are basically global, not just local. Therefore, for the prevention of such problems, environmental law is not only necessary at the national level but also at the international level.

Suggestions

Different measures can be taken in different countries to keep the ecosystem and environment sustainable, yet developing countries like India need to emphasize special measures which are:

- Sustainable Development
- Sustainable Human Development
- Sustainable Peace and Development
- Sustainable Consumption
- Sustainable Technology

References

1. Goel M.K: Environmental Education, Agrawal; First edition (2018)

2. Pandey Jai Narayan : Constitution of India, Central Law Agency, Allahabad. 33rd ed.1998
3. Singh D.P: Environmental Studies , New Age International Private Limited; First edition (1 January 2006)
4. Kailash Thakur, Environmental Protection Law and Policy in India, Deep & Deep Publication, 1999: p.305
5. Environmental Law in India. P. Leela Krishnan, Butterwonh, India. 1999: p. 39
6. D. Vasudeva Rao, :Vijaya Kumar .SDevelopment with Human Touch Atlantic Publishers & Dist, 2000, pg.270
7. Aruna Venkat: Environmental Law and Policy, PHI Learning Pvt. Ltd., 2011, Pg.6
8. Sharma Hemendra Dutt : Industrial Engineering: Safety and Pollution
9. Joshi Ratan : Environmental Studies, Sahia Bhavan Publication, Agra. 2018