

ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT

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ABSTRACT: In this paper we want to prove that sustainable development must be considered in the determination of the line of action both at national level as well as at the level of the entire world process. The paper analyses the concept of sustainable development that has determined to society to recognize and become aware of the independence of environmental factors as well as of the functions and services that the environment offers. The resources and the environment are getting depleted and degraded mainly due to human independence under the disguise of development. It is time appropriate to have a fresh look to the entire process of development globally without which life will not sustain for long in this planet. Approaches to other resources like the wet lands, forests and above all, the biodiversity must be made globally and in a sustainable manner in which they become sustainable manner in which they become substantially productive and support the life system of the planet, earth.

Keywords: Environmental Protection, Natural Resources, Industrial Development, Environment, Pollution..

INTRODUCTION

Environmental protection is an integral part of sustainable development. Environmental studies have shown that the environment related problems of developed countries mainly due to industrial and technological development whereas undeveloped countries have environmental problems because of poverty, over population and illiteracy. Undoubtedly, encouragement and boost to developmental activities is in the socio-economic interest of a nation but this should not be at the cost of environmental degradation, because this will not only affect the present generation but have its adverse impact on the future generations. Therefore sustainable development is the need of time so that development and environmental protection both proceed maintaining a balance. Most of the nations have enacted environmental protection laws to ensure sustainable development within their territories. In order to reinforce sustainable development, an effective environmental

protection mechanism is needed. 'Development' has been recognized as a human right under Rio-Declaration of 1992. But all the nations participating in this summit unanimously agreed that economic or industrial development should be carried out in a manner that it does not adversely effects the environment because environmental protection is a potential danger to human life and in that case, what is the use of such development? It is for this reason that the principle of sustainable development was evolved in this world summit for maintaining balance between development and environment and it was realized that both should go hand in hand.

The principle of sustainable development emphasizes on two basic needs, firstly, need for socio-economic development and secondly, need of limitation imposed on the environment's capability to cope with the present and future requirements. Explaining the inter-dependence of conservation and sustainable development, the Brundtland Report (1997) said: "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their, own needs.....". Sustainably development requires meeting in the basic needs of all and extending to all opportunity to satisfy their aspirations for a better life. Sustainable development involves a multi-faceted approach i.e. (1) economic (2) human (3) environmental and (4) technological. It is a process which seeks to bring improvement in the quality of human life along with conservation of the ecological system. Thus, development and environment, both are inter-dependent and therefore, there cannot be development without protection of environment, nor there can be conservation of environment without Development.

The former UN Secretary Kofi Annam had identified five areas for the applicability of the principle of sustainable development. They are water, health, power and energy, agriculture and bio-diversity. Former Prime Minister of India had categorically stayed in her address at the Stockholm conference, 19072, that water, air land, soil, plants, trees and living organisms must be preserved, because they are valuable unnatural resources for the benefit of the future generations. The principle of sustainable development which received international recognition as a result of Brundtland Commission Report

(1987) was overwhelmingly supported by all the nations. Some of the salient principles which underlie the concept of sustainable development were spelled out in the Rio-Declaration, 1992 and Agenda 21. Therefore, these principles have got to be necessarily followed in order to achieve the objective of environmental protection and sustainable development. These principles are-inter-generational equity, use and conservation of natural resources, the polluter pays' principle, principle of liability to help and cooperate, poverty eradication and principle of public trust etc.

The principle of inter-generational equity has its genesis in principles 1 and 2 of the Stockholm Declaration 1972 wherein environment has been taken to be resource basis for the survival of the present generation and right to be beneficially used by the future generations. Both these principles are reproduced as follows:

Principle 1

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

Principle 2

The natural resources of the earth including the air, water, lands, flora and fauna and especially representative samples of natural ecosystems must be safeguarded for the benefit of the present and future generations through careful planning and management, as appropriate. In *A.P. Pollution Control Board v. M. V. Nayudu*, the Apex Court observed that where the state government makes an attempt to balance the need of the environment and need of the economic development, it would not be proper to prohibit it from doing so. The principle of use and conservation of resources is founded on the theory that the present generation should be modest in their exploitation of natural resources for the benefit of the future generations. This will secure the conditions of survival for future generations. This principle has been accepted by the international community in the form of principles 8 and 23 of the Rio Earth Summit Declaration, 1992. The Supreme Court applying the principle of careful use and conservation of natural resources observed the case of *A. Jagannath v. Union of India*, that activity of the industries violative of 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.

The problem of environmental protection generally emanates from water resources, forests, agriculture, industry, energy and power etc., therefore policy decisions in these sectors should be environmental oriented and well planned so as to ensure that there is no degradation in the natural environment. So far India is concerned, the Environment (Protection) Act, 1986 is the central legislation. Besides, there are some other pollution controls 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. The precautionary principle in the context of environmental protection is essentially about the management of scientific risk. It is a component of the concept of ecologically sustainable development and has been defined in principle 15 of the Rio Declaration, 1992. According to this principle, "Where there is threat of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In other words, any human activity or behavior which bears the harmful effect to the environment has got to be prevented at all costs. The precautionary principle has received legal recognition in almost all the international instruments and has now become an integral part of the United Nations Environmental Programme.

Beginning with *Vellore Citizen's Welfare Forum v. Union of India*, the Supreme Court explicitly recognized the precautionary principle as a principle of Indian environmental law in a number of subsequent cases. In *Narmada Bachao Andolan v. Union of India*, the Apex 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.

The 'polluter pays' principle was recognized as an integral part of the sustainable development by the international community and was incorporated as principle 16 of Rio- Declaration of Earth Summit, 1992. The principle reads as follows: " National authorities should endeavor to promote the internationalization of environmental costs and the use of economic instruments taking into account the approach that the polluter should in principle bear the cost of pollution with due regard to the public interest and without distorting international trade and investment. " the Supreme Court in *M.C.*

Mehta v. Kamal Nath, observed the polluter principle has been recognized 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. Principle of liability to help and cooperate has been specifically incorporated in Rio-Declaration (1992) as principle 9 which provides that state should cooperate to strengthen indigenous capacity building for sustainable 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 27 of the Rio Declaration expects people and the states to cooperate in good faith and in a spirit of partnership in the future development of international law in the field of sustainable development.

Poverty is perhaps the worst contributing factor for polluting the environment and causing its degradation. Smt. Indira Gandhi the late former prime minister of India, addressing the Stockholm Conference on Human Environment, 1972 said- "of all pollutants we face, the worst is poverty." The Brundtland Report (1987) also attributed poverty as a potential cause of environmental degradation as it reduces people's capacity to use resources in a sustainable manner, which eventually brings more pressure on environment and results into its deterioration. Most of the developing countries are facing the problem of poverty which is adversely affecting the environmental quality. The Earth Summit, 1992 also projected that elimination of poverty was utmost necessary for achieving the goal of sustainable development, particularly the developing countries. India being a developing country, its more than 30 percent people are living below the poverty line. The pitiable condition of slum-dwellers, scarcity of food, fuel, kerosene oil etc. are serious threats for environment. Due to lack of residential houses poor men, women and children are compelled to live in slums and even on road-side temporary hutment in most unsanitary conditions without sufficient food and water, thus, they have to live in unwholesome environmental conditions. Therefore, India needs cooperation and assistance from the developed countries to help and support the poverty alleviation programme and maintenance of wholesome environmental conditions.

The awareness about the protection of forests is also closely connected with the principle of public trust applicable for the preservation of natural resources. The

state being a trustee of forest-resource, it is the moral and legal obligation of the government to protect forests from being destroyed by indiscriminate felling of trees. If forests are well preserved, it will reduce soil erosion and increase fertility of land and also cause sufficient rainfall which is necessary for cultivation and domestic purposes in the form of water. But despite these benefits from forests, the record shows that almost one third of the part of the forest in tropical region had been destroyed due to deforestation until the year 1970. Unfortunately, destruction of forest still continues and nearly, 1, 70,000 sq km forest land has been converted into plain for construction of industries, complexes and other commercial purposes. Besides, seven lakh hectare lands has turned into desert and gallons of polluted water is being flowed in rivers, lakes and seas causing irreparable damage to environment and ecosystem. In view of this destruction of forests, the Government is failing in its duties as trustee of this valuable natural resource and causing damage to its beneficiaries i.e., the people could not exploit it for their own use, what to talk of leaving it for use by future generations! Even now, it is not too late and there is need on the part of the state to protect and preserve the valuable natural resources as trustee and people to cooperate with the administration to protect environment from being degraded.

It is true that in order to improve and protect the environment from pollution, sustainability must be there between environment and development. The concept of sustainable development based on the notion that natural resources should be exploited for the benefit of both present and future generation. As we know that increased industrial activity worldwide requires the use of natural resources which are depleting day by day. It is also true that the need for resource conservation, efficient use of resources and environment friendly corporate policies and behaviour has now been recognized worldwide. The country needs environmental policy and planning while being globally sensitive must be based on local needs. We have seen that there are number of important environmental laws in the form of acts for safeguarding our environmental quality. But in spite of these acts we find that we are not able to achieve the target of bringing 33% of our land cover under forests. Still we are losing our wild life. The rivers have been turned into open sewers in many places and the air in our big cities is badly polluted. The status of environment shows that there are drawbacks in environmental legislations and problems in their effective implementation.

CONCLUSION

Current environmental issues require new approaches. The linking of human rights to environmental priorities

is an acknowledgement that conservation will not be successful without human development. A range of diverse actions are required at both national and international level, with inalienable human rights providing the basis for such action. So environmental policies and laws need to be aimed at democratic decentralization of power community - state partnership, administrative transparency and accountability and more stringent penalties to the offender. There is also need for environmental law education and capacity building in environmental issues for managers. Voluntary organizations can help by advising the government about some local environmental issues and at the same time interacting at the grass-root levels. Before we can all take up the task of environmental protection and sustainable development, we have to be environmentally educated and aware. It is aptly said, "If you want to Act green first think green". Finally if sustainable development has to move from mere wishful thinking and slogan-mongering into a reality, the world (developed and developing) as a whole has to move towards a new world order in which new economic and technological orders are dovetailed. Such an order has to be aimed at a benefiting the poor because in the chain of sustainable development, the weakest links are poverty

and inequality. Last but not least, if the principles of sustainable development are followed then definitely with the economic growth and industrial development of a country, environment protection can be maintained.

REFERENCES

1. Krishna Iyer V.R.-'Environmental Pollution and the Law' P.- 83
2. Dr. Vinay N. Paranjape, 'Environmental Law', (2013), Central Law Agency, P.-74
3. P.S. Nathani-' Environment, Natural Resources and Pollution', (2007), P.- 53
4. A.B. Srivastava, ' Product Global Environment, (1994), P.- 94
5. Official Journal of the European Union, (2010), P.- 83(01)
6. Report of the U.N. Commission on Environment and Development titled as 'Our Common Future' (1987).