

ENVIRONMENTAL LAW AND SUSTAINABLE DEVELOPMENT

By – *Rishabh Tiwari, Barkatullah University, Bhopal, 3rd yr. B.A.LL.B*

INTRODUCTION

Environmental law and sustainable development are closely intertwined concepts that aim to address the pressing challenges posed by environmental degradation and promote a more sustainable future. In recent decades, the world has witnessed growing concerns about environmental degradation and its far-fetching consequences on human health, biodiversity, and the planet as a whole.

In response to these challenges, the concept of sustainable development has gained significant momentum. At the heart of achieving sustainable development lies environmental law, which plays a crucial role in promoting responsible practices, conserving natural resources, and safeguarding the planet for future generations.

This article explores the intersection of environmental law and sustainable development, highlighting their significance in creating a greener and more sustainable future.

SUSTAINABLE DEVELOPMENT

The concept of Sustainable development aroused from the Industrial revolution from the second half of the 19th century, western societies during the industrial revolution discovered the significant impact of industrial activities on the environment and rose awareness that a sustainable model is needed.

Sustainable development is an idea and an approach that seeks to balance economic growth, social well-being, and environmental protection. It recognizes the interdependence of these dimensions and aims to meet the needs of the present without compromising the ability of future generations to meet their own needs.

In 1987, the United Nations Brundtland Commission [1] defined sustainability as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

Following are the some of the major conferences and declarations on environmental law and sustainable development [2]-

- Stockholm Conference (1972)
- Brundtland Commission (1987)
- Montreal Protocol (1987)
- Rio Declaration or Earth Summit (1992)
- Kyoto Protocol (1997)
- World Summit on Sustainable Development (Johannesburg Summit, 2002)

After the Stockholm Conference India also adopted and established certain act, rules and regulations in the wake of environment protection and sustainable development.

ENVIRONMENTAL LAW

The word Environment comes from a French word “*Environer*” [3] which means to surround, enclose or encircle. The environment can be defined as surroundings or conditions in which living plants, animals and human beings live.

Environmental law provides the legal framework that governs human activities, ensuring the protection, conservation, and sustainable use of natural resources. It establishes guidelines, regulations, and mechanisms to prevent and

mitigate environmental harm, promote environmental justice, and hold individuals and entities accountable for their actions. Operating at international, regional, and national levels, environmental law plays a pivotal role in harmonizing global efforts to address environmental challenges.

The Environment Protection Act, 1986 [4] authorises Central government and State governments to establish Statutory bodies known as Pollution Control Boards at Centre and State level respectively and penalises offences against environment.

Major legislations for Environment in India are

1. The Wildlife Protection Act, 1972.[5]
2. The Water (Prevention and Control of Pollution) Act, 1974.[6]
3. The Air (Prevention and Control of Pollution) Act, 1981. [7]
4. Biological Diversity Act, 2002. [8]
5. The National Green Tribunal Act, 2010. [9]

KEY PRINCIPLES OF ENVIRONMENTAL LAW

1. **Precautionary Principle [10]:** This principle dictates that preventive measures should be taken in the face of uncertain risks, even in the absence of conclusive scientific evidence. It emphasizes the importance of acting proactively to prevent environmental harm and irreversible damage.
2. **Polluter Pays Principle [11]:** The polluter pays principle holds that those who cause environmental damage should bear the responsibility and associated costs. It ensures that polluters internalize the environmental externalities of their actions, promoting accountability and encouraging the adoption of cleaner practices.
3. **Sustainable Use of Resources:** Environmental law promotes the sustainable utilization of natural resources,

striking a balance between exploitation and conservation. It seeks to ensure that resource extraction and consumption do not exceed the regenerative capacities of ecosystems, thereby preserving resources for future generations.

4. **Integration and Cooperation:** Recognizing the transboundary nature of environmental issues, environmental law encourages collaboration and cooperation among nations, organizations, and individuals. Through international and regional frameworks, it fosters collective action to tackle challenges such as climate change, biodiversity loss, and pollution.

RELATIONSHIP BETWEEN SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL LAW

1. **Legal Framework:** Environmental law provides the legal foundation for promoting and achieving sustainable development. It sets out the rules and standards for environmental protection, resource management, pollution control, and conservation. These laws aim to ensure that economic activities are conducted in an environmentally sustainable manner, taking into account the long-term consequences of human actions.
2. **Integration of Environmental Concerns:** Sustainable development requires the integration of environmental considerations into decision-making processes at all levels, including government policies, business practices, and individual actions. Environmental law plays a crucial role in promoting this integration by requiring environmental impact assessments, establishing regulatory mechanisms, and setting standards for sustainable practices.
3. **Conservation of Natural Resources:** Sustainable development emphasizes the responsible use and

conservation of natural resources to ensure their availability for future generations. Environmental law provides the legal mechanisms to manage and protect natural resources such as forests, water bodies, biodiversity, and ecosystems. It regulates activities like logging, mining, fishing, and land use to prevent overexploitation and ensure sustainable resource management.

4. **Pollution Prevention and Control:** Environmental law addresses pollution prevention and control by regulating emissions, waste management, and hazardous substances. Sustainable development recognizes the importance of minimizing pollution to safeguard human health and the environment. Environmental laws establish emission standards, promote recycling and waste reduction, and enforce liability for environmental damage caused by pollution.
5. **International Cooperation:** Sustainable development and environmental law have a global dimension that requires international cooperation. International environmental treaties and agreements, such as the Paris Agreement on climate change or the Convention on Biological Diversity, provide a framework for countries to work together in addressing shared environmental challenges. These agreements set targets, establish obligations, and encourage collaboration to achieve sustainable development goals.

LANDMARK JUDGEMENTS

1. **C. Mehta v. Union of India (Oleum Gas Leak Case, AIR 1986 SC 965)**

This case concerned the release of oleum gas from a factory in Delhi, resulting in severe damage to the environment and public health. The Supreme Court's intervention led to the issuance of strict guidelines for hazardous industries, emphasizing the need for safety measures, emergency

preparedness, and compensation for victims. The case highlighted the importance of preventing industrial accidents and protecting communities from hazardous substances.

2. Indian Council for Enviro-Legal Action v. Union of India (AIR 1996 SC 1446)

This case focused on the pollution of the River Ganges, a lifeline for millions of people. The Supreme Court directed the implementation of the Ganga Action Plan and established the National Ganga River Basin Authority to monitor and coordinate efforts for the river's conservation. The case underlined the significance of protecting and restoring India's sacred rivers.

3. Union Carbide India Limited v. Union Of India (Bhopal Gas Tragedy, AIR 1988 SC 1531)

Union Carbide India Limited (UCIL) vs. Union of India refers to a significant legal case that arose from the Bhopal gas tragedy, one of the world's most catastrophic industrial accidents. On December 2, 1984, a gas leak occurred at the pesticide plant owned and operated by UCIL in Bhopal, India, releasing a toxic cloud of methyl isocyanate (MIC) gas. The gas leak resulted in the deaths of thousands of people and caused severe injuries to countless others. In 1989, UCIL and UCC reached a settlement agreement with the Indian government, which resulted in UCC paying \$470 million as compensation for the victims. However, this settlement amount was widely criticized as being too low, considering the scale of the tragedy and the long-term health and environmental impacts.

The case of Union Carbide India Limited vs. Union of India remains a significant milestone in the pursuit of justice and corporate accountability. It highlighted the need for stricter industrial safety regulations and emphasized the responsibilities of multinational corporations operating in developing countries.

CONCLUSION

Sustainable development, with its core principles of economic prosperity, social equity, and environmental integrity, offers a holistic approach to addressing the challenges we face today. Environmental law provides the legal foundation for integrating sustainability into various sectors, including energy, transportation, agriculture, and waste management. It encourages responsible practices that minimize pollution, conserve natural resources, and mitigate climate change impacts.

However, the work is far from complete. As we face new environmental challenges and emerging threats, the field of environmental law must continually evolve and adapt. This requires innovative approaches, robust enforcement, and the integration of scientific knowledge and technological advancements. It also calls for active participation and engagement from governments, businesses, civil society, and individuals alike.

In embracing the principles of sustainable development and strengthening environmental law, we have the opportunity to create a more resilient and equitable future. By promoting responsible stewardship of our natural resources, fostering sustainable economic growth, and ensuring environmental justice for all, we can strive towards a world where development and conservation go hand in hand. It is a collective responsibility and a shared vision that holds the promise of a healthier, more prosperous, and sustainable planet for generations to come.

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(<https://www.etymonline.com/word/environment>) accessed
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4. Act Number 29 of 1986.
5. Act Number 53 of 1972.
6. Act Number 06 of 1974.
7. Act Number 14 of 1981.
8. Act Number 18 of 2003.
9. Act Number 19 of 2010.
10. Vellore Citizen Welfare Forum v. Union of India & Ors.
(AIR 1996(5) SCC 647)
11. Vellore Citizen Welfare Forum v. Union of India & Ors.
(AIR 1996(5) SCC 647)