

Sustainable Development

In the wake of the 21st century it is neither feasible nor practicable to have negative approach to the development process of the country or of the society but that does not mean, without any consideration for the environment. The traditional approach to development and ecology, being opposed to each other, is no longer acceptable. The society shall have to prosper, but not at the cost of the environment and in the similar vein, the environment shall have to be protected but not at the cost of development of the society.

Sustainable Development is the solution. In the international sphere, for the first time the Stockholm Declaration of 1972 recognised S.D.

The World Commission on Environment and Development was established by the UN General Assembly in 1983 for 'a global agenda for change'. Gro Harlem Brundtland, who was the Prime Minister of Norway ^{at} that time was appointed as Chairperson of the Commission to 're-examine the critical environmental and developmental problems on the Planet and to formulate realistic proposals to solve them and to ensure that human progress is sustained through development without bankrupting the resources of future generations.'

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The report was presented by the Commission in 1987 which is known as Our Common Future. The report has been divided into three parts—

① Common Concern ② Common Challenges and ③ Common endeavours. The report advocated for sustainable development which means development that meets the need of the present without compromising the ability of future generation to meet their own needs. It aims to promote harmony among human beings and between humanity and nature. In Part II, common challenges, problematic issues on population, food security, species and ecosystem, energy, industry and urban challenges have been discussed. The Part III emphasizes on common action to deal with the common challenges and provides various proposals for institutional and legal change. The Commission recommended that "human laws must be formulated to keep human activities in harmony with the unchanging and universal laws of nature."

The Commission provided a list of twenty-two principles. Principle I declares that "all human beings have the fundamental right to an environment adequate for their health and well-being", and

Principle II says that "State shall conserve and use the environment and natural resources for the benefit of present and future generations. In this Principle the principle of 'inter-generational equity' has been enunciated."

The judiciary has played a very important role in the environmental protection and has applied the principles of sustainable development while deciding the cases. There are number of cases on this point and, therefore, it will be necessary to study and analyse a few important cases in this area. Most of these cases have come before the ~~and~~ courts through "Public Interest Litigations" (PIL).

Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P.¹ (popularly known as Doon Valley Case) was the first case of its kind in the country involving issues relating to environment and ecological balance which brought into sharp focus the conflict between development and conservation and the court emphasised the need for reconciling the two in the larger interest of the country, mining which denuded the Mussoorie Hills of trees and forests cover and accelerated soil erosion resulting in landslides and blockage of underground water which fed many rivers and springs in the river valley. The Court appointed an expert committee to advise the Bench on the technical issues and on the basis of the report of the committee, the Court ordered the closure of number of limestone quarries.

1. A.I.R. 1985 S.C. 652

Environmental pollution is also caused by the stone-crushing activities and thus affects the right of the citizens to fresh air and to live in pollution free environment.

In M.C. Mehta v. Union of India², the Supreme Court issued directions for stopping mechanical stone-crushing activities in and around Delhi, Faridabad and Ballabhgarh complexes. However, keeping in view the sustainable development, directions were also issued for allotment of sites in the new "crushing zone" set up at village Pali in the State of Haryana to the stone crushers who were directed to stop their activities in Delhi, Faridabad and Ballabhgarh complexes.

While dealing with the effects of mining activity in the area up to 5 km from Delhi-Haryana border and also in the Aravalli Hills, the Supreme Court in M.C. Mehta v. Union of India³ has pointed out that mining operation is hazardous in nature. It impairs the ecology and people's right to natural resources. The entire process of setting up and functioning of a mining operation requires utmost good faith and honesty on the part of the intending entrepreneur. The regulatory authorities have

2. (1992) 3 SCC 738.

3. (2004) 12 SCC 118

to act with utmost care in ensuring compliance with safeguards, norms and standards to be observed by such entrepreneurs.

In T.N. Godavarman Thirumalpad ~~vs~~ (through K.M. Chinnappa) v. Union of India, the Supreme Court has declared that there are 'two salutary principles which govern the law of environment (i) the principle of sustainable development and (ii) the precautionary principle. And that 'sustainable development is essentially a policy and strategy for continued economic and social development without detriment to the environment and natural resources on the quality of which continued activity and further development depend.....