

## **SUSTAINABLE DEVELOPMENT: AN ANALYSIS ABOUT IT**

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### **ABSTRACT**



The concept of sustainable development can be interpreted in many different ways. Living within our environmental limits is one of the central principles of sustainable development. But the focus of sustainable development is far broader than just the environment. It's also about ensuring a strong, healthy and just society. This means meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity. Sustainable development is about finding better ways of doing these things, both for the future and the present. The policy of sustainable development wants to make a balance between environment and industrialization.



## INTRODUCTION

In 1972, the then Prime Minister of India, Mrs. Indira Gandhi emphasized, at the UN Conference on Human Environment at Stockholm, that the removal of poverty is an integral part of the goal of an environmental strategy for the world. The concepts of interrelatedness, of a shared planet, of global citizenship, and of ‘spaceship earth’ cannot be restricted to environmental issues alone. They apply equally to the shared and inter-linked responsibilities of environmental protection and human development.<sup>1</sup> Sustainable development is regarded as an important issue in the contemporary legal matters in **Asian countries and also all over the world.**

In the last half of the twentieth century, four key themes emerged from the collective concerns and aspirations of the world’s peoples: peace, freedom, development, and environment. The peace that was thought to be secured in the postwar world of 1945 was immediately threatened by the nuclear arms race. Throughout the Cold War, peace was sustained globally but fought locally, often by proxies for the superpowers. While the number of wars has diminished over the last decade, peace is still sought, primarily in Africa and the Middle East.<sup>2</sup>

Freedom was sought early in the post-war world in the struggle to end imperialism; to halt totalitarian oppression; and later to extend democratic governance, human rights, and the rights of women, indigenous peoples, and minorities. The success of many former colonies in attaining national independence was followed by a focus on economic development to provide basic necessities for the poorest two-thirds of the world and higher standards of living for the wealthy third. Finally, it is only in the past 40 years that the environment (local to global) became a key focus of national and international law and institutions.

Although reinterpreted over time, peace, freedom, development, and the environment remain prominent issues and aspirations. In the 1970s and 1980s, world commissions of notables were created to study such international concerns, producing major documents that were often followed by global conferences. Characteristic of these international commissions was the effort to link together the aspirations of humankind—demonstrating how the pursuit of one

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<sup>1</sup> Available at [http://envfor.nic.in/divisions/ic/wssd/doc4/consul\\_book\\_persp.pdf](http://envfor.nic.in/divisions/ic/wssd/doc4/consul_book_persp.pdf)

<sup>2</sup> Available at <http://www.earthprotect.com/index.php/blogs/entry/2374-what-is-sustainable-development-goals%2C-indicators%2C-values%2C-and-practice>

great value required the others. Sustainable development, with its dual emphasis on the most recent concerns—development and environment—is typical of such efforts.

The World Commission on Environment and Development was initiated by the General Assembly of the United Nations in 1982, and its report, *Our Common Future*, was published in 1987. It was chaired by then–Prime Minister of Norway Gro Harlem Brundtland, thus earning the name the “Brundtland Commission.” The commission’s membership was split between developed and developing countries. Its roots were in the 1972 Stockholm Conference on the Human Environment—where the conflicts between environment and development were first acknowledged—and in the 1980 World Conservation Strategy of the International Union for the Conservation of Nature, which argued for conservation as a means to assist development and specifically for the sustainable development and utilization of species, ecosystems, and resources. Drawing on these, the Brundtland Commission began its work committed to the unity of environment and development.

As Brundtland argued:

*The environment does not exist as a sphere separate from human actions, ambitions, and needs and attempts to defend it in isolation from human concerns have given the very word “environment” a connotation of naivety in some political circles. The word “development” has also been narrowed by some into a very limited focus, along the lines of “what poor nations should do to become richer,” and thus again is automatically dismissed by many in the international arena as being a concern of specialists, of those involved in questions of “development assistance.” But the “environment” is where we live; and “development” is what we all do in attempting to improve our lot within that abode. The two are inseparable.<sup>3</sup>*

As with previous efforts, the report was followed by major international meetings. The United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 (the so-called “Earth Summit”) issued a declaration of principles, a detailed Agenda 21 of desired actions, international agreements on climate change and biodiversity, and a statement of principles on forests. Ten years later, in 2002, at the World Summit on Sustainable Development in Johannesburg, South Africa, the commitment to sustainable development was reaffirmed. In the interim, sustainable development as a concept, as a goal, and as a movement

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<sup>3</sup> Available at <http://www.earthprotect.com/index.php/blogs/entry/2374-what-is-sustainable-development-goals%2C-indicators%2C-values%2C-and-practice>

spread rapidly and is now central to the mission of countless international organizations, national institutions, corporate enterprises, “sustainable cities,” and locales.

The Brundtland Commission’s brief definition of sustainable development as the “ability to make development sustainable—to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs” is surely the standard definition when judged by its widespread use and frequency of citation. The use of this definition has led many to see sustainable development as having a major focus on intergenerational equity. Although the brief definition does not explicitly mention the environment or development, the subsequent paragraphs, while rarely quoted, are clear. On development, the report states that human needs are basic and essential; that economic growth—but also equity to share resources with the poor—is required to sustain them; and that equity is encouraged by effective citizen participation. On the environment, the text is also clear:

*The concept of sustainable development does imply limits—not absolute limits but limitations imposed by the present state of technology and social organization on environmental resources and by the ability of the biosphere to absorb the effects of human activities.*

Sustainable development refers to the goal for living in such a way as to ensure long run stability of environment and conservation of natural resources. It seeks to meet today’s needs without reducing the ability of the future generation to meet their needs.

The Sustainable Development Goals (SDGs), otherwise known as the Global Goals, are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity.<sup>4</sup>

These 17 Goals build on the successes of the Millennium Development Goals, while including new areas such as climate change, economic inequality, innovation, sustainable consumption, peace and justice, among other priorities. The goals are interconnected – often the key to success on one will involve tackling issues more commonly associated with another.

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<sup>4</sup> Available at <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>

The satisfaction of human needs and aspirations is the major objective of development. The essential needs of vast numbers of people in developing countries for food, clothing, shelter, jobs - are not being met, and beyond their basic needs these people have legitimate aspirations for an improved quality of life. A world in which poverty and inequity are endemic will always be prone to ecological and other crises. Sustainable development requires meeting the basic needs of all and extending to all the opportunity to satisfy their aspirations for a better life.

Living standards that go beyond the basic minimum are sustainable only if consumption standards everywhere have regard for long-term sustainability. Yet many of us live beyond the world's ecological means, for instance in our patterns of energy use. Perceived needs are socially and culturally determined, and sustainable development requires the promotion of values that encourage consumption standards that are within the bounds of the ecological possible and to which all can reasonably aspire.

Meeting essential needs depends in part on achieving full growth potential, and sustainable development clearly requires economic growth in places where such needs are not being met. Elsewhere, it can be consistent with economic growth, provided the content of growth reflects the broad principles of sustainability and non-exploitation of others. But growth by itself is not enough. High levels of productive activity and widespread poverty can coexist, and can endanger the environment. Hence sustainable development requires that societies meet human needs both by increasing productive potential and by ensuring equitable opportunities for all.<sup>5</sup>

An expansion in numbers can increase the pressure on resources and slow the rise in living standards in areas where deprivation is widespread. Though the issue is not merely one of population size but of the distribution of resources, sustainable development can only be pursued if demographic developments are in harmony with the changing productive potential of the ecosystem.

A society may in many ways compromise its ability to meet the essential needs of its people in the future - by overexploiting resources, for example. The direction of technological

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<sup>5</sup> Available at <http://www.un-documents.net/ocf-02.htm>

developments may solve some immediate problems but lead to even greater ones. Large sections of the population may be marginalized by ill-considered development.

Settled agriculture, the diversion of watercourses, the extraction of minerals, the emission of heat and noxious gases into the atmosphere, commercial forests, and genetic manipulation are all examples of human intervention in natural systems during the course of development. Until recently, such interventions were small in scale and their impact limited. Today's interventions are more drastic in scale and impact, and more threatening to life-support systems both locally and globally. This need not happen. At a minimum, sustainable development must not endanger the natural systems that support life on Earth: the atmosphere, the waters, the soils, and the living beings.

Growth has no set limits in terms of population or resource use beyond which lies ecological disaster. Different limits hold for the use of energy, materials, water, and land. Many of these will manifest themselves in the form of rising costs and diminishing returns, rather than in the form of any sudden loss of a resource base. The accumulation of knowledge and the development of technology can enhance the carrying capacity of the resource base. But ultimate limits there are, and sustainability requires that long before these are reached, the world must ensure equitable access to the constrained resource and reorient technological efforts to relieve the pressure.

Economic growth and development obviously involve changes in the physical ecosystem. Every ecosystem everywhere cannot be preserved intact. A forest may be depleted in one part of a watershed and extended elsewhere, which is not a bad thing if the exploitation has been planned and the effects on soil erosion rates, water regimes, and genetic losses have been taken into account. In general, renewable resources like forests and fish stocks need not be depleted provided the rate of use is within the limits of regeneration and natural growth. But most renewable resources are part of a complex and interlinked ecosystem, and maximum sustainable yield must be defined after taking into account system-wide effects of exploitation.

As for non-renewable resources, like fossil fuels and minerals, their use reduces the stock available for future generations. But this does not mean that such resources should not be used. In general the rate of depletion should take into account the criticality of that resource, the availability of technologies for minimizing depletion, and the likelihood of substitutes being

available. Thus land should not be degraded beyond reasonable recovery. With minerals and fossil fuels, the rate of depletion and the emphasis on recycling and economy of use should be calibrated to ensure that the resource does not run out before acceptable substitutes are available. Sustainable development requires that the rate of depletion of non-renewable resources should foreclose as few future options as possible.

Development tends to simplify ecosystems and to reduce their diversity of species. And species, once extinct, are not renewable. The loss of plant and animal species can greatly limit the options of future generations; so sustainable development requires the conservation of plant and animal species.

So-called free goods like air and water are also resources. The raw materials and energy of production processes are only partly converted to useful products. The rest comes out as wastes. Sustainable development requires that the adverse impacts on the quality of air, water, and other natural elements are minimized so as to sustain the ecosystem's overall integrity.<sup>6</sup>

In essence, sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development; and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations.

The contents of sustainable development are –

- 1) Precautionary principle
- 2) Polluter pays principle
- 3) Intergenerational equity
- 4) Eradication of poverty
- 5) Financial assistance to the developing countries

Sustainable development advocated an approach of harmonizing between ecological and economic necessities. Environment protection and sustainable development are two sides of the same coin involved the policy decision of a nation. While dealing with the P.I.L. the Supreme Court of India made a significant contribution in major controversial policy issues.

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<sup>6</sup> Available at <http://www.un-documents.net/ocf-02.htm>

Indian judiciary confronted with various problems related to the need to balance between competing demands for industrialisation on the one hand and accelerated exploitation of environmental resources on other side. Judiciary dealt this problem in order to strike a balance between the quality of life to be preserved and the industrialisation to be encouraged.

**In Vellore Citizens' Welfare Forum v. Union of India,<sup>7</sup>**

J. Kuldeep Singh of the Supreme Court of India observed that sustainable development is a balancing concept between ecology and development. The salient features of the sustainable development according to him, as developed from Brundtland Report, Rio declaration and other International documents are -

Intergenerational equity, use and conservation of natural resources, environmental protection, Precautionary principle, Polluter pays principle, obligation to assist and co-operate, eradication of poverty and financial assistance to developing countries.

*Precautionary principle:-*

Precautionary principle is borrowed from 'Brundtland Report' on Sustainable Development as per report of World Commission on Environment and Development in 1987. According to principle 15 of Rio declaration, in order to protect environment, precautionary approach shall be widely applied by the States according to their capabilities. The Indian Judiciary has taken this precautionary principle as one of the major steps to protect the environment.

*Polluter pays principle:-*

The polluter pays principle means absolute liability for harm to the environment extends not only to compensate the victims of the pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is a part of the process of sustainable development and as such polluter is liable to pay the cost to the individual sufferer as well as the cost of reversing the damaged ecology. This polluter pays principle finds place in various International Instruments. Principle 16 of Rio declaration of Environment and Development in

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<sup>7</sup> (1996) 5 SCC 647

1992 established this principle. Indian judiciary has applied this polluter pays principle in so many cases.

In **M. C. Mehta v. Kamal Nath**,<sup>8</sup> the State Government has granted lease of Himalayan forest land for commercial purpose to a private company to establish a motel at the bank of river Beas. On the Public Interest Litigation court held that the motel management has polluted the environment by blocking natural flow of the river. In this case the Supreme Court also applied the polluter pays principle.

*Public Trust Doctrine:-*

The source of modern Public Trust Law is found a concept that received much attention in Roman and English law i.e., the nature of property rights in rivers, seas and sea-shore. Public Trust Doctrine is applicable on the principle that certain resources like air, sea, water and the forest such have a great importance to the public as a whole and that would be totally unjustified to make them a subject of private ownership. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purpose.

Three types of restrictions on Governmental authority are often thought to be imposed by Public Trust:-

1. The property subject to the trust must not only be used for public purpose but available for use by the general public.
2. The property may not be sold even for a fare cash equivalent.
3. The property must be maintained for particular types of uses.

In **M. C. Mehta v. Kamal Nath**,<sup>9</sup>

An interesting question was raised before the Supreme Court whether the public has a right to block natural flow of rivers and streams and to the natural configuration of land? On this Public Interest Litigation the court held that the State has committed a breach of Public Trust. The

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<sup>8</sup> (1997) 1 SCC 388

<sup>9</sup> (1997<sup>9</sup>) 1 SCC 388

court also observed that the doctrine of Public Trust applies primarily on certain resources like – air, sea, water and the forest.

*Permission from State Pollution Control Board, before erecting an industry-*

The Hon'ble Supreme Court held in the case of **Karnataka Industrial Areas Development Board v. C. Kenchappa**,<sup>10</sup> that it should be made mandatory for the allottee to obtain necessary clearance for the project from the Karnataka State Pollution Control Board and the Department of Ecology and Environment before execution of the agreement. Consequently, the Supreme Court directed the appellant to incorporate this condition in the letter of allotment requiring the allottee to obtain clearance before putting up any industry. The condition has to be mandatory. The importance and awareness of environment and ecology is becoming so vital and important that we, in our judgment, want the appellant to insist on the conditions emanating from the principle of 'Sustainable Development'.

The Supreme Court directed that, in future, before acquisition of lands for development, the consequence and adverse impact of development on environment must be properly comprehended and the lands be acquired for development that they do not gravely impair the ecology and environment. Further also directed that the appellant should incorporate the condition of allotment to obtain clearance from the Karnataka State Pollution Control Board, before the land is allotted for development. The said directory condition of allotment of lands should be converted into a mandatory condition for all the projects to be sanctioned in future.

## **2030 AGENDA FOR SUSTAINABLE DEVELOPMENT**

At the Sustainable Development Summit on 25 September 2015, UN Member States adopted the 2030 Agenda for Sustainable Development, which includes a set of 17 Sustainable Development Goals (SDGs) to end poverty, fight inequality and injustice, and tackle climate change by 2030.<sup>11</sup>

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<sup>10</sup> AIR 2006 SCW 2546

<sup>11</sup> Available at <http://www.in.undp.org/content/india/en/home/post-2015/sdg-overview.html>

The SDGs build on the Millennium Development Goals (MDGs), eight anti-poverty targets that the world committed to achieving by 2015. The MDGs, adopted in 2000, aimed at an array of issues that included slashing poverty, hunger, disease, gender inequality, and access to water and sanitation. Enormous progress has been made on the MDGs, showing the value of a unifying agenda underpinned by goals and targets. Despite this success, the indignity of poverty has not been ended for all.

The new SDGs, and the broader sustainability agenda, go much further than the MDGs, addressing the root causes of poverty and the universal need for development that works for all people.

UNDP Administrator Helen Clark noted: "This agreement marks an important milestone in putting our world on an inclusive and sustainable course. If we all work together, we have a chance of meeting citizens' aspirations for peace, prosperity, and wellbeing, and to preserve our planet."

The SDGs will now finish the job of the MDGs, and ensure that no one is left behind.

## **CONCLUSION AND SUGGESTION**

The Brundtland Commission report – *Our Common Future* (1987) has suggested various strategies to deal with the problems of environmental pollution and make 'sustainable development'. These strategies include administrative and legal measures. The N.D. Tiwari (1980) report also suggested various legal and administrative measures to contain and control the problem of environmental degradation and eco-imbalances. Therefore, an attempt has been made, to protect and improve the environment. Today pollution free environment has been recognized as a fundamental right under Art. 21 by the intervention of the highest Courts of the country. We have to remember that we have only one earth to live.

Development involves a progressive transformation of economy and society. A development path that is sustainable in a physical sense could theoretically be pursued even in a rigid social and political setting.<sup>12</sup> But physical sustainability cannot be secured unless development

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<sup>12</sup> Available at <http://www.un-documents.net/ocf-02.htm>

policies pay attention to such considerations as changes in access to resources and in the distribution of costs and benefits. Even the narrow notion of physical sustainability implies a concern for social equity between generations, a concern that must logically be extended to equity within each generation. We must try to meet today's needs without reducing the ability of the future generation to meet their needs. The Supreme Court of India occupies a unique position in Indian Environmental governance. Indian Judiciary has tried to make a balance between the competing demands for industrialization and development on the one hand and protection of environment on other side. Not only in India but also we can say that undoubtedly Sustainable development is regarded as an important issue in the contemporary legal matters in **Asian countries and also all over the world.**

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