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# **SUSTAINABLE DEVELOPMENT AND ITS ASSOCIATED PRINCIPLES**

AUTHORED BY - ARDRA ANIL

## **Introduction**

Sustainable development refers to the process of “meeting the needs of the present without compromising the ability of future generations to meet their own needs”<sup>1</sup>.

The well recognized principle of sustainable development for the protection and improvement of environment has been unanimously accepted by the world countries as a strategy that caters to the needs of the present without depriving the future generations of their right to available natural resources. It has been rightly said that sustainable development is meant to secure a balance between developmental activities for the benefits of the people and environmental protection and therefore, “it is a guarantee to the present and bequeath to the future generations.”

The principle of sustainable development has evolved on the basic assumption of co-existence of two apparently conflicting notions i.e. development and environment. But from the practical point of view, ecological, economic and social aspects of sustainability are inseparable. The principle of sustainable development emphasises 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.

## **Basic objectives of Sustainable Development**

The principle of sustainable development seeks to achieve the following three basic objectives:

- (1) to maintain production of goods and services for development and efficiency;
- (2) conservation and management of natural resources including preservation of biodiversity and maintenance of biological integrity;
- (3) maintenance and enhancement of the quality of life adopting the principle of equitable distribution of wealth and material resources.

These objectives may respectively be called as economic, environmental and social objectives of the principle of sustainable development.

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<sup>1</sup> World Commission on Environment and Development, “Our Common Future”,43 (October,1987)

From the environmental point of view, the objective of the principle of sustainable development centres round three issues, namely, (i) to maintain essential ecological processes, (ii) to preserve genetic diversity; and (iii) to secure sustainable utilization of species and ecosystems<sup>2</sup>.

### **Stockholm Declaration 1972**

This declaration has enumerated certain principles about sustainable development.

Principle 3: states that the Earth's capacity to produce vital renewable resources be preserved and wherever practical, restored<sup>3</sup>.

Principle 5: states that Non-renewable resources must be used in such a way that they are protected against the danger of their future exhaustion<sup>4</sup>.

Principle 11: it demands that the environmental protection policies of all countries should support and not to have detrimental effect on the present or future development potential of developing countries<sup>5</sup>.

### **Brundtland Commission 1987**

The term "sustainable development" was brought into common use by the commission in its report "our common future"<sup>6</sup>. Brundtland Commission defines "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs"<sup>7</sup>.

According to this commission the concept of Sustainable development contains within it 2 key concepts.

- a. The concepts of needs in particular the essential needs of the world's poor, to which overriding priority should be and
- b. The idea of limitation imposed by the state of technology and social organization on the environment ability to meet present and future needs.

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<sup>2</sup>Sustainable Development, Guiding Principles And Values available at [https://www.legalservicesindia.com/article/1641/Sustainable-Development,-Guiding-Principles-And-Values.html#google\\_vignette](https://www.legalservicesindia.com/article/1641/Sustainable-Development,-Guiding-Principles-And-Values.html#google_vignette).

<sup>3</sup> Stockholm Declaration on the Human Environment, in Report of the United Nations Conference on the Human Environment, UN Doc. A/CONF.48/14, at 2 (1972), principle 3

<sup>4</sup> Stockholm Declaration on the Human Environment, in Report of the United Nations Conference on the Human Environment, UN Doc. A/CONF.48/14, at 2 (1972), principle 5

<sup>5</sup> Stockholm Declaration on the Human Environment, in Report of the United Nations Conference on the Human Environment, UN Doc. A/CONF.48/14, at 2 (1972), principle 11

<sup>6</sup> *Supra* note 1.

<sup>7</sup> *Ibid.*

## Earth Summit 1992

This conference forced the people world-wide to re-think how their lives affect natural environment and resources and to confront a new what determines the surroundings in which they live. It was the largest U.N. Conference<sup>8</sup> ever held and it put the world on a path of sustainable development which aim at meeting the needs of the present without compromising the ability of future generation to meets their own needs.

Some of the major achievements of Earth Summit lie in the form of following documents which it produced.

- a. Rio-declaration on environment and development
- b. Agenda 21
- c. Forest principles.
- d. Two legally binding conventions
- e. Convention on climate change
- f. Convention on biodiversity.<sup>9</sup>

### Salient Principles of Sustainable Development

The principle of sustainable development which received international recognition as a result of Brundtland Commission Report (1987)<sup>10</sup> 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<sup>11</sup> and Agenda 21<sup>12</sup>. Therefore, these principles have got to be necessarily followed in order to achieve the objective of sustainable development. These principles are as follows:

- (1) Inter-generational equity;
- (2) Use and conservation of natural resources;
- (3) Environmental protection;
- (4) The 'Polluter Pays' principle;
- (5) The precautionary principle;
- (6) Principle of liability to help and co-operate;

<sup>8</sup> Report of the United Nations Conference on Environment and Development, Rio de Janeiro, (3-14 June 1992)

<sup>9</sup> Dr. S.R Myneni, *Environmental law* (Asian law House,Hydrabad, 4<sup>th</sup>edn 2022).

<sup>10</sup> *Supra* note 1.

<sup>11</sup> Rio Declaration on Environment and Development, in the Report of the United Nations Conference on Environment and Development, UN Doc. A/CONF.151/26 Vol. 1, (12 August 1992)

<sup>12</sup> United Nations, Agenda 21: Programme of Action for Sustainable Development, UN,( New York, 1992).

(7) Principle of 'public trust'.

### 1 .Inter-Generational Equity

The central theme of the theory of inter-generational equity is the right of each generation of human beings to benefit from the cultural and natural inheritance of the past generations as well as the "obligation" to preserve such heritage for future generations. Inter-Generational equity requires conserving the diversity and quality of biological resources, and of renewable resources such as forests, water and soils<sup>13</sup>.

It simply implies a duty of present generation towards future generations. A trust in which the present generations of human being are obliged to take care of the natural resources and ecology so that all future generations shall also have an equal chance to enjoy the mother nature and right to life. The principle of inter-generational equity has its genesis in Principles 1 and 2 of the Stockholm Declaration, 1972.<sup>14</sup>

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.

### 2. Use And Conservation of Natural Resources –

This principle requires that earth's natural resources should be carefully used in such a way that they may be conserved and enhanced for the future generation. It must be borne in mind that natural resources are already depleting due to poverty, over- population, urbanisation, industrialisation etc. and there is likely to be acute shortage of these resources in future.

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<sup>13</sup> Armin Rosencranz and Shyam Divan, *Environmental Law and Policy in India*, 60 (Oxford university press, 1991).

<sup>14</sup> Stockholm Declaration on the Human Environment, in Report of the United Nations Conference on the Human Environment, UN Doc. A/CONF.48/14, at 2 (1972), principle 1,2

Therefore, there is dire need to develop techniques and technologies which may need minimal utilization of natural resources.

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. The idea that, for the benefit of future generations, present generations should be modest in their exploitation of natural resources has found widespread international approval since the Maltese Proposal at the UN General Assembly of 1967 which contended that there was a common heritage of mankind and that this also required legal protection by the international community.<sup>15</sup>

This principle has been accepted by the international community in the form of Principles 8 and 23 of the Rio Earth Summit Declaration, 1992<sup>16</sup>. Principle 23 of the Rio Declaration specifically says that the environment and natural resources of people under oppression, domination and occupation shall be protected. Similarly in principle 8 of the Rio Declaration it is stated that to achieve sustainable development and a high quality of life for all people, States should reduce and eliminate unsustainable pattern of production and consumption. Thus, use and conservation of natural resources become an essential principle of sustainable development.

### **3. Environmental Protection**

Environmental protection is an integral part of sustainable development. 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. It is generally seen that inadequate protection of environment or its degradation affects the poorest sections of the society most as they draw a large part of their livelihood from unmarked environmental resources such as forests, water from hand pumps, air polluted and noisy slum dwellings etc. 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.

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<sup>15</sup> Meinhard Schroder, "Sustainable Development-A Principle for Action and an Instrument to Secure the Conditions for Survival for Future Generations", 51, *Law And State*, 101 (1995).

<sup>16</sup> Rio Declaration on Environment and Development, in the Report of the United Nations Conference on Environment and Development, UN Doc. A/CONF.151/26 Vol. 1,(1992),principle 8,23

In *Citizen, Consumer and Civic Action Group v. Union of India*<sup>17</sup>, the Court observed that while the courts have social accountability in the matter of protection of environment, there should be a proper balance between the same and development activities, which are essential for progress. There can be no dispute that the society has to prosper, but it shall not be at the expense of environment. In the like vein, the environment shall have to be protected, but not at the cost of the development of the society. Both development and environment shall co-exist and go hand-in-hand. Therefore, a balance has to be struck and administrative actions ought to proceed in accordance therewith, and not de-hors the same.

So far India is concerned, the Environment (Protection) Act, 1986<sup>18</sup> is the central legislation. Besides, there are some other pollution control and prevention laws.

#### 4. The Polluter Pays Principle

The Polluter Pays Principle is one of the basic principles of Sustainable Development. The Polluter Pays principle means that there is an absolute liability for harm to the environment and the person who is responsible for the environmental pollution is liable to pay compensation to the victims of the pollution and also the cost of restoring the environmental degradation.

Thus the "Polluter Pays Principle" includes environmental costs and cost to the people or their property. According to the Polluter Pays Principle the responsibility to disprove the environmental damage is upon the polluter.

Principle 16 of the Rio-declaration of 1992<sup>19</sup> enunciates polluter pays principle that the polluter should bear the cost of pollution.

In *Indian Council for Enviro-Legal Action v. Union of India*<sup>20</sup> (popularly known as "**H-Acid Case**") a public interest litigation was filed alleging environmental pollution caused by private industrial units. The industrial units located in Bichhri village in Udaipur (Rajasthan) were producing certain chemicals like oleum (concentrated form of sulphuric acid) and H - Acid without obtaining necessary clearances. They did not install any equipment for treatment of

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<sup>17</sup> AIR. 2002 Mad. 298.

<sup>18</sup> The Environment (Protection) Act, 1986(Act 29 of 1986).

<sup>19</sup> Rio Declaration on Environment and Development, in the Report of the United Nations Conference on Environment and Development, UN Doc. A/CONF.151/26 Vol. 1,(1992),principle 16

<sup>20</sup> (1996) 3 SCC 212.

highly toxic effluents discharged by them. The highly toxic effluent of these industries percolated deep into the bowels of the earth polluting the ground water and making it unfit for drinking by human beings and cattle and for irrigating the land. The soil became unfit for cultivation. The Supreme Court directed the closure of all such industries. The Court further directed the Central Government to determine the amount required to carry out the remedial measures including the removal of sludge from the sites of the industries and the same shall be paid by the respondent industries. The villagers could claim damages for the loss suffered by them by instituting appropriate suits. Thus the Supreme Court applied the "Polluter Pays Principle" which is one of the essential principle of the Sustainable Development.

In *Indian Council for Enviro-Legal Action v. Union of India*<sup>21</sup>(1996)5 SCC 281, (popularly known as "**Coastal Protection Case**") the Supreme Court applied the polluter pays principle. The court held that the polluter should pay the cost of restoring the environmental degradation. It is not the role of the Government to meet the cost, because the effect of this would be to shift the financial burden of restoring the environmental degradation to the tax payer.

In *Research Foundation For Science (18) v. Union of India*<sup>22</sup>," the Supreme Court has explained that the Polluter Pays Principle" basically means that the producer of goods or other items should be responsible for the cost of preventing or dealing with any pollution that the process causes. This includes environmental cost as well as direct cost to the people or property, it also covers cost incurred in avoiding pollution and not just those related to remedying any damage. It will include full environmental cost and not just those which are immediately tangible. However, this principle does not mean that the polluter can pollute and pay for it. The nature and extent of cost and the circumstances in which the principle will apply may differ from case to case.

## 5. The Precautionary Principle

The main purpose of the "precautionary principle" is to ensure that a substance or activity posing a threat to the environment is prevented from adversely affecting the environment, even if there is no conclusive scientific proof of linking that particular substance or activity to environmental damage. The words "substance" and "activity" imply substances and activities introduced as a result of human intervention. In the context of the municipal law, the

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<sup>21</sup> (1996)5 SCC 281.

<sup>22</sup> (2005) 13 SCC 186.

"precautionary principle" means:-

- i. Environmental measures by the State Government and the local authorities must anticipate, prevent and attack the causes of environmental degradation.
- ii. Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- iii. The "onus of proof" is on the actor or the developer/industrialist to show that his action is environmentally benign."

In *Vellore Citizens' Welfare Forum v. Union of India*<sup>23</sup>, the Court expressed the view that "the precautionary principle" and "the polluter pays principle" are essential features of sustainable development and that they have been accepted as part of the law of the land. The Court had no hesitation in holding that the precautionary principle and the polluter pays principle are part of the environmental law of the country. The Court also observed that even otherwise, the above said principles are accepted as part of the customary international law and hence there should be no difficulty in accepting them as part of our domestic law.

In *M.C. Mehta v. Union of India*<sup>24</sup> (1997) 2 SCC 353, (popularly known as **Taj Trapezium Case**), the Supreme Court applied the "Precautionary Principle". In this case a Public Interest Litigation was filed alleging that due to the use of coal /coke by industries situated within the Taj Trapezium Zone there is environmental pollution and consequential degradation of Taj Mahal, a monument of international repute. The Supreme Court followed the path of Sustainable Development and applied the "Precautionary Principle" by holding that the environmental measures must anticipate, prevent and attack the causes of environmental degradation, The Court directed that all the industries operating in the Taj Trapezium Zone must use natural gas as a substitute for Coke / Cole, as an industrial fuel. The industries which are not in a position to obtain the natural gas connections for any reason must stop functioning with the aid of Coke / Cole in the Taj Trapezium Zone and they should shift the industry to some other industrial estates.

## 6. Principle of liability to help and co-operate

The environmental problem is not the problem of an individual or that of one country. It is a global problem and it can be tackled only with the assistance and co-operation of all. Principle

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<sup>23</sup> (1995)5 SCC 647.

<sup>24</sup> (1997) 2 SCC 353.

9 of the Rio Declaration provides that the States should co-operate 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 10 of the Rio Declaration further provides that environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Similarly, principle 12 of the Rio Declaration provides that the States should co-operate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. And finally principle 27 of the Rio Declaration expects the people and the States to co-operate in good faith and in a spirit of partnership in the further development of international law in the field of sustainable development. Thus, obligation to assist and co-operate is also one of the important principle of sustainable development<sup>25</sup>.

## 7. Eradication of Poverty

The sustainable development has to address the problem of the large number of people who live in absolute poverty and who cannot satisfy even their basic needs. At the Stockholm Conference in 1972, our former Prime Minister Mrs. Indira Gandhi said: "Of all pollutants we face, the worst is poverty". The Brundtland Report has rightly pointed out that poverty reduces people's capacity to use resources in a sustainable manner and hence it intensifies pressure on the environment<sup>26</sup>. Most of the developing countries are under the stress of poverty. Therefore, it is necessary that the growth must be revived in developing countries because that is where the links between economic growth, the alleviation of poverty, and environmental conditions operate most directly.

The UN Conference on Environment and Development i.e. "Earth Summit" of 1992 has brought about a leap in public awareness of environment and development issues and rightly projected that elimination of poverty is a must for sustainable development, particularly in the developing countries. The key to achieve sustainability is to break the vicious cycle of poverty<sup>27</sup>.

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<sup>25</sup> Rio Declaration on Environment and Development, in the Report of the United Nations Conference on Environment and Development, UN Doc. A/CONF.151/26 Vol. 1,(1992),principle 9,10,12,27.

<sup>26</sup> *Supra* note 1 at 49-51.

<sup>27</sup> *Supra* note 9.

## 8. Doctrine of Public Trust

The doctrine of "public trust" is part of the law of land. Under the doctrine of public trust, the state is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, air, forest, and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.

In *Kamal Nath v. Union of India and Others*<sup>28</sup>, the Supreme Court evolved the doctrine of "Public Trust" and held that the doctrine is part of Indian law. The State Government granted a lease of riparian forest land on the bank of river Bias to a private company (Span Motels Pvt. Ltd.) for the construction of a Motel. The Motel management started constructions and began to dig the banks of the river to change the natural flow of the river. Had the construction was completed the change of course of river would have affected the interest of the surrounding tribals, agriculturists and the ecosystem.

The act of the Motel management was challenged through a Public Interest Litigation. The Supreme Court held that the State had committed a breach of "Public Trust". It was observed that the State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, air, forest, and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership. The Supreme Court also issued various directions including the cancellation of the lease in favour of the Motel. The Supreme Court also applied the Polluter Pays Principle in this case, and directed the Motel to pay compensation by way of cost for the restitution of the environment and ecology of the area.

## Conclusion

Sustainable development stands as a pivotal concept in harmonizing the demands of economic growth with the imperatives of environmental preservation and social equity. Rooted in internationally recognized declarations and commissions from the Stockholm Declaration to the Brundtland Report and the Earth Summit it provides a guiding framework for responsible stewardship of the planet. The underlying principles such as inter-generational equity,

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<sup>28</sup> (1997) 1 SCC 388.

conservation of natural resources, environmental protection, and the precautionary and polluter-pays principles reflect a collective commitment to securing a viable future for all. By embedding these principles in national policies and international cooperation, sustainable development ensures that progress today does not come at the expense of the well-being of future generations. The real challenge lies in translating these ideals into concrete actions through thoughtful governance, technological innovation, and inclusive participation at all levels of society.

