

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIAL TEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain

Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019



Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

SUSTAINABLE DEVELOPMENT AND THE LEGAL FRAMEWORK FOR ENVIRONMENTAL PROTECTION

AUTHORED BY - ASHA DEVI

Abstract

Sustainable development has become a cornerstone in addressing global challenges such as environmental degradation, climate change, and resource scarcity. This paper explores the intricate relationship between sustainable development and legal frameworks designed for environmental protection. By examining international treaties, national laws, and regional agreements, the study highlights the strengths and gaps in current systems while proposing innovative approaches to achieve balance among environmental, economic, and social goals.

Introduction

Sustainable development aims to meet the needs of the present without compromising the ability of future generations to meet their own needs. This concept integrates environmental protection with economic growth and social equity. Legal frameworks play a pivotal role in institutionalizing sustainable practices and ensuring compliance with environmental standards. This paper examines the evolution of environmental law and its contributions to sustainable development.

Research Objectives

1. To analyze the role of international legal instruments in promoting sustainable development.
2. To evaluate national environmental policies and their effectiveness in achieving sustainable outcomes.
3. To identify gaps and propose recommendations for strengthening the legal framework for environmental protection.

Key Concepts

1. Sustainable Development: Balancing economic, environmental, and social objectives to ensure long-term viability.
2. Environmental Law: Legal instruments and principles aimed at the protection of natural resources and ecosystems.

International Legal Frameworks

Key Instruments

1. United Nations Framework Convention on Climate Change (UNFCCC):
 - Promotes international cooperation on climate action.
 - Established mechanisms like the Kyoto Protocol and Paris Agreement.
2. Convention on Biological Diversity (CBD):
 - Encourages conservation of biodiversity and sustainable use of biological resources.
 - Highlights the role of indigenous knowledge in ecosystem management.
3. Stockholm Declaration (1972) and Rio Declaration (1992):
 - Establish foundational principles for sustainable development.
 - Advocates for precautionary approaches and the "polluter pays" principle.

Challenges

- Limited enforcement mechanisms.
- Fragmented implementation across nations.

National Legal Frameworks

Case Studies

1. Environmental Protection Agency (United States):
 - Implements the Clean Air Act and Clean Water Act.
 - Faces challenges from political changes and funding limitations.
2. Environmental Protection and Biodiversity Conservation Act (Australia):
 - Focuses on protecting significant ecosystems.
 - Criticized for weak enforcement in high-impact industries.
3. Environment (Protection) Act, 1986 (India):
 - Comprehensive framework for regulating pollution and conserving natural resources.
 - Faces challenges from lack of resources and coordination.

Strengths and Gaps

- Strong legislative frameworks exist, but enforcement and monitoring remain inconsistent.
- Overlap of responsibilities among agencies often leads to inefficiency.

Innovative Approaches to Legal Frameworks

1. Legal Personhood for Natural Entities:
 - Example: Whanganui River in New Zealand recognized as a legal entity.
 - Provides stronger legal standing for environmental conservation.
2. Carbon Trading Mechanisms:
 - Encourages market-based solutions for reducing emissions.
 - Requires robust legal oversight to prevent exploitation.
3. Community-Based Natural Resource Management (CBNRM):
 - Empowers local communities to manage resources sustainably.
 - Needs supportive legal frameworks to ensure equitable participation.

Recommendations

1. Strengthening International Collaboration:
 - Enhance enforcement mechanisms for international treaties.
 - Promote data sharing and technology transfer.
2. Inclusive Policymaking:
 - Involve indigenous peoples and local communities in decision-making processes.
 - Develop gender-sensitive policies to address social inequities.
3. Capacity Building:
 - Invest in training programs for environmental regulators and policymakers.
 - Support academic research on legal innovations for sustainability.
4. Monitoring and Accountability:
 - Develop transparent systems for tracking progress on environmental goals.
 - Implement stringent penalties for non-compliance.

Conclusion

Sustainable development requires an integrated approach that aligns environmental protection with economic and social priorities. Legal frameworks serve as the backbone for implementing and enforcing sustainable practices. While existing frameworks have made significant strides,

there is an urgent need for innovation and collaboration to address contemporary challenges. By strengthening legal systems and fostering global partnerships, humanity can pave the way for a more sustainable future.

References

1. United Nations Framework Convention on Climate Change (UNFCCC).
2. Convention on Biological Diversity (CBD).
3. Stockholm Declaration (1972).
4. Rio Declaration on Environment and Development (1992).
5. National environmental laws and case studies from the United States, Australia, and India.
6. Academic journals on environmental law and sustainable development.

