

# “IMPORTANCE OF SUSTAINABLE

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## **DEVELOPMENT LAW & GOALS IN GLOBAL SCENARIO IN PRESENT DAY CONTEXT WITH SPECIAL REFERENCE TO IMPLEMENTATION OF SDGS PRACTICES IN INDIA AND CRUCIAL ROLE DISPLAYED BY THE HIGHEST JUDICIARY”**

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### **ABSTRACT.**

Sustainable Development Law that satisfies the needs of the present Scenario which helps to see a new life to the future generations and guaranteeing the balance between economic growths, care for the environment and social transformations. Sustainable Development is a process for meeting human development goals while sustaining the ability of natural systems to continue to provide the natural resources and ecosystem services upon which the economy and society depend. While the modern concept of sustainable development is derived most strongly from the 1987 Brundtland Report, it is rooted in earlier ideas about sustainable forest management and twentieth century environmental concerns. As the concept developed, it has shifted to focus more on economic development, social development and protection. Sustainable development is the organizing principle for sustaining finite resources necessary to provide for the needs of future generations of life on the planet. It is a process that envisions a desirable future state for human societies in which living conditions and resource-use continue to meet human needs without undermining the integrity and stability. As a part of a new Sustainable Development Strategy, the United Nations approved the 2030 Agenda, which contains the Sustainable Development Goals, A Welcome and warning action to protect the planet and guarantee the Global well-being of people. It is a comprehensive plan that outlines how we can abolish poverty and transform the world into a Peaceful, Sustainable Environment for all and *creating new* institutions and development programmes, strengthening the institutions run by the Good Governance of the various stake-holders.

**Keywords:** Sustainable Development Law and Goals 2030, Implementing Transformative Agenda, Protection of Ecology and Environmental Pollution, Role played by the Indian Judiciary, Development Legislation, Constitution of India ,Good Governance, Accountability, Transparency Participation & Rule of Law, etc.

## A. INTRODUCTION

Sustainable Development law has often focused on environmental issues in developed countries. Indeed, sustainable development was recognized long before the 1972 Stockholm UN Conference on the Human Environment. Scholars, Citizens, and Government Officials have debated the tension between the earth's natural resources and the needs of both current and future generations. More recently, the field of Sustainable Development Law (SDL) has shifted to an integration of international economic, social, and environmental law. Human rights advocates hope that this more integrated approach will allow SDL to respond more nimbly to chronic, complex issues – like poverty. “The link between poverty and environmental degradation is well recognized and constitutes unfortunately a vicious cycle. Poverty leads to environmental degradation which leads to more poverty even more environmental degradation”. Sustainable development law provides the best introduction to the emerging field of Sustainable Development Law which will provide an extended effort to aid for legal researchers. In this context they will find the interdisciplinary nature of this field to be challenges. SDL can be found in traditional primary law, as well as soft law. As this field evolves, policy and scholarly work will continue to move the discussion and legal developments forward. Sustainable development is a post-globalisation problem, which requires a multi-scalar reaction, going beyond the nation state to include corporations, local governments and individuals. Sustainable development problems are global in nature, and so are their solutions. It was on this basis that Agenda 21 was created at the first Rio Summit. The SDGs could build on this, creating specific, coherent and clear targets for sustainable development, to be pursued at various levels of governance. The Sustainable Development Goals (SDGs) building upon the Millennium Development Goals (MDGs), are universal call to action towards reorienting the world on to a more sustainable path. They express a bold commitment and reflect an approach that perceives the environment, economy and society as embedded systems .The SDG agenda being transformative necessitates the effective use of public resources, fostering inclusive and accountable processes and ensuring robustness of data for good governance. This article is an attempt to validate the inter linkages of SDGs and the varied facets of good governance advanced through schemes and policy rubrics endorsed by the present Government of India for strengthening and improved governance to leverage partnerships for accomplishing the SDGs.

**B. AIM AND OBJECTIVES OF THE PRESENT STUDY**-The Sustainable Development Law aims to provide a global framework for cooperation to address the three dimensions of Sustainable Development (economic development, social inclusion, and environmental sustainability). In other words, the Sustainable Development Goals aims at achieving social progress, environmental equilibrium and economic growth within an ethical framework based on the following objectives;-

1. The right to development for every country,
2. Human rights and social inclusion,
3. Convergence of living standards across countries, and
4. Shared responsibilities and opportunities

### **C. STRATEGIES AND PRACTICAL IMPLICATIONS OF SUSTAINABLE DEVELOPMENT – MENTAL GOALS IN GLOBAL SCENARIO IN PRESENT DAY CONTEXT**

1. Sustainable development requires the generation and application of creative ideas and innovative design and requisite techniques. For this reason, the UN should partner with governments, private sector, development agencies and civil society organisations to provide strong institutional and financial support for universities and other research institutions for research into education, agriculture, physical development planning and land use, information and communication technology and health systems. All these should be backed by appropriate legal frameworks and strict enforcement of regulations to ensure that all the stakeholder comply with the Sustainable Development agenda.
2. Sustainable Development frequently needs constant education by the United Nations and the governments of all countries as well as civil society organisation to all people resident everywhere. The sensitisation programmes should be directed at ensuring that every country's residents understand the concept and principles of sustainable development and engage in responsible environmental, economic and social behaviour as well as accountable stewardship
3. The United Nation should ensure that all countries emphasise universality with country-specific approach to the global goals, and encourage the developed countries to support the developing ones in the implementation of the global agenda.
4. In prosecuting the Sustainable Development Agenda, United Nations should acknowledge and consider different national capacities and levels of development and respect national policies and priorities.
5. Population growth should be checked through population policies backed by legal frameworks. Unless special action is taken, population growth coupled with increased resource consumption beyond what the earth can accommodate, will lead to the decline in or the collapse of the

environment, economy and society. All countries need to have population policies that seek to check unbridled population growth. In this connection, the UN should have a global policy on population growth and ensure that member countries comply with the policy.

#### **D. HYPOTHESIS DISCUSSIONS**

1. Why do we need Sustainable Development Law and Goals in Challenging Issues?
2. How the SDGs are a product of a particular UN process, agreed on by National Governments and interpreted and used in the context of International Processes
3. How public officials display their roles of the Global North and South in legal enforcement and legal recognition?
4. What is the Impact of Sustainable Development in the Constitution of India and the role played by Indian judiciary for protection of ecology and environment

#### **E. METHODOLOGICAL ISSUES**

There is sustainable development goals would seem like a realistic and achievable starting point. There is an emphasis on the SDGs to build up local capacity through NSOs for data collection. There are still opportunities to priorities using other data sources and proxy data are collected from various sources i.e. primary and Secondary data are to be collected and both doctrinaire and empirical methods are used and implemented.

#### **F. SIGNIFICANCE AND RELEVANCE OF THE STUDY**

Sustainability science is the study of the concepts of sustainable development and environmental science. There is an additional focus on the present generations' responsibility to regenerate, maintain and improve planetary resources for use by future generations. Sustainable Development is a core issue within global development policy and agenda. It provides a mechanism through which society can interact with the environment while not risking damaging the resource for the future. Thus, it is a development paradigm as well as concept that calls for improving living standards without jeopardising the earth's ecosystems or causing environmental challenges such as deforestation and water and air pollution that can result in problems such as climate change and extinction of species. Sustainable Development is an approach to development which uses resources in a way that allows the resources to continue to exist for others it is the organizing principle for meeting human development goals while at the same time sustaining the ability of natural systems to provide the natural resources and ecosystem services upon which the economy and society depend. The relevance of Sustainable Development can be feel every day because the populations are increasing but the natural resources available for the satisfaction of human needs and wants do not maintain that, conscious of this phenomenon in global concerns have always been expressed for judicious use of the available resources so that it will always be possible to satisfy the needs of the present generation without undermining the ability of future generations to satisfy their demands. It implies that Sustainable Development is an effort at guaranteeing a balance among economic growth, environmental integrity and

social well-being. Sustainable Development is achievable through the integration of economic, environmental, and social concerns in decision-making processes.

## G. A BRIEF HISTORY OF SUSTAINABLE DEVELOPMENT

The Sustainable Developments are part of a history of multilateral efforts to shift the world onto a sustainable and resilient pathway. Inter governmental efforts formally began with the 1972 UN Conference on the Human Environment. *The doctrine* of 'Sustainable Development' had come to be known in 1972 in the Stockholm declaration. It had been stated in the declaration that: "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and wellbeing and he bears a solemn responsibility to protect and improve the environment for present and future generation".<sup>1</sup> The phrase "sustainable development" was adopted and popularized in 1987, in the report of the United Nations Commission on Environment and Development, known widely by the name of its chair woman, Norwegian Prime Minister Gro Harlem Brundtland. The Brundtland Commission provided a Definition of sustainable development that was used for the next 25 years: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." This intergenerational concept of sustainable development was adopted at the 1992 UN Conference on Environment & Development in Rio de Janeiro. Over time, the definition of sustainable development has evolved to capture a more holistic approach, linking the three dimensions of sustainable development: economic development, social inclusion, and environmental sustainability. This three-part vision of sustainable development was emphasized at the 2012 Rio+20 Conference.

In 1987 the United Nations World Commission on Environment and Development released the report *Our Common Future*, commonly called the Brundtland Report. The report included what is now one of the most widely recognised definitions of sustainable development. "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts:· The concept of 'needs', in particular, the essential needs of the world's poor, to which overriding priority should be given; and· The idea of limitations imposed by the state of technology and social organization on the Environment's ability to meet present and future needs."<sup>2</sup> The action plan Agenda 21 for sustainable development identified information, integration, and participation as key building blocks to help countries achieve development that recognizes these interdependent pillars. It emphasizes that in sustainable development everyone is a user and provider of information. It stresses the need to change from old sector-centered ways of doing business to new approaches that involve cross-sartorial co-ordination and the integration of environmental and social concerns into all development processes. Furthermore, Agenda 21 emphasis's that broad public participation in decision making is a fundamental prerequisite for achieving sustainable development. Under the principles of the United Nations

<sup>1</sup> The 1972 UN Conference on the Human Environment, in the Stockholm declaration

<sup>2</sup> World Commission on Environment and Development, *Our Common Future* (1987)



Charter the Millennium Declaration identified principles and treaties on sustainable development, including economic development, social development and environmental protection. Broadly defined, sustainable development is a systems approach to growth and development and to manage natural, produced, and social capital for the welfare of their own and future generations. There is a significant departure from the previous framework to now include a “harmonising” of three elements: economic growth, social inclusion and environmental protection. “Eradicating poverty in all its forms and dimensions is an indispensable requirement for sustainable development,” The term sustainable development as used by the United Nations incorporates both issues associated with land development and broader issues of human development such as education, public health, and standard of living.

## **H. IMPLEMENTING -A TRANSFORMATIVE AGENDA FOR SUSTAINABLE DEVELOPMENT**

A recent study that sustainable report should be framed through the lens of Ecology. The ecological stability of human settlements is part of the relationship between humans and their natural, social and built environments termed as human ecology, this broadens the focus of sustainable development to include the domain of human health. Fundamental human needs such as the availability and quality of air, water, food and shelter are also the ecological foundations for sustainable development addressing public health risk through investments in ecosystem services can be a powerful and transformative force for sustainable development which, in this sense, extends to all species. Environmental Sustainability concerns the natural environment and how it endures and remains diverse and productive. Since natural resources are derived from the environment, the state of air, water, and the climate are of particular concern. Environmental sustainability requires society to design activities to meet human needs while preserving the life support systems of the planet. This, for example, entails using water sustainably, utilizing renewable energy, and sustainable material supplies an unsustainable situation occurs when natural capital is used up faster than it can be replenished.<sup>3</sup> Sustainability requires that human activity only uses nature's resources at a rate at which they can be replenished naturally. Inherently the concept of sustainable development is intertwined with the concept of carrying capacity.

Theoretically, Integral elements for a sustainable development are research and innovation activities. A telling example is the- European environmental research and innovation policy, which aims at defining and implementing a transformative agenda to greening the economy and the society as a whole so to achieve a truly sustainable development. Research and innovation in Europe is financially supported by the programmer Horizon 2020, which is also open to participation worldwide. A promising direction towards sustainable development is to design systems that are flexible and reversible. Pollution of the public resources is really not a different action; it just is a reverse tragedy of the commons, in that instead of taking something out, something is put into the commons. When the costs of polluting the commons are not calculated into the cost of the items consumed, then it becomes only natural to pollute, as the cost of

<sup>3</sup> Transformative Agenda for Sustainable Development.

pollution is external to the cost of the goods produced and the cost of cleaning the waste before it is discharged exceeds the cost of releasing the waste directly into the commons.<sup>4</sup>

## I. PRESENT DAY CONTEXT OF SUSTAINABLE DEVELOPMENT

Sustainable Development is a crucial issue that appeared for the first time in 1987 with the publication of the Brundtland Report about warning to the Globe for negative Environmental Consequences of Economic Growth and Globalization in the context of search possible solutions to the problems caused by Industrialization and Population Growth. Most of the Challenges facing mankind, such as Climate Change, Water Scarcity, Inequality and Hunger, can only be solved at a Global Level by Promoting Sustainable Development that is the consequences of Social Progress, Environmental Balance and Economic Growth. The UN's 2030 Agenda for Sustainable Development is a crucial plan that outlines how we can abolish poverty and transform the world into a Peaceful, Sustainable Environment for all. *To wipe out the above challenges, current policy initiatives on SDGs must focus on making changes in the Policy Design, creating New Institutions and Development Programmes, strengthening the Institutions run by the Good Governance of the various emerging Participant Countries.* In September 2015, the 2030 Agenda was endorsed by 193 Countries that pledged to work towards Social Inclusion, Environmental Protection and Sustainable Economic Growth. By committing to this agreement, the UN and its member countries across the Globe are ensuring they build just and Peaceful Societies and work towards Sustainability. The Agenda has an overarching Goal to change the world. It is the most complete guide ever created, and details strategies for ending extreme poverty, helping the environment, and diminishing inequality. In order to accomplish this ambitious plan, Nations will need to take extreme actions that are critical to improving our world for the better.<sup>5</sup> The Sustainable Development Goals otherwise known as the Global Goals are a recall from the United Nations to all Countries around the World to address the great challenges that humanity faces and to ensure that all people have the same opportunities to live a better life without compromising our planet. The 2030 Agenda for Sustainable Development provides a Global blueprint for dignity, peace and prosperity for people and the planet, now and the future. The 17 Sustainable Development Goals devised by the United Nations are a crucial part of the 2030 Agenda. These common goals require the active involvement of people's responsibility around the world. The goals bring together Nations around the world to solve global challenges, promote growth, and create a Sustainable future.<sup>6</sup>

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<sup>4</sup> Implementing a transformative agenda to sustainable development for European environmental research and innovation policy is financially supported by the programmer Horizon 2020, which is also open to participation worldwide.

<sup>5</sup> The adoption of the 2030 Agenda for Sustainable Development. ( In September 2015)

<sup>6</sup> The United Nations are a crucial part of the 2030 Agenda

## J. THE IMPORTANT CHALLENGE AND ISSUES ARE THE FOLLOWINGS-

The important challenges to sustainable development which are Global in character includes poverty and hunger, achieve food security, improve nutrition, unemployment, sustainable economic growth, decent work for all, climate action, combating climate change, promote renewable energy, life and land, protect and restore terrestrial ecosystems, sustainably manage forests, combat desertification, Halt Bio-Diversity Loss, Humanitarian aid, Promote Peaceful and inclusive societies, reducing violent crime, sex trafficking, forced labour and child abuse, building strong institutions of governance, access to justice, Accountable and Inclusive Institutions, supporting the Rule of Law. *To achieve the Goals under the SDGs, each Participatory Nation is supposed to raise its own resources through domestic sources, funding from various Governmental and Non-Governmental Sectors & breakdown on illegal financial flows and corruption. SDGs have provided a new opportunity for the development of its Policies, Programmes, Legislation, enhancing budgets and development plans in implementing and improving in the critical and crucial situations.*

## K. IMPACT OF SUSTAINABLE DEVELOPMENT IN THE CONSTITUTION OF INDIA:

Indian Constitution emphasises specific provisions for the protection and improvement of environment. India is the first country in the world which made provisions for the protection and improvement of environment in its Constitution. In the 42nd Constitutional Amendment in the year 1976, Article 48- A was inserted, which specifically deals with Environment protection and its improvements in several environmental cases the Indian Judiciary also guided by the language of this Article. Article 51A (g) prescribes the duty of the citizens for protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creature. Schedule VII containing the three lists clearly lays down various areas relating to environment protection upon which the Centre and States can legislate. As a result of which the Indian Supreme legislature enacted various legislations which deals with environmental protection and put the idea on improvement of Sustainable Development. Indian supreme legislature also passed various laws effecting and regulating the environmental issues. Legislative enactments were always with the principles of socio-economic development, social security and Sustainable Development.

## L. SUSTAINABLE DEVELOPMENT (PROTECTION OF ECOLOGY AND ENVIRONMENTAL POLLUTION) AND THE CRUCIAL ROLE PLAYED BY INDIAN JUDICIARY-

The Constitution Guarantees of Environmental Protection and the role played by the Supreme Court in using the Constitutional provisions especially Article 21 in order to provide protection of Ecology and Environmental Pollution which are greatly evaluated. So that it assumed a important position in the Indian environmental legal system by holding that environmental degradation in a number of ways violates constitutional provisions. One of the most innovative parts of the Constitution of India is that right to enforce the fundamental rights which are itself a fundamental right under Article 32 of the Constitution. Clean and healthy environment is the basic need of human being which can be ensured with ecological



balance which has been made possible by judicial activism and foresight of Courts of India- specially supreme court and various High Courts. This judicial pronouncement has placed a new judicial process and dimension to environmental protection by acquiring the doctrine of Sustainable Development.

#### **M. VARIOUS LANDMARK JUDGMENTS' PRONOUNCED BY OUR JUDICIARY FOR PROTECTION OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: -**

During the span of seventy years the Supreme Court and various High courts in India has played a crucial role for protection of environment and sustainable development. A Public Interest Litigation or Social Interest Litigation case which has been a dynamic approach played a key role in the decision of most of the environmental cases. **The Supreme Court** and various High Courts have pronounced landmark judgments for protection of environment & sustainable development and its various principles. One of the most significant parts of the Constitution of India is that right to enforce the fundamental rights under Article 21 and Article 32.

The Supreme Court of India respected the need of strictness in ecological matters and cached the opportunity in *Municipal Council, Ratlam v. Shri Viridichand and others*<sup>7</sup>. The Indian constitutional courts made enormous contribution to in developing environmental jurisprudence in Indian legal system to give enviro-justice to common person and to protect, preserve, and promote the natural environment.

The concept of PIL and epistolary jurisdiction in India started by the Hon<sup>ble</sup> Supreme Court evolved through human rights jurisprudence and environmental jurisprudence. The traditional concept of locus standi is no longer a barrier for the society oriented PIL.<sup>8</sup> Having given its raison d'être for taking a proactive approach in matters pertaining to the enviro-crimes, the Supreme Court later entertained not only an aggrieved party, but the environmentally conscious persons; group or NGOs may have access to the Supreme Court or High Courts by way of PIL. Even mere letter or postcard has been treated as Writ petition under the epistolary jurisdiction of the court.

*In Rural Litigation and Entitlement Kendra Dehradun v. State of Uttar Pradesh*,<sup>9</sup> which was also known as Doon valley case, was the first and unique case of ecological imbalances and environmental degradation of India where issues related to environment and ecological balance was brought up. Two orders were given by the Court one in 1985 and the other in 1987 in which the Supreme Court It is a social obligation and let us remind every Indian citizen that it is his fundamental duty as enshrined in Article 51 A (g) of the Constitution." highlighted the fact that India citizens have the fundamental of protecting the environment under Article 51A (g). Dispute arose over lime mining in the Shivalik hilly areas. The Supreme Court after much investigation, ordered the stopping of mining work and held that this would undoubtedly cause

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<sup>7</sup> . (1980) 4 SCC 1622.

<sup>8</sup> . Rathin Bandopadhyay and Rajendra Ohar Dubey, et.al. Op.cit. at 04.

<sup>9</sup> . (1985)2 SCC 431,1987 SC 359

hardship to them, but it is a price that has to be paid for protecting and safeguarding the right of the people to live in healthy environment with minimal disturbance of ecological balance and without avoidable hazard to them and to their cattle, homes and agricultural land and undue affection of air, water and environment.”

The Supreme Court of India emphasised on the need to set up specialised environment courts for the effective and expeditious disposal of cases involving environmental issues, since the right to healthy environment has been construed as a part of right to life under Article 21 of the Constitution. The first case that can be discussed in respect to the Courts interpretation of Article 21 is MC Mehta v Union of India <sup>10</sup> or the Oleum Gas Leak Case. A writ was filed under Article 32 on the event of leakage of Oleum gas from one of the units Shri Ram Foods and Fertilizers Industries. The primary issue dealt with in this case was the scope of Article 21 and 32 of the Constitution. And application for enforcement of right to life a “hyper-technical” approach cannot be adopted which would defeat the goal of justice. “Right to life means a life of dignity to be lived in proper environment free from danger of diseases or infections. In this case Supreme Court established the rule of absolute liability and held that if any damage is caused due to hazardous or dangerous activity than the sufferer is liable to be compensated. Further, the Court also observed that the claim for compensation under Article 21 is sustainable. In respect to Article 32 the Court observed that the ambit of Article 32 is extremely broad and it allows the Courts to force new remedies and to formulae new strategies to enforce fundamental right. The case Chhetriya Mukti Sang harsh Samiti v State of UP <sup>11</sup> was one of the earliest cases where the right to environment was linked to right to life. In this case the Supreme Court unequivocally held that “every citizen has a fundamental right to have the enjoyment of quality of life and living as contemplated by Article 21 of the Constitution. Anything which endangers or impairs by conduct of anybody either in violation or degradation of laws, the quality of life or living of people is entitled to be taken recourse of Article 32 of the Constitution’. Similarly, in Subhash Kumar v. State of Bihar <sup>12</sup> The Supreme Court observed that “The right to life is a fundamental right under Article 21 of the Constitution, and it includes the right of enjoyment of pollution-free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has the right to have recourse to Article 32 of the Constitution...” Another noteworthy case that can be mentioned is Indian Council for The Indian Environ-Legal Action v Union of India <sup>13</sup>. In this case writ was filed under Article 32 on behalf of villagers alleging that dangerous chemicals were being emitted by private companies and this violated the right to life of the villagers .The Court found that the sludge released by the companies was toxic in nature and it made the water in the wells and streams unfit for human consumption. In the case of *Vellore Citizen Welfare Forum v. Union of India* <sup>14</sup> the doctrine of Sustainable Development was

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<sup>10</sup>. (1987)I SCC 395

<sup>11</sup> . AIR1990SC2060, 1990(3) SCALES 332.

<sup>12</sup>. (1991) 1 SCC 598

<sup>13</sup> .1996)5 SCC 281

<sup>14</sup> . (1996)5 SCC 650

implemented for the first time by the Supreme Court. The Petitioners therein had filed a petition in public interest litigation against the pollution caused by discharge of untreated effluent by the tanneries and other industries in the river Palar in the State of Tamil Nadu. In the instant case, the Supreme Court held that the precautionary principle and polluter pays principle are a part of the environmental law of India. The court also held that: *“Remediation of the damaged environment is part of the process of ‘Sustainable Development’ and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology”*. The judgment marked all efforts to maintain a harmony between environment and development. In *Indian Council of Enviro-Legal Action vs. Union of India*<sup>15</sup> the Apex Court held: *“while economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments”*. Hence, importance has been given both to development and environment and the quest is to maintain a fine balance between environment and economic development. Another important judgment that has to be discussed in this regard is *MC Mehta v Union of India*,<sup>16</sup> In this case it was alleged that the foundries, and hazardous industries as well as refineries in Mathura where emitting sulphur dioxide which when combined with oxygen in the presence of atmospheric moisture was transformed into sulphuric acid or acid rain which was corroding the marbles of the Taj Mahal. A PIL was filed accordingly and it was further contended that refinery emissions, vehicular traffic, etc. polluted the ambient air around the Taj Trapezium (TTZ). The Supreme Court held that the emissions resulted in the violation of the right to life of people living in the TTZ and also damaged a prestigious monument like the Taj. The Supreme Court in *Samantha v State of Andhra Pradesh*,<sup>17</sup> held that It is the duty to ensure that the industry or enterprise do not denude the forest to become menace to human existence nor a source to destroy flora and fauna and biodiversity. After that, the Supreme Court interpreted and implemented the doctrine of Sustainable Development that *“in Narmada Bachao Andolan vs. Union of India*<sup>18</sup> observed that *“Sustainable Development means what type or extent of development can take place, which can be sustained by nature or ecology with or without mitigation”*.

The Indian judiciary has played a pro-active role in environment protection by interpreting the various Constitutional and legislative provisions in the interest of the environment and upholding the citizens’ right to a clean and healthy environment.<sup>19</sup> Indian higher judiciary brought about noteworthy changes in Indian legal system by creating, promoting and enhancing the concept of Public Interest Litigation (PIL), Judicial Review, continuous mandamus, suo moto, and epistolary jurisdiction of Supreme Court by extending its

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<sup>15</sup> .(1996 ) 3SCC 212

<sup>16</sup> , (1997) 2 SCC 353

<sup>17</sup> . AIR 1997 SC 3297

<sup>18</sup> . (2000) 10 SCC 664-1.

<sup>19</sup> . Nomita Aggarwal (ed.), *Social Auditing of Environmental Laws in India* 141-142 (New Century Publications, Delhi, 2003).

jurisdiction in matters concerning with enviro-crimes as a useful apparatus for redressal of public grievances arising out of environmental pollution. In *Bombay Dyeing and Manufacturing Co. Ltd v. Bombay Environmental Action Group*<sup>20</sup>. The Supreme Court observed that with major threats to environment such as climate change, global warming etc. the need to protect the environment has become priority, at the same time it is also necessary to promote development, so much so that it has become the most significant and local point of environment legislation and judicial decision relating to the same.

In the case of the *Intellectuals Forum, Thirupathi (2006)*<sup>21</sup> the Court upheld a ban on the construction of tanks and new wells in an area suffering water shortage. However, the Court admonished and refuted the argument of activists that the Court has a pro development or industry bias, particularly where large sums are involved. The Court directed the adoption of rainwater harvesting and monitoring its efficacy. This case has been cited subsequently to support a narrow view of the public trust doctrine.<sup>22</sup>

### PRO-DEVELOPMENT CASES OF THE SUPREME COURT

In *KIADB v. Kenchappa*<sup>23</sup>, the outcome is seemingly proenvironment, as the court prohibited the operation of a research development facility in grazing lands of the Green Belt area. However, with modified operative facts the Court seems likely to support a pro-developmental ruling. S. 47 of the Karnataka Industrial Areas Development Act (KIADB Act) has a non-obstante clause that overrides environmental concerns to validate an allotment of land for an industrial project. Here, the KIADB agreed to allot land in the Green Belt, where industrial activity was prohibited. In *T.N. Godavaram Thirumulpad vs. Union of India*<sup>24</sup> the Supreme Court said “as a matter of preface, we may state that adherence to the principle of Sustainable Development is now a constitutional requirement. How much damage to the environment and ecology has got to be decided on the facts of each case.

### RECENT SUSTAINABLE DEVELOPMENT IN LEGISLATION

The Supreme Court's reiterative strategy did succeed in embedding the concept within the Indian environmental law and policy regime. It increasingly found mention and was referenced widely in the policy documents of the government, namely, National Forest Policy 1988, National Conservation Strategy and Policy Statement on Environment and Development (both in 1992), National Agricultural Policy 2000 and the National Water Policy 2002. Perhaps the most authoritative statement was the multiple references to the principle of sustainable development made in the National Environment Policy (NEP) 2006. In many ways the legislative representation of the principle of sustainable development (in the NGT Act) opened up a legal

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<sup>20</sup> . AIR 2006 SC 1489

<sup>21</sup> . *Intellectuals Forum*, supra note 4.

<sup>22</sup> . *Susetha v. Tamil Nadu*, AIR 2006 SC 2893.

<sup>23</sup> . *KIADB v. Kenchappa*, 2006 (6) SCC 371.

<sup>24</sup> (2008) 2 SCC 222

space for reimagining of sustainable development that was relatively unencumbered by the earlier jurisprudence. The NGT Act of 2010 explicitly provided for the application of the principle of sustainable development. Section 20 of the NGT Act states that the tribunal shall, while passing any order, or decision or award, apply the principles of sustainable development, the precautionary principle and polluter pays principle. Although there have been several environmental legislations previously that have made general references to the goal of sustainable development,<sup>25</sup> this is the first time that a clear reference has been made to the principle of sustainable development and a statutory obligation specified for the NGT to apply it in the context of environmental disputes. The demand for a specialised environmental court has been one that has found resonance not only in the various judgments of the Court,<sup>26</sup> but also taking clue from this, in the report of the Law Commission of India (2003) in its 186th report recommended for constitution of the National Green Tribunal. The Green tribunals in country have been established by an Act of Parliament, the “National Green Tribunal Act, 2010” to deal with matter relating to environment and forests & wildlife. The Tribunal's dedicated jurisdiction in environmental matters will provide speedy environmental justice and help reduce the burden of litigation in the higher courts. The NGT is not a court because unlike courts its powers are statutorily limited. Its jurisdiction extends to all civil cases where there is a substantial question relating to environment and that arises out of the implementation of enactments specified in Schedule I. Schedule I includes all environment-related legislations with the exception of the Wildlife (Protection) Act, 1972, Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Indian Forest Act, 1927. The Environment (Protection) Act, 1986 is an important inclusion in the schedule, since it includes a number of important notifications such as on coastal regulation zone, EIA, hazardous substances (including microorganisms), noise pollution, ozone depletion, etc. Given that “environment” itself has been defined in an expansive manner (Section 2(c) of NGT Act) one can conjecture that the jurisdiction of the NGT itself is quite wide and open to interpretation, specifically with reference to any subject matters which could be said to fall under Schedule 1 legislations. The act has been criticized for limiting access to justice since the jurisdiction of the civil courts have been taken away for environmental matters relating to these legislations mentioned in Schedule 1 and given to the NGT. The NGT is proposed to be set up at five benches of sittings and; New Delhi is the Principal Place of Sitting of the Tribunal and Bhopal, Pune, Kolkata and Chennai will be the other 4 place of sitting of the Tribunal and therefore, has limited physical reach. On the other hand, the act provides for any aggrieved person to move an application for grant of relief and compensation, thus substantially liberalising access for litigants (Section 18(2)(e) of NGT Act). It includes both judicial members and expert members, and is headed by a chairperson who is from the judiciary. Decision making is by majority. This unique constitution of the bench allows the NGT flexibility in investigations for establishing facts. It has been quite forthcoming in appointing local

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<sup>25</sup>. The Forest (Conservation) Act (1980), the Environment (Protection) Act (1986) and the Air (Prevention and Control of Pollution) Act (1981).

<sup>26</sup>. M C Mehta v Union of India (1986); Indian Council for Environmental-Legal Action v Union of India (1996); A.P.Pollution Control Board v M.V. Nayudu: (1999).



commissioners to undertake spot investigations and also for supervising progress on enforcement of its orders.<sup>27</sup>

Similarly, the apex court in *Amaranth Shrine, In Re vs. Union of India and Others*<sup>28</sup> explained that the doctrine of Sustainable Development and precautionary principle have been applied where development was necessary, but not at the cost of environment” appropriate balance between the various activities of the states very foundation of socio- economic security and proper environment of the right to life. “And this balance to be made by the courts to ensure the protection of environment and forests. The Indian Government and Indian judiciary, both are playing vital role in developing the principle of sustainable development by protecting, preserving, and conserving the environment and natural sources. Article- 21. Right to clean and healthy environment has been interpreted as a part and parcel of right to dignified life of people of India by the Indian judiciary specially our apex court. Indian judiciary is playing very pivotal role to make safe environment and bring equilibrium between ecology and sustainable development. A lot has been done legally and judicially to protect environment, but still we are lacking far behind from our goal. Preservation and protection of the environment and keeping the ecological balance unaffected is a mission which is not only for Governments and judiciary but also for every citizen of India, it is a pious, social, moral and legal obligation on every Indian citizens, it is also their fundamental duty as enshrined in Article 51 A (g) of the Indian Constitution. It is an opportunity to come together and achieve the goal of” Sustainable Development “as envisaged by the U.N. Millennium Goals of 2000 and declared by the Rio de Janeiro- Summit on Sustainable Development (1992,2012), the Johannesburg Conference on Sustainable Development (2002).The Supreme court recognized several unarticulated liberties which were implied in Article 21 of the constitution like the right to free legal assistance and the prisoners to be treated with dignity were recognized as part of the fundamental right. Supreme Court also interpreted the right and personal liberty to include the right to wholesome environment. The most important achievement of the Indian constitution is the constitutionalism of the environmental problems by the apex court. Before the year of 1980, there was legislation about control of environmental pollution but little had been done to really make pollution control. But in the present time, the Supreme Court of India expands the meaning of environmental Right. The Supreme Court is making interpretations which led to the creation of new rights. Eventually, under Article 21, this court has created new rights including the right to health and pollution free environment.

In the case of *Orissa Mining Corporation Ltd. v Ministry of Environment and Forests*<sup>29</sup>, the Supreme Court recognized the right of the Gram Sabhas, local village councils, to decide on mining grants. Here, Vedanta Resources Plc proposed to develop a bauxite mine in Niyamgiri Hills, Orissa. There were widespread protests, as the land was sacred to the many Scheduled Tribes who lived in the area. The protests were

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<sup>27</sup>. PTI (2015) and DNA (2015).

<sup>28</sup>. (2013)3 SCC 247-A-B

<sup>29</sup> *Orissa Mining Corporation Ltd. v. Ministry of Environment and Forest and Ors, ('Vedanta')*, (2013) (6) SCC 476.

widely covered nationally and abroad. The Guardian reported that the mining activity had to be stopped because of the widespread protests in the region.<sup>30</sup> The Court enforced the provision of the Forest Rights Act, 2006, enabling the Gram Sabhas to decide on mining licenses via a referendum. Subsequently, the Supreme Court dismissed the Orissa Mining Company's petition challenging the referendum that prohibited Bauxite mining in the region. The court refused to hear the petition and directed the company to approach the Gram Sabhas directly.<sup>31</sup>

## N. ROLE OF SDGS IN INDIA

India has, over the past years, directed its development pathway to meet its priorities of employment, economic growth, food, water and energy security, disaster resilience and poverty alleviation. India has also aimed to restore its natural capital and adopt transparent and robust governance along democratic lines. However, emerging challenges of climate change impacts, increasing inequities, and lagging human development indices are well recognised by both the citizens as well as the government. The post 2015 UN Sustainable Development Agenda framework provides an opportunity to renew and integrate efforts in order to meet, to a significant degree, national and global aspirations in a defined time frame. In India, the judiciary is overburdened due to the large number of pending cases, with the backlog touching 35 million in June 2019 – 31 million cases pending in subordinate courts, 4.35 million in High Courts and 58,669 cases in the Supreme Court. India has prioritised the strengthening of justice through government initiatives including Pragati Platform, a public grievance redressal system, and the Development of Infrastructure Facilities for the Judiciary including Gram Nyayalays for villages.<sup>32</sup>

## O. IMPLEMENTATION OF 2030 AGENDA: SDGS PRACTICES IN INDIA

India's Philosophy of 'One World', Global Partnership, and culture of support is known for centuries. Uniting all stakeholders for their role in shaping the 2030 Agenda and the Sustainable Development Goals (SDGs) on three pillars of economy, social, environment with culture based on the principles of equality and humanity was very important for the global society. India has been committed to achieving the SDGs even before they were fully crystallized. The spirit of SDGs 'Leave No One Behind' is in reinforces the concept of Vasudhaiva Kutumbakam, which signifies that the whole world is one single family. The concept originates in the Vedic scripture Maha Upanishad: <sup>33</sup>ayam bandhurayam neti ganana laghuchetasam udaracharitanam tu vasudhaiva kutumbakam i.e., only small men discriminate saying: one is a relative; the other is a stranger. The entire world constitutes 'one' family for those who live magnanimously. This

<sup>30</sup>. Kumkum Dasgupta, Vedanta's India mining scheme thwarted by local objections, THE GUARDIAN (Aug 21, 2013), <https://www.theguardian.com/globaldevelopment/poverty-matters/2013/aug/21/india-dongria-kondh-vedanta-resourcesmining>, (Last accessed: Jul 17, 2017)

<sup>31</sup>. Financial Times, Mining in tribal Niyamgiri: SC rejects petition against local refusal consensus <http://www.financialexpress.com/economy/niyamgiri-sc-rejects-petition-against-localrefusal-consensus/250110/> (last accessed Jan 8, 2018).

<sup>32</sup>. The post 2015 UN Sustainable Development Agenda framework.

<sup>33</sup>. Chapter 6, Verse 72

succinctly captures the spirit of India's approach to all aspects of life including economic development. The Indian concept of life is embodied in a coherent worldview in which all its aspects exist in a state of inter-related -Harmony being governed by a universal order that is reflected in all realms of human experience. In fact, in India, nature and natural resources are treated as sacred and are worshipped. Thus, sustainability and environmental ethics have always been at the core of Indian culture and philosophy. Reflecting this notion, India has played an important role in shaping the Sustainable Development Goals (SDGs) as well. The country's national development goals are mirrored in the SDGs and the government has been pursuing the path of Sabka Saath, Sabka Vikaas, and Sabka Vishwaas. India strives to achieve the targets under the SDGs with the help of the dedicated flagship programmes and appropriate policy interventions with due emphasis on home grown solutions to the varied governance, developmental and environmental challenges that the country faces today

The Government of India has unfurled the, 'strategy for New India @ 75', that is aligned to SDGs and aims to push India towards US\$ 5 trillion economy by 2024. Projected to be the most populous and youngest country in the world by 2024, India's contributions will be significant for the achievement of SDGs. The Constitution of India upholds human dignity by providing equality of opportunity to all. The Government of India has been implementing a number of Central Sector/ Centrally-Sponsored Development Schemes and flagship programmes that aim at addressing many of the targets under the SDGs. In fact, even before the SDGs were adopted, the Government of India had initiated various developmental programmes for the improvement of sanitation, water availability, housing for all, health, education, financial inclusion, clean and renewable energy expansion, universal elementary school education, security and dignity of all. This was also highlighted by the Prime Minister of India, Shri Narendra Modi in his statement at the UN Summit in September 2015 during the adoption of the SDGs in which he stated, "Just as our vision behind Agenda 2030 is lofty, and our goals are comprehensive. It gives priority to the problems that have endured through the past decades. And, it reflects our evolving understanding of the social, economic and environmental linkages that define our lives... The sustainable development of one-sixth of humanity will be of great consequence to the world and our beautiful planet." Success stories from India in its journey towards achieving the SDGs have the potential to guide other countries. programmes of Government like Swachh Bharat Mission, Beti Bachao Beti Padhao, Pradhan Mantri Jan - Dhan Yojana, Digital India, etc., highlight Government of India's commitment to ensure that development reaches one and all and social equity is enhanced. The International Solar Alliance (ISA), co-founded by India, is an example of the country's leadership in the global arena towards a sustainable future and is also committed to eliminate single-use plastic by 2022. To promote SDGs and best practices to reduce global emission and temperature increase below 1.5 °C, India's Prime Minister Shri Narendra Modi with French President Mr François Hollande jointly launched the International Solar Alliance (ISA) at the UN Climate Change Conference in Paris in 2015 (COP 21).<sup>34</sup> The Alliance promotes cooperation among 121 countries with the objective of reducing the price of solar energy. This Alliance will provide impetus to solar technologies development and improving their efficiencies and reducing cost. SDGs promote inter-connectedness of the issues that affect

<sup>34</sup>. The UN Climate Change Conference in Paris in 2015 (COP 21).

development globally and provide platforms, opportunities among various stakeholders to join hands to solve most pressing problems of the world. As more national issues have global nature thus requires multi-boundaries, multidisciplinary knowledge for trans-solutions. The Parliament of India has taken exemplary initiatives to take the SDG agenda forward.

## **P. SDGS ACTION AND THE INNOVATIVE IDEAS IMPLEMENTATION IN INDIA-**

India will continue to pursue the implementation of the SDG agenda through close collaboration between the national and sub-national governments as well as active participation of all other relevant stakeholders. Bi-annual reviews will be conducted with the state governments for identifying good practices as well as challenges and undertaking the appropriate course corrections. The SDG implementation process has started yielding valuable insights. Relevant ministries and stakeholders for each of the SDGs have been already identified. Given the interconnectedness of the SDGs, relevant strategies for enabling collaboration among different actors will be developed as part of the overall implementation process. Expertise provided by different stakeholders is being leveraged for carrying out various exercises (e.g. planning, modeling, monitoring) related to the implementation of the SDG agenda. In order to promote systematic and regular access to such knowledge, NITI Aayog is promoting a national network of resource institutions called Samavesh. NITI Aayog has come-up with Three-Year Action Agenda for 2017-2020. Several large-scale programmes has been implemented such as (1) The Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA), for employment of rural, poor sections; (2) Pension and insurance to workers in the unorganised sector, widows, and differently abled initiative; (3) The Mid-Day-Meal Programme to schools students; (4) Sustainable and climate-smart agriculture to promote organic farming; (5) Beti Bachao Beti Pado (Save the Girl Child, Educate the Girl Child) initiative for education and protection; (6) Make in India to make India a manufacturing hub; (7) Digital India for ICT for sustainability; (8) Focus on renewable energy, Namami Gange, and sanitation<sup>35</sup>

## **Q. THE FOLLOWING ARE THE CHALLENGES IN THE WAY OF ACHIEVING THE SDGS:**

- 1. Challenge of Information Technology:** IT and innovation can change and increase the pace of the journey to the SDGs. The SDGs can facilitate in formulating legislations to regulate robotics and artificial intelligence. The UN SDGs are very competitive and do not share knowledge or data which is detrimental to global development
- 2. Competing interests:** Each of the SDG targets has many competing stakeholder interests attached to them. The World Economic Forum Report 2019 gives a suitable example of climate change. The governments have to negotiate on making difficult choices and taking hard decisions with the private sector, the non-profit sector and communities with a strong will.

<sup>35</sup>. NITI Aayog Report 2017



3. **Measuring Progress:** Measuring progress is very important to understand the extent of the achievement of SDGs. Non-availability of data with respect to sub-national levels, periodicity issues and incomplete coverage of administrative data makes it a challenge to measure progress. SDGs need an integrated approach for accomplishing the social, environmental and economic targets.
4. **Missing out on Integration Potential:** The SDGs are integrated, indivisible and need good governance with strong social networks to translate into a framework focused on '*People, Planet, Prosperity, Peace and Partnerships*'. Lack of action on one goal can compromise their collective success.
5. **Good Governance:** Good Governance is integral to achieving the SDGs. The economies have to take decisions and initiate actions using innovative mechanisms and involving various agencies. Good Governance needs to be strengthened to implement the SDGs.

#### **R. THE IMPORTANT RECOMMENDATION AND SUGGESTIONS ARE THE FOLLOWINGS: -**

1. It is important to undertake systematic efforts to build national and local capacities to implement and monitor SDGs;
2. Continuous communication, dialogue and learning among experts, policymakers and a host of other actors is necessary to understand diverse perspectives and challenges;
3. Evidence-based knowledge that draws upon empirical observation and scientific assessment can strengthen inter linkages to transformative actions at all levels.
4. High levels of economic growth have lifted great numbers of people out of poverty. However, to sustain the growth needed to achieve the Sustainable Development Goals and enhance resilience
5. Governance practices should be based on knowledge generated from formal, peer reviewed research that is conceptually sound, contextually sensitive, quantitatively driven and trustworthy

#### **S. CONCLUSION**

At the dawn of this 21st century, environmental concerns have received utmost attention from all segments of human society. The extreme abuse of nature and ruthless hunt for material happiness are the reasons for post-enlightenment destruction of the environment. Many consider the issues related to environmental degradation as an 'environmental crisis'. During the last century, humans have been exploiting nature not merely for need but also for greed. Environmentally-concerned individuals call for immediate action to stop being greedy and act positively. This article is a compilation of research results pertaining to development, environment, and sustainable development in the form of articles in present scenario. The SDGs Agenda is a commitment to eradicate poverty and achieve sustainable development by 2030 world-wide; ensuring that no one is left behind. The adoption of the 2030 Agenda was a landmark achievement, providing for a shared global vision towards sustainable development for all. The SDG Agenda responds to these compound challenges, and is therefore broader and more complex than the MDGs. Most importantly, it adopts sustainable development as the organizing principle for global cooperation, meaning the combination of economic development, social inclusion, and environmental sustainability. Hence, the overarching name "Sustainable Development Goals," as the key message to the world community. Furthermore, the SDGs and related agenda apply to all countries, developed and developing alike. The post-2015 agenda calls for actors to move away from business-as-usual (BAU) approaches towards the sustainable use of resources and peaceful and inclusive societies. The importance of interpretation reflects the socially constructed nature of core governance concepts such as 'justice' and 'accountability' and differing perceptions of the legitimacy and appropriateness of formal versus informal governance. Hence, while the SDGs may represent international consensus on overarching principles of Good Governance, in practice their implementation



will be strongly influenced by the political priorities and power dynamics that continue to unfold at global to local scales.

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