

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The debate between protection of the environment and sustainable development is an age old one and is growing in proportion with every passing day all over the world, in general and specifically with respect to developing Countries like India, in particular.

The Stockholm Declaration on the Human Environment, 1972 categorically stated that man is both the creator and the moulder of his environment, which gives him physical sustenance and affords him the opportunity of intellectual, moral, social and spiritual growth. In the long run and tortuous evolution of the human race on this planet a stage has been reached when through the rapid acceleration of science and technology man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspect of man's environment, the natural and the man made, are essential to his well being and to the enjoyment of basic human rights-even the right to life itself. It also states that the protection and improvement of the human environment is a major issue which affects the well being of peoples and economic development throughout the world, it is the urgent desire of the people of the whole world and the duty of all the Governments. The Declaration, in Principle 2, states that the natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate. It further, in Principle 8, states that economic and social development is essential for ensuing a favourable living

and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life.

A milestone in this field is the Rio Declaration on Environment and Development, 1992. It, inter alia, states that human beings are at the centre of concern for sustainable development and that they are entitled to a healthy and productive life in harmony with nature. It also states that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. It states that in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it and that to achieve sustainable development and a higher quality of life for their people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies. It contemplates that the States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. The Declaration states that in order to protect the environment, the precautionary approach shall be widely applied by the states according to their capabilities and that environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

The Hon'ble Supreme Court of India in the case of Amarnath Shrine reported in (2013) 3 SCC 247, has categorically stated the right to live with dignity, safety and in a clean environment. Article 21 of the Constitution of India, guaranteeing the right to life is ever widening and needs to maintain proper balance between socio-economic security and protection of the environment.

The Hon'ble Apex Court in the case of Bombay Dyeing and Manufacturing Co Ltd- vs - Bombay Environmental Action Group reported in (2006) 3 SCC 434, inter alia, states that the consideration of economic aspects by Courts cannot be one and it depends on the factors of each case. However, strict views ought to be taken in cases of town planning and user of urban land so as to balance the conflicting demands of economic development and a decent urban environment. Ecology is important but other factors are no less important and public interest will be a relevant factor.

The Hon'ble Supreme Court in the case of Dahanu Taluka Environment Protection Group -vs- Bombay Suburban Electricity Supply Company Ltd reported in (1991) 2 SCC 539 has held that it is primary for the Government to consider importance of public projects for the betterment of the conditions of living of people on one hand and necessity for preservation of social and ecological balance, avoidance of deforestation and maintenance of purity of atmosphere and water from pollution and the role of the Courts is restricted to examine whether the Government has taken into account all the relevant aspects and has not ignored any material condition.

An interesting question came up before the Hon'ble Supreme Court with regard to the setting up of nuclear power plants with regard to the possibility of considerable economic development weighed against risk of feared radiological hazard. The Hon'ble Apex Court in the case of G.Sundarrajan -vs- Union of India reported in (2013) 6 SCC 620, inter alia, held that the Courts will be justified to look into the aspect as to the opinions of experts and the adequacy of safety measures and will be justified to look into the safety standards being followed by the Nuclear Power Plant.

It can thus be said that both the environment and development are essential in today's world for the betterment and living standards of the people. However, rampant development at the

cost of the environment is not to be entertained and the Courts will look into the aspect of sustainable development, interalia, based on the criteria and guidelines as specified.

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