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A PERSPECTIVE REVIEW ON SUSTAINABLE DEVELOPMENT: A legal studies in India

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Abstract:

Under Indian perspective the definition of 'environment' and, therefore, environmental law has always been rather broad. Even today, not only does it include the concept of sustainable development but also air and water pollution, preservation of our forests and wildlife, noise pollution and even the protection of our ancient monuments, which are undergoing severe stress due to urbanization and consequent environmental pollution. Community resources such as tanks, ponds, etc. have now been articulated by the Supreme Court for inclusion in the concept of environment, and why should it not be so, considering they all affect the quality and enjoyment of our life. Awareness about the environment and, particularly matters relating to pollution, have been reborn, so to say, such that it is difficult to imagine that our modern environmental jurisprudence is a little over three decades old. In these decades, however, the march of the law has been so rapid and sure which is reflected through this paper. Sustainable Development: An Indian Perspective. Developing priorities in developing countries like India are inescapable because welfare and happiness of all are democratic imperatives. India is a constitutionally ordained society promising an egalitarian social order signifying equality, liberty, socio-economic justice and dignity to all. The mandate of Article 38 and 39(b) and(c) cannot be fulfilled without fixing and implementing certain socio-economic goals and affecting structural change in the society. The imperative need is undoubtedly rapid socio-economic transformation to eradicate the problems of poverty, in equality access and distribution of natural resources and to promote basic indices of human development, minimum standard of welfare and human rights. But the goals of economic and social development must be infused with sustainability; in fact, sustainability embraces socio economic development.

Keywords: Constitutionally, Environmental, Transformation, Sustainability.

I. Introduction:

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs..... Sustainable development requires meeting the basic needs of all and extending to all the opportunity to satisfy their aspirations for a better life”. This definition emphasizes two core principles: firstly, the concept of ‘needs’, in particular the essential needs of the world’s poor, to which overriding priority should be given, and, secondly, the idea of limitations imposed on the environment’s ability to meet present and future needs. The document Caring for the Earth defines the term as “improving the quality of human life while living within the carrying capacity of supporting ecosystems”.

Indeed¹ energy is a fundamental requirement for sustenance and the progress of developmental activities. It plays a crucial role in powering various aspects of human life, from basic necessities to complex industrial processes. Energy is essential for economic growth and development. It fuels industries, businesses, and infrastructure, enabling the production and transportation of goods and services. Adequate and reliable energy sources are vital for creating jobs, stimulating investment, and improving the overall standard of living. On the one hand, energy plays very pivotal role as the wheels of the vehicle of overall development. On the other hand, there is a need to regulate and streamline the energy sector in tune with sustainable development perspectives and goals as per national and international commitments. This research paper presents comprehensive review of energy laws and their role and impact on sustainable development in India. With a focus on the Indian context, the paper examines the legal framework, policies, and regulatory mechanisms governing energy production, distribution, and consumption and the management of non-renewable and renewable sources of energy. The study explores the challenges and opportunities associated with sustainable energy development and highlight the importance of effective energy laws in achieving the nation’s sustainable development goals. It concludes with recommendations for enhancing the legal framework to promote a sustainable and inclusive energy sector in India in tandem.

II. Need for the study:

In recent years large scale urbanization, industrialization and associated environmental alteration and its impact on biodiversity pose a threat to human existence through basic necessities, recreation and the ecological functions. It is evident that pollution from various sources particularly from industries has negative impact on environment, irreversible in nature, cause extinction of species, resulting in loss of unique genetic resources of great use. On one hand we have extremely developed states and on the other hand we have states where people cannot get access even to minimum necessities of life. Therefore for those deprived of even basic minimum necessities of life, right to development has assumed great significance in recent times. However the process of development undertaken by most of the states involves hyper-consumption of energy and natural resources leading to environmental degradation.

III. Objectives:

I. The need to take into consideration the needs of present and future generations (the principle of intergenerational equity).

II The acceptance, on environmental protection grounds, of limits placed upon the use and exploitation of natural resources (the principle of sustainable use).

III. The role of equitable principles in the allocation of rights and obligations between various states (the principle of equitable use or intergenerational equity). The need to integrate all aspects of environment and development (the principle of integration)

III. **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 jeopardizing 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 felt 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,

Concept of Sustainable Development and its Key Concepts. The concept of sustainable development represents the core principle of international Endeavour towards integration between environment and development. The concept of sustainable development was contained in the Stockholm Declaration of 1972. The concept was further popularized by the Brundtland report. Its importance was reiterated again in the document Caring for the Earth. The Brundtland report defines sustainable development as:

Whereas industrialization and technological advancement is necessary for economic development and is imperative for a developing country like India the process of modernization is destroying the nature in that it fosters search for cheap biomass based raw materials and cheap opportunities for waste disposal. Modernization is also steadily transforming the nature. Since commoditization of nature gains priority in the planning process because of predominantly economic considerations, in physical terms, the tendency is to reduce the diversity in nature and transform it into a nature that is full of high yielding mono-cultures. The thrust on maximum profit and production overlooks long-term sustainability. Pressures of population on land for competing uses, such as agriculture, irrigation and power projects, industry, roads, etc. are contributing causes of the shrinking forest cover.

IV. Development and Expansion of Environmental Laws in India

United Nations Conference on Human Environment marked a milestone in the evolution of environmental policy making in India. The Indian Prime Minister, Mrs. Indira Gandhi, was the only head of Government to address the Conference in Stockholm other than the Swedish Prime Minister⁹. The Conference proclaimed that underdevelopment in developing countries was the source of environmental problems and laid out 26 principles calling upon “Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity”¹⁰. The Government of India embraced the declaratory principles of the UN Conference whole-heartedly and refashioned environmental policy through a flurry of legislative and administrative activity.

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.

V. 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.⁵The 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.

VI. 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.

VII. 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 Virdichand and others ⁷.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'ble 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.⁸Having 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.

VIII. 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 prioritized 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.

IX. Conclusions:

The evolution of ESG regulations in India is not just a chronological progression of mandates but signifies a transformative journey towards responsible corporate conduct and sustainable practices. The regulatory landscape has evolved from voluntary guidelines to stringent frameworks, reflecting a growing awareness of the need for businesses to consider environmental, social, and governance aspects in their operations. In the context of climate change, environmental disclosures can be seen as mandated (under the Environmental Protection Act, 1986) and voluntary requirements under other laws. Regardless, some forms of misreporting or under-reporting can be grounds for holding corporations responsible in India. The introduction of the BRSR framework in 2021 and subsequent circulars in 2023 represent a paradigm shift in how ESG disclosures are perceived and implemented in India. These regulations go beyond mere compliance, emphasizing the integration of ethical, sustainable, and responsible business practices into companies' core operations. These regulations catalyse change, encouraging companies to adopt a more holistic approach to corporate governance, transparency, and accountability. The BRSR framework, with its focus on specific key performance indicators in the BRSR Core, provides a nuanced understanding of the Indian business context, aligning ESG reporting with broader SDGs. However, the true impact of these regulations will be realized through their effective implementation and the proactive engagement of businesses. The challenges and criticisms highlighted in the paper, such as the potential exclusion of key partners in value chain disclosures and the need for sector-specific guidance, underscore the complexities that must be navigated for a robust ESG reporting framework.

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