



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

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SUBJECT: Environmental Laws

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NAME OF FACULTY: Mohammad Aqib

Lecture-5



LECTURE 5: Principles of Sustainable Development

PRINCIPLES INVOLVED IN SUSTAINABLE DEVELOPMENT

- Inter-Generational Equity
- Precautionary Principle
- Polluter pays Principle
- Public Trust Doctrine
- Absolute Liability Principle
- Environmental Awareness Programmes

INTER – GENERATIONAL EQUITY

Intergeneration equity simply implies a duty of present generation towards future generations. A trust in which the present generations of human being are obliged to take care of the natural resources and ecology so that all future generations shall also have an equal chance to enjoy the mother nature and right to life. “The present generation has a right to use and enjoy the resources of the Earth but is under an obligation to take into account the long term impact of its activities and to sustain the resource base and the global environment for the benefit of future generations of humankind.” Brundtland Commission clearly emphasized on the importance of the concept of intergenerational equity. It says that “we borrow environmental capital from future generations with no intention or prospect of repaying ... We act as we do because we can get away with it: future generations do not vote; they have no political or financial power; they cannot challenge our decisions.”

- The Natural Resources are the Permanent assets of the man kind and not be exhausted for one generation The principle of inter-generational equity lays emphasis on the right of each generation of human beings to benefit from the cultural and natural inheritance of the past Nexus between the Inter-generational & Intra generational Equity Principles of Inter-generational Equity.
- Principle 1 & 2 of Stockholm declaration speaks about the Intergenerational Equity, three principles which are the basis for the intergenerational equity are as follows –

Conservation of Options:

Each Generation should be required to conserve the diversity of the natural and cultural base, so that it doesn't restrict the options available to future generations in solving their problems and satisfying their needs.

Conservation of Quality:

Each generation should be required to maintain the quality of the planet so that it is passed on in no worse condition,

Conservation of Access:

Each generation should provide its members with equitable rights of access to the legacy of past generations and should conserve for the generations there are two theories of inter generational equity;

(a) Our relationship to other generations of our own species and our relationship to the natural system of which we are a part.

(b) All generations are inherently linked to the other generations, past and future in using common patrimony of the earth.

(c) The Natural Resources are the permanent assets of mankind and are not intended to be exhausted in one generation, lays emphasis on right of each generation of human beings to benefit from the cultural and natural inheritance of its pasts generation.

State of Himachal Pradesh v Ganesh Wood Products, AIR 1996 SC 149

- - Katha is a necessary Ingredient in pan and pan Masales, katha is derived from the Khair tree, central portion of the tree is used for pan masala products, these trees are found in considerable numbers at Himachal Pradesh.

(b) A writ petition was filed by Ganesh wood products against the decision of the government of the state of Himachal Pradesh to refuse the establishment of katha Factories in the state.

(c) The Government submitted that such establishment would lead to indiscriminate felling of the so called Khair trees, for manufacturing katha was not sufficient to sustain the proposed industries

(d) Court emphasised that during the years 1992 to 1993 every proposed factory using Khair trees was approved by the state authority, this was contrary to public interest involved in preserving forest, wealth, maintenance of environment.

Judicial Reasoning- The court held that the Himachal Pradesh government body's approach of 'there is no harm in approving any and every proposal that comes before it' was a totally fault and myopic approach. It was also violate of the National Forest Policy and the State Forest Policy evolved by the Government of India and the Himachal Pradesh Government respectively. Supreme Court stated that "Present Generation has no right to imperil the safety and well being of the next generation to come thereafter".

Kinkri Devi v State, AIR 1988 HP 4

Case was adjudicated by Justice P. Deevan, R Thakur, PIL was filed alleging that Unscientific and Uncontrolled quarrying of the limestone has caused damage to shivalik hills was posing a danger to the ecology, environment, and inhabitants of the area

The Himachal Pradesh High Court pointed out that if just balance is not struck between development and the environment by proper tapping of the natural resources, there will be violation of article 14, 21, 48-A and 51A(g). The Natural resources has to be tapped first, but tapping has to be done in such a way that ecology and environmental are not serious way, court issued interim direction to setup committee on this and issue proper granting of lease.

K. Guruprasad rao v State of Karnataka, (2013) 8 SCC 418

- Decided by Justice G S Singhvi, & Justice Ranjan Prakash Desai, Apellant filed a writ petition and prayed for cancellation of mining lease granted to respondent, issue mandamus to official respondent(Aarpe Iron ore mines) to stop mining within one kilometer, he further prayed for restoration of temple to original for.

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SELF-TEST QUESTIONS