



ENVIRONMENTAL PROTECTION VERSUS DEVELOPMENT: A SHIFT FROM ANTHROPOCENTRISM TO ECO-CENTRISM

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▪ Abstract

The paper deals with the environmental protection versus development. In the introduction part the historical aspect is discussed. Need not to say the earth is unique in the solar system in the sense that it is the only place that sustains life. Life on earth has passed many stages of dynamic evolution. Human beings represent just the latest in this evolutionary period. Starting from their evolution human being has tried to achieve progress. In their endeavour to achieve that, they have now threatened the sustainability of the earth.

The paper further discusses the modernization's impact on the environment. Without environmental protection, development cannot sustain. Environmental security is a part of sustainable development without which development cannot be a holistic thing. The paper also focuses on the various environmental conference and summit which has adopted a more nature-centred approach towards environmental problems.

Further the paper also emphasizes on the judicial approach to the problems as reflected in some important cases and the legislative policies on the matter. It seems here that development has to look into the aspects of social equity, environmental sustainability and people's participation.

In the end, the paper concludes that growth alone cannot be termed as development. There is a need to understand that our needs are related. Until and unless human being comes forward to help each other, the objective of sustainable development can never be achieved. The shift from anthropocentrism [*hood of the mankind*] to eco-centrism [*for the sake of nature*] has been reflected in the various approaches whether being a conference, summit or the judicial and legislative approach.



▪ Introduction

Nature and mankind are inseparable parts of environment.¹ Mankind's indiscriminate use of natural resources in the course of development has led to serious problems. The dichotomy experienced in this sphere is sharp because of the fact that both the goals of environmental protection and development are essential to the society. Regarding environment, ethical, religious and emotional considerations have projected high ideals either for the good of the mankind or for the sake of nature itself. The traditional understanding that all properties and material resources are gifts of Almighty; that humanity has no justification for their wasteful, polluting and disastrous uses; and that it has responsibility towards future generations about their safe availability has not only great amount of wisdom but also passionate persuasion for fulfilling such commitments to eternity.²

▪ Modernization's Impact

Modernisation in various spheres of economic activity—agriculture, industry, mining, forest, trade, transport, and animal husbandry—with commercial outlook and technological competence has brought big attitudinal change for maximisation of profits. Scientific knowledge has been used to deplete the resources in order to meet the challenges of fast growing population and striding expansion of international market. Big dams submerged vast area of forest cover, brought soil erosion and rendered the soil unhealthy either due to water logging or too much of chemical farming. Instead of becoming temples of prosperity, they became veritable sources of ecological imbalance. The expanding desertification became unwanted gift of unplanned resource use.³

One method of resolving the conflict between environment and development is balanced integration of their components in the concept of sustainable development itself. The concept is more comprehensive than the original concept of economic development inasmuch as it proposes a model of growth and human activity that explicitly includes environmental considerations and the idea of allocating and conserving resources over time and in a sustainable manner.

1. Section 2[a] of the **Environment [Protection] Act** states, “environment includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creature, plants, micro-organism and property”.

2. Ibid; *Ishopanishad*; the concept of *devaruna* also emphasises the same; see also, Samiul Hasan [2007], **Philanthropy and Social Justice in Islam**, AS Noordeen, Kuala Lumpur, at pp. 2–7.

3. *Sachidananda Pandey v. State of West Bengal* [1987] 2 SCC 295: AIR 1987 SC 1109.



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The UN Conference on Human Environment declared [*Stockholm Declaration*] in 1972 that man is both creature and moulder of environment; that the protection and improvement of human environment is major issue which affects well-being of people and economic development throughout the world; that environmental problems in developing countries are caused by underdevelopment and those in the industrialised countries by technological development; and that economic and social development is essential for ensuring a favourable living and working environment for man and for conditions on earth that are necessary for improvement of the quality of life.⁴

Sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations.⁵ The strategies include meeting essential needs for jobs, food, energy, water and sanitation; ensuring sustainable level of population; conserving and enhancing the resource base; reorienting technology and management risk; and merging environment and economics in decision making. The Report has treated sustainable development predominantly as an instrument of increasing the material standard of living. That was a convenient and pragmatic approach to the different types of environmental problems faced by countries with different levels of development and to motivate them for a green thinking with gain.⁶ 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.⁷ Spreading a broad-based agenda, the earth summit aspired for international cooperation, integrated approach, and participation of people, indigenous communities and women in the mission of balancing between environment and development. The shift from good of the mankind [*anthropocentrism*] to for the sake of nature itself [*eco-centrism*] in the Rio and post-Rio texts

4. Preamble paras 1, 2, 4 and 6 and Principle 8.

5. The **World Commission on Environment and Development** [*Brundtland Commission*] **Report**, 1987.

6. Michael Redclift [1992], *The Meaning of Sustainable Development*, 23 *Geoforum* 305, at p. 399 extracted in Lakshman D. Guruswamy [Ed. (1999)], **International Environmental Law and World Order**, West Group, St. Paul Minn, at pp. 323–25; Daniel Barstow Magraw and Lisa D. Hawke [2007], “*Sustainable Development*” in Daniel Bodansky, **Oxford Handbook of International Environmental Law**, Oxford University Press, at pp. 613, 618–19.

7. Principles 3, 4 and 5 of the **Rio Declaration**, 1992.



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reflects post-modernist radical green thinking with hitherto marginalised people's participation. The **Copenhagen Declaration on Social Development**, 1995 has stated:

“Equitable social development that recognises empowering the poor to utilise environmental resources sustainably is a necessary foundation for sustainable development.”

The precaution principle, public trust doctrine, polluter pay principle, inter-generation equity and non-corruption are emphasised by the international legal principles as facets of sustainable development.

Thus, environment is integral to the overall process of development. Change in its condition is the product not only of natural events, but also of the application of development models, practices and lifestyles. Any modification of the physical environment has important socio-economic consequence that affects the quality of life. In India, from **Fifth Five Year Plan** [1974–79] onwards, emphasis has been laid on sound environmental and ecological principles in various spheres of planned economic development for harmonising between these two factors.⁸ In *K.M. Chinnappa* the Supreme Court pronounced:

*“Sustainable development is essentially a policy and strategy for continued economic and social development without detriment to the environment and natural resources on the quality of which continued activity and further development depend. Therefore, while thinking of the developmental measures the needs of the present and the ability of the future to meet its own needs and requirements have to be kept in view. While thinking of the present, the future should not be forgotten. We owe a duty to future generations and for a bright today, bleak tomorrow cannot be countenanced.”*⁹

The dichotomy between the environment and development is more visible in the sphere of big projects resulting in the ouster of large number of inhabitants from project sites; in redressing the grievances of pollution victims; and in planning for conservation of resources. The judicial approach to these problems as reflected in some important cases and legislative policies on the matter can be briefly examined.

⁸. Dwivedi [1997], **India's Environmental Policies, Programmes and Stewardship**, at p. 54.

⁹. *T.N. Godavarman Thriumalpad v. Union of India* [2002] 10 SCC 606: AIR 2003 SC 724, at p. 737 per Justice Arjit Pasayat.



▪ Development of Large Projects and the Strategy of Balancing

The question of rehabilitating the forest dwellers from site of thermal project proposed to be established in forest area was decided in *Banwasi Seva Ashram*. The Supreme Court observed:

“Indisputably, forests are a much wanted national asset. On account of the depletion thereof ecology has been disturbed; climate has undergone a major change and rains have become scanty. These have long term adverse effects on national economy as also on the living process. At the same time, we cannot lose sight of the fact that for industrial growth as also for provision of improved living facilities there is great demand in this country for energy such as electricity. In fact, for quite some time the entire country in general and specific parts thereof in particular, have suffered a tremendous setback in industrial activity for want of energy. A scheme to generate electricity, therefore, is equally of national importance and cannot be deferred.”

It has been observed in most of the cases that the approach of facilitating development and promotion of livelihood within the legal framework along with protection of environment was adopted. However, as a corollary, where environment could not be protected without stopping the developmental activity, development would not be allowed. For example, the job loss arising from closure of lime quarry mining was considered as a price to be paid for protecting the healthy environment.¹⁰

It is significant to find meaningful human rights discourse in the balancing approach. The Supreme Court has observed in *Samatha*:

“Since the Executive is enjoined to protect social, economic and educational interest of the tribals and when the State leases out the lands in the Scheduled Areas to the non-tribals for exploitation of mineral resources, it transmits the correlative above constitutional duties and obligation to those who undertake to exploit the natural resources should also to improve social, economic and educational empowerment of the tribals.”¹¹

In this case the stoppage of illegal mining was ordered.

¹⁰. *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh* [1985] 2 SCC 431: AIR 1985 SC 652, at p. 656.

¹¹. *Samatha v. State of Andhra Pradesh* [1997] 8 SCC 191: AIR 1997 SC 3297, at p. 3343.



Furthermore the majority in *Narmada Bachao Andolan v. Union of India*¹² the question raised was the right to water as a human right and therein observed:

“To feed the increasing population, more food grain is required and effort has to be made to provide safe drinking water, which, at present, is a distant reality for most of the population especially in the rural areas. Keeping in view the need to augment water supply, it is necessary that water storage capacities have to be increased adequately in order to ward off the difficulties in the event of monsoon failure as well as to meet the demand during dry season. It is estimated that by the year 2050 the country needs to create storage of at least 600 billion cubic metres against the existing storage of 174 billion cubic metres. Dams play a vital role in providing irrigation for food security, domestic and industrial water supply, hydroelectric power and keeping flood waters back.”

Regarding rehabilitation and relief to 40,000 families evicted from 245 villages, the Court emphasised on appropriate and prompt measures and observed:

“Displacement of these people would undoubtedly disconnect them from their past, culture, custom and traditions, but then it becomes necessary to harvest a river for larger good. A natural river is not only meant for the people close by but it should be for the benefit of those who can make use of it, being away from it or nearby... The plans are required to be specially drafted and implemented to mitigate problems whatsoever relating to all, whether rich or poor, land owner or encroacher, farmer or tenant, employee or employer, tribal or non-tribal.”¹³

The judgment was criticised for failure to provide effective rehabilitative measures before eviction.

¹². [2000] 10 SCC 664: AIR 2000 SC 3751, at paras 88–89. The Court further observed: “On full development, the Narmada has a potential of irrigating over 6 million ha of land and generating 3000 Mw of power. The present stage of development is very low with only 3 to 4 Maf of waters being used by the party States for irrigation and drinking water against 28 Maf availability of water at 75 percent dependability as fixed by NWDT and about 100 Mw power developed. 85 percent of the waters are estimated as flowing waste to sea. The project will provide safe and clean drinking water to 8215 villages and 135 towns in Gujarat and 131 villages in desert areas of Jalore District of Rajasthan, though against these only 241 villages are getting submerged partially and only four villages fully due to the project.”

¹³. *Narmada Bachao Andolan v. Union of India* [2000] 10 SCC 664, at para 267.



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It is here to be noted and emphasized that the propriety of large dam policy is assessed by an independent body, **World Commission on Dams**, which submitted its report in 2000.¹⁴ Referring to numerous large dams constructed all over the world in 20th century, WCD noted that large dams have made an important and significant contribution to human development; that frequently, an unacceptable and unnecessary price has been paid to secure those benefits; that lack of equity in the distribution of benefits has called into question the value of many dams in meeting water and energy development needs; and that it has necessitated positive resolution of competing interests amidst all whose rights and risks are involved.¹⁵ The conflicts of interests amidst different nations or federating units or different sections of people—urban/rural, upstream/downstream, agricultural/industrial *etc.*—have called for equitable solutions based on people’s participation and negotiation. Its assessment of large dams discloses: delay in execution, shortfall of target, irreversible loss of species and ecosystems, and failure to mitigate environmental and social costs. It suggested for inclusion of core values such as equity, efficiency, popular participation, sustainability and accountability in decision making. Participatory decision making by use of rights—and—risks approach shifts the center of gravity in the dams’ debate to option assessments and improvement of performance from human rights perspective.¹⁶ According to **Upendra Baxi**:

“This convergence between human development and human rights ideologies is significant because it extends beyond mere economic and institutional analysis of development, to a theory fundamentally grounded in human rights concepts. Moreover, in underlining the universal nature of human rights, it progresses beyond the relativistic arguments behind which a great deal of human suffering has been hidden. It is to be hoped that environmental thinking will also follow.”¹⁷

Thus, consensus based arrangement for sustainable development triggered by human rights perspective builds up appropriate parameters of social transformation. It is doubtful whether law on

¹⁴. About growth of large dam culture as a feature of modernisation and globalisation and the story of WCD and its legitimacy, *see*, Kader Ismal [2001], *Introduction: World Commission Dams Report, Dams and Development*, 16 Am. U. Intl’l. Rev., at p. 1411.

¹⁵. Executive summary, *The Report of the World Commission on Dams*, [2001] 16 Am. U. Intl’l. Rev., at p. 1435.

¹⁶. *Ibid*, at p. 1445.

¹⁷. Baxi Upendra [2001], *What Happens Next Is Up to You: Human Rights at Risk in Dams and Development*, 16 Am. U. Intl’l. Rev., at p. 1507: “*Dam projects can result in communities living ‘for decades starved of welfare and development investments’. This misery is not confined to large dams, but is a feature of all major public projects [at least in the South] where the mere formation of executive intention to locate these in certain areas entails suspension of all developmental activities.*”



inter-State water dispute in India has been influenced adequately by considerations of environmental protection and human rights. **For example**, the public trust doctrine is unfortunately given a low key treatment and the right-risk-management with consensus based on human rights was not perceived in the Cauvery award¹⁸ while stating that the responsibility of ensuring regular flow of water in the Cauvery shall be entirely borne by only one of the riparian states.

In view of the fact that vast numbers of people have been displaced from project sites and less numbers of people are rehabilitated in India, the WCD suggestions are to be seriously implemented.¹⁹ Scholars have viewed that large dams are ecologically unsound and economically unsound when the environmental and health costs are not properly accounted for.²⁰ While large dams have contributed to the cause of green revolution and tremendous increase in food production, electricity generation and flood control, the adverse impact upon environment is also realised.²¹

The Supreme Court in *K.M. Chinnappa* considered lack of EIA [Environment Impact Assessment] report and temporary character of work permission for mining iron ore in Kudremukh as factors compelling for closure of mining activity carried on endangering rich and diverse biological resource.²² The policy of disallowing mining activity that violated the principle of sustainable development and other conditions of environment protection law had been enunciated in earlier cases on mining in Doon Valley²³ and Aravalli hill range.²⁴ Justice **Y.K. Sabharwal**, observed in the latter case:

“The development and the protection of environments are not enemies. If without degrading the environment or minimising adverse effects thereupon by applying stringent safeguards, it is possible to carry on development activity applying the principles of sustainable development, in that eventuality, the development has to go on because one cannot lose sight of the need for development of industries, irrigation resources and power projects, etc., including

18. The **Report of the Cauvery Water Dispute Tribunal with the Decision**, Vol. V, Government of India, New Delhi, [2007].

19. According to one estimate [Walter D’Souza] the evictees numbered 30 million by 1999 and only 25 percent have been rehabilitated.

20. Iyer Ramaswamy R. [2003], **Water: Perspectives, Issues, Concerns**, Sage Publications, New Delhi, at pp. 126–29.

21. For a discussion see, Justice Kirpal B.N. in *Narmada Bachao Andolan v. Union of India* [2000] 10 SCC 664.

22. *T.N. Godavarman Thriumalpad v. Union of India* [2002] 10 SCC 606: AIR 2003 SC 724.

23. *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh* [1989] Supp 1 SCC 504.

24. *M.C. Mehta v. Union of India* [2004] 12 SCC 118: AIR 2004 SC 4016; per Justice Y.K. Sabharwal, at para 48.



the need to improve employment opportunities and the generation of revenue. A balance has to be struck. In such matters, many a times, the option to be adopted is not very easy or in a straitjacket. If an activity is allowed to go ahead, there may be irreparable damage to the environment and if it is stopped, there may be irreparable damage to economic interest. In case of doubt, however, protection of environment would have precedence over the economic interest. Precautionary principle requires anticipatory action to be taken to prevent harm.”

It is submitted, the benefit of doubt given to environmental protection is falling in line with the eco-centric or post-development approach, marking a breakthrough towards restoring the traditional thinking about center-staging environment in human activity.

▪ **Constitutional Scheme for Balancing**

Article 21 right to life is one of the great developments that enabled judicial scrutiny of environmental issues.²⁵ Since right to development, right to food and drinking water have also similar status, the balancing technique started in the domain of Article 21 itself. Putting environmental right in the galaxy of human rights and welfare policy has this inevitable consequence. In fact, tracing of right to environment was done by recourse to Articles 48-A and 51-A, which are essentially post-modernist policies for eco-friendly development and citizens' participation for conservation of natural resources.

The responsibility of environmental protection is cast upon whole society by virtue of Articles 48-A and 51-A. Corporate social responsibility for avoidance of pollution and development of environment directly flows from constitutional scheme because of these measures.

Judicial activism in this sphere has greatly contributed towards moulding of the law in the right direction of balancing. Holding that sustainable development is an integral part of right to life, the Supreme Court in *N.D. Jayal* remarked that construction of dam was symbol of wholesome development.²⁶ The refined techniques of PIL in the form of continued supervision, recurring interim orders, involvement of environment experts, award of huge costs and monitoring of the decision's

²⁵. Bhat P. Ishwara [2004], Fundamental Rights, at Chapter 8.

²⁶. *N.D. Jayal v. Union of India* [2004] 9 SCC 362: AIR 2004 SC 867.



implementation through the clause on doing complete justice have added to the balancing technique.²⁷

▪ Legislative Policy for Balancing

The domestic legislative policy of India is, by and large, aligning with the international environmental law, and aspires for striking a fair balance between development and environment.²⁸ Express reference to Stockholm Declaration, 1972 in the **Air Pollution Act**, 1981 and the **Environment [Protection] Act**, 1986, and use of central legislative power for implementation of international commitments point out the possibility of percolation of the sustainable development idea as the major policy choice in the task of environmental protection. The gradual ascendance of eco-centric approach is finding a place in recent additions. The **Environment [Protection] Act**, 1986 has emerged as an omnibus umbrella type of law with potentiality of penetrating into various spheres, transcending the centre-state dichotomy. As **Leelakrishnan** remarks:

*“In an area where regulatory centralism is warranted for maintaining uniform standards, delegation of both deliberative and executive powers to subordinate authorities and agencies helps to achieve the objectives to a considerable extent.”*²⁹

The rule-making power has given rise to vast body of subordinate law touching upon various sites of pollution³⁰ and upholding the value of sustainable development. Imaginative filling of the gap through rules has strengthened the balancing approach. In addition to the command and control model through licensing, inspecting and monitoring system, participative approach under Environment Impact Assessment has added its significant contribution to effectuate happy combination of environmental values and developmental needs. Integrated approach has emerged as a key mechanism for sustainable development.

27. Leelakrishnan P. [2005], **Environmental Law in India**, 2nd Edn., Lexis Nexis Butterworths, New Delhi, at pp. 194-12.

28. There is considerable body of statutes [about 200] directly or indirectly governing the field. Dubey Indrajit.

29. Leelakrishnan P. [2005], **Environmental Law in India**, 2nd Edn., Lexis Nexis Butterworths, New Delhi, at p. 192.

30. The **Environment Protection Rules**, 1986, the **Hazardous Wastes [Management and Handling] Rules**, 1989, **Noise Pollution Rules**, 2000, **Biomedical Waste [Management and Handling] Rules**, 1988, **Ozone Depleting Substances [Regulation and Control] Rules**, 2000, Coastal Regulation Zone Notification and Environment Impact Assessment Notification.



Environment Impact Assessment is an objective method of augmenting sustainable development. **Leelakrishnan** views:

*“It guides administrative agencies in balancing conflicting social values, and environmental quality.”*³¹

Since prevention avoids discomforts, dangers and wastage, Environment Impact Assessment has great potentiality, especially when people and NGOs effectively participate in the decision making process. The Environment Impact Assessment Notification, 1994 requires environmental clearance in respect of 32 types of industrial activities. The 1997 Amendment has recognised the role of Pollution Control Boards in the Environment Impact Assessment process. The *Narmada* ruling on mere prospective effect of Environment Impact Assessment and limit of Environment Impact Assessment only to the specified activities have the effect of limiting the scrutiny about sustainable development.

In conservation of natural resources like forest, wild life and minerals, law's role has supported the cause of sustainable development. Depletion and degradation of these resources are dealt under the **Indian Forest Act, 1927**, the **Forest Conservation Act, 1980**, the **Wild Life Protection Act, 1972** and the **Mines and Minerals [Regulation and Development] Act, 1957**. The policy of commercialising forest has yielded place to the policy of conservation. Protection of wild life through sanctuaries and national parks with rigid principles and measures relating to non-intervention in those areas has been attempted. In a landmark judgment, *T.N. Godavarman Thriumalpad v. Union of India*,³² the Supreme Court has extensively given guidelines for protection of the forest cover. Adverse effect of mining in forests and hills are seriously considered in other cases for providing remedies. Conservation of natural resource is logical imperative of inter-generation equity and prominent tool of balancing between environment and development.

▪ Development of Specific Principles through Judiciary of Balancing

Some of the principles that judiciary developed by gathering support from international environmental law have tried to resolve the dichotomy between environment and development.

³¹. Leelakrishnan P. [2005], **Environmental Law in India**, 2nd Edn., Lexis Nexis Butterworths, New Delhi, at p. 277.

³². [2002] 10 SCC 606: AIR 2003 SC 724.



The Public Trust doctrine enunciated in the *Spawn Motel* case³³ as part of the Indian jurisprudence envisages:

*“The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the seashore, running water, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private use.”*³⁴

Resources like air, sea, water and the forests have such a great importance to the people that converting such gifts of nature into subjects of private ownership would be wholly unjustified, the Court viewed. The State’s affirmative duty keeps the natural resource in its pristine character. In *Hinch Lal Tiwari v. Kamala Devi*³⁵ the Supreme Court observed:

*“It is important to note that material resources of the community like forests, tanks, ponds, hillock, mountain, etc., are nature’s bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is essence of the guaranteed right under Article 21 of the **Indian Constitution**.”*

It is this continuity in the midst of ever changing world that balances environment with development.

The Precautionary principle’s contribution is also substantial in this regard. In *A.P. Pollution Control Board v. M.V. Naidu*³⁶ the Supreme Court has observed:

“The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake; precautionary duties must not only be triggered by the suspicion of concrete danger but also by [justified] concern or risk potential.”

By insisting that chemical industries and municipalities shall not cause water pollution in *Vellore Citizens’ Welfare Forum v. Union of India*³⁷ and *M.C. Mehta Cases*,³⁸ the

33. *M.C. Mehta v. Kamal Nath* [1997] 1 SCC 388.

34. *Ibid*, per Justice Kuldip Singh.

35. [2001] 6 SCC 496; AIR 2001 SC 3215.

36. [1999] 2 SCC 718; AIR 1999 SC 812, at pp. 820–1.



Court has tried to uphold the balance between environment and development. In *Research Foundation for Science, Technology National Resource Policy v. Union of India*,³⁹ it is observed by the Court:

“It is a part of principle of sustainable development, it provides for taking protection against specific environmental hazards by avoiding or reducing environmental risks before specific harms are experienced.”

Polluter pay principle is logical consequence of precaution principle. By trying to restore the pristine position and deterring the possible degradations, it also adds to the balancing approach underlying sustainable development.⁴⁰

The overall direction of development in this sphere is towards enabling economic progress without compromising the quality of environment. This is a distinct application of the balancing between change and continuity occurring in the context of modernisation.

▪ Conclusions

From what is discussed above, ample evidences based on empirical experience could be gathered supporting the notion “*Change, yet continuity*” in vital sphere of human activity. Justice as the basis for property, economic relations and approach towards nature is embedded in the mainstream Indian tradition, and has much input to inspire. Finding solution in similar ideas for modern economy’s problems has both historic propriety and logical justification. Altering of the unjust and continuing the just have adequate constitutional support also. Agrarian reforms and humanisation of the industrialised agriculture are the efforts that the legal system has put to make the vast country-side life of India comfortable and fit to be lived. Various stages that the legal policy and discourse on **Free Enterprise v. State Regulation**⁴¹ has undergone with reference to industries quite importantly support the balanced approach in which could be found some good strategies to meet the problems of globalisation. The policy of environmental protection, by making use of the conceptual

³⁷. [1996] 5 SCC 647: AIR 1996 SC 2715.

³⁸. *M.C. Mehta v. Union of India* [1987] 4 SCC 463: AIR 1988 SC 1037, at p. 1115 [*Ganga pollution case*]; *M.C. Mehta v. Union of India* [1998] 2 SCC 435: AIR 1998 SC 617 [*Vehicular pollution case*].

³⁹. [2005] 10 SCC 510.

⁴⁰. For an elaborate discussion *see*, Dubey Indrajit [2007], **Environmental Jurisprudence: Polluter’s Liability**, Lexis Nexis Butterworths, New Delhi.

⁴¹. David C. Cole [1979], *Free Enterprise v. Government Regulation: Decision-making and Regulation in the Korean Economy*, Asian Affairs, Vol. 7, No. 2, [November–December, 1979], at pp. 79–83.



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tool of sustainable development, has again reflected the vitality of the balancing approach. In view of the fact that in all these spheres, as elsewhere, social transformation is too important a task to be left to the mainstream political governance but one in which people's acceptance and participation makes its success possible, adequate attention needs to be given to these dimensions. Since economic lobby is strong and self-sustaining, law's role of facilitating reform and regulating the vested interests requires adequate social support. The frequency of farm suicides and displacements should stir up the social mind for systematising and humanising the process and direction of change.
