

## MODULE - VIIA

Environmental Law and  
Sustainable Development



Notes



338en25

25

# SUSTAINABLE DEVELOPMENT

Today there is a serious concern about the earth's growing fragility. The earth's increasing population is perceived as a threat. Man with his thoughtless acts has had an adverse effect on the earth's ecological system. As global citizens we have to recognise that our actions have consequences for the entire world. Economic development cannot be viewed in isolation from social and ecological development. We have to ensure that the path of development that we follow ensures the welfare of the earth's ecology and that of its inhabitants. This is only possible if there is cooperation amongst the nations of the world.

'Sustainable Development' is concerned with the rate of consumption and use of natural resources. The focus is on ensuring that we do not consume the resources at a rate that makes it difficult for us to substitute or replace them. If we use cars then we have to make sure that we use eco-friendly fuel and technology that minimises air pollution. If we use ground water then we also have a responsibility of recharging it through various techniques like rain water harvesting.

'Sustainable Development' is thus, responsible development. It is economic development that keeps in mind the needs of the society and environment. It is development that is inclusive development that reaches all sections of society. It is development that benefits all sections of society and is not at the cost of the earth's ecology.



## OBJECTIVES

After completing the lesson you will be able to:

- state the meaning of 'Sustainable Development';
- appreciate the importance and need for 'Sustainable Development';
- comprehend the evolution of 'Sustainable Development' at the National and International levels;
- identify the laws on 'Sustainable Development' in India; and
- appreciate the role of the judiciary in ensuring Sustainable Development

## 25.1 CONCEPT AND MEANING OF SUSTAINABLE DEVELOPMENT

### 25.1.1 What is Sustainable Development?

In 1987, the United Nations released the Brundtland Report, which included what is now one of the most widely recognised definitions: “Sustainable Development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs (from the World Commission on Environment and Development’s (the Brundtland Commission) Report ‘Our Common Future’”.

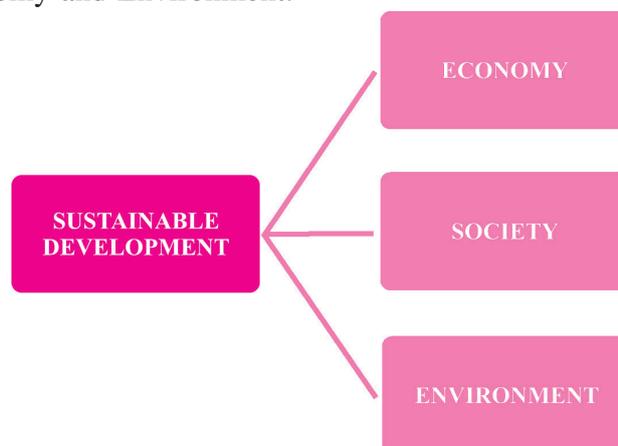
According to the same Report, the above definition contains within it two key concepts:

- the concept of ‘needs’, in particular the essential needs of the world’s poor; and
- the idea of limitations imposed by the state on technology and social organization on the environment’s ability to meet present and future needs

This means we have to meet the needs of all sections of society particularly the underprivileged. While meeting the needs we have to make sure that what we take from nature does not increase the degradation of the earth’s natural resources and threatens biodiversity. Nature is finite and we need to set a limit to our consumption of natural resources. There is a need for a strategic approach to maintaining a balance between social, economic and environmental challenges.

Sustainability recognises an integrated view of the world that links a community’s economy, environment and society. This recognises the fact that an economy exists within the society which in turn exists within the environment of the earth’s ecosystem. The view emphasises the fact that humans are a part of nature.

Figure 1 illustrates the relationship between Sustainable Development and Society, Economy and Environment.



**Figure 25.1:** Relationship between Sustainable Development, Society, Economy and Environment



Notes

**Notes****What leads to unsustainability?**

Let us try and understand the threats to ‘Sustainable Development’.

Economic disparity, social inequality and environmental degradation are threats to sustainability.

Some of the causes of unsustainability are as follows:

- increasing human population;
- over exploitation of resources to meet human needs like fuel, fodder and shelter;
- activities like fishing, agriculture, overuse of fresh water, deforestation and industrialisation;
- land clearing leads to problems like soil degradation, pollution, loss of biodiversity, deforestation, desertification, climate change; and
- social degradation due to factors like increasing unemployment, health crisis, armed conflict, urbanisation, poverty, income inequity

**INTEXT QUESTIONS 25.1.1**

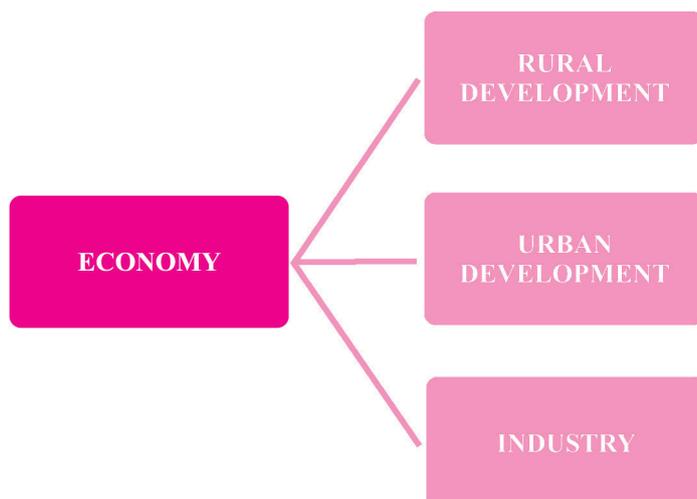
1. Define ‘Sustainable Development’
2. What are the threats to Sustainable Development?

**25.1.2 What are the components of Sustainable Development?**

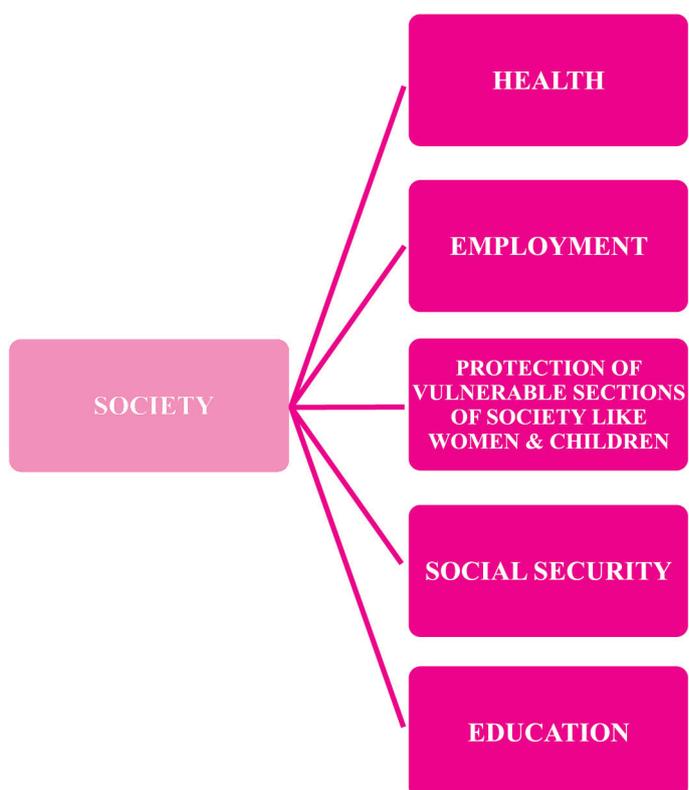
The various components of sustainability can be included under three headings—economy, society and environment. In order to attain ‘Sustainable Development’ the government has to ensure that there are institutional mechanisms in place to achieve sustainable development in all three areas. These institutional mechanisms make certain that there is a sustained, organised and coordinated effort at all levels to bring about socio economic development and environmental sustainability. These include the various ministries and departments at the central as well as state level.

The diagrams in the following sections broadly illustrate the various parts of the economy, society and environment that are targeted for sustainable development.

Figure 2 shows the broad components of the economy. Figure 3 shows the broad components of society and Figure 4 shows the broad components of the environment.



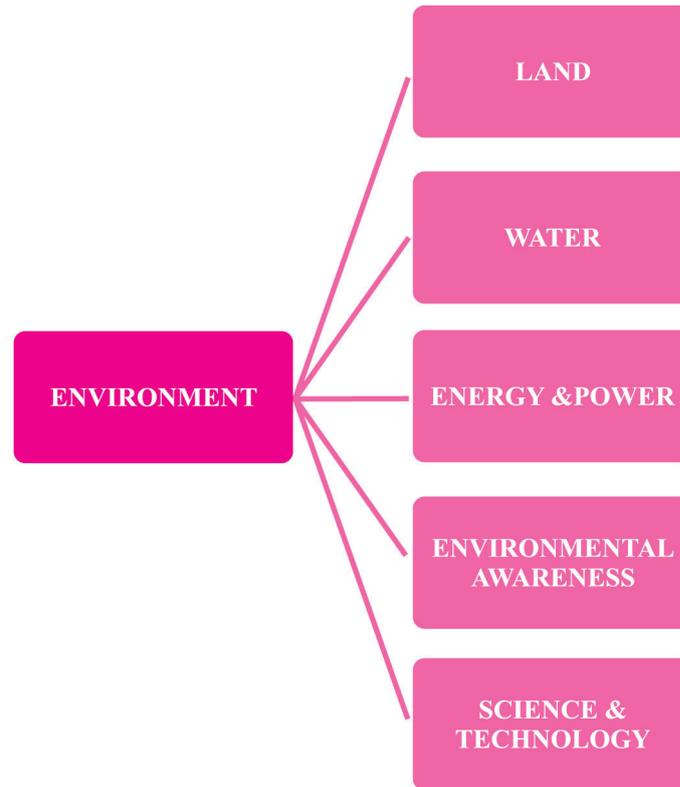
**Figure 25.2:** Some Targeted areas of Sustainable Development for the Economy



**Figure 25.3:** Some Targeted areas of Sustainable development in Society



Notes



**Figure 25.4:** Some Targeted Areas of Environmental Sustainability



### INTEXT QUESTIONS 25.1.2

1. What are the components of ‘Sustainable Development’?
2. Can you tell the name of some targeted areas for ‘Sustainable Development’ in the economy?
3. Which Ministry looks after the health of the people?
4. Give an example of how environmental degradation can be reduced?

## 25.2 ORIGIN AND DEVELOPMENT (STOCKHOLM TO RIO)

### 25.2.1 Stockholm Declaration, 1972

Global inter-governmental action began with the United Nations Conference on the Human Environment in Stockholm in 1972. This led to the ‘Stockholm Declaration’ and an action plan with over 100 recommendations on environmental assessment, management, and support measures. The Stockholm slogan was “Only One Earth”. The environmental debate centred around the Club of Rome Report on the “Limits to Growth”, and talk of economic development (the

precursor of Sustainable Development). The Report highlights the consequences of unrestrained growth and the linkages between several global problems.

### Brundtland Commission 1983

Post Stockholm concerns for the environment continued to grow. There was widespread deforestation, industrial pollution and environmental degradation. The ozone hole, the warming of the earth, increased carbon dioxide in the environment all added to the growing environmental concerns.

A need was felt to link environmental concerns with industrial development and growth. With this in mind, the United Nations, in 1983, established the “World Commission on the Environment and Development” or as it is commonly referred to as the “Brundtland Commission”. The Brundtland Commission Report – ‘*Our Common Future*’ in 1987 defined ‘Sustainable Development’. As we have discussed in the earlier sections - “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

### Rio Declaration 1992- Agenda 21

Twenty years after Stockholm, the United Nations Conference on Environment and Development was held in Rio de Janeiro in 1992. ‘The Earth Summit’, as it was called adopted the ‘Rio Declaration’ and an action plan of 40 chapters called Agenda 21 was adopted by over 100 Nations.

Agenda 21 was geared towards achieving Sustainable Development in the 21<sup>st</sup> century. The ‘Rio Concept’ can be summarised as:

- Equal consideration of environment, society and economy;
- Intergenerational solidarity keeping in mind the needs of the future generations;
- A global consensus and political commitment at the national and international levels;
- Involvement of the Non-Government Organisations (NGOs);
- Provides a blueprint for the governments to attain a balance between the environment and the needs of the population; and
- A Commission on Sustainable Development (CSD) was established to follow up the Rio agreements, and it monitors the agreements of the Earth Summit at the local, national, regional and international levels

### The Rio Summit Follow up

The Rio Summit was followed by several other Conferences to focus on ‘Sustainable Development’. These include conferences like the “Global Conference



Notes



Notes

on Sustainable Development of Small Island Developing States” in Barbados in 1994: “The World Summit on Social Development” in Copenhagen in 1995: “The Fourth World Conference on Women”, Beijing 1995; and the “Second UN Conference on Human Settlements, Habitat II”, Istanbul in 1996.

The focus was on following the path of ‘Sustainable Development’ in all countries in all parts of the ecosystem whether on land, water or air. The effort has also been an all-inclusive development that reaches all sections of the population with a special focus on the vulnerable sections like women, children or the marginalised.

A five year review of the progress of the ‘Earth Summit’ was held in **1997** by the United Nations General Assembly. This was followed by a ten year review in **2002** by the World Summit on Sustainable Development (WSSD). The WSSD was held in **Johannesburg, South Africa**. It urged the Nations to make progress in the formulation and implementation of strategies for sustainable development and to begin implementing them by 2005.



**IN TEXT QUESTIONS 25.2.1**

1. What was the main theme of Stockholm Declaration?
2. Why was the Commission on Sustainable Development (CSD) established?
3. What does WSSD stand for and what is its agenda?

**25.2.2 Millennium Development Goals**

In 2000, the largest-ever gathering of world leaders agreed to a set of time-bound and measurable goals for combating poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women, to be achieved by 2015. These are called the ‘Millennium Development Goals’.

The following is a brief overview of some significant decisions and agreements that were reached by the various countries:

In 2004, **Delhi Mandates** the use of compressed natural gas in city buses and auto rickshaws, responding to rising civil society pressure over air pollution.

In 2005, **Kyoto Protocol** enters into agreement which legally bound the developed countries to go for greenhouse gas emission reductions, and establishing the Clean Development Mechanism for developing countries.

In 2007, **Montreal Protocol** was signed on Substances that deplete the ‘Ozone Layer’. Countries agreed to an accelerated phase-out schedule for hydrochlorofluorocarbons (HCFCs). NASA has reported that the ‘ozone layer’ is

recovering, in part due to reduced concentrations of CFCs, phased out under the '**Montreal Protocol**'.

In 2008, **Green Economy** ideas enter the mainstream. National Governments allocate more funds to further stimulate environmental actions and green growth becomes the new objectives for the future economy. Also in 2008, scientist's document says that the oceans are growing more acidic due to increasing levels of atmospheric carbon dioxide. This they predict, would have disastrous consequences for the earth's ecosystem.

In 2009, **Copenhagen** climate negotiations were held. However, the participating countries failed to reach an agreement on new emissions reductions commitments beyond 2012 (the end of the 'Kyoto Protocol' time frame). An important outcome was that thrust now shifted towards national and regional efforts to reduce emissions.

In 2009, the **G20 Pittsburgh Summit** was held. Leaders called for making fossil fuel like petrol and diesel more expensive in order to phase them out. They also agreed to provide a targeted support for the poorest people.

In 2011, climate change negotiations were held in **Durban**. The negotiations' outcome was a step forward in establishing an international agreement beyond Kyoto. It was agreed to cut carbon emissions in all countries, including developed countries and several major developing countries.

In 2012, one of the first of the Millennium Development Goal targets is achieved, in advance of the 2015 deadline. The percentage of the world's people without access to safe drinking water is cut in half.

The 2012 **United Nations Climate Change Conference was held in Doha**. It was agreed to extend the 'Kyoto Protocol' that was to end in 2012 to 2020. It was also agreed to renegotiate the agreement reached in Durban by 2015 and to implement it by 2020.

From the 'Stockholm Declaration' of 1972 to the latest Conference held in Doha in 2012, more than forty years have passed. We are actively involved in greening the planet and in developing clean energy solutions. The world as a whole is committed towards combating hunger, disease, illiteracy, poverty, reducing inequalities and so on. The target is to ensure that the benefits of development accrue to all sections of society and not at the cost of the future generations.



### INTEXT QUESTIONS 25.2.2

1. What does the term 'Millennium Development Goals' mean?
2. What is the 'Kyoto Protocol'?



Notes

**Notes**

3. Under which Protocol did countries agree to phase out hydrochlorofluorocarbons (HCFCs)?
4. Where and when did various countries agree to extend the 'Kyoto Protocol' that was to end in 2012 to 2020?

**25.3 NEED FOR SUSTAINABLE DEVELOPMENT**

The world as a whole is steadfast in its commitment towards achieving a balance between the environmental, economic and social development. The agenda of 'Sustainable Development' is also an all-inclusive growth. That means a pattern of development that involves all sections of the community – the well off, the poor, men and women. Such a pattern of growth is based on the need to preserve the diversity of the eco-system. Sustainable Development involves:

- Preservation of biological diversity in terrestrial, freshwater and marine systems;
- Sustainable use of resources and minimising the depletion of resources;
- Caring for the environment;
- Improving the quality of life including social and economic concerns;
- Conservation of natural capital **both** for renewable and non-renewable resources;
- Conservation of natural and cultural diversity;
- Limits on natural resource utilisation and assimilation of wastes;
- Efficiency of resource utilisation by all societies;
- Social equity through poverty reduction and gender equity;
- Reduction of emission of greenhouse gases;
- Reduction in use of ozone depleting substances;
- Reduction in air pollution;
- Reduction in use of chemical fertilisers;
- Stopping desertification; and
- Stopping deforestation

**INTEXT QUESTIONS 25.3**

1. What is the need for 'Sustainable Development'? List any two factors that are important for attaining 'Sustainable Development'.
2. What is the Agenda of 'Sustainable Development'.

## 25.4 SUSTAINABLE DEVELOPMENT IN INDIAN LAW

Post Stockholm and post Rio, Nations across the world have adopted a number of laws pertaining to the three pillars of sustainable development. India too has implemented a plethora of laws. However, as far as the implementation of the laws is concerned the State often falters in the implementation of laws. The Supreme Court of India has upheld in a number of instances that the Indian law is bound by international treaties and conventions of which India is a signatory.

The judiciary in India has often taken the lead in implementing the laws. Indian laws on Sustainable Development can broadly be seen to have developed in four distinct but overlapping phases. These are as follows:

### 25.4.1 First Phase (1972-1983)

The focus in this phase was to protect the environment. This phase came largely in the wake of the Stockholm Conference of 1972 which required all signatories to adopt measures to protect the environment. The highlights were the constitutional amendments and the enactment of legislations to protect the wildlife and to arrest water and air pollution.

There are certain important constitutional provisions which give the citizens the right to approach the High Courts as well as the Supreme Court of India to protect their fundamental rights. **Article 226** of the Constitution gives the right to citizens to approach the High Court to enforce their fundamental rights and the High Courts are given the power to issue various writs. **Article 32** of the Indian Constitution could be invoked by the citizens for enforcement of the Fundamental Rights. **Article 21** of the Constitution guarantees one of the important Fundamental Right to the citizens and says that no person shall be deprived of his life and personal liberty, except according to procedure established by law. This “right to life” contained in Article 21 has been given a very wide interpretation by the Supreme Court of India. **Article 48-A**, which is one of the Directive Principles of State Policy, states that the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

India implemented the **42<sup>nd</sup> amendment to the Constitution** in 1976. Through this amendment **Article 48-A** was implemented through which protection and promotion of the environment, forests and wildlife became a part of the Directive Principles of State Policy. Through **Article 51A (g)** protection of the environment was made a fundamental duty of all citizens.

In addition, several Acts pertaining to the environment were formulated namely the Wildlife (Protection) Act of 1972, the Water (Prevention and Control of



Notes



## Notes

Pollution) Act of 1974, the Forest Conservation Act of 1980 and the Air (Prevention and Control of Pollution) Act of 1981.

### 25.4.2 The Second Phase (1984-1997)

The focus in this phase was on ensuring social equity and justice. In response to the '**Bhopal Gas Disaster**' in 1984, there was a growth in 'judicial activism' which led to a reinterpretation of existing laws and legislations.

The **Air (Prevention and Control of Pollution) Act of 1981** underwent a major modification in 1987. In 1991 the **Public Liability Insurance Act**, was enacted to provide for immediate relief to persons affected by accidents from handling of notified hazardous substance, on a '**no fault basis**'. Under this Act it is mandatory for all industries handling hazardous material to take Public Liability Insurance cover for immediate relief to victims or damage to property.

In response to the 'Rio Declaration' that called upon Nations to develop laws regarding liabilities and compensation to victims of pollution and other environmental damages two Acts were formulated the National Environment Tribunal Act, 1995 (Repealed) and the National Environment Appellate Authority Act. These have been subsequently repealed and replaced by the new **National Green Tribunal Act of 2010**.

The **Environment (Protection) Act (EPA) was enacted in 1986**. The scope of this Act is very wide and it operates on the principle of arresting pollution at the source, polluter pays and also focusses on involvement of the public in decision making. Under the EPA, Environmental Impact Assessment (EIA) Notification was introduced in 1994, it was modified in 2006 and the latest amendment was in 2009. Under the EIA it has become mandatory to seek environmental clearance for several activities and industries with the involvement of the public as per procedure. Significantly after 'Rio' many of these environmental principles have been accepted as a part of Article 21 (Right to Life).

Other legislations that have been introduced for the protection of the environment and prevention of pollution are the Motor Vehicles Act, 1988, to control air pollution due to vehicles.



### INTEXT QUESTIONS 25.4.1 AND 25.4.2

1. What was the focus in the First phase on Environmental Law in India?
2. Point out the importance of Article 51-A (g)?
3. When did the 'Bhopal Gas Tragedy' occur?
4. What was the response of the Indian law makers to the 'Rio Declaration'?

**25.4.3 Third Phase (1998-2004)**

The third phase coincides with India's membership of the WTO in 1998. The focus is on combining economic development with social and environmental issues. Legislations and amendments to the existing legislations have been done to achieve compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) keeping in mind the principles of the 'Convention on Biological Diversity' (CBD).

The **Biological Diversity Act 2002** was framed keeping in mind the principles of CBD. The legislations are directed towards ensuring the sovereign rights of countries over their genetic and biological resources and the acceptance of the need to share benefits flowing from the commercial utilization of biological resources with holders of indigenous knowledge.

The **Patents (Amendment) Act of 2005** has a provision to prevent misappropriation of indigenous knowledge of communities by making it non-patentable. The **Geographical Indications of Goods (Registration and Protection) Act, 1999** facilitates protection of the collective rights of the rural and indigenous communities in their unique products.

In this phase under the EPA several secondary legislations dealing with waste management and recycling of substances like plastics were also formulated. These include:

- Municipal Solid Wastes (Management and Handling) Rules, 2000;
- Recycled Plastics Manufacture and Usage Rules, 1999;
- Manufacture, Storage and Import of Hazardous Chemical (Amendment) Rules, 2000;
- Batteries (Management and Handling) Rules, 2001;
- Ozone Depleting Substances (Regulation and Control) Rules, 2000;
- A series of notifications delegating power to State, River Conservation Authorities to deal with water pollution; and
- The Noise Pollution (Regulation and Control) Rules, 2000

The emphasis in this phase was also on energy conservation and use of renewable sources of energy. Consequently the **Energy Conservation Act, 2001** was enacted, which also set up the Bureau of Energy Efficiency. The **Electricity Act of 2003** has tried to ensure better development in the power sector and also emphasise the use of renewable energy.

Under the orders of the Supreme Court, **Compensatory Afforestation Management and Planning Agency (CAMPA)**, was set up in 2004, to compensate for deforestation for development work through afforestation.



Notes

**Notes****25.4.4 Fourth Phase (2005 and beyond)**

This phase is marked by a proactive rights based approach. A rights based approach is one in which the focus is on ensuring the rights of all sections of community particularly the marginalised. These include legislations like the Human Rights Act 1993 with Amendment Act, 2006; The Right of Children to Free and Compulsory Education Act, 2009 and Commission for the Protection of Child Rights Act, 2005; Maintenance and Welfare of Parents and Senior Citizens Act, 2007; People with Disabilities Act, 1995.

For instance the rights of the traditional forest dwellers have been codified in the Forest Rights Act, 2006. The Act seeks to reconcile the needs of the forest dwellers with the need to conserve wildlife and forests. The Wildlife (Protection) Act of 1972 was amended in, 2002 and it seeks to provide for participatory management of the buffers around the National Parks and Sanctuaries and introduces the concept of 'Community Reserves'.

This phase also continued to focus on the environment through the Environment Impact Assessment

Notification of 2006 and the Hazardous was notified Wastes (Management, Handling and Transboundary Movement) Rules, 2008. In 2011, the E-Waste (Management and Handling) Rules, for environmentally sound practices for management of electronic waste were notified.

The National Green Tribunal Act of 2010 seeks to give effect to the promise made at Rio and to provide for the effective and expeditious disposal of cases related to environmental protection, forests and natural resources and provide relief and compensation for damages. The Judiciary in India has had to take on the role of the interpretation and implementation of the law through public interest litigations.

Indian Judiciary in general have relied on the public trust doctrine, precautionary principle, polluter pays principle, the doctrine of strict and absolute liability, the exemplary damages principle, the pollution fine principle and inter-generational equity principle apart from the existing law of the land.

**INTEXT QUESTIONS 25.4.3 AND 25.4.4**

1. What is the focus of the Indian Laws in the Third Phase?
2. Explain the main purpose or object of Biological Diversity Act, 2002.
3. Under which Act can we prevent misappropriation of indigenous knowledge of communities?
4. What does the term 'Rights Based Approach' mean?

**WHAT YOU HAVE LEARNT**

‘Sustainable Development’ is concerned with the rate of consumption and use of natural resources. The focus is on ensuring that we do not consume the resources at a rate that makes it difficult for us to substitute or replace them.

Sustainability recognises an integrated view of the world that links a community’s economy, environment and society. This recognises the fact that an economy exists within the society which in turn exists within the environment of the earth’s ecosystem.

The genesis of ‘Sustainable Development’ began with the United Nation Conference on ‘Human Environment’ Stockholm in 1972 and continued upto Doha in 2012.

The laws on Sustainable Development evolved in 1972 onwards in Four Phases. First phase 1972-1983, Second phase 1984-1997, Third Phase 1998-2007, Fourth Phase 2005 and beyond.

The importance of structured institutions like the various Ministries and departments in attaining sustainability can not be denied.

The role of Judiciary in India in environmental protection and in ensuring the compliancance of Environmental Law by the Government, State Governments and other concerned Agencies has, no doubt, been quite appreciable.

**TERMINAL EXERCISES**

1. Explain the concept of ‘Sustainable Development’.
2. What is the ‘Brundtland Report’? How does it define sustainability?
3. Describe ‘Sustainable Development’ through examples highlighting the three components of sustainability.
4. Identify the causes of ‘Unsustainability’?
5. Why do we need ‘Sustainable Development’?
6. What is the importance of institutional mechanisms in achieving ‘Sustainability’? Explain with the help of an example.
7. Discuss the importance of the ‘Stockholm Declaration’ highlighting its main features?
8. Enumerate the main features of the ‘Rio Declaration- Agenda 21’.
9. Discuss the significance of the ‘World Summit on Sustainable Development (WSSD)’.

**Notes**



10. Discuss the important features of the First Phase of Indian environmental laws.
11. Show the impact of the 'Bhopal Gas Tragedy' on the formation of laws on the environment enacted in the second phase from 1984- 1997.
12. What are the significant features of the Third and Fourth Phases of Indian Environmental Laws?

**ANSWERS TO INTEXT QUESTIONS****25.1.1**

1. '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' is concerned with the rate of consumption and use of natural resources. The focus is on ensuring that we do not consume the resources at a rate that makes it difficult for us to substitute or replace them.

2. Threats to sustainability are:
  - i. increasing human population;
  - ii. over exploitation of resources to meet human needs like fuel, fodder and shelter;
  - iii. activities like fishing, agriculture, overuse of fresh water, deforestation and industrialisation;
  - iv. land clearing leads to problems like soil degradation, pollution, loss of biodiversity, deforestation, desertification, climate change; and
  - v. social degradation due to factors like increasing unemployment, health crisis, armed conflict, urbanisation, poverty, income inequity

**25.1.2**

1. The components of sustainability are economy, environment and society.
2. Some of the targeted areas for economic development are Rural Development, Urban Development and Industry.
3. The Ministry of Health and Family Welfare looks after the health of the people.
4. In order to prevent 'Environmental Degradation' we can introduce farmers to eco-friendly agricultural practices like crop rotation, natural fertilisers and pesticides.

### 25.2.1

1. The 'Stockholm Declaration' of 1972 highlights the consequences of unrestrained growth and the linkages between several global problems.
2. A 'Commission on Sustainable Development' (CSD) was established to follow up the Rio agreements of 1992, and it monitors the agreements of the 'Earth Summit' at the local, National, Regional and International levels
3. 'WSSD' stands for 'World Summit on Sustainable Development'. This was a ten year review in 2002 of the Earth Summit (Rio Summit 1992). The WSSD was held in Johannesburg, South Africa. It urged the Nations to make progress in the formulation and implementation of strategies for 'Sustainable Development' and to begin implementing them by 2005.

### 25.2.2

1. In the year 2000, the largest-ever gathering of world leaders agreed to a set of time-bound and measurable goals for combating poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women, to be achieved by 2015. These are called the 'Millennium Development Goals'.
2. The 'Kyoto Protocol' entered into force in 2005 and it legally binds developed country to goals for greenhouse gas emission reductions. It also binds developing Countries to establish Clean Development Mechanisms.
3. It was in 2007 under the 'Montreal Protocol', on Substances that Deplete the Ozone Layer, Countries agreed to an accelerated phase-out schedule for hydro chlorofluorocarbons (HCFCs).
4. In 2012, at the United Nations's 'Climate Change Conference' in Doha, Countries agreed to extend the 'Kyoto Protocol' that was to end in 2012 to 2020.

### 25.3

1. 'Sustainable Development' is needed to preserve the diversity of the eco system. Two factors important for attaining sustainable development are:
  - i. Preservation of biological diversity in terrestrial, freshwater and marine systems.
  - ii. Sustainable use of resources and minimising the depletion of resources.
2. The Agenda of 'Sustainable Development' is an inclusive growth. That means a pattern of a development that involves all sectionis of Community—the well off, the poor men and women. Such a pattern of growth is based on the need to preseve the diversity of the eco-system.



Notes

**Notes****25.4.1 and 25.4.2**

1. The focus in the first phase was to protect the environment. This phase came largely in the wake of 'Stockholm Conference' of 1972 which required all signatories to adopt measures to protect the environment. The highlights were constitutional amendments and the enactment of legislations to protect the wildlife and to arrest water and air pollution.
2. Through **Article-51A (g)** protection of the environment was made a Fundamental Duty of all citizens.
3. The Bhopal Gas Disaster happened in 1984.
4. In response to the 'Rio Declaration' that called upon Nations to develop laws regarding liabilities and compensation to victims of pollution and other environmental damages two Acts were formulated the National Environment Tribunal Act, 1995 (Repealed) and the National Environment Appellate Authority Act. These have been subsequently repealed and replaced by the new **National Green Tribunal Act of 2010**.

**25.4.3 and 25.4.4**

1. The focus in the Third Phase was on combining economic development with social and environmental issues. Legislations and amendments to the existing legislations were enacted to achieve compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) keeping in mind the principles of the Convention on Biological Diversity (CBD).
2. The Biological Diversity Act, 2002 was framed keeping in mind the Principles of CBD. The legislations are directed towards ensuring the sovereign rights of countries over their genetic and biological resources and the acceptance of the need to share benefits flowing from commercial utilization of biological resources with holders of indigenous knowledge.
3. The Patents (Amendment) Act of 2005 has a provision to prevent misappropriation of indigenous knowledge of communities by making it non-patentable.
4. A 'Rights Based Approach' is one in which the focus is on ensuring the rights of all sections of community particularly the marginalised. These include legislations like the Human Rights Act 1993; Right of Children to Free and Compulsory Education Act, 2009 and Commissions for the Protection of Child Rights Act, 2005; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007; The People with Disabilities Act, 1995. This was adopted in the fourth phase.