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DOCTRINE OF SUSTAINABLE DEVELOPMENT AND BIO-DIVERSITY CONVERSATION

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ABSTRACT

The term 'environment' as defined under the Environment Protection Act, 1986 as "environment includes water, air and land and the inter-relationship which exists among between water, air and land and human beings, other living creatures, plants, micro-organisms and property". The dictionary meaning of "Environment" is surrounding. All the surrounding of human being is included in the environment. The environmental concerns and challenges to protecting, safeguarding and preventing the misuse and pollution of biotic and abiotic components so as to protect the environment at large are myriad and most often flak. Our resources are meant not only for the utilization of the present generation but also for future generation. A balance between the growth of the population and utilization of the resources is the need of the hour. The impact of man's activities on the environment has resulted in the pollution of the environment. When harmful substances contaminate the environment in large quantities, the eco-system is unable to absorb them and they accumulate in the system resulting in the degradation of the environment and also destroying the rights of the future generations.

KEYWORDS: Sustainable Development, Bio-Diversity, Earth Summit, Rio Declaration.

INTRODUCTION:-

The conservation of bio-diversity by devising the concept of sustainable development is the need of the present and future generations. In order to maintain the conservation of Bio-diversity and environment through the notion of sustainable development require National and International efforts. In the International level several conventions have been concluded to promote sustainable development. In India our parliament has contributed substantially in providing environmental

justice through Environment (Protection) Act, Air Act, Water Act, Wildlife (Protection) Act etc..

Environment justice is *in quo non* for social justice. India guarantees right to environment as right to life. Therefore *non-access* to environment justice is violation of human rights to life. The objectives of Environmental laws in India is the Protection of the Environment, it includes protection and conservation of bio-diversity and to prevent environment degradation. Therefore protection of bio-diversity and environment



appears as everyone's responsibility. It requires support of local people's administration and so on. Despite a growing body of environment law both at National and International levels, environmental quality has been declining around the world. One reason for this trend is the inadequate investment in assuring effective compliance and enforcement, at National and International levels. Therefore making compliance of law or convert words into action is essential for sustainable development and conservation of bio-diversity. On the basis of UN conference on 1992 to which India is a party has enacted the Biological Diversity Act, 2002.

Origin of Doctrine of Sustainable Development:-

The doctrine of sustainable development is not a new concept. The doctrine came to be known as early as in 1972 in the Stockholm Declaration. The declaration provided that "Man has a fundamental right to freedom, equality and adequate conditions of life, in a environment of a quality that permits a life of dignity and well-being and he bears a solemn responsibility to protect and improve the environment for present and future generation."

The world commission of Environment and development (WCED) in Brundtland report, named after the chairman of commission Ms. G.H Brundtland, The Prime Minister of Norway, has defined the concept "sustainable development". According to Brundtland Report, sustainable development means development that needs of the present and without compromising the ability of future generations, to meet their own needs.' Herman Daly, an economist at the worlds Bank suggested three rules of sustainable development. These rules are as:-

1. Harvest renewal resources only at speed at which they regenerate.
2. Limit wastes to the assimilative capacity of the local eco-system or release those wastes elsewhere they can be assimilated and
3. If you use a non-renewal resource, require that part of the profit be put aside for the investment in a renewal substitutive resource.

Thus the sustainable development depends upon the humanity's acceptance of ethical principles that poses economic, social and environmental well being Pivotal among these principles is the oneness of the humanity, which is the fundamental truth shaping our age. Conserving the environment requires a deeper look at the notions of prosperity, adopting a Global ethic and valuing the role of spirituality in development. Education is the fundamental to learning about the changes in values, behavior and life styles needed to ensure a sustainable future.

Bio-Diversity Conservation:-

Bio-diversity is a source and support to all life on this earth. Bio-diversity is an essential constituent in the network of organisms that assures survivability and sustainability of life. In the absence of better regulatory frame work, there is a substantial anxiety that the condition of bio-diversity will not improve. The recognition of sustainable development as a legitimate environmental right provides a good starting prompt to examine the global development bio-diversity law and law concerning endangered species.

It is reflected as a guiding International principle enshrined in the 1982 world charter for nature, that individuals and state, while seeking to achieve and maintain optimum sustainable productivity with the use of land and Sea has duty not to endanger other eco-systems and species with which it co-exists. It is only over a last few decades that bio-diversity conservation has become prominent factor in International and National environmental law.

The Biological Diversity Act 2002 mandates that the Biological resources must be used in a sustainable manner that means the use of components of diversity such as plants, animals and Micro-organisms or part thereof their genetically material and by-products in a sustainable manner¹ Biological Diversity means the ability among the living organisms from all sources and the ecological complexes of which they are part and includes diversity within species or between species and eco-systems.

Utilization and Degradation of Natural Resources:-

Natural resource is the base on which the development takes place, particularly at early stages. The most important of such base is agricultural land. The earliest civilizations came up in the fertile river valley. In the contemporary times, fertility of the soil has been the single most important factor determining the carrying capacity of land. Though the importance of Natural resources declines with the growth of "Foot Loose" manufacturing industries in advanced countries, natural resources besides having economic value for export provide basic livelihood support to large number of people. Natural resources are essential for all living and non-living endowments of earth such natural resource would become useful for human beings under certain technological, economic and social circumstances and hence through active instruction. Such natural resources include agricultural land, minerals, forests, water fishing etc.

Causes and consequences Degradation of Natural Resources:-

The status of Natural Resources depends as the pattern of economic development of a region. The growth process causes continues depletion and degradation of natural resources. As long as economic activities in a region are at a level below the regenerative capacity of Natural Environment, there is no secular decline in quality and quantity of Natural resources. The problem can arise in two respects first is when natural resources are over used, that is the rate of use is more than the rate of regeneration. The second is when the discharges of economic activities are more than abating capacity of the nature. In both case, the natural resources are depleted, degraded or polluted, which puts limit to the sustainability of growth process. The factors which are fundamental causes for degradation includes.

- 1.High rate of population growth which has totally been unsustainable to natural resources.
- 2.A gradual shortening of option for consumer products from agriculture, forestry and fisheries.
- 3.Failures of economic system to value its resources.
- 4.Disparity in ownership, management and flow of benefit from both use and conservation of bio-diversity.
- 5.Inadequacy of information and application.
- 6.Promotion of unsustainable exploitation by legal institutional system.

Forest Resources:-

A number factor responsible for degradation of forests, such as logging, past-oral, encroachment, fuel wood collection, developmental of Governments projects etc. Such deforestation leads to loss water shed protection, soil erosion, destruction of safely buffer, shortage of fuel wood supply and productivity drop. It brings major ecological and socio-economic crisis.

Water Resources:-

The causes of water pollution water logging, salinity industrial effluents etc. the consequences of such are wide spreading of water borne diseases, making water unfit for human consumption, affects marine and aquatic life etc.

Air Pollution:-

It may due to the discharge of gases, garbage disposal in open, emission of poisonous smoke to the atmosphere etc, the consequences of such pollution are wide spreading air borne diseases, acid depositions, damaging aquatic eco system.

Mineral Resource:-

Exploitation of minerals is mostly due to the illegal and indiscriminate mining in the state has also added to the increased minerals exploitation. The consequences of such are depletion of natural resources problems of 2nd and 3rd order effects in the form of irreversible environmental reaction and over both short and long terms.

Land Resources:-

Land degradation is mainly due to raid rates of deforestations, poor irrigation and drainage practices, inadequate soil, conservation, steep slopes and over grazing. It also results from displacement of soil nutrients

mainly through water run-off and from bio-physical and chemical determination. Such degradation results in drop of agricultural productivity due to loss of soil fertility. Degradation of soil fertility can be recovered in short run. But reversibility of soil erosion and Salinization has to rely on prevention. Once the top soil has disappeared, soil erosion becomes almost impossible to reverse. This is because under natural condition on vegetation it can take between 100-500 years for the formation of 1cm of top soil.

Role of citizens and administration:-

Citizens should respect others rights. They have to use the environment for good purpose and not for petty, selfish end. This includes conservation of natural and human resources based on sustainable environment. In these circumstance it is also appropriate to remember Mahatma Gandhi's views that the nature has enough to satisfy human but not enough to satisfy human greed.²

Therefore citizens have fundamental duty to obey the environmental laws, duty not to injure or damage the ecology and environment. In the case of Vijay Singh Puniya Vs. State of Rajasthan,³ the Rajasthan High Court observed that any person who disturbs the ecological balance or degrade, pollutes and tinkers with the gift of the nature such as air, water, river and other elements of nature, he not only violates fundamental rights guaranteed under Article 21 of the Constitution but also breaches the duty under Article 51-A(g) of the constitution. People has to adopt simple living less consumption and through reduction of needs, avoid fuel vehicles as much as possible and use public transport or walk develop or recycling and reusing attitude, avoid smoking and get rid of drugs, avoid cosmetic, alcohol beverage and fast food, love nature animals and plants, practice vegetarianism, reduce timber culture attitude in domestic works, plant trees and save energy wherever and whenever possible.

Administration:-

The administrative and the national state and local level should be responsive, proactive and also innovative to keep pace with sustainable development. For the effective implementation of Biological Diversity Act and other environmental laws, the role of administration is very important. It is submitted that the Biological Diversity Act, 2002 confers various functions and powers on national and state biodiversity authority for the proper implementation of objective of Bio-diversity Act, 2002.⁴

The Biodiversity Act prohibits access to biological resource occurring in India or knowledge associated there to by any person who is not a citizen of India or citizen of India who is non- resident as defined under section 2 (30) of the Income Tax Act 1961 or a body corporate or organization which is not registered or incorporated in India or which has any non-India participation in its share capital or management, without the previous approval of the National biodiversity authority. Further the Act prohibits,⁵ transfer of result of any research relating to biological resources in such circumstances.⁶ By virtue of these provisions of Biological Diversity Act confers vast administrative power .

Political leader and Law makers:-

The political leaders should set an example for the civil society with a vision for the nation and engaging in development politics. Obviously it is their duty to respect the law relating to their environment and ensure that the processes of power are not used to circumvent the environment law and the law of land.

It is the duty of law makers to simplify the law relating to environment. Now the environment laws shared in different statutes like the Environment (Protection) Act, 1986, Water (Prevention and control of pollution) Act, 1974, Forest (conservation) Act, 1980, Air (Prevention and control of Pollution) Act, 1981, Biological diversity Act, 2002 and so on. In this respect the process of simplification of law require new forms of enquiry into the structure of law like indicated by Prof. Bentham as codification of laws. It is necessary for the certainty of environment law. The certainty of law avoids confusion in the public mind codification of environmental statutes makes judicial interpretation easy. It is necessary to bring about a sense of unity in the country. In this respect the constitution of India (42nd Amendment) Act, 1976 is note -worthy. According to the amendment, it is the duty of State to protect and improve the environment to safeguard the forest and wildlife of country.⁷ Further it is the fundamental duty of every citizen of India to protect and improve the natural

environment including forest, lakes, rivers, and wildlife and to have compassion for living creatures.⁸ Therefore the constitution proposes a unified action on the part of state and citizens to protect and preserve the environment.

Understanding Sustainable Development:-

The concept of sustainable development contains three principles. First among these is the precautionary principle. In *Vellore Vs. Citizen's welfare forum case*,⁹ Supreme Court held that the state must anticipate, prevent, and attach the cause of environmental degradation.

The second doctrine of sustainable development is the principle of "polluter pays". The Supreme Court in the *H. Acid Case*¹⁰ held that the polluter has an obligation to make good the loss, and to bear the cost rehabilitating the environment to its original state. The sustainable development has been defined to mean "Development that meets the ends of the presents without compromising the ability of further generations to meet their own needs."

Various International treaties recognize it. For example.

1. Stockholm Declaration on Human Environment 1972.
2. The Montreal Protocol 1987 (ozone treaty).
3. World Commission on Environment and Development (The Brundtland Commission) 1987.
4. The UN Conference on Environment and Development (Earth Summit 1992), Rio Declaration on Environment and Development, Agenda 21, Forest Principles Convention on Climate and Bio-Diversity.
- A. UN Framework Convention on Climate Change.
- B. UN Convention on Biodiversity.
- C. UN Commission on Sustainable Development.
- D. Kuala Lumpur Conference 1992.
- E. Earth Summit Plus Five (1997).
- F. Kyoto Conference on Global Warming (Green House Conference).
- G. Earth Summit Plus Ten 2002

The term sustainable development began to gain wide acceptance in the late 1980s after its appearance in Brundtland report. The report signaled the urgency of rethinking our ways of living and governing and to responsibility meet humanity's goal and aspirations. Thus global public support is essential for sustainable development. For conservation of biodiversity and environmentally sound development, attitudes and actions of global people are unavoidable. "Think globally and Act globally has become the universal slogan for environmentally concerned".

Sustainable Development three pillars:-

01. Society 02. Economy 03. Environment.

According to the concept of sustainable development society, economy and environment are interrelated. In other sense people habitat and economic systems are interrelated. The economic social and environmental aspects of development include a wide variety of concepts, policies and projects. It is the connection of humans, their economics and societies to the eco systems that support them which defines sustainable development.

The survival and well being of human beings, the survival and well being of all other species, survival and well-being of earth, natural resources and all factors that support life on earth require sustainable preservation of environment. According to the principle of sustainable development require the following principles.

1. Respect and care for the community of life.
2. Improve the quality of human life.
3. Conserve the earth's vitality and diversity.
4. Minimize the depletion of non-renewal resources.
5. Keep within Earth's carrying capacity.
6. Change personal attitude and practices.

7. Enable communities to care for their own environments.
8. Create a global alliance.
9. Provide on National frame work for integrating the development and conservation.

People all over the world are now very much concerned about the environmental protection in spite of the economic development. Therefore the sustainable development is a universal concept. It is not confined or restricted to any National jurisdiction. The world community has the role to implement it in India as well. Any misbehave with sustainable concept well endanger the human existence. In 2011 the Supreme Court has permitted exports of unsold stock of endosulfan lying with Indian companies under strict supervision of the customs department and environmental ministry. Though the court has banned the use and production of the killing pesticide Endosulfan, it permitted the export of existing stock. The permission will help the manufacturers to fulfill their contractual obligation, however it raises a social problem or moral issue as whether a banned pesticide can be exported to neighboring countries. Every right minded Indians foreign National and foreign states will welcome the decision of Supreme Court of India fully banning manufacture of Endosulphan in India. On realizing the prolonged spraying of endosalphan in the cashew estates of plantation corporation of Kerala (PCK) causes serious health problem the people in Kerla initiated agitation against the endosulphan, it attracted national and world wide attention, even Stockholm convention has discussed matter in detail. Verdict is good in respect to the extent of banning production of Endosulphan, but have some discrepancy in permission to export to meet the contractual obligation of endosulphan companies and for clearing the existing stocks in the context of human rights and environmental protection.

It was no doubt that the spraying of chemical fertilizer endosulphan caused serious health problems in India, that's why the people agitated against it and on satisfying this the judiciary banned the production in its entirety in India. If the endosulphan company are permitted to export the existing stock of Endosulphan, obviously it will be used in agricultural field in other countries, thus it will cause the same health issues and environmental pollution which happened in India. The concept of human right, health, ecology and environment have wide meaning and it is not confined to any particular national jurisdiction, therefore the people celebrate environment day, such permission to export is in violation of Stockholm principles and Rio Declaration.

Access to Biological Diversity for Economic Development on sustainable Base:-

The desire for economic development is often assumed to be universal transcending all cultural and National contexts. In this respect one important way to promote development is to extent help to poorer countries and people. The Biological Diversity Act, 2002 permits utilization of biological resources for commercial purpose by reason who is not a citizen of India or citizen of India who is non-resident or a body of corporate or organization which is not registered or incorporated in India with the permission of National Biodiversity.¹¹

The statutory requirement of previous permission of the National Biological authority is a precautionary principle ensuring sustainable use of biological resources for mind kind, thus provides universal access to biological diversity. In order to prevent misuse of biodiversity or over exploitation of biodiversity wide powers are conferred on National Biodiversity authority to regulate the activities of access to biological diversity for commercial utilization or research or biodiversity and bio utilization.¹² Thus the Act promote the precautionary principle on the implementation of the Act and such measures are necessary to avoid or minimize adverse impact on biological diversity.¹³

Sustainable use of Bio-diversity and Right to know:-

The right to know is a very important role in environmental matters. In India the right to know is also implicit in Article 19 (1) (a) and it has a close link with Article 21 of the constitution.¹⁴ Moreover, convention on Biological Diversity 1992 points out the role of local population. By virtue of the 1992 convention, it is the duty of the contracting state to support local population to develop and implement remedial action in degraded areas where biological diversity has been reduced.¹⁵ and the convention also insists to promote and encourage understanding of the importance of biodiversity, as well as it propagation though media, and the inclusion of

these topics in education programmed.¹⁶ In this respect the Bio-Diversity Act mandates that the national biodiversity authority shall give public notice of every approval granted by it for the use of biological resources occurring in India or knowledge associated there to for research or bio-survey and bio utilization,¹⁷ there-by public get an opportunity to know and discuss the actions under the Bio-diversity act. It enhances the public participation in conservation of biodiversity.

CONCLUSION:-

After the above discussion we come to the conclusion the doctrine of sustainable development can be enforced with the aid of law. Environment and development are two sides of the same coin. Any one of these cannot be sacrificed for the other. Conversion of biodiversity through the notion of sustainable development is a part of the universal environment policy. Conversion of biodiversity means to avoid species decline and extinction permanent detrimental change to the environment. Thus the conversion of biodiversity means conservation of environment. It is to be noted in India not only the biodiversity Act 2002 but also other environmental statutes provide base for conservation of biodiversity through the notion of sustainable development. For instance, the wild life (Protection) Act 1972 provides for national parks and wildlife sanctuaries, botanical gardens, zoos etc, these areas are dedicated to the protection and maintenance of biological diversity and natural and associated cultural resources. Likewise the water Act 1974, Air Act 1981, Forest (Conservation) Act 1980, have the notion of sustainable development. The central and state executive to accomplish their constitutional obligations have made sufficient number of rules to effectively implemented the law made by the legislatures to protect and improve and safe guard biodiversity. Biodiversity is an essential constituent in the network of organism that assures survivability and sustainability of life. In the absence of better regulatory frame work, there is substantial anxiety that the condition of bio-diversity will not improve. The Biological diversity Act 2002 provides the central government shall develop national strategies, programmers, plans for conservation and promotion and sustainable use of Biological diversity including measures for identification and monitoring of areas rich the biological resources promotion in situ and ex situ conservation of biological resources, incentives for research, training for public education to increase awareness with respect of biodiversity. A single environment code contains all these statutes will be useful for proper implementation of the concept of sustainable development and biodiversity conservation.

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