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## ADVANCING SUSTAINABLE DEVELOPMENT THROUGH GLOBAL ENVIRONMENTAL COOPERATION, WITH SPECIAL EMPHASIS UPON INDIAN LEGAL FRAMEWORK FOR ENVIRONMENTAL LAWS

- *Shikha kumari*

### ABSTRACT:

In the era of climate change and rapid degradation of environmental health, the world demands sustainability. This era marks the sharp decline in environmental health leading to extreme situations for humans all over the world, such as, long term health diseases, skin diseases, decrease in life span, frequent natural disasters and rise in temperature globally. This raises the questions regarding the role of environmental laws and its implementations. Environment as a whole is beyond political boundaries, therefore, this article studies the international efforts and reports related to sustainable development and environment released by UNEP and sustainable development in India with special emphasis upon the environmental laws in India, its implementations and challenges in relation with the Indian society.

Keywords: Environmental laws, Sustainable development, UNEP, Indian Environment Law.

### INTRODUCTION:

The world is being driven by the rapid urbanization, development processes and desire for accumulation of resources. This has led the world towards an unbalanced development on cost of environment. The outcome of which is being witnessed by whole world. The sudden rise in temperature, climate change, loss of biodiversity, decrease in minerals and resources and social and economic inequalities are some of the major problems being faced by almost all countries. Therefore, it becomes indispensable to develop such legal framework that would maintain a balanced growth between the environment and the development process. When the protection

of environment becomes a legal duty, it expands the scope for improvement of environmental health. This imposes legal obligation to follow the rules and regulations thereby ensuring sustainable development. This article highlights the major global contributions towards the sustainable development and practices adopted in concern with environment, studies UNEP annual report(2024)and specifically outlines the role played by India regarding environmental matters, the legal framework in India, its implementations and challenges.

## **SUSTAINABLE DEVELOPMENT THROUGH GLOBAL COOPERATION:**

The concept of sustainable development was introduced for the first time in the Brundtland Report released in the year 1987 by the World Commission on Environment and Development (WCED) and defined as:

*“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs<sup>1</sup>.”*

The 2030 Agenda for Sustainable Development adopted by the United Nations in the year 2015 consists of 17 goals and 169 targets. These goals aim for such transformation in the practices that could lead to Sustainable Development.

The United Nations Environment Programme publishes several reports regarding the environment such as, the emission gap report, the adaptation gap report and the UNEP annual reports that provides with diverse perspective and recommendations to ease the environment. It provides a stage for the countries to cooperate together and endeavour for healthy environment.

According to the UNEP annual report 2024<sup>2</sup>:

- The Emissions Gap Report 2024 found that the world must promise and deliver 42 per cent off annual greenhouse gas emissions by 2030 in the next round of countries' climate pledges, known as Nationally Determined Contributions (NDCs). If they do not, the Paris Agreement goal of limiting global warming to 1.5°C by 2100 will not be achievable. Based on current policies, this century projected a devastating temperature rise of 2.6°C–3.1°C.

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<sup>1</sup> Our Common Future: Report of the World Commission on Environment and Development, available at, <https://sustainabledevelopment.un.org>( last accessed on 30<sup>th</sup> June 2025)

<sup>2</sup> UNEP Annual Report 2024, available at <https://www.unep.org>( last accessed on 30<sup>th</sup> June 2025)

- The Adaptation Gap Report 2024 called for a massive increase in financial support for developing nations contending with droughts, floods and other climate-related shocks. The report was cited in a landmark decision at the UN Climate Change Conference (COP29) to triple climate-related finance for developing countries.
- Resourcing the energy transition presented seven principles and five actionable recommendations designed to ensure justice, equity and sustainability in minerals development.
- According to the Global Resources Outlook, the extraction of natural resources has tripled in the past five decades, driving the triple planetary crisis.
- Over the last few years, UNEP's transparency-related work has backed countries as they enhance the use of national climate data, build the capacity of national climate-reporting experts and establish systems to strengthen reporting bodies.
- UNEP supported 60 low- and middle-income countries as they developed programmes and policies to accelerate their transition to electric vehicles
- The UNEP Finance Initiative (UNEP FI) continued to support a large network of banks, insurers and investors in their efforts to address climate change.
- In Kenya, UNEP supported the installation of air pollution sensors at Nairobi's main airport. Combined with meteorological data, these sensors allowed officials to warn residents more accurately about surges in airborne toxins, like PM10, nitrous oxide and sulphur dioxide.
- In December, countries moved closer to finalizing a legally binding instrument to end plastic pollution. During talks in Busan, Republic of Korea, representatives from more than 170 nations agreed to a Chair's Text that will serve as the starting point for renewed negotiations in 2025. UNEP has led a global movement to reduce the mounting problem of plastic pollution.

With this, UNEP actively addresses the environmental concerns and supports for sustainable development. This highlights the contributions and coordination at global stage, calling the countries together, underscoring the SDG. 17 that calls for global partnership for sustainable development.

Such international organisations provide stage for global cooperation and collaborative efforts by the countries for making of a sustainable future.

Global cooperation is an essential factor in pursuit of sustainability, when dealing with global environment issues.

The Ramsar Convention(1971), Montreal protocol (1987), Vienna convention (1988), Rio Summit (1992), Kyoto Protocol (1997), Paris Agreement (2015) are some of the examples that represents international efforts and contribution towards the environment. From time to time, these have shaped the international cooperation, shifting it more towards environment centric.

### **PROTECTING THE ENVIRONMENT AND ENCOURAGING SUSTAINABILITY THROUGH LEGAL FRAMEWORKS IN INDIA:**

India has always shown active participation when it comes to cooperation for sustainable development and environmental cause. Being the signatory to the United Nations Sustainable Development Goals<sup>3</sup>, India has committed to comprehensive framework addressing a diverse challenge with aim of achieving these objectives by 2030.

India has designed an extensive legal framework that addresses the environment protection and embraces diverse strategies. These environment centric policies show their commitment towards the SDGs and endeavours to fulfil the internationally committed environment goals. However, at the same time, India also faces many challenges regarding the implementation of the laws

### **SUSTAINABLE DEVELOPMENT THROUGH LEGAL FRAMEWORK IN INDIA:**

India's approach to sustainable development largely guided by the environment laws. The legal framework for sustainable development in India includes a combination of constitutional provisions, statutes, policies, and judicial interpretations.

The Indian Constitutional provisions, though not directly addresses the Sustainable Development, however it contains several provisions that laid the foundation of the environment laws. Under DPSP, Article 48A of the Indian Constitution directs the state to protect and improve the environment, and safeguard forests and wildlife. Article 51A(g) imposes a fundamental duty on citizens to protect and improve the environment, including

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<sup>3</sup> Participating States: Sustainable Development Goals, available at <https://sustainabledevelopment.un.org>(last accessed on 30<sup>th</sup> June 2025)

forests, lakes, rivers, and wildlife. Under the Fundamental Rights, the interpretation of Article 21 has been made expansively by the judiciary to include the right to health and environment.

India's approach to sustainable development is regulated by several key environment laws and policies:

- The Environment Protection Act (EPA), 1986:-this act provides for the creation of environmental standards and regulations, making it an important environment law in India.
- The Wildlife Protection Act, 1972: -this act aims for the protection of wildlife and establishment of national parks and wildlife sanctuaries.
- The Forest Conservation Act, 1980:- this act aims to protect the forests and to control over the deforestation.
- National Green Tribunal Act, 2000:- this led to establishment of National Green Tribunal for hearing the environment related disputes.
- The Water (Prevention and Control of Pollution) Act, 1974:- this checks and control upon the water pollution.
- The Air (Prevention and Control of Pollution) Act, 1981:- this checks and control upon the air pollution.
- The Forest Rights Act, 2006:- this act fulfils the objective set under the SDG 15 by engaging the communities to work together.
- The Companies Act, 2013:- Section 135 of the Company Act calls for corporate social responsibility that fulfils the objective of SDG 8.
- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013:- this act fulfils the objective of SDG 11 and SDG 15 by adopting more equitable land acquisition.
- National Action Plan on Climate Change (NAPCC), 2008:-this policy aims towards addressing and alleviating the adverse effects of climate change. It consists of several missions including:
  - 1) National Solar Mission:- aims for promoting the solar energy and reducing the dependency upon the fossil fuels.
  - 2) National Mission for Sustainable Agriculture:- aims for climate resilient agriculture.

3) National Mission on Enhanced Energy Efficiency:- aims for improving energy efficiency.

This aligns with SDG 13, which calls urgent action regarding the climate change.

- Swachh Bharat Abhiyaan (2014):-aims for cleanliness and sanitation in India. This policy adjusts itself with SDG 6.
- National Health Policy, 2017:-aims to achieve comprehensive health coverage and provide high quality health care, fulfilling the objective of SDG 3.

These policies and legislations highlight India's endeavours towards a sustainable future. Though India adopts diverse framework to address the environmental issues and sustainable development, yet it faces many challenges that needed to be addressed for its successful implementation.

#### CHALLENGES FACED:

- India still needs to address the problem of depletion of resources, over- exploitation of resources and environment degradation.
- Due to rapid urbanization the challenge of waste management is increasing rapidly. Urban sustainability needs a comprehensive and coordinated framework that includes environmental concerns into urban development strategies.
- While India has a comprehensive legal framework for environmental laws, however, due to lack of proper implementation and lack of knowledge has led to violation of these laws. Therefore, the implementation should be monitored strictly.
- The problem of climate change hampers India's agriculture and water management. Therefore, it is needed to invest more upon research works and such technology that would help in reducing the dependency of agricultural sector upon the climate.
- India still needs to promote the green technology at its full potential.

#### JUDICIAL PRECEDENTS:

These landmark judgments underscore the critical role played by Indian Judiciary in environment protection. It highlights the contributions of judicial activism in contributing towards shaping the Indian environmental law. Some of the important judgements are:-

- M.C. Mehta v. Union of India (AIR 1987 SC 965)<sup>4</sup>:- This is one of the landmark judgments related to environment jurisprudence, also known as Oleum Gas Leak Case, establishing the concept of absolute liability.
- Vellore Citizens Welfare Forum v. Union of India (AIR 1996 SC 2715)<sup>5</sup>:- This case introduced the precautionary principle and sustainable development into Indian jurisprudence. It reinforced the corporate accountability.
- Indian Council for Environment Legal Action v. Union of India(AIR 1995 SC 2252)<sup>6</sup>:- This case imposes the liability on chemical industries, ensuring that industries bear the cost of environment restoration .It emphasises that polluters cannot escape the liability for environment degradation.
- Narmada Bachao Andolan v. Union of India(AIR 2000 SC 3751)<sup>7</sup>:- This case is related with the Sardar Sarovar Dam project that highlights the environment concerns. While the Supreme Court allowed the project, it also implied strict adherence to environment concern.

**\*YEAR-END REVIEW 2024: MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE:**

The annual review report (2024):<https://www.pib.gov.in> published by the Ministry of Environment, Forest and Climate Change shows India's active participation towards the betterment of the environment. Through various programmes, projects and policies, India is stepping ahead towards building sustainable practices<sup>7</sup>. These initiatives call for climate justice, leading the way for sustainable development through environmental laws.

**CONCLUSION: -**

With deteriorating environment and rapid unbalanced development leading to extreme conditions for humanity to survive in future. Therefore, sustainable development is the need of

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<sup>4</sup> M.C. Mehta v. Union of India (AIR 1987 SC 965)

<sup>5</sup> Vellore Citizens Welfare Forum v. Union of India (AIR 1996 SC 2715)

<sup>6</sup> Indian Council for Environment Legal Action v. Union of India (AIR 1995 SC 2252)

<sup>7</sup> Narmada Bachao Andolan v. Union of India (AIR 2000 SC 3751)

an hour. With proper legal framework and its implementation, the environment can be protected from further deterioration. The policy makers should also focus to increase the scope of the environment laws, making it more diverse and, above all, the implementation of these laws must be monitored strictly. Sustainable development can be achieved through sustainable policies that should be adopted at global level and can achieve its objective only through collaborative efforts and active participation.