

HUMAN DEVELOPMENT AND ENVIRONMENT- ARE WE COMPROMISING ENVIRONMENTAL PROTECTION OVER THE ECONOMIC BENEFIT

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Abstract

Marking 50 years of the landmark Stockholm Declaration, numerous changes and developments took place in the environment. The conference marked a new era in global cooperation for the environment. The Stockholm Declaration established effective environmental strategies for sustainable development and gained recognition for the evolution of domestic environmental policy toward an eco-centric approach to environmental protection. Predominantly, all the conferences have prioritized sustainable development, envisaging the need for the future. Human development has gained enormous benefits through large-scale industrial-driven economic processes but imminently resulted in environmental depletion. To strike a balance between an understanding of the necessity of development without compromising environmental depletion underlies the principle of environmental protection. The Rio Declaration was introduced in 1992 to commemorate the 20th anniversary of the Stockholm Declaration, which strengthens the idea of how various socio-economic and environmental developments are inextricably linked. The precautionary principle approach which is principle 15 of the Rio Declaration of 1992 prominently highlights the importance of exercising caution, pausing, and reviewing potentially disastrous innovations. To harmonize economic development vis-a-vis environmental protection, “Environmental Impact Assessment” was brought into the picture. India in this reference brought in the EIA notification of 2020 which sought to replace the EIA 2006. The author critically analyses the EIA on whether EIA rules have compromised environmental harm over economic benefits. EIA notification of 2006 had to go through various revisions spite of this fact the deficiencies in the EIA 2006 were unresolved and were incorporated in the EIA notification of 2020. In this article, researchers will focus on the effectiveness of good environmental governance and transparency in decisions affecting the environment. This paper will also discuss the importance of various conventions in the recent past that evolved over the primary principles of the Rio and Stockholm declaration in the modern globalized world.

Keywords: Stockholm declaration, Rio Declaration, EIA, precautionary principle, good governance, Environmental Protection, sustainable development.

Introduction

The importance of protecting the environment and how people treat natural resources as the gift of God can be traced in various religious scriptures. The Bhagavad Gita says: Let the human community protect the environment for their survival and the biodiversity around¹. This verse of the Bhagavad Gita expresses the notion that every human being is duty-bound to protect the environment. Islam forbids resource waste and environmental destruction. During the conflict, the Prophet (peace be upon him) commanded the Muslims not to cut down any trees. He placed a strong emphasis on protecting the environment and preventing its degradation. Therefore, every Muslim has a religious obligation to protect the environment. In Christianity, the environment is considered god's glory, and to maintain its glory one should protect the environment not only for their interest. The environment is considered a sacred thing by every religion. All these teachings in every religion emphasized one thing the environment is a sacred thing and therefore one must protect the environment. With these beliefs, environmental protection gained its importance and made its place. Gradually protection of the environment shifted from a national concern to an international concern, which was brought into effect in Stockholm in 1972. This conference came with 26 principles. The Stockholm Conference marked the beginning of the discussion on human development vis-a-vis environmental protection. It emphasized economic growth when it leads to environmental contamination. This conference through its 26 principles tried to have the well-being of people around the globe. One of the major results which were brought about by the Stockholm conference was the creation of the United Nations Environment Programme (UNEP)². The need for environmental protection gained more importance and then in 1992 came up the Rio Declaration. Some various legal instruments and policies evolved with these conferences where the 1992 Stockholm conference, Action Plan Human Environment emerged and in Rio Declaration Agenda 21 came into existence. Sustainable development became one of the core principles of the Rio Declaration in 1992. This conference marked a stepping stone that can be adopted worldwide by stating that long-term economic progress can be only achieved by keeping a balance with environmental principles. These conferences have

¹ Sachidananda Padhy, An Ethno-ecological Introspection of the Bhagavad Gita: 6. The Present Distorted Environment Compared to Five Thousand Years Ago, 51 *Journal on Human Ecology* 227, 227 (2015)

² United Nations, <https://www.un.org/en/conferences/environment/stockholm1972> (last visited Oct. 6, 2022)

immense importance in environmental protection. There came the need of the hour to create a balance between development and environmental protection. It is seen mostly that in the name of development a huge amount of environmental degradation takes place which becomes a never-ending process.

To protect the environment from any further environmental pollution in developed and developing countries came in existence Environmental Impact Assessment in 1978. In India, EIA was first formulated in the year 1994. EIA was an attempt to make it mandatory for getting clearance for setting up any new project. With time EIA notification has gone through various kinds of amendments. The most important amendments lie in the year 2006 and the amendments took place in the year 2020. These two amendments have made the EIA change drastically. With time it is seen that the essence of having an EIA has loosened up. These amendments were made to protect the environment from the harmful effects of the newly established industries or projects but this main objective can be seen as lacking in the EIA notification of 2020 as it contains various loopholes, these loopholes need to be assessed on a priority basis so that the main motive behind the EIA formulation can be achieved. These conferences had the main agenda of protecting the environment by having a sustainable approach to it and keeping a balance between the development and environment was always one of the prime objectives of every conference that has ever taken place in the history of the environment.

Overview of the Impact of Treaties and Conventions on the Environment

In the context of celebrating 50 years of the Stockholm conference and 30 years of the Rio Declaration which were the two primary outputs that raised global concern towards environmental protection. There comes the need to analyze the impact of these treaties and conventions on the environment. Undoubtedly these conventions and treaties that were brought into effect nevertheless brought significant changes in the development of environmental jurisprudence around the globe. But there is always the other side, as to whether the environmental principles that were adopted in these treaties or the conventions are relevant or effective enough today to protect the environment from further degradation. And if yes, then how far are they being effective in changing the surrounding where one is surviving? These are the question that must be looked upon when one refers to these international conventions on the environment.

Stockholm declaration- then vs now

50 years have passed since the first United Nations Conference on the Human Environment. The year 1972 in Stockholm lightened the minds of the various stakeholders of this conference with an idea to come together in one place and promise together to adapt the various principles for the sound management of the environment. This very idea brought in effective legal instruments to restore the environment and provide various measures in case of any damage to the environment. An action plan for the human environment was brought into effect with various other resolutions. The broad types of activities that make up the Plan are:

- ❖ The global environmental assessment program (Earth Watch)
- ❖ Environmental management activities.
- ❖ International measures to support the national and international actions of assessment and management³.

In a brief reading of the various principles that were adopted in the Stockholm Conference, it can be very well understood that Principle 1 of the Stockholm conference outshines Article 21 of the Indian Constitution. Article 21 of the Indian constitution talks about the Right to life⁴. Where it has been expanded to the "Right to live in a healthy environment". This addition has not come just by one night. It took years for the legislature to understand that the Right to live in a healthy environment is an inherent right under Article 21 of the Indian Constitution. The right to live in a healthy environment as part of Article 21 of the Constitution was first recognized in the case of Rural Litigation and Entitlement Kendra vs. State⁵ (Popularly known as Dehradun Quarrying Case)⁶. In M.C. Mehta vs. Union of India⁷, the Supreme Court treated the right to live in a pollution-free environment as a part of the fundamental right to life under Article 21 of the Constitution⁸. Through these pronouncements of various cases, it can be very well proven that the principles were taken into consideration by the judiciary while formulating the judgment.

³ *Action Plan for the Human Environment. A. Framework for environmental action* A/CONF.48/14/Rev.1 (1972), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL7/300/05/IMG/NL730005.pdf?OpenElement> (last visited Oct. 6, 2022)

⁴ INDIA CONST. art. 21.

⁵ Rural Litigation and Entitlement Kendra vs. State, AIR 1988 SC 2187.

⁶ Pooja P. Vardhan, *Environment Protection under Constitutional Framework of India*, PRESS INFORMATION BUREAU GOVERNMENT OF INDIA (Jun.4,2014, 12:25 IST), <https://pib.gov.in/newsite/printrelease.aspx?relid=105411#:~:text=Article%2021%20guarantees%20fundamenta%20right,to%20live%20with%20human%20dignity.>

⁷ M.C. Mehta vs. Union of India, AIR 1987 SC 1086.

⁸ *ibid.*

Another important principle that cannot be over looked, is Principle 24 which relates to International Cooperation among the people to contribute towards international law for protecting the environment. This principle focuses on the very important aspect which is needed at a prime outset, to have international cooperation in other words to have a cooperative spirit to adopt the various measures which are needed to protect the environment. This principle stands as a very important goal to be achieved by every country to work towards the common objective of protecting the environment. These principles and the measures that were very well incorporated in the Stockholm Conference enlightened the major environmental issues globally. But are these principles relevant till now?

Over the last 50 years of the Stockholm conference, we still lack the institutional and legal mechanisms to deal with the various emerging environmental issues. Now whether this is because these principles are way too old to be still considered? or whether the concerned authorities have stopped paying attention to these principles now? These unanswered questions are never looked upon. According to the EPI(Environment Performance Index) 2022

India has been ranked at the bottom in a list of 180 countries that were judged for their environmental performances in the 2022 Environmental Performance Index (EPI)⁹. The list is headed by Denmark, which is seen as the world's most sustainable country¹⁰. The EPI 2022 report says: "Based on the latest scientific insights and environmental data, India ranks at the bottom of all countries in the 2022 EPI, with low scores across a range of critical issues."¹¹ The EPI is considered more accurate than other reports because it uses outcome-oriented indicators as compared to the ESI. Some of these indicators are environmental risk exposure; air quality; average exposure to PM2.5, or the infallibility of the air; air pollution; water and sanitation parameters; drinking water quality; the vitality of the ecosystem; health and management of water resources; wastewater treatment; Green investment; Green innovations; and national leadership around climate change¹². This shows how well environmental protection awareness is still a concern for people or the authorities. The lack of concern towards the poor environmental condition is leading to a very dangerous situation where it will become difficult to even breathe properly.

⁹ Lyla Bavadam, *India ranks at the bottom in a list of 180 countries in the 2022 Environmental Performance Index*, FRONTLINE (Aug,25,2022), <https://frontline.thehindu.com/dispatches/india-ranks-at-the-bottom-in-a-list-180-countries-in-the-2022-environmental-performance-index/article65497256.ece>.

¹⁰ id

¹¹ ibid..

¹² supra note 9.

Rio declaration – two steps back or one step forward

Two events and various effective measures have been brought. Rio Declaration in 1992 was a blueprint for bringing an effect to international cooperation and action which would benefit environmental protection in the twenty-first century. The conclusion drawn by the Rio declaration was that achieving the sustainable development goal should be the unattainable goal for every country which should not be limited to regional, national or international levels. The Rio Declaration also known as the " Earth Summit" led to the creation of the Commission on Sustainable Development, the holding of the first world conference on the sustainable development of small island developing States in 1994, and negotiations for the establishment of the agreement on straddling stocks and highly migratory fish stocks¹³. The importance of balancing economic growth with the environment should be the priority globally for every nation. This declaration marked the very important fact that long-term economic development can be only achieved by balancing the environmental impact. Like every other principle of Rio one of its principle which stands very important is the "Precautionary Principle" under Principle 15 of the declaration. Also known as the Precautionary Approach or Precautionary Action, the Precautionary Principle is a concept best summed up by the proverb “better safe than sorry” or the medical maxim “first do no harm”¹⁴. This principle expresses a notion to adopt precautionary measures in case the causes of harm to the environment are uncertain therefore reducing any uncertainty which might affect the environment to a greater range should be avoided. These principles provide a moral justification for acting even though causation is unclear. This condition forces decision-makers inevitably to confront a variety of difficulties.

In the fast-moving world, it becomes difficult to keep up with the old techniques along with the innovation in hand.

Harmonizing Development and Environment- Challenges Faced By the Society

Environmental concerns have become more prominent in policy creation in recent years, notably in development and growth strategies. Environmental quality is regarded as a welfare determinant and natural resources are considered necessary production inputs. The integration of environmental concerns into theories and empirical research on economic growth and

¹³ United Nations Organization, <https://www.un.org/en/conferences/environment/rio1992> (last visited Oct.30,2022).

¹⁴ Farnam Street, *The Precautionary Principle: Better Safe than Sorry?*, FARNAM STREET(Oct.30,2022, 9:29 PM), <https://fs.blog/precautionary-principle-2/>.

development is currently the subject of much analysis¹⁵. The protection of biodiversity is crucial for ensuring human life since it has fundamental social, economic, cultural, spiritual, and scientific values. The provision of ecosystem services that support human well-being is in jeopardy due to the fast loss of biodiversity, which is unprecedented in the last 65 million years. According to the Millennium Ecosystem Assessment, of the 24 ecosystem services examined, 15 were in decline, 4 were improving, and 5 were both improving and declining in different parts of the world. There is a need to significantly improve and integrate social, political, and economic issues with efforts to protect biodiversity and create a sustainable society. Biodiversity and ecosystem services must be valued, and markets must be established that can use the value of these services as a foundation for a green economy¹⁶. When done properly, industrial development and environmental protection can coexist. Both industrial development and environmental preservation are crucial since one is necessary for lowering poverty while the other is necessary for the long term. We must industrialize if we want to keep a nation operating. Communication of environmental concerns in emerging nations with big populations is incredibly challenging. Industrial expansion costs money and damages the environment. Looking at China as an example demonstrates that unrestrained industrialization will not only have a negative long-term effect on the environment and economy. China's unchecked expansion led to a significant increase in air and water pollution, resulting in health problems, illnesses, and billions of dollars in crop losses for farmers.

We should use renewable energy sources to achieve long-term growth. If we use the sustainable development approach, our nation might experience both industrial progress and environmental preservation. Additionally, all aspects such as environmental preservation, social justice, and economic development must be taken into account to achieve sustainable development. We can have rapid industrialization with the help of scientific discoveries without doing too much environmental harm¹⁷.

The challenges of Sustainable development can be categorized as follows:-

¹⁵ Valeria Costantini & Salvatore Monni, *Environment, human development and economic growth*, 64, *Ecological Economics*, 867, 867, (2008) <https://www.sciencedirect.com/science/article/abs/pii/S092180090700328X> .

¹⁶ Gro Harlem Brundtland et al, *Environment and Development Challenges: The Imperative to Act*, Barefoot College, Conservation International, International institute for Environment and Development, and International Union for the Conservation of Nature, 1, (2012) https://www.conservation.org/docs/default-source/publication-pdfs/ci_rioplus20_blue-planet-prize_environment-and-development-challenges.pdf

¹⁷ Saishree Rath, *Industrialization and Conservation cannot go hand in hand*, Pixstory Global Holding Inc, (Oct.30,2022, 9:29 PM), <https://www.pixstory.com/story/industrialization-and-conservation-cannot-go-hand-in-hand/47709>

Ø The dichotomy between government spending on sustainable technologies and short-term profit. (In Poland, where coal accounts for 80% of all energy generation, the government has even increased funding to the mining industry rather than pushing ahead with the adoption of sustainable energy sources.)

Ø Corruption. (Funding for developing nations is typically delivered in the form of foreign grants; in the case of Nepal, the UK provides the majority of these grants.) However, due to bureaucracy and corruption in Nepal, certain development initiatives need the payment of service fees to the Nepali government as well as stipends to ministers, which greatly slows down NGO processes¹⁸.)

Sustainable development becoming an unattainable goal- a critical study on various industrial projects

Deeper epistemological - and political - issues with the labels "environmental sciences" and "sustainable development" complicate efforts to encourage the effective fusion of disciplines. The issue with "sustainable development" is extremely severe. Fossil fuels and limited material resources, such as metals, phosphate fertilisers, rare gases, etc., are the current foundation of our growth and prosperity. We will undoubtedly pursue the methods to locate and extract ever-rarer and costlier resources with ever-increasing zeal and intelligence. It is possible to interpret sustainable development as having an integrated growth notion that is difficult to reconcile with a near-stop to growth based on stopping the consumption of finite resources like fossil fuels. Fossil fuels and virgin mineral resources will never be renewable resources. Conceptually, sustainable development is framed by two questions. What should we maintain first? This necessitates consideration of both the nature of our bequest and the distribution of resources among generations. Some contend that consumption or welfare Others argue that a specific stock of environmental assets has to be conserved. Robert, a Nobel laureate Solow suggests that humans maintain a broad ability to create economic prosperity (Solow, 1993). The viability of sustainable development is the subject of the second question, which is closely related to the first. Dependence on the feasibility of the interchangeability of human-made and natural capital (such as equipment or knowledge) in the production process. Sustainability can be robust or

¹⁸ Olga Adhikari, *Sustainable Development and its Challenges in Developing Countries*, International Young Naturefriends, (Oct.30,2022, 9:29 PM), <https://www.iynf.org/2018/08/a-guide-to-sustainable-development-and-its-challenges-in-developing-countries/>

weak depending on the degree of substitutability. Strong sustainability makes the case for the preservation of a particular pool of natural assets by implying that environmental assets and man-made capital work in tandem to produce goods and services. Renewable resources should be seen as "money in the bank," as Andersen (Andersen, 2007) recommends, as this secures their inheritance by future generations: capital is kept and only the revenue created is utilised. However, when all generations are given the same weight, robust sustainability for resources that deplete quickly is impossible. This is because resource consumption cannot be sustained at a positive level forever. This economy practises "cake eating"¹⁹.

The perceived failure of "sustainable development," as well as some of the term's misuses, inherent ambivalence, and various interpretations (Mebratu, 1998; Mitcham, 1995), may have contributed to the community of environmental sciences experts' cynicism and resentment that their work is lumped together under this heading. Anecdotally, we notice a prejudice against "sustainable development" due to the term's overuse in circumstances where environmental benefits are negligible or nonexistent and because it has been linked to corporate and/or governmental actions being "greenwashed." As a result, a lot of people genuinely disagree with the phrase and the frame of reference (Lakoff, 2010). We argue that it is not viable to use the phrase "sustainable development" as a unifying concept that encompasses all areas of environmental sciences for these epistemological and political grounds.

Environmental Decision-Making- Who's Agenda?

Role of Environmental clearance:

Degradation of the environment can be seen in the past 50 years which can be related to various factors like depletion of forest reserves, vehicular emissions, and various other undesirable human activities. The impact of the Bhopal gas tragedy and the LG Polymers gas leak created seriousness to look for the proper regulation and introspection of these industries dealing in various hazardous chemical substances. To do so, Environment Impact Assessment plays a

¹⁹ In 2021, Delhi most polluted capital in world, no Indian city met WHO air quality standard: Report, Economic Times, (last visited Oct. 6, 2022) https://m.economictimes.com/news/india/in-2021-delhi-most-polluted-capital-in-world-no-indian-city-met-who-air-quality-standard-report/amp_articles/90374053.cms

greater role. It determines the impacts of various industrial units and other polluting entities. Therefore to curb any further degradation of the environment from such polluting units EIA mandates various safety norms that need to be taken into consideration before the establishment of these industries. The most crucial element of EIA notification is Environmental Clearance. The Environmental Clearance (EC) process, which requires all major capital investment projects by the private sector or government to seek regulatory approval before beginning construction, is the centrepiece of environmental regulation of development in India²⁰. The clearance is mandatory for the ecologically fragile areas, regardless of the type of the project²¹. Through Environmental clearance it tries to assess the impact on the environment and industry might cause and therefore applying various safety measures to curb such degradation.

Evolution and development of EIA law

With time in place, various laws on the environment strive to maintain a balance between the economy and ecology. Nevertheless, such a balance is very necessary to attain long-term economic growth in a country. To ensure such a fruitful balance there was a need for the introspection and rectification of various units which contribute to environmental pollution. EIA is one such regulatory framework which strives to bring balance between these two very important aspects. In India, there has been a concatenation of the EIA. It was first brought in the year 1994. This first EIA notification covered only a few industries. There were various shortcomings in the EIA, 1994. To solve the various conflicts in th00.3

e EIA 2006, the EIA notification of 2006 came in. Nevertheless, this was brought in to bring a perfect regulation that was missed in the EIA 1994 but gradually it was brought to notice that EIA 2006 was very far from reaching a perfect regulation for environmental impact. In the ongoing years, it went through various amendments and

²⁰ Rohini Pande & Anant Sudarshan, *Harnessing transparency initiatives to improve India's environmental clearance process for the mineral mining sector*, 3ie Impact Evaluation Report 92. New Delhi: International Initiative for Impact Evaluation (3ie) (2019) <https://www.3ieimpact.org/sites/default/files/2019-03/IE92-India-Environmental-clearance.pdf>

²¹ Aruna Singh, *The draft EIA notification, 2020: what went wrong?*, Lexology <https://www.lexology.com/library/detail.aspx?g=2761b4ea-af66-4c10-9056-61cd9d66036f> (last visited Oct. 6, 2022)

as a result, the EIA draft of 2020 was passed. Since the day the EIA draft of 2020 has been passed it has been subjected to various criticism all around the country.

Hindrance to Precautionary Principle – The untouched post-facto clearance procedure of EIA 2020.

The EIA 2020, predominantly strived a hindrance to the precautionary principle through its various features as adopted. But this shortcoming in the EIA, 2020 remains an untouched area or has been neglected by the authorities. The post-facto clearance procedure of EIA 2020, has given liberty and time to the various project holders of the industrial units or various other polluting units. In a very brief understanding of this procedure, it relates to allowing any industry to function even if it has not obtained the “green clearance”. This itself is a violation of the very objective of EIA for which it was formulated. This is disastrous because we already have several projects that are running without EIA clearances. An example is the LG Polymer Plant in Vishakhapatnam, where the styrene gas leak happened on May 7. It was revealed that the plant had been running for over two decades without clearances. A similar incident was reported on May 27, where due to poor adherence to environmental norms, the natural gas of Oil India Limited in eastern Assam’s Tinsukia district had a blowout and caught fire. This caused severe damage to the livelihoods in the region rich with biodiversity²². The State Pollution Board, Assam, had reported that the oil plant had been operating for over 15 years without obtaining prior consent from the board²³. This EIA approach was made to ensure that there is no further degradation of Environment but through various examples referred it can be understood that it has to lead to a hindrance to reaching to the precautionary approach developed through various international conventions. Such an industry dealing with hazardous substances without any environmental clearance proves that they must have not adopted any precaution before functioning and therefore resulted in such a disastrous happening.

Minimizing the role of Public Participation- Is this opening the new floodgates to violations

Environmentalists around the globe have argued on the very notion of the EIA notification of 2020 that it has opened new gates for violations to take place concerning

²² Archita Kashyap, *Burnt homes, illnesses, damage to ecology — what Baghjan is left with months after OIL fire*, The Print, (last visited Oct. 6, 2022) <https://theprint.in/environment/burnt-homes-illnesses-damage-to-ecology-what-baghjan-is-left-with-months-after-oil-fire/536957/>

²³ Abhijit Mohanty, *Why draft EIA 2020 needs a revaluation*, Down To Earth, (last visited Oct. 6, 2022) <https://www.downtoearth.org.in/blog/environment/why-draft-eia-2020-needs-a-revaluation-72148>

environmental harm. The new features of the EIA 2020 are floodgates to the violation. The post-facto clearance, reduction in the number of compliance reports, lack of public participation, excluding various projects. One of the primary contentious issues in the EIA notification along with post-facto clearance is “minimizing the role of public participation”. This has resulted in various conflicts which predominantly brings on the very fact that EIA 2020 has given huge liberty to polluting units while keeping the public uninvolved. Mostly, the people concerned relation to environmental harm is given 30 days time period to raise any issues related to the preliminary report of the EIA. The EIA 2020, has reduced the time to just 20 days. In a country like India, where there is a huge rural population and the majority of the stakeholders belong to poor communities. The less technology outreach the less information on the reports in such places most often reaches late and due to such time constraints, it leads to granting environmental clearance without public consultation. In such a lesser time of 20 days, it is practically impossible to transfer the reports in a country like India, where the percentage of poor is 21.2 % in rural areas compared with 5.5 % in urban areas. Rural areas account for nearly 90 % of poor people, accounting for 205 million of the nearly 229 million poor in India²⁴.

This feature of EIA, 2020 is a clear violation of principle 10 of the Rio declaration which proposes that “Environmental issues are best handled with the participation of the concerned citizens”²⁵.

Conclusion & Suggestions

Development and Environment balance remain a burning issues of all time. It's difficult to weigh the balance of both and even more difficult to practically analyze as to which one is heavier than the other. Though India has signed various conventions for environmental protection. yet the reality towards environmental protection is far from perfect. Practically it is impossible to reach a perfect level for any country, especially regarding environmental protection where there is net zero pollution. But there can be a minimal level where the environmental harm can be reduced. To curb environmental degradation various

²⁴ 41.5 crore people emerged out of poverty in India since 2005, but country still has largest poor population globally: *UN Report*, The Times of India, (last visited Oct. 6, 2022) <https://timesofindia.indiatimes.com/india/41-5-crore-people-emerged-out-of-poverty-in-india-since-2005-but-country-still-has-largest-poor-population-globally-un-report/articleshow/94921655.cms>

²⁵ *UNEP - Principle 10 and the Bali Guideline*, United Nations Environment Program, (last visited Oct. 6, 2022) <https://www.unep.org/civil-society-engagement/partnerships/principle-10>

Environmental principles were adopted in the Stockholm conference and the Rio declaration of which India has been one of the signatories.

Over time, it has been reflected through various environmental hazards that there has been non-conformity to these various environmental principles. There has gradually caused erosion to environmental protection. In recent times, Delhi was found to be the most polluted capital in the world for the fourth consecutive year in 2021 and 35 of the 50 cities with the worst air quality were in India, according to a new report²⁶. These alarming data represent the condition of the country which should be an eye-opening to the concerned authorities. The silence on this very part will lead to a catastrophic result and then it will be difficult to restore the situation. The deeper holes which are present in various regulation which was enacted for a piece of effective machinery to introspect and rectify any environmental hazard that takes place are being neglected now and then. For instance, the EIA 2020 is one such regulation which is consisting of various lacunas, these loopholes need attention on a priority basis and need to be rectified with time in force.

There is a need to strengthen the EIA process and bring certain changes to it. Human development is important for economic growth but it should never be at the cost of environmental harm. There is a very thin line between human development and the environment but this thin line encompasses a very important notion that should not be neglected at any instance. The proposed notification appears to have completely disregarded the precautionary principle, which is a crucial component of both Indian environmental law and the idea of sustainable development. Sustainable development should be an attainable goal for every nation. For this very concern, it should be suggested that there is a need of having wide public participation and transparency in decision-making in matters related to environmental hazards which adheres to principle 10 of the Rio declaration. In the EIA draft, there are various new concepts dealing with environment permissions, Resource augmentation plans etc. Therefore it formulates a need that the ministry should clarify these new concepts.

Lastly, the principles of good governance are much needed in environmental protection which should take into account all the stakeholders related to the environment. This will help in achieving Sustainable development and help in minimizing environmental harm.

²⁶*In 2021, Delhi most polluted capital in world, no Indian city met WHO air quality standard: Report*, Economic Times, (last visited Oct. 6, 2022) https://m.economictimes.com/news/india/in-2021-delhi-most-polluted-capital-in-world-no-indian-city-met-who-air-quality-standard-report/amp_articles/90374053.cms