

## Abstract

Sustainable development presents opportunities for the states and their machineries to strive for development conditioned by the understanding that such progress does not compromise the wellbeing of the future generations. The understanding has long surpassed the rhetorical boundary in both international and national levels and evolved a great deal in recent times.

Today we have accepted the fact that incessant development can put human security under stress and may lead to injustice. Thus, often human rights and the environmental issues have been merged together providing a backdrop that is rich in right-based narrative. This conceptual framework permits the quality of life for all people while ensures social equity through sustainable development.

After taking part in 1972 Stockholm Conference, India had successfully augmented its green jurisprudence by incorporating specific environmental provisions in the Constitution and enacting related laws. The process has stayed its course since then. But, the implementation of such laws has remained as an enigma, often leading to situations when human rights are ignored or trampled by powerful classes of the society.

Up to the task, Indian judiciary, especially the Supreme Court, has long been trying to secure rights to Indian citizens that are enshrined in the Constitution of the country. In doing so, time and again it has used sustainable development as a guiding concept. It is understood that over the years, the Supreme Court has been successful in reading unremunerated environmental privileges into enforceable fundamental rights provided by the Constitution. The most notable examples are the rights to clean and healthy environment, life, liberty and livelihood. This thesis aims at evaluating the approach of the Supreme Court in that legal discourse, spanning little over three decades starting from 1985.

The thesis unveils a splendid design hidden beneath the volumes of Supreme Court judgments. It is noted that during the middle part of 1980s, the Supreme Court, was grappled with new types environmental issues and began to encourage public interest litigations in environmental matters. The notion of a minimum standard for the protection of the right to life and responsibility of the state not to take decisions that would deny a person of the minimum essential level of the right was the hallmark of Court's vision. The Court was particularly successful in promoting a rights-based approach in environmental cases by introducing necessary conciliatory approach between the right-holders and the duty bearers.

After 1990, the Supreme Court continued to be the last resort of the poor in their quest for social justice and passed number of landmark judgments which are still considered shining beacon in environmental jurisprudence of the country. In deciding environmental cases, the Supreme Court had vastly used innovative perception that typically reflected a formalistic approach with a core of realism in it. In long run, the effort of the Court helped the government to understand the means of constitutional power in much better manner.

Though, it is true that judicial indifference in limited number of cases cut assertively in favor of those having narrow ideas for development, overall, the Court treated sustainable development with syllogistic reason in all three decades to gradually shape it into a coherent legal doctrine. The Court's early sense of trepidation over environmental matters steadily developed into more accommodative behavior as it delved deep into the core of the concept, bringing the 'second level' meaning of sustainable development into life. What remains commendable is that the Court's idea of accommodating the demand of market society, represented dominantly by rich and powerful class, to a constitutional rights paradigm. This, by far has created a diffusing effect of minimizing the possibility of confrontation over right claims, yet placing substantial responsibility over government to implement its social and democratic policies.

The study further indicated towards a possibility that the Supreme Court might have adopted a sectoral approach while dealing with different environmental problems and the strong and weak approach of the Court towards environmental protection went in tandem with the rise and fall of economic conditions of the country. Within, the Court had been able to envision the constitutional spirit that often miscarried by the government. The effort not only internalize the 'externalities' in the right-based framework but also profoundly, fortify the ever-growing environmental jurisprudence in India.