

## **From Stockholm 1972 To 2022: Holistic and Multidisciplinary Approach of India to Attain Sustainability**

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### **ABSTRACT**

Human activity for economic and social development has reached a dangerous level and has affected the climate of our planet. Globally, the world is confronting multiple challenges to achieve a sustainable environment and prevent climate change. The concept of sustainability came into existence fifty years ago in the United Nations Conference on Environment held in Stockholm in 1972. For the first time, the catastrophic consequences of over-exploitation of natural resources and technological advancements were discussed and concern for environment, as an issue of international politics, was raised. Since past five decades, a lot of efforts are being made at the international level for achieving sustainable development. The present paper attempts to analyse the development of the concept of sustainability in India and the efforts being made at the national, state and local level to achieve the goal of sustainability. India's commitment to achieve sustainable goals is reflected in its national development agenda 'Sabka Saath Sabka Vikas' (Collective efforts for Inclusive Growth). Environmental protection and conservation have been promoted by implementing various laws and policy instruments to move towards the path of sustainable development. Efforts have been made to integrate social, economic and technological factors and adopt holistic approach to achieve sustainable development.

**Keywords:** Climate change, environment laws, environmental protection, natural resources, sustainable development.

### **INTRODUCTION**

"We, the present generation, have the responsibility to act a trustee of the rich natural wealth for the future generations. The issue is not merely about climate change, it is about climate justice"- Hon'ble Prime Minister, Shri Narendra Modi.

Environmental considerations have always been an integral part of Indian culture. The need for conservation and sustainable use of natural resources have been expressed in Indian scriptures. India has a strong cultural heritage. Ancient texts written in Sanskrit, Pali and other Indian languages have expressed the need for conservation of environment. Ancient Hindu scripture, 'Vishnu Samhita,' written in Sanskrit language

contains instructions for biodiversity conservation. '*Kautilya's Arthshastra*' (more than 3000 years old), and the fifth pillar of the edict of Emperor Ashoka (which relates to the period 273-236 BC) have exclusive provisions dealing with environment.

India is focusing on issues like climate change, depleting natural resources and groundwater tables, melting glaciers, and enormous quantities of waste at saturated landfill sites, which are alarming signals for the planet Earth and urgently need sustainability switch (Ministry of Environment and Forests, Government of India, 2011).

## **METHODOLOGY**

To access information on sustainability, information was collected / gathered from legislations and law reports, law digests, commentaries and different websites including that of Indian Government and United Nations.

## **DISCUSSION**

Development for economic prosperity and sustainability are two sides of the same coin and need enormous efforts to maintain a balance. Developmental rights and responsibilities to attain sustainability are more difficult for developing countries, which are dependent for financial and technical assistance on the developed countries.

### **1. Multidisciplinary Approach to Overcome the Underlying Causes of Environmental Degradation**

Globalisation, urbanisation, industrialisation, technological advancements, population explosion, insufficient waste management practices and economical gains are some of the major factors responsible for environmental deterioration. Over-exploitation and non-judicious use of natural resources have negative impact on both environment and biodiversity. Environmental crisis and conservation of biodiversity are issues of global concern. Social, economic and institutional factors are the three main pillars of achieving sustainability ([https://www.indiabudget.gov.in/budget\\_archive/es98-99/chap1104.pdf](https://www.indiabudget.gov.in/budget_archive/es98-99/chap1104.pdf))

**1.1. Social Factors** - Population explosion, poverty, urbanisation and illiteracy have resulted in rapid & unplanned expansion of cities, proliferation of slums and increased pressure on the arable land. There is a dire need to stabilise population growth, strengthen life support systems and strictly implement environmental laws to prevent ecological stresses.

**1.2. Economic Factors** - Economic activities which include resource extraction, production & consumption of natural resources and inefficient waste management practices affect both ecosystem and biodiversity. The major objective of global economies is to achieve higher economic growth, but it results in inevitable environmental deterioration (Chakravarty & Mandal, 2020). The challenge is to keep a balance between economic development and environment. Achieving sustainability is more difficult in developing countries as they cannot afford to implement stringent environmental laws (Jiang et al., 2022).

**1.3. Institutional Factors** - During the last few years, the researchers have emphasised the impact of institutional factors on environment quality. Lack of

awareness, infrastructure and coordination between institutions and Government departments, make implementation of most of the laws relating to environment extremely difficult and ineffective. Institutional factors directly affect the environment and indirectly affect through Foreign Direct Investment (FDI) and economic growth (Ahmed et al., 2022; Phoungthong et al., 2022). There is a need to formulate and implement stringent environmental laws and policies which promote green growth and achieve sustainability without affecting FDI (Li et al., 2019; Ali et al., 2022). There is a strong correlation between institutional factors and CO<sub>2</sub> emission and has to be considered by economists, policy makers and environmentalists to formulate and implement Environmental Laws (Jiang et al., 2022; Zhang et al., 2022). Continuous efforts are being made by Indian Government to adopt holistic and multidisciplinary approach (es), and to integrate four dimensions, namely, society, culture, economy and environment to attain sustainability. The policies of the Government have a fourfold purpose:

- To develop a society that understands and advocates the eco-friendly practices.
- To take initiatives at local, state, national and global levels to address the catastrophic consequences of overexploitation and non-judicious use of natural resources.
- Adopting green economy.
- To shift from linear to circular economy for solid waste management and generating bio-energies.

## **2. Development of the Concept of ‘Sustainable Development’**

Sustainable development aims to achieve development without harming the environment. ‘Sustainable Development,’ as a concept, came into existence for the first time in the ‘Stockholm Declaration of 1972’ (United Nations, 1972). Later, in 1987, the ‘World Commission on Environment and Development,’ headed by the then Prime Minister of Norway, G.H. Brundtland, gave its report, ‘Our Common Future,’ popularly known as ‘Brundtland Report,’ which provides for the most often quoted definition of sustainable development as, “development that meet the needs of the present without compromising the ability of future generation to meet their own needs.”

**2.1. The Rio-Declaration on Environment and Development** - In 1992, United Nations Conference on Environment and Development (UNCED), also known as ‘Earth Summit,’ was held at Rio de Janeiro (United Nations, 1992), in which more than 15 nations participated. This was the largest gathering aimed to put the world on the path of sustainable development. The Rio Declaration 1992, on Environment and Development, defines the rights of the people to contribute in the development of their economies and share their responsibilities to safeguard the environment to achieve the economic progress. The main emphasis was on the use of natural resources by any Nation without harming the environment. It was also emphasised that all Nations and Governments should develop and implement plans that preserve the environment and natural resources for future generation. The ‘Earth Summit’ had some important achievements like:

- Agenda 21.
- Rio Declaration and its 27 universal principles for environmentally sound development.
- Two legally bound conventions: the United Nations Framework Convention on Climate Change (UNFCCC) and Convention on Biodiversity.

*Agenda 21*- It became the global template for promoting sustainable development (United Nations, 1992). It addresses the compelling present problems faced in achieving sustainable development and aims to prepare the world for the challenges of the future generations (UNCED, 1992). It is a voluntary action plan and so named because this is a comprehensive blueprint for local, national, regional and global actions to achieve sustainable development. Agenda 21 provides a long-term vision for sustainable development which aims to keep a balance between social and economic needs, conservation and management of natural resources, without harming the ecosystems (Ali et al 2022).

Two Legally Bound Conventions-

- The convention on climate change* – The objective of the Convention on Climate Change is to achieve stabilisation of the concentration of greenhouse gases in the atmosphere at a level that prevents dangerous anthropogenic interference in the climate system. The United Nations Framework Convention on Climate Change (UNFCCC) laid down basic legal framework and principles to reduce the emission of green-house gases by human activities which contribute to the global warming (United Nations,1992).
- Convention on biodiversity* – The Convention of Biodiversity (CBD) is the international legal instrument for the “the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources,” ratified by 196 nations. It also emphasises that there is a need to share the costs and benefits between developed and developing countries.

**2.2. Rio +20 (2012)** - In June 2012, the United Nations Conference on Sustainable Development or Rio + 20 was held at Rio de Janeiro, Brazil (United Nations, 2012), which resulted in a focused Political Outcome Document for, *inter alia* adopting Sustainable Development Goals (SDGs) and strengthening the United Nations Environment Programme (UNEP) for coordinating the environmental issues within the United Nations system.

**2.3. CERES Principles** - In April 1989, in Alaska (USA), due to an oil spill by tanker Essex Valdes, thousands of birds and animals were killed. Consequently, ‘The Coalition of Environmentally Responsible Economies (CERES) principles were laid down. CERES principles emphasised on Protection of Biosphere, Sustainable Use of Natural Resources, Reduction and Disposals of Wastes, Energy Conservation and Acceptance of Environmental Audits.

**2.4. The Conference “Stockholm + 50: “A healthy planet for the prosperity of all-our responsibility, our opportunity”** - It was held on 2-3 June 2022 to commemorate the Stockholm 1972 Conference (United Nations Environment

Programme, 2022a; 2022b.). During the last fifty years, three main planetary crisis; climate change, pollution and waste management and loss of biodiversity, are posing challenges to achieve the Sustainable Developmental Goals (NITI Aayog, 2021). It was emphasised that the overexploitation of earth's natural resources has catastrophic consequences and there is an urgent need to replace the fossil fuels with alternative sustainable alternatives of fuels.

### **3. Salient Principles of Sustainable Development and Efforts to attain Sustainability in India**

Sustainable Development aims to maintain a balance between development and environment. The Doctrine of the Sustainable Development was recognised by the Supreme Court of India in the '*Vellore Citizens Welfare Forum v. Union of India (Tamil Nadu Tanneries case) (1996)*' and summed up the following principles of sustainable development -

- Intergenerational Equity
- Use and Conservation of Natural Resources
- Environmental Protection
- The Precautionary Principle
- Polluter pays principle
- Obligation to assist and cooperate
- Eradication of poverty
- Financial assistance to developing countries

**3.1. Intergenerational Equity** - It refers to equity between the implementation of laws and policies for the present generation and needs of the future generation, *i.e.*, "concern for the generations to come." It emphasises that the present generation has inherited natural resources and cultural heritage from the past generation and is obliged to take care of the same for the generations to come. In Indian context, the Intergenerational equity refers to 'concern for the generations to come.' Principles 1 and 2 of United Nations Conference on Human Environment, Stockholm Declaration 1972 refers to the Intergenerational equity.

Principle 1 affirms that "man has the fundamental right to freedom, equality and adequate conditions of life, in an 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-generations." Principle 2 states that "the natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of the present and future generations through careful planning or management, as appropriate."

**3.2. Use and Conservation of Natural Resources** - Judicious use of natural resources, without harming the ecosystem and biodiversity on earth (Principle 8 of Rio Declaration).

**3.3. Environmental Protection** - Development and Environmental Sustainability are two sides of the same coin and there is a need to keep a balance between the two. In India, Environmental Protection Act (EPA) 1986, was enacted to provide for the protection and improvement of the quality of environment and for matters connected therewith. This Act came into existence as a consequence of ‘Bhopal Gas Tragedy.’ The main goal of EPA, 1986 is to ensure sustainable development and to guarantee ‘right of life’ under Article 21 of the Constitution of India. The Supreme Court of India, in its judgement ‘*Goa Foundation, Goa V. Diksha Holdings Pvt. Ltd. (2001)*’ observed that harmonisation of issues of ecology and developmental projects are the need of the hour.

On 27 January 1994 a notification, Environmental Impact Assessment (EIA) was also issued by the Government of India, to lay down the rules and procedures relating to environmental and social impact. EIA is a tool designed to identify and predict the impact of a project on bio-geophysical environment and on biodiversity. It enables the government to impose conditions at the threshold on the undertaking/expansion/modernisation of existing projects, considering the environmental impact of such projects. Subsequently, EIA 2006 and Draft of EIA Notification 2020 (yet to be implemented) came into existence.

**3.4. Precautionary Principle** - This principle contemplates that any activity detrimental to the ecosystem and biodiversity should be prevented (<https://www.britannica.com/topic/environmental-law/Principles-of-environmental-law>). In *Vellore Citizens’ Welfare Forum Vs Union of India (supra)*, the Supreme Court of India recognised the precautionary principle as a principle of Indian Environment Law.

**3.5. Polluter Pays Principle** - In India, the ‘polluter pays principle’ was for the first time applied and defined in a case of *Indian Council of Enviro-Legal Action v. Union of India (1996)*. According to the ‘polluter pays principle,’ the polluter is liable to compensate not only to the victims of pollution but also for the restoration of the environment.

**3.6. Obligation to Assist and Cooperate** - Sustainable Development cannot be achieved without international cooperation. Principles 9, 10, 12 and 27 of the Rio Declaration on Environment and Development 1992 emphasise the obligation for assisting and cooperating to achieve sustainable development.

Principle 9 - “The States should co-operate to strengthen indigenous capacity-building for sustainable development by improving scientific understanding through exchange of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.”

Principle 10 - “Environmental issues are best handled with the participation of all concerned citizen at the relevant level.”

Principle 12 - “The States should co-operate to promote a supportive and open international economic system that would lead to economic growth and sustainable

development in all countries to better address the problems of environmental degradation.”

Principle 27 - “The people and the States to co-operate in good faith and in spirit of partnership in the further development of international law in the field of sustainable development.”

**3.7. Eradication of Poverty** - To achieve sustainable development, it is essential to eradicate poverty and reduce disparities in living standards of the people whilst meeting the needs of the majority of people.

**3.8. Financial Assistance to Developing Countries** - Increase in eco-efficiency with financial support from all sources, and technology transfer and exchange of technology with developing countries and countries with economies in transition, in cooperation with relevant international organisations, is the need of the hour to achieve sustainability.

#### **4. Environment and Indian Constitution**

The Indian Constitution is one of the few in the world that contains specific provisions on the environment. Three constitutional provisions bear directly on environmental matters.

**4.1. Article 21 states** - “No person shall be deprived of his life or personal liberty except according to procedure established by law.” In *Subhash Kumar v. State of Bihar (1991)*, and *Virendra Gaur vs. State of Haryana (1995)*, the Supreme Court recognised several liberties that are implied in Article 21, including the right to a healthy environment.

**4.2. Article 48A** - requires that “the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.”

**4.3. Article 51A** - requires that “it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife and to have compassion for living creatures.”

#### **5. Some of the Indian Judicial Precedents on Sustainable Development**

The Supreme Court of India has come up with the ‘judge-driven implementation’ of environmental administration in India. Disputes relating to environment are treated as cases related to violation of Fundamental Rights, rather than claims under the law of torts. The Supreme Court of India and the State High Courts can be directly approached, under Article 32 and Article 226 of the Constitution of India, in case of matters relating to environment. The orders of the Supreme Court and High Courts cover a wide range of areas including air, water, solid waste management, hazardous waste management, forests, biodiversity, mining activities and architectural treasures. Some of the landmark judgements by the constitutional Courts in India on sustainability are:

**5.1. In the State of Himachal Pradesh v. Ganesh Wood Products (1995) case**, a petition was filed by Ganesh Woods against the decision of the Government of the

State of Himachal Pradesh for not allowing establishment of *katha* factories in the State. The Supreme Court of India did not allow the establishment of the same and observed that the same was contrary to the public interest in conservation of forest, considerations of sustainable development and principle of Intergenerational equity.

**5.2.** In **M.C. Mehta v. UOI (1991 case)**, the Supreme Court of India directed that the then present emission standard be substituted by BS-VI complaint vehicles.

**5.3.** In **M.C. Mehta v. UOI (1986) (Oleum Gas Leak case)**, the Supreme Court of India formulated an indigenous jurisprudence of Absolute Liability in compensating the victims of pollution caused by hazardous and inherently dangerous industries.

**5.4.** In **M.C. Mehta vs. Union of India (1987) (Ganga Water Pollution Case)**, the Indian Apex Court ordered the closure of a number of polluting tanneries in Kanpur which were releasing the effluents in Ganga water. The Apex Court directed that pre-treatment is mandatory before releasing the water from the tanneries into the river Ganga.

**5.5.** The Hon'ble Supreme Court of India in the case of **TN Godavarman Thirumulpad vs. Union of India and Ors. (2009)**, dealing with the issue of livelihood of forest dwellers in the Nilgiri region of Tamil Nadu being affected by the destruction of forests, passed a series of directions. The significant outcome of this case was the closure of numerous timber industries as the judgement imposed prohibition on deforestation.

**5.6.** **M.C. Mehta v. Kamal Nath (1997)** is a case where an attempt was made to divert the flow of river for augmenting the facilities at a motel. In this landmark judgement, the Supreme Court recognised and applied the term Public Trust Doctrine with regard to the protection and preservation of environment.

**5.7.** In **M.I. Builders Pvt. Ltd. V. Radhey Shyam Sahu (1999) case**, the Indian Supreme Court applied Public Trust Doctrine and a city development authority was asked to dismantle an underground market build beneath a garden of historical importance.

**5.8.** In **Vellore Citizens Welfare Forum v. UOI (supra) case**, a Public Interest Litigation was filed under Article 32 of the Constitution of India against the water pollution caused by the release of effluents from the tanneries and other industries in Tamil Nadu into the river which resulted in barren land. The Supreme Court adopted the Precautionary Principle and Polluter Pays Principle and held that the efforts should be made to maintain harmony between environment and development. Although the tanneries generate foreign exchange but they should comply with the required pollution control measures. The Hon'ble Court also emphasised the need of the Green-benches, to deal with the matters relating to environment sustainability.

**5.9.** The Supreme Court of India also noted in **Indian Council for Enviro-Legal Action v. Union of India (1996 case)**, that the Principle of Sustainable Development would be violated if there were a substantial adverse ecological effect caused by the industry.

**5.10.** The Principle of Sustainable Development was also recognised by the Supreme Court of India in the **M.C. Mehta v. Union of India (Taj Trapezium case) (1997)**. The Supreme Court adopted the Precautionary Principle doctrine and directed that all the industries operating in the Taz Trapezium Zone, to either shift /stop functioning / use alternative forms of energy as a substitute for coal/coke.

**5.11.** In **Enkay Plastics Pvt. Ltd. Vs. Union of India (UOI) and Ors. (2000)** case, the Delhi High Court upheld the order of closure of certain units which were manufacturing Urea Formaldehyde Powder in thickly populated residential areas and held that the direction to close down such industries cannot be treated as violative of Article 19 of the Constitution as it is in the larger public interest to prevent any danger to the health and life of the public at large.

**5.12.** Amongst others, the Delhi High Court has also directed to take steps for preservation of ancient monuments of historical importance, restoration of water bodies in and around Delhi and maintaining the forest ridge area in Delhi, which are the lungs of the city.

**5.13.** In the recent Vizag leak case, National Green Tribunal, relying on the Precautionary and Polluter Pays Principles, directed the company to deposit Rs. 50 crores.

## **6. India's Efforts to attain Sustainable Development Goals (SDGs)**

**6.1.** The world is on the verge of global transformation. In 2015, the United Nation (UN) established the 2030 Agenda for Sustainable Development with 17 SDGs and 169 targets, which were adopted by 193 UN Member States (United Nations, 2020). India is making continuous efforts to achieve 2030 SDGs and the commitment is reflected in the motto of *Sabka Saath Sabka Vikas* (Collective Efforts for Inclusive Growth). Government has framed several policies aimed at protection, conservation and restoration of the environment. Government has allocated specific funds for each of the said policies which are being implemented through the involvement of the states for its smooth and expeditious functioning. Various policy initiatives for Sustainable Development include-

- Sashakt Bharat – Sabal Bharat (Empowered and Resilient India),
- Swatch Bharat- Swasth Bharat (Clean and Healthy India),
- Samagra Bharat- Saksham Bharat (Inclusive and Entrepreneurial India),
- Satat Bharat- Sanatan Bharat (Sustainable India), and
- Sampanna Bharat- Samriddh Bharat (Prosperous and Vibrant India).

**6.2.** In 2020-2021, India progressed further towards achieving SDGs (NITI Aayog, 2022). In August 2021 the Plastic Waste Management Amendment Rules were notified with the aim of phasing out single use plastic by 2022.

**6.3.** To co-ordinate India's response on Climate Change, an institutional framework of a high level inter-ministerial Apex Committee for Implementation of Paris Agreement (AIPA) has been formed.

**6.4.** To deal with the financial risks associated with climate change, the Reserve Bank of India (RBI) has set up a new unit ‘Sustainable Finance Group,’ in May 2021.

**6.5.** India’s initiative at the international level include the launch of International Solar Alliance (ISA) by Hon’ble Prime Minister Mr. Narendra Modi, and promoting Coalition for Disaster Resilient Infrastructure (CDRI), which has been receiving global attention.

**6.6.** India is one of the few countries in the world to have imposed Carbon tax in the form of a Cess on coal production, with the aim to curb carbon emission and to promote clean energy technologies. With the introduction of Goods and Service tax (GST) in India in 2017, a new tax on coal production, called the GST Compensation Cess was introduced to reduce carbon emissions. However, meticulous implementation of such taxes is required after considering the needs of Indian Economy.

## **7. Hindrances in attaining Sustainable Development Goals**

Though India has shown remarkable resilience in adapting to changing situations and learning from the past experiences but faces many challenges and hindrances. Some of the impediments are-

1. Limited financial resources due to lower capital income
2. Poverty and uncontrolled population
3. Agriculture in India is mainly dependent on climate and groundwater resources.
4. Shortage of power supply in rural areas and finance to procure the electricity for irrigation, crop residue burning to clear fields after crop harvesting are significantly contributing to pollution and affecting biodiversity.
5. Poor coordination between different departments of State and Central government.

## **8. Critical Appraisals of achieving Sustainability**

There is a wide gap between the adoption and implementation of the policies. Despite various amendments in the environmental laws, there are few loopholes and problems in attaining substantial, if not full, sustainability-

- Overpopulation and increasing demands have resulted in enormous industrialisation and each project require clearance by Expert Appraisal Committee (EAC). Since each project is located at different geographical locale with varied topography, climate and socio-economic conditions, hence similar rules may not be suitable for all.
- Besides expert committee, participation and involvement of local people and ethical groups is required, as they are more aware of their needs and suitable traditional practices.
- Lack of correct data as most of the sustainability reports portray the positive and green picture.
- There is a need to identify performing and non-performing or worst-performing areas on account of improvement in performance in providing facilities including clean drinking water, sanitation, clean fuel energy, education and health facilities.

- According to NITI Aayog's SDG India Index, 2020-2021, Kerala is the best performing state while Assam, Bihar, Jharkhand are the worst performing states. There is a need to motivate all concerned, make the non or less performing areas accountable, improve upon them, and develop rules and sustainability projects according to the needs of the local people.
- In most of the reports, the actual figures of energy /water consumption, carbon dioxide emission, treated /recycled water etc., are calculated based on the assumptions and formulae. The actual measurements should be done and compared with the previous reports and for proper and effective planning, organising and controlling for future (Kalkar & Chitanand, 2018).

For achieving sustainable environmental growth, a multi-disciplinary approach is required to be adopted which integrates and amalgamates the knowledge from different disciplines, like Basic and Applied Sciences (Physics, Chemistry, Geology, Geography, Oceanography etc.), Life Sciences (Botany, Zoology), Technologies (Nano-technologies, Information Technologies, Engineering), Computer Science, Bio-information, Economics, Political Science, Laws, Management and Philosophy etc.

## **CONCLUSION**

Economic growth has resulted in Global transformation and has been achieved at a high ecological price. Climate change, Ozone layer depletion, loss of bio-diversity, land degradation, pollution and many other challenges are being faced throughout the world. There is a need to integrate the policies and environment related laws that can meet the economic and social needs of the people and take care of environmental regenerative capacity. For strict implementation of environmental laws, participation of the public and local state governments plays a pivotal role. A commemoration of the Stockholm 1972 Conference is important as the world is still facing the planetary crises of climate change, waste management, bio-diversity loss, poverty, and illiteracy etc. A long-term systematic shift is required in the production and consumption habits towards cleaner and greener atmosphere. To conclude, sustainable development is a global phenomenon and we all share an ethical obligation to improve the lives of the present and future generations. It is about time that we catalyze thoughts and action to build the framework of equitable, strong, and effective laws needed to manage the humanity's interaction with the Earth and build a fair and sustainable society

## **CONFLICT OF INTEREST**

There is no conflict of interest.

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