

"CONSTITUTIONAL IMPERATIVES FOR SUSTAINABLE ECONOMIC GOVERNANCE"

R. Raja Shama Gayathri

Advocate

ABSTRACT

The goal of this paper is to present the current state of economic sustainability in India as it relates to the constitution and other relevant laws. In this scenario, India's economy would flourish after the COVID-19 epidemic, and there will be an increase in several legal aspects related to environmental law and constitutional law. In our short history, the concepts of economic sustainability and Indian law have developed concurrently. Today, the concept of economic sustainability is widely recognised in Indian law and has a broader international perspective. It was established at multiple international conferences. Through an article preview and material sources, this research paper aim with our legislation to focus on several aspects of economic sustainability and finding the efficiency rules associated with economic sustainability.

Keywords: *Economic growth, sustainability, Constitutional law, International Relations.*

INTRODUCTION

In India so many judicial reviews speak about the economic sustain and constitutional law and in decade we evaluated the law which is related to the economic sustain. In pandemics also once again, the judiciary made more efficiency law related to economic growth in India. covid-19 Pandemic affected all over the world, in that situation our Indian Government implemented two acts the Epidemic Disease Act (EDA) of 1897 and central government issued power under the Disaster Management Act (DMA) of 2005. These two acts were playing the major role in covid pandemic situation. The government imposed many guidelines regarding the Economic growth. After covid pandemic situation our Indian government can improved the economic status.

Economic sustainable development:

Economic sustainability is long term process in our community it means that the present generation want to preserve the nature, economic, environment and at the same time corporate contributed the CSR corporate social responsibility and was increased relating to the economic growth. The doctrine of sustain development was taken on because of the effect of industrialization on the environment. To accomplish Economic and social progression, keeping a harmony between the climate and development is relevant. There can be no advancement without the protection of the climate. Sustain development is an idea that underlines the significance of addressing the requirements of present ages without endangering the necessities of people in the future. This requires a fragile harmony between Economic, social, and ecological contemplations, with an objective of making a more supportable future for all. To

accomplish this, it is fundamental to advance the utilization of environmentally friendly power sources, rational normal assets, fossil fuel by products, safeguard biodiversity.

Historical background of economic sustain and environmental protection:

So many international conferences were conducted about economic sustainability. Among those these are certain foremost conference which protect economic sustain and economic growth

In Stockholm conference is foremost conference which speaks about the concept of sustain development and its lead to make an international agreement, treaties between the countries.

In Mexico Cocoyoc declaration was conducted by two united nation bodies namely UNEP and UNCTAD and in that the main object of this declaration is relating to Economic sustain and development schemes and suggestions.

The Brundtland Commission was a prominent gathering which laid out by the United Nation with the particular point of resolving the basic issue of sustainable development. The commission's vital report, which was suitably named 'Our Common Future,' featured the squeezing need for finding some kind of harmony between Economic Development, ecological protection, and civil rights.

The doctrine of sustain development are providing the essentials which are intergeneration equity, conservation on natural resources, eradication of poverty, environmental protection, financial assistance to developing countries and the same this doctrine have principles namely precautionary Principle, Pollutant pays principle.

Indian economy and covid pandemic:

In covid pandemic all over the world implemented the lockdown so that economic status decrease in many ways and preventive law also imposed strictly in that situation our Indian economy GDP is also decreased and the central government slowly relaxed the lockdown and introduced the digital platform into our Market and educational system was also implemented with digital platform by the Indian government to improve the economic status.

Present scenario of economic sustain and Environmental concept:

India has made significant progress in passing laws which encouraged sustainable development in recent years. In order to build a sustainable future, the nation has realised how critical it is to strike a balance between social advancement, environmental preservation, and economic growth. One illustration of India's dedication to sustainable development is the creation of the National Green Tribunal in 2010. In addition to hearing matters pertaining to environmental conflicts, this special court has the power to punish and penalise people and businesses that break environmental laws. In addition, communities that live near the forests are entitled to live there and use forest resources in a sustainable manner, according to the 2006 Forest Rights Act. India conducted the G-20 summit in 2023, where leaders from all over the world came together to prudent on the concept of sustainable development. The object was finding ways to neutralise the economic growth with environmental protection and social progress. The Indian government introduced its arrangements to advance environmentally friendly power, fossil fuel byproducts, and guarantee admittance to essential necessities like clean water and medical care. The highest point brought about a few arrangements and drives to advance sustainable development, Environmental protection instruction and public-private organizations in related to economic sustain

Constitutional perspectives towards the Environmental law and economic growth:

In India our constitutional law is starting point for the environmental law and five-year planning to develop the economic growth in our country. In Stockholm conference is incite the environmental impact in 1972. Originally our constitution is not directly exposed about the environmental aspect, after the 42nd amendment made in 1976 it introduce the protection of environment under article 48-A has directive principle state policy in our constitution and also added as fundamental duties in article 51-A(g) , fundamental right in article 21, 14,19 etc..

Article 48- A “The State shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country.”

The Amendment also inserted Part VI-A (Fundamental duty) in the Constitution.

Article 51-A (g)- It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes and wildlife and to have compassion for living creature.”

I want to go on with the other important aspect economic growth, it has a wider history in our constitution because it begins from the pre constitutional goal to India to develop the economic growth. In British era they took our entire wealth so that we started our economic growth from the initial stage. Hence our parliament implemented five years plan as economic developer plan. In our constitution is provide detail provisions relating to our economic growth including preamble, fundamental rights, fundamental duties, directive principles of state policy.

Article 41 stipulates that the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and public assistance in cases of unemployment, old age, sickness and disablement.

Judicial review relating to the Environmental and Economic Sustain

THE BHOPAL CASE: *Union Carbide Corporation v. Union of India*

In this case the supreme court speaks about the absolute liability without exception. In midnight the dangerous hazardous gas was leaked and the supreme court imposed compensation to the claimants and strict liability was convert to absolute liability.

Vellore Citizen’s Welfare Forum v. Union of India

In this case supreme court propound that polluter pay principle and precautionary principle was basic significance for sustain development. The precautionary principle was Environmental measures must anticipate, prevent and attack the causes of environmental degradation.

M.C.Mehta v. Kamal Nath and Others

Public trust doctrine was discussed in this case it was that environment was surrounded by water, air, sea, forest natural resources are wanted prevent and it is considered as public.

Bandhua Mukti Morcha v. Union of India

which authorised the utilisation of indentured labour in specific economic domains, null and void. The Court make a decision stating that the provision within the Constitution which prohibits the imposition of forced labour had been infringed upon.

M.C. Mehta v. Union of India

The supreme court issued a direction to Delhi administration, mandating the implementation of measures aimed to air pollution. The court indicating that the actions undertaken by the government were in contravention of both the constitutionally protected right to life and the wellbeing of the inhabitants of Delhi.

CONCLUSION

In India our judicial system and our constitution playing important role in growing our economic rate, even though in the covid pandemic also our government imposed many efficiencies scheme. Digital platform playing more important role in our economic growth and the same time our Indian judiciary balanced the public health, protection related to environment and also the economic growth in India. A requirement for sustainable development, which may enhance people's quality of life everywhere, is equitable and sustainable economic growth. More and better work possibilities as well as more financial stability for everybody can result from economic progress.

REFERENCE

- [1] https://moef.gov.in/wp-content/uploads/wssd/doc4/consul_book_persp.pdf
- [2] <https://documents1.worldbank.org/curated/en/614651468765582440/pdf/multi0page.pdf>
- [3] https://www.researchgate.net/publication/370635644_A_STUDY_ON_CONSTITUTIONAL_PERSPECTIVE_AND_ENVIRONMENTAL_PROTECTION_IN_INDIA
- [4] <https://www.indianbarassociation.org/wp-content/uploads/2013/02/environmental-law-article.pdf>
- [5] https://shodhganga.inflibnet.ac.in:8443/jspui/bitstream/10603/469937/6/06_chapter%203.pdf
- [6] <https://www.shivajicollege.ac.in/sPanel/uploads/econtent/abff7abe108cb9996992f15088341247.pdf>
- [7] https://www.presidentofindia.gov.in/pranab_mukherjee/sites/default/files/2023-06/sp18-190918_1.pdf
- [8] <https://legalvidhiya.com/the-doctrine-of-sustainable-development-and-the-law-related-to-it/#:~:text=The%20doctrine%20of%20sustainable%20development%20aims%20to%20meet%20the%20present,social%20equity%2C%20and%20environmental%20stewardship.>
- [9] <https://www.jstor.org/stable/2706353>
- [10] <https://www.weforum.org/agenda/2021/11/india-s-future-and-role-in-the-post-covid-19-world/>
- [11] <https://www.rbi.org.in/scripts/AnnualReportPublications.aspx?Id=1315>
- [12] <https://www.lawctopus.com/academike/role-indian-judiciary-protection-environment-india/>
- [13] <https://book.iledu.in/wp-content/uploads/2023/09/67.pdf>
- [14] AIR 1990 SC 273
- [15] AIR 1996 SCC 212.