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Tracing the Impact of Law in the Process of Obtaining Economic Sustainability

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ABSTRACT

Economic Sustainability has a broader meaning, not restricting itself within the scope of economy. Rather, it extends to the level of individuals, to society; from a prescribed environment to a larger ecology, as this Earth as a whole. Sustainable use, and reuse of the material resources available in this world, leads to a sustained economy. And for achieving the same law, plays as a regulatory tool. This research paper analysis the all-possible means of law in regulating and covers a qualitative response of scholars, and academicians, specialised in law.

Keywords: *economic sustainability, three components of economic sustainability, law and economics, economic transformation*

I. INTRODUCTION

“We must realize that when basic need has been met, human development is not primarily about being more not having more”

The development of human initiates with the development of their wellbeing and their economic growth. Sustainable development is discussed, individual both educated and uneducated are the part of the society to access the harmonious growth for their livelihood. Generally, for anything to happen, there is a need of undeniable cooperation of three components – the human, society and nature. The term *anything*, can be effectively replaced with all desirable ends such as, economic sustainability, economic harmonization, equal distribution of money, etc. “Sustainable development is means that nothing but which meets the needs of the present, without compromising the ability of a future generation to meet their own needs”

The legal Framework for this development places the vital role in the state these legal frameworks are the great kings to rule regular and achieve the harmonious sustainable development. Many kinds of statues and policies are framed for the growth and development

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of sustainable economic as well as individual group. So, with the eyes of the scholars, and academicians, who are the future analyst and the policy makers, let we know what are legal frameworks are there to promote and develop this aspect and what are the changes to be made in those statutes or policies for the upliftment of harmonious development.

A. Literature Review

The author K. C. Roy and C. A. Tisdell in their research paper have mainly pointed the suggest as "good governance" which governs our federal structure. They said that good governance is most important than implementation of economic policies. The main Motive of this is to achieve the desired result with the people of the grassroot where it fails in their research 1995. So governing the people with the proper implementation result in Sustainable Development.

Macro Rieckmen in his contribution in UNESCO Publication insisted these sustainable economic goals of 2030. Through Education for sustainable development (ESD) which includes the whole institutional approach (governance policy and capacity building, facilitates School operations, curriculum teaching on learning etc). This combinedly achieve the sustainable development in the world for promoting educational process.

The author A. D. Basiago Developed the concept of "urban sustainability" which promotes the (rural as urban). this mainly suggested that economic sustainability request planning for people making the city “greener” and hence its livable for the people. the three main compound which can be achieved app through this or economic social and environmental sustainability

B. Objectives

1. To establish the relationship between the Economic sustainability and the Economic transformation.
2. To list out the components of Economic sustainability
3. To understand and illustrate the role of LAW in obtaining economic sustainability by fulfilling all its components

C. Methodology

The research paper moves with a doctrinal analysis of previously published research papers, articles, etc. as well, the non-doctrinal part runs with a purposive sampling method, where scholars and academicians specialized in law are concentrated and have collected responses

from 30 respondents, through google questionnaire as well as, schedule method. They have a minimum qualification in law, and have learned law for at least of 5 years.

TABLE 1: SAMPLE COMPOSITION

Age	No. of Respondents	Number of Years of learning experience	No. of Respondents
Below 30 years	15		
Above 30 years	15		5 to 10 years
			11 to 15 years
			16 to 20 years
			30 years
Gender	No. of Respondents		
Male	15		
Female	15		
Source: Computed			

D. Limitations

1. The research involves a qualitative response collected from legal scholars, and academicians, whose are limited in number.
2. The sample space is limited with people specialized in law.

II. ECONOMIC SUSTAINABILITY AS A DISH

As how the word economics, does not necessarily mean money, but also beyond money, similarly, the concept of sustainability is not restricted to environment. Economic sustainability thus refers to the maintenance of human environment, where the three inter-relying capitals – social capital, human capital, and natural capital – act as the main ingredients in this dish of economic sustainability, which goes through a (cooking) process of economic transformation – essentially the development of human economic system. The benefits obtained from the resulted dish is uncountable such as reduction of income gap among people, equal distribution of resources, food security, reduction of pollution, proper way of waste disposal, increase in living standards of human beings, etc.

If research, and science are the recipe makers, then law clubbed with its wing of administration, is the regulator of all these makers. Consumers are ultimately, the subjects of the legal system and, obviously the consumers are given with various options and varieties in

the recipe. And here, as a sovereign of its subjects, law has a two-fold duty. One, to make sure that people are left to choose among all the possible options and two, people are directed towards the optimistic means of obtaining the ideal dish of economic sustainability.

As Douglas, has summarized Daly's steady-state economy, have explained that, the two determinant factors of human economy are the human population and the per capita material resource usage. It is the availability of the resources that decides the working efficiency of the available human resources and capital. The increase in labour and capital, results an increase in the production, but with a threshold being the available resources. And that is where the determinant factors are inversely proportional, to maintain the steady status of economy. But the reduction in per capita material usage does not necessarily mean the degradation in the living status of human beings, yet a shift towards a more sustainable option, such as a shift from a non-renewable resource to a renewable resource.

Law can be defined as a tool for regulating these two components in order to sustain within the threshold limit, with all possible economic transformations. Law indeed reforms the three ingredients – maintenance of the natural resources, which withstands the subsistent availability of the natural capital; restricting and streaming the human activity, which makes the maximum and optimum utilization of human capital; and preserving a harmonious economic transformation, which retains the social institutions and capital, from detriment. Thus, the collective role of law in all these three ingredients together produces the intended dish of economic sustainability.

A. Three Ingredients

i. Natural Capital

The three ingredients as stated above are the natural capital, human capital and the social capital. All these capitals are processed together in such a way that obtaining sustainability in it, as an aggregate constitutes economic sustainability in the society. Firstly, taking natural capital into account, also known as, national resources, can be classified into two – as renewable and non-renewable resources. Shifting from non-renewable resources to renewable resources, is a major transition towards which the entire world is moving on and what is terms as green energy. While doing so, law plays a key role in reduction of usage of these non-renewable resources as well, in promoting research and invention in renewable resources, through strong IP laws in the state.

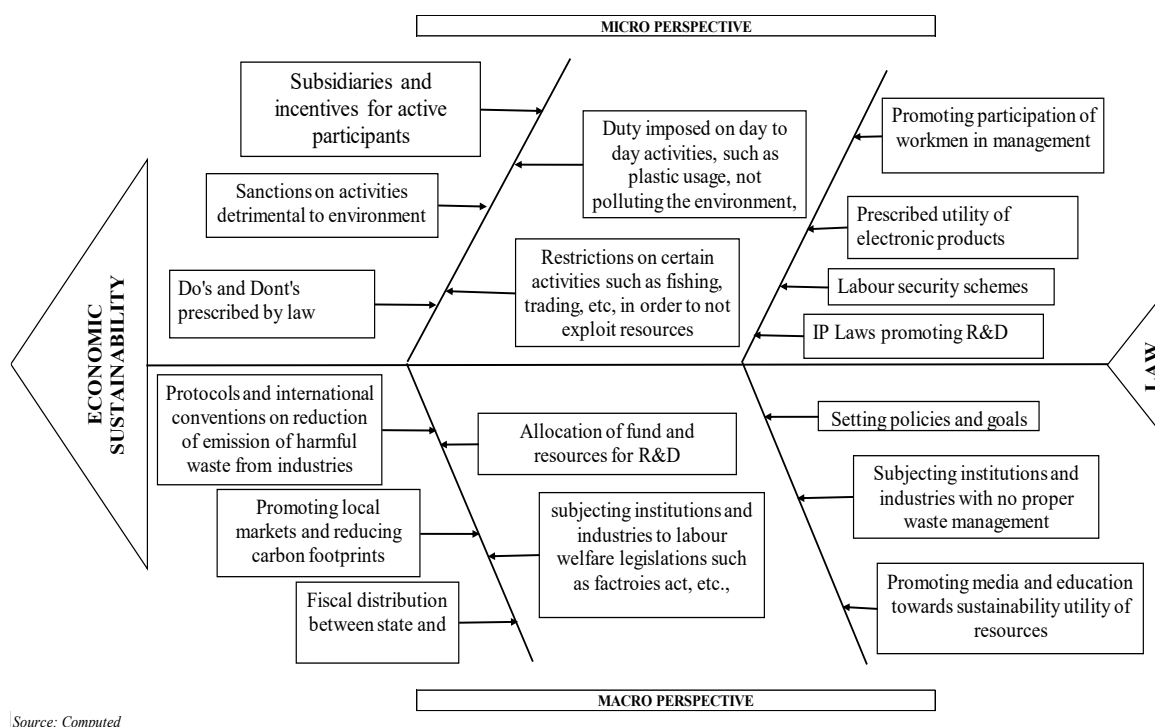
ii. Human Capital

The second ingredient, Human Capital, consists of the labour capital of the labourers, who are inclusive of professional, skilled and unskilled labours; educated and uneducated labours; organized and unorganized sector. The group of society contributing labour should be protected from exploitation and, there must be promotion of welfare of labours, as enshrined under Article 38, 39(b) and (c), Article 23 and 25. For guaranteeing such a welfare society, sustainable utility of human resources, various schemes and legislations have been enacted. Considering the public servants, we have Article 311, which constitutionally ensures that their right to natural justice is not deprived of. In case of organized sector of labour, we have social security measures both as insurance as well, assistance. Considering unorganized sector, the availability of various executive measures and schemes such as, MGNREGA, PM Shram Yogi Maandhan Yojana, etc.,

iii. Social Capital

Thirdly, we have the social capital, where a society is taken as such, where we concentrate on the development of human race as a community, as a whole. This development, through an economic transformation, when reaches sustainability, contributes for the ultimate economic sustainability. When a community of human beings comes into a play, there comes a common intention(s) and the society is structured in respect of such dominant common intention. Even the resultant, unequal distribution of wealth, gap between the rich and poor, accumulation of wealth in one's hand, existence of a particular type of economy such as capital, or mixed or nationalized, etc.,

Similarly, the same intention has created the institutions needed to fulfil the inter-dependency of people. These institutions characteristically, could social, economic or political or religious institution, running with a common goal to satisfy the human needs and wants. It could be characterized with or without profit; with or without production or manufacturing; with or without goods and services involved. On the whole, is a society, which makes use of the natural resources and the human capital to obtain sustainability, also in turn, contributes for their sustainability also.



Source: Computed

Law as a factor of regulation (Fig. 1)

Figure 1, gives a non-exhaustive list of circumstances whereby, law plays a role in making up economic sustainability, by regulating the three ingredients – the natural resources, societal capital, and human capital – which was derived by the method of brainstorming. The method of implementing these regulations is two-fold, one is the macro-perspective and the other, the micro-perspective. For example, generally law imposes sanctions and penalties in case of both macros, as well micro level, upon individuals, institutions and other persons who deviate from the duty imposed by law, towards the protection of environment, restricted accumulation of wealth and resources, etc., Various affirmative measures include the income tax imposition, usage of electronic applications in a prescribed form within the limits, promoting the system of licensing for industries, in order to maintain labour welfare and environmental protection.

B. Judicial verdicts

The courts are often raised with the question as to whether the need for economic development can supersede the environmental demands. In the case of *T.N Godavarman Thirumulpad (87) v. Union of India and others*, (2006), the court explicitly mentioned that forest is a resource which promotes economic sustainability and also referred to the doctrine of public trust, whereby everyone in this world has an obligation to take due care of the resources, which is indeed gifted by the Almighty and everyone is a trustee to this public trust. The participation of public in the process of identification of forest lands have been

recognised, while citing the fact that, many a times, the tribal people have opposed the government policies that allow the traditional land exploitation, which in turn affects the economic and spiritual fabric of their culture (*Lafarge Umiam Mining (P) Ltd. v. Union of India, 2011*).

The thesis by Dhivani Mehta, was noted by the court in *Hanuman Laxman Aroskar v. Union of India, (2019)*, while analysing the rule of environmental law, whereby he mentioned that the effective implementation of the three wings of the government. the court made a significant note on the economic utility of resources in relation with the environmental protection, by highlighting the importance of Environmental Impact Assessment. The court also, reserved the hand in protection and development of both economy and environment .

Having said the natural capital, the judiciary has also indicated the importance of welfare of the labour community, whereby the court states the importance of the Industrial Disputes Act, 1947, that it promotes fair treatment of labourers and establishes industrial peace, which in turn is the sine qua non for sustained economic growth of any country. When labour is concerned, it includes not only the public servants, organised and unorganised labourers in the three economic sectors of the society – service, industrial and agricultural – but also, the homemakers and household work, whose contribution in making a sustained household also, supply a labour to the country's economy.

III. DATA ANALYSIS AND FINDINGS

40 percent of the respondents have stated that in India there is no effective functioning of the laws oriented with economic sustainability and also there is inefficient implementation of the same. 40 percent of them, state there is effective functioning of such laws, but reason for such effective functioning is not the strong implementation of it. Thus, 80 percent of the respondents state, there is no effective implementation of the legislations in India. But before getting into the foregoing result, the important concept is, what economic sustainability is, in the respondents' perspective. Only 50 percent of the respondents have a clear view that economic sustainability involves the three components. (Refer table 2)

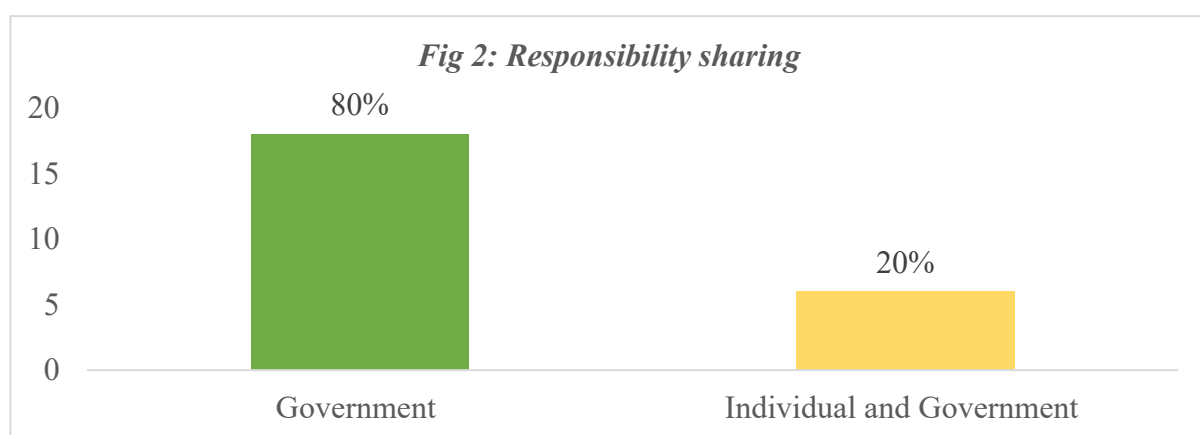
<i>Table 2: Defining Economic Sustainability and related laws</i>		
<i>Statement</i>	<i>True</i>	<i>False</i>

Economic sustainability means sustainable existence of the environmental resources, flow of money and human resources	15 (50.00%)	15 (50.00%)
Laws addresses economic sustainability in all these three perspectives.	18 (60.00%)	12 (40.00%)
<i>Source: Computed</i>		

But a simple majority (60 percent) of the respondents agree that law addresses economic sustainability in all these three dimensions. Mapping the same opinion of respondents about how far, law addresses economic sustainability in these three dimensions, through likert scaling method, we get 0.56 point. Which shows that almost every respondent has a neutral opinion about how far law is addressing economic sustainability. It is still a positive sign.

Source: Computed

Figure 2 represents the opinion of the respondents as to who has the responsibility to create sustainable economy. Only 20 percent of the respondents have insisted that both individuals as well government has a responsibility over it. specifically, people with 5 to 10 years of learning experience in law and one respondent with 30 years of learning experience, have insisted the role of individuals in obtaining a economic sustainability, though government has



a duty explicitly imposed on it to enact, execute and interpret such laws.

IV. SUGGESTIONS

A. Sustainable Development as a Subject

In schools, from Class VI to X, sustainable development should be included as a separate

chapter in any one of the subjects, and instead of making it as a self-learning chapter, students should be given internal assessment from that chapter, mandating them to present a project or any other, of that sort. These assessments, as a softcopy, should be attached with the EMIS details of the students.

The same pattern of evaluation – a project and included in EMIS – can be followed in Class XI and XII. Yet, this time, it should not be a chapter, rather a subject. This should be made a compulsory paper, regardless of the group they have selected. All the 17 SDGs should be shuffled as syllabus for students, explaining its principles, in a student level. \

This, period, would give more of socializing and globalizing approach. This approach makes one to think more and understand more. It also develops one's inner confidence. Building up of this young society, promotes research and development. Students should be left to their imagination in their projects. The project need not abide the Natural Laws or scientific calculations. Their level of imagination should be encouraged by teachers.

B. Centralized Forum

There should be one centralized forum, which takes record of all the project works of the students from schools, which they do for their internal assessment as mentioned earlier.

C. Individual Management

Subsistence is more of management oriented. There must be individual level training and awareness about management money, their material resources they have, such as water, air, land, flora and fauna, etc.,

D. Governance of Subsidies and Concessions

There are more concessions and subsidiaries given by the government to lift the living standard of people. Yet, this culture, becomes a social fact, which formulates human beings in such a way that they are used to think that they are deserved to obtain whatever, in free, the government gives, regardless of whether they need it. Thus, people and government have a contributory duty and responsibility imposed here. This duty should be carried on with caution.

E. Tangible Implementation

Whenever, a scheme to improve the economic status of human beings are imposed, it is expected that those schemes should have a tangible means through which it reaches people. In fact, through tangible means, it reaches a large number of people.

V. CONCLUSION

Thus, we conclude that, economic sustainability, has three ingredients in it, - natural, human and society. Law plays a key role to improvise all these three ingredients in order to promote economic sustainability. Yet, 50 percent of the well-educated section of the society, tend to differentiate economic sustainability, from environmental sustainability. As well, majority of the scholars, have a neutral opinion on the presence of law, in these three ingredients, as well, scholars have a opinion that, though there is law, there is no proper implementation of it.

Yet, only 20 percent of the scholars, have indicated that attaining economic sustainability as the responsibility of both individual government and the rest, rests the responsibility over the government. Thus, the research paper, started with explaining economic sustainability as a dish, explaining its three ingredients, and mentioning the impact of law in it. The second half of the research paper, analyses the data collected from research scholars and academicians in the discipline of law, whereby, the implementation system of law was highlighted.

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VII. QUESTIONNAIRE

1. In perspective of economy of the country, what is law?
 - a. It regulates the flow of money.
 - b. It is a tool to reduce the gap between the rich and poor
 - c. It promotes the economic status of a human being
 - d. It makes sure that the material resources are equally distributed among people, including money, and other material resources
 - e. Other _____

2. Statement 1: Economic sustainability means sustainable existence of the environmental resources, flow of money and human resources.

Statement 2: Laws addresses economic sustainability in all these three perspectives

- a. Both statement 1 and 2 are true
 - b. Both statement 1 and 2 are false
 - c. Statement 1 is true but statement 2 is false
 - d. Statement 2 is true but statement 1 is false
3. Statement 2 in question number 2, is true.
 - a. Strongly Agree
 - b. Agree
 - c. Neutral
 - d. Disagree
 - e. Strongly Disagree
4. Statement: Laws (in the genre stated above) are effectively functioning
Reason: India has a strong implementation system
 - a. Statement is true but reason is false
 - b. Statement is false but reason is true

- c. Statement and reason both are true
- d. Statement and reason both are false
- 5. Such economic sustainable laws include,
 - a. Social Welfare schemes (concentrating the working sector of the society)
 - b. Resources utility regulations for industries, factories and consumers (industrial policies, competition policies, trade policies, etc.,)
 - c. Land reform laws
 - d. Anti polluting laws (environmental protection laws, forest act, biodiversity protection acts concentrating on flora and fauna, etc.)
 - e. Income Tax Act, Money Laundering Act, etc.,
 - f. Other_____
- 6. Who has the responsibility to enforce such laws more effectively?
 - a. Individuals
 - b. Government
 - c. Macroeconomic units
 - Other_____
