
ENVIRONMENTAL POLICIES IN INDIA : AN ASSESSMENT

Dr. Shilpi Deep Mathur, Lecturer,
Department of Chemistry,
Rameshwari Devi Girls College, Bharatpur, Rajasthan (India)

ABSTRACT

The world has realized the importance of being sensitive to the damage caused to the environment by the impact of human activities. The increasing population and economic and technological development have led to greater impacts on the environment. Though developed countries have the major impact on the global environment, developing countries cannot ignore the damage they're inflicting in their natural resources either. Since 1970s, India has been developing various policies and legislations to safeguard the environment, but their implementation and impact has been limited due to shortcomings in these policies.

INTRODUCTION

The United Nations Conference in Stockholm on Human Environment (1972) was UN's first major conference focusing on the environment and sustainability. It led to the creation of United Nations Environment Programme (UNEP) to protect the environment and promote sustainability (WCED, 1987). The importance of environmental conservation and economic development being interdependent was mentioned in its final declaration. This marked a shift in global environmental policies, and its influence was felt in India as well.

The next important event influencing environmental policies was the Rio Conference held in 1992 (United Nations Conference on Environment and Development, 1992). The conference focused on preserving bio-diversity and reducing greenhouse emissions. A major drawback of the guidelines and principles of the conference were that they weren't legally binding and hence countries didn't necessarily have to implement the recommendations. (Bal, 2005)

These two international events, along with the Bhopal Gas Tragedy of 1984, marked significant milestones in Indian environmental policies as well and can be used to differentiate the periods of environmental policy-making in India.

ENVIRONMENT AND INDIAN TRADITIONS

Indian Vedic tradition has multiple references to the environment, weather cycles, forces of nature, and related phenomena.

Vedic deities were elements of nature: Varuna, Indra, Mitra, Aditya and Maruts. Mountains, lakes, forests, trees and rivers were venerated and this reflects some level of awareness about their significance for human existence. (Sharma, 2009)

For projects leading to usage of natural resources, prayers were offered for nature's recovery. These traditions carried through the middle ages up until the modern era, and continue to be a part of Indian traditions even today. In the backdrop of these, the government also enacted several legislations and initiated projects to preserve the environment.

INDIAN ENVIRONMENTAL POLICIES

Prior to the Stockholm Conference Indian constitution did not mention environmental protection in any of its directive principles of state policy, which guide policy-making in India.

In 1972, the National Council for Environmental Planning and Policy was setup, and later evolved into the Ministry of Environment and Forest (MoEF) in 1985.

In the 42nd Amendment of the Indian constitution in 1976, Article 48A was added to the Directive Principles stating: "The State shall endeavor to protect and improve the natural environment and safeguard the forests and wildlife in the country". (Article 48A) 'Forests' and 'Wildlife' were moved from state list to the concurrent list.

The environmental policies of India can thus be divided into the following periods:

1. Pre-independence to 1972
2. 1972 to 1984
3. 1984 onwards

Pre-independence to 1972 –

The following Acts were enacted in this period:

- a. Bombay Shore Nuisance Act (1853)
- b. Elephants' Preservation Act (1879)
- c. Fisheries Act (1897)
- d. Factories Act (1897)
- e. Bengal Smoke Nuisance Act (1905)
- f. Bombay Smoke Nuisance Act (1912)
- g. Wild Birds and Animals Protection Act (1912)
- h. Forest Act (1927)
- i. Factories Act (1948)
- j. Mines and Minerals (Regulation and Development) Act (1957).

While, these covered multiple environmental issues, economic development was always the focus while environmental considerations were secondary.

1972 to 1984-

The impact of the Stockholm Conference, which had highlighted environmental resource conservation, resulted in the following legislations during this period:

- a. Wildlife (Protection) Act (1972): was enacted to preserve animals and birds in forests by prohibiting poaching, and allowing state governments to declare areas as Wildlife Sanctuaries and National Parks
- b. Water (Prevention and Control of Pollution) Act (1974): Led to creation of Central and State Pollution Control Boards (CPCB and SPCBs) to maintain cleanliness of rivers, streams and wells
- c. Air (Prevention and Control of Pollution) Act (1981): Defined air pollution and entrusted CPCB and SPCBs to implement the Act
- d. Forest (Conservation) Act (1980): Focused on preventing deforestation, and preventing non-forest use of forest lands.

These Acts clearly reflect the Stockholm conference's impact on the direction of environmental policy-making in India. While the major aspects of the environment were all covered in these Acts, they were still in silos and not looking at the environment as a whole.

1984 onwards-

Post the tragedy at Bhopal, policy-makers shifted focus towards developing a comprehensive legislation for the environment. This led to the following acts:

- a. Environment (Protection) Act (1986): This extended to entire India, and was a step towards improving coordination between different regulatory agencies and in the immediate aftermath of the Bhopal Tragedy the Act also focused on regulating discharges, hazardous substances and disaster response.
- b. Motor Vehicles Act (1988)

-
- c. National Environment Appellate Authority Act (1997)
 - d. National Environment Tribunal Act (1995).

The National Council for Environmental Planning and Policy, became the Ministry of Environment and Forest in 1985. The ministry also came out with a policy statement in 1992 for abatement of pollution and National Conservation Strategy. An Environmental Action Programme was also formulated in 1993 to integrate environmental objectives with development oriented programmes.

The Policy (MoEF, 1992) adopted these guiding principles:

1. Prevention at the source
2. Adopting available technology
3. Polluter pays principle to be adopted
4. Public participation.

National Environmental Policy (2006)

- a. It was an initiative in strategy-formulation for environmental protection in a comprehensive manner.
- b. It aimed at taking into account factors responsible for degradation of land and suggested remedial measures required. Factors included in the policy were fiscal, tariffs and sectoral policies, owing to the unintentional impacts of these resulting in land degradation.
- c. The remedial measures comprised of traditional land use practices to be implemented in combination with science-based techniques including pilot-scale demonstrations, large scale dissemination, adoption of multi-stakeholder partnerships, and promotion of agro-forestry, organic farming, environmentally sustainable cropping patterns and adoption of efficient irrigation techniques.

- d. It mandated Environmental Impact Assessment and environment management plans, detailed public hearing and a project report to the impact assessment agency for clearance. There was scope for further review by a committee of experts in certain cases and public hearing. (Sarkar, 2014)

Assessment of these Policies

As can be observed from the progression of the policies from each period, these policies have mostly been created to fulfill the immediately observed requirements of the political/environmental landscape rather than being visionary and comprehensive. The following major drawbacks can be observed in these policies:

- a. The regulatory organizations aren't empowered to take action on the offenders but only take the said parties to court. The parties usually can take stay orders and continue production
- b. For new projects which require environmental impact assessments, these activities aren't comprehensive and often delayed
- c. The departments entrusted with duties under different acts work in silos and have limited powers. (Vyas & Reddy, 1998) In many cases, they're not equipped with enough resources to conduct a full and comprehensive scientific analysis of various projects
- d. Environmental concerns: their costs and benefits aren't incorporated into national statistics, and damage to natural resources isn't be priced by the government. Macro-policies are still independent of environmental policies and concerns

CONCLUSION

While policies have been there for some time now, India needs to develop them in a more comprehensive manner. The gap between practical implementation and theoretical policy needs to be addressed by inculcating environmental costs/benefits into overall macro-policy frameworks. The authorities dealing with different aspects of environmental concerns need to better coordination to ensure there's no work-overlap and also no blind-spots in their

assessments. The National Environment Policy was a step in the right direction but much more work is needed to ensure sustainable development of India.

REFERENCES

1. Article 48A. (n.d.). The Constitution of India.
2. Bal, A. S. (2005). An Introduction to Environmental Management. Himalaya Publishing House.
3. MoEF. (1992). Policy Statement for the Abatement of Pollution.
4. Sarkar, D. N. (2014). Environmental Policy of India. Asian Review of Social Sciences, 17-20.
5. Sharma, K. N. (2009, June 30). Vedic perspective on environment. Retrieved from Times of India: <https://timesofindia.indiatimes.com/Vedic-perspective-on-environment/articleshow/4613346.cms>
6. United Nations Conference on Environment and Development. (1992). The Rio Declaration on Environment and Development.
7. Vyas, V. S., & Reddy, V. R. (1998, January 10). Assessment of Environmental Policies and Policy Implementation in India. Economic and Political Weekly, pp. 48-54.
8. WCED. (1987). Report of the World Commission on Environment and Development: Our Common Future