

Environmental Policy in India

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Introduction:-

Life is precious. It has to be preserved. This is possible only if a holistic approach towards environment is adopted. At the world level and primarily it is the duty of every individual of the nations who pollute environment most.

It is said and truly so, that living beings are the product of their environment. A good environment helps all round development of one's personality and a bad environment inhibits its development. It affects living beings both directly and indirectly. Environment is a complex subject. It is science. It is a management. It is law. Knowledge of environment i.e. knowledge of surrounding is the basic need of human being. Hence everything combined in one.

The cultural & religious heritage of Indian shows a deep concern for the protection and preservation of the environment. India is a land of rites and rituals. Almost all major religions of world are represented in India. All these religions realised the proximity of mankind with nature. All religions regulated the conduct of mankind in such manner which was conducive to nature and not adverse to nature.

In order to prevent pollution of environment, in order to conserve and preserve it healthy, one must have the understanding of basic principles ecology, and the steps which have been taken which are being taken and which are ought to be taken for purpose.

A) Readings from Ancient India:

The term "Environment" in Sanskrit is "Pasyavarana", which literally means, "Pari-aavarana", i.e. external covering or thing encircling or encompassing human existence. Almost all vedas especially Rigveda tells us about the harmonious existence of man & environment by suggesting an ecosystem where welfare of which depends on the other. Rigved also fixes the relations of man and environment within the ethical frame work coming from within and also fixes the responsibility and accountability of man to environment.

Upanishadas also reinforce this idea in following passage : "From the various organs of the heated body of the cosmic Purusha fire, consciousness, sun, moon, directions, herbs, vegetation, etc. were born. This separation was removed by the supreme being by allowing these gods (Sun, moon, etc.) to permanently reside in the corresponding parts of human body".

In short, vedic religion and philosophy emphasised upon the reverence if natural elements particularly air, fire, water and earth. Specific rituals were performed by human beings to show their indebtedness to these human to these elements for their survival.

The Yajna or Sacrificial fire, apparently done to worship one or the other deity, also help in purifying the air and thus keeping the environment healthy. Sholka 140 chapter 03 of Shri Bhagwat Gita explains that the blood and the semen is chemical transformation of the

cereal consumed. From the seminal sperm creature are begotten. But the cereal grows because of water that rains and the rains are brought about through the sacrificial fires.

Manusmriti also mentions about the optimum use of the natural resources. The Mahabharata and Padma Purna mention that those who sacrifice cattle are also doomed to prediction. Cruelty towards animals has been condemned. It is stated that the killer of the cattle is doomed to die as many times as there are hair on the skin of the cattle. It is further stated that even after death, he shall have no peace.

B) Reading from Different Religions:

In Hinduism, we find that from Vedic period, the environment was part of ethos of ancient people. Hinduism considers the nature as 'body of God'. Thus different aspects of nature plants (Tulsi, Trees, Peepal, Vad), birds (Garuda, Peacock) and animals (cow, lion) are worshiped. Thus the nature has been directly interconnected with religion and religion had a direct effect on the conservation and protection of environment.

The basic tenets of Buddhism are simplicity and ahimsa or nonviolence. Both these principles of Buddhism are of great importance³ in the conservation and protection of natural environment. The principle of simplicity teaches us that man should not overexploit the natural resource. In Buddhism, we also find emphasis on tree plantation and their conservation.

The basic thrust of Jainism is on the minimum destruction of living and non-living resources for the benefit of man. People following Jainism also believe in the principle of simplicity and ahimsa i.e. protecting plants and animals as well as proper use of natural resources. In short, Jainism also favour protection of environment and preserving the nature.

The Holy karan declares that everything is created from water. Thus there is a significance if purity of water. Alah's considered to be the owner of land and mankind is the trustee or guardian where other living creatures are considered to be the beneficiaries.

Christians are baptized in water, as a sign of purification. Pope Poul VI, in his message to the United Nations Conferece on the Human Environment held at skockholm in June 1972 stated that the environment and resources are for everyone; they are inalienable properly discretionary sovereignty excepting from responsibility towards the humanity of today and tomorrow.

According to Sikh Religion, every creature to be the incarnation of God and hence conservation and preservation are essential principles. Guru Granth SahibJi also emphasizes that the human beings are composed of five basic elements of nature i.e. air, earth, water, fire and sky. Thus those relationship between nature and mankind has been recognized.

In short, from above, it is very clear that, every religion recognized environment and favours protection of environment.

C) Kautilyan Jurisprudence :

Kautilya gives important guidelines regarding environmental laws and policies. Some important guidelines are discussed below:-

- 1) State to maintain forests: - The ruler shall not only protect produce forests, but also set up new ones.

- 2) Selling of trees: - For cutting the trees without legal ground, the fine shall be from four panas to twelve panas.
- 3) Damaging Forests: - For damaging forests adequate fix fines and compensation to believe on those who cause any damage to productive forests except in calamities.
- 4) Protection of wild life: - The superintendent of slaughter-house shall punish, with the highest punishment to a person for killing or injuring deer, bison, birds or fish which are declared to be under state protection.

D) Early Environmental Legislation:

The Shore nuisance (Bombay and Kolaba) Act of 1853, one of the earliest laws concerning water pollution, authorised the collector of land revenue in Bombay to order the removal of any nuisance below the high-water mark in Bombay harbour. In 1857, an attempt was made to regulate the pollution produced by the Oriental Gas Company by imposing fines on the company and giving a right of compensation to anyone whose water was ‘fouled’ by the company’s discharges.

The Indian Penal Code, enacted in 1860, imposed a fine on a person who voluntarily ‘fouls the water of any public spring or reservoir’. In addition, the Code penalized negligent acts with poisonous substances that endangered life or caused injury and proscribed public nuisances. The Indian Easements Act of 1882 protected riparian owners against ‘unreasonable’ pollution by upstream users. The Indian Fisheries Act passed in 1897, penalised the killing of fish by poisoning water and by using explosives. Legislative provisions regulating the discharge of oil into port waters and prohibiting the poisoning of water in forests were also enacted prior to independence.

Two early post-independence laws touched on water pollution. Section 12 of the Factories Act of 1948 required all factories to make ‘effective arrangements’ for waste disposal and empowered state governments to frame rules implementing this directive. Second, river boards, established under the River Boards Act of 1956 for the regulation and development of inter-state rivers and river valleys, were empowered to prevent water pollution. In both these laws, prevention of water pollution was only incidental to the principal objective of the enactment.

In the field of wildlife protection, early legislation was limited to specific areas and particular species. In 1873, Madras enacted the first wildlife statute for the protection of wild elephants. The law introduced a general prohibition on the destruction of wild elephants. The law introduced a general prohibition on the destruction of wild elephants and imposed a penalty on those who violated the embargo. The first effort by the Central Government came six years later with the passing of the Elephants’ Preservation Act of 1879. In 1887, the Centre enacted the wild Birds Protection Act Prohibiting the possession or sale of wild birds recently killed or taken, during notified breeding seasons.

In 1912, the Central Government enacted a broader Wild Birds and Animals Protection Act. Extending to most of British India, this law specified closed hunting seasons and regulated the hunting of designated species through licences. Indeed, all the statutes related primarily to the regulation of hunting and did not regulate trade in wildlife and wildlife products-both major factors in the decline of Indian wildlife. As a consequence, wildlife predation continued and many species become extinct.

Early legislative efforts were piecemeal and inadequate. Not until the 1970s did the Central Government begin enacting comprehensive environmental laws. The next set of readings trace the transformation in government policy, from environmental indifference to environmental concern, that guided India into an era of comprehensive environmental regulation.

Role of Government:

The main policy and rule making powers in environmental matters lie with central government. Central government plays a part in environmental matters in many ways. Historically, the responsibility for many important environment functions such as pollution control and planning lay with one major department. There has been a Department of the Environment since 1970, although prior to that other Department such as Housing and Local Government had dealt with relevant areas such as Town and country Planning.

E) Role of Local Authorities:

The local authority is normally the local planning authority. This means that it is responsible for the making of development plans and for control of development. The powers also incorporate responsibility for related matters, such as tree plantation, preservation, listed building protection, conservation areas, hazardous substances, etc.

All local authorities undertake a wide variety of tasks in relation to environment as issues.

F) Policy Since The MID 1980s:

The continuing decline in the quality of the environment, together with the tragedy at Bhopal in which a leak from a pesticide factory killed more than 2,500 people and injured several thousand others, has spurred the Central Government and a few state governments to adopt stronger environmental policies, to enact fresh legislation and to create, reorganize and expand administrative agencies.

In December, 1988 the Union Ministry of Environment and Forests constituted a committee to recommend a framework and an action plan for the conservation of resources. The Committee, which was comprised of eminent plan for the conservation of resources. The Committee, which was comprised of eminent scientists, journalists, environmentalists and senior bureaucrats, prepared a draft policy statement for a national conservation strategy and invited comments and suggestions on the draft from hundreds of respondents across the country. After assimilating the responses received from governmental and non-governmental organizations, the committee submitted a report to the Union Government in April 1990. Based on the recommendations of the committee, the Government of India adopted a National Conservation Strategy and Policy Statement on Environment and Development in June, 1992 (NCS). The preamble to the NCS adopts the policy of 'sustainable development' and declares the government's commitment to re-orient policies and action 'in unison with the environmental perspective'. The NCS proceeds to recognize the enormous dimensions of the environmental problems facing India and declares strategies for action in various spheres such as agriculture, forestry industrial development, mining and tourism. Special sections in the NCS deal with the rehabilitation of persons ousted by large development projects; the

role of non-governmental organizations; and the special relationship between women and the environment.

In February 1992 the Union Government published its policy for the abatement of pollution. This statement declares the objective of the government to integrate environmental considerations into decision-making at all levels. To achieve this goal, the statement considers into decision-making at all levels, (i) prevention of pollution at source; (ii) the adoption of the best available technology; (iii) the polluter pays principle; and (iv) public participation in decision making.

G) National Environment Policy of India 2006:

The National Environment Policy of India in 2006 was built on the existing policies, such as National Forest policy 1988; National conservation strategy and policy Statement on Environment and Development, 1992; and the Policy Statement on Abatement of Pollution, 1992' National Agriculture Policy, 2000; National Population Policy 2000; National Water Policy, 2002 etc. This revised national policy is intended to be a guide to action: in regulatory reform; programmes and projects for environmental conservation; review and enactment of legislations by Central State and Local Government.

Main theme of national policy is primarily recognizing the fact that the conservation of environmental resources is necessary to secure livelihoods and well-being of all. The most secure basis for conservation is to ensure that people dependent on particular resources obtain better livelihoods from the fact of conservation, than from degradation of the resource. The policy also seeks to stimulate partnerships of different stakeholders, i.e. public agencies, local communities, academic and scientific institutions, the investment community and international development partners, in harnessing their respective resources and strengths for environmental management.

Conclusion:

India has inherited a high cultural of tolerance, non-violence, equality and compassion of nature, animates, objects and as a part of daily life and is synthesised with religion. It is evidently clear that religious teachings, the social and political norms and economic policies treated man as a part of nature not as a modular to it.

There are numerous bodies which are responsible for the administration of environmental law and policy. One of the major challenges of recent years has been to integrate environmental considerations across those different bodies. Integration can be achieved by promoting the consideration of environmental issues across all policy areas or internally by drawing together regulatory responsibilities for different environmental emissions with one single authority.

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