

India's Environmental Policy

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Abstract

Environmental security offers an intricate relationship between the contemporary environmental changes in the world and environment-led threats and cooperation. Environmental cooperation can be the solution to minimize the vulnerabilities cause by environment insecurity. Environmental cooperation can happen at an international level or at a sub-regional level. At the international level, the main outcome of the cooperation is represented through multilateral treaties focus on the mitigating the climate change effects. At a sub-regional level, the cooperation is translated into the conservation of transboundary areas and the equitable sharing of natural resources, for example regional seas and shared water resources.

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Introduction

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In India, Ministry of Environment and Forests is the nodal agency in the administrative structure of the Central Government, for the planning, promotion, co-ordination and overseeing the implementation of environmental and forestry programs. The Ministry is guided by the principle of sustainable development and enhancement of human well being. The Ministry of Environment and Forests is primarily concerned with the implementation of policies and programs relating to conservation of the country's natural resources including lakes and rivers, its biodiversity, forests and wildlife, ensuring the welfare of its animals and prevention and abatement of pollution. While implementing these policies and programs, the main objectives are conservation and survey of flora, fauna, forest and wild life, prevention and control of pollution, afforestation and regeneration of degraded areas, protection of environment and ensuring the welfare of animals.² The present chapter examines how the environmental policy is being shaped to deal with the emerging challenges of environment related threats.

India's Environmental Policy

Environmental policies in India have been evolved considerably over the past three decades. The policies have been responsive to the emerging concerns of both local and global origin. Policies have covered a wide-range of issues such as air and water pollution, waste management, biodiversity conservation.³

The National Environment Policy does not seek to replace, but build on the earlier policies - the National Forest Policy 1988, National Conservation Strategy and Policy Statement on Environment and Development 1992, Policy Statement on Abatement of Pollution 1992, National Agriculture Policy 2000, National Population Policy 2000, National Water Policy 2002.

India's environmental policy is intended to be a guide to action in regulatory reform, programmes and projects for environmental conservation and the review and enactment of legislation, by agencies of the Central, state, and local governments. 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. ⁴

The environment policy of our country is intended to be a statement of India's commitment to making a positive contribution to international efforts. It is simply a response to our national commitment to a clean environment, mandated in the Constitution in Articles 48 A and 51 A (g), strengthened by judicial interpretation of Article 21. It is recognized that maintaining a healthy environment is not the state's responsibility alone, but also that of every citizen. A spirit of partnership should thus be realized throughout the spectrum of environmental management in the country. While the state must galvanize its efforts, there should also be recognition by each individual - natural or institutional, of its responsibility towards maintaining and enhancing the quality of the environment.

The National Environment Policy has been motivated by the above considerations and is intended to mainstream environmental concerns in all development activities. It briefly describes the key environmental challenges currently and prospectively facing the country, the objectives of environment policy, normative principles underlying policy action, strategic themes for intervention, broad indications of the legislative and institutional development needed to accomplish the strategic themes, and mechanisms for implementation and review. It has been prepared through a process of extensive consultation with experts, as well as diverse stake holders, and this process is also documented. The dominant theme of this policy is that while 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 principle objectives of the policy relate to current perceptions of key environmental challenges. They include: to protect and conserve critical ecological systems and resources, the invaluable natural and man-made heritage, which are essential for life support; to ensure equitable access to environmental resources and

quality for all sections of society, and in particular, to ensure that poor communities, which are most dependent on environmental resources for their livelihoods, are assured secure access to these resources; to ensure judicious use of environmental resources to meet the needs and aspirations of the present and future generations; to integrate environmental concerns into policies, plans, programmes, etc. The policy has been evolved from the recognition that only such development is sustainable, which respects ecological constraints, and the imperatives of justice. The present policy marks a paradigm shift in the sense that, for once, liabilities have been fixed. 'The polluter pays' is the mainstay of NEP whereby responsibilities are fixed either on the individual or a government agency. Secondly, environmental clearance for any developmental activity has become mandatory. Strict liability imposes an obligation to compensate the victim for harm resulting from actions or failure to take action, which may not necessarily constitute a breach of any law or duty or care.⁵

India's Environmental Cooperation

India has participated in major international events on the environment, since 1972. The country has contributed to, and ratified several key multilateral agreements on environmental issues in recognition of the transboundary nature of several environmental problems, and has complied with its commitments. It has also participated in numerous regional and bilateral programs for environmental cooperation. Given the need to enhance our own capacities to comply with our commitments, and ensure sustained flows of resources for environmental management.

Environmental Cooperation at the International Level

The Ministry of Environment and Forests has been the nodal agency in the country for the United Nations Environment Programme (UNEP); International Centre for Integrated Mountain Development and looks after the follow-up of the United Nations Conference on Environment and Development (UNCED). India is also affirming its concern for environmental protection worldwide and has signed important international agreements, some of which are:

- United Nations Framework Convention on Climate Change;
- Vienna Convention for the Protection of the Ozone Layer (including the Montreal Protocol on Substances that Deplete the Ozone Layer);
- Ramsar Convention on Wetlands;

• Convention on International Trade in Endangered Species (CITES) of flora and fauna;

• United Nations Convention to Combat Desertification;

• Convention on Biological Diversity;

• Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Environmental Planning and Management

Environmental planning and management is a widely expanding and rapidly evolving dynamic area. In India, today, development is having an increasing impact on the environment. The environmental issues are increasing on the agenda of government (including international agencies), private sector, non-governmental agencies and citizens. The environmental policies, plan, programs, norms and standards are also evolving to address the growing environmental concerns. The management of environmental problems is, by its nature, cross-sectoral and multi-jurisdictional.

The environmental laws and government machinery for its implementation plays extremely important role in protecting healthy environment as a basic human right. Other factors responsible for a environment protection regime are: prevailing environmental laws, particularly in the Indian context reflecting vivid culture bound traditions, the agencies responsible for their implementation inclusive of judicial trends, to assess and analyse the performance and the challenges before of the Pollution Control Boards and National Environment Policy of India in comparison with international environmental standards, to make an assessment of public opinion as regards the enforcement of environment and Human Rights, and efforts to educate people to inculcate the awareness about the concerns of environment through government institutions specially created for environment preservation; positive role and the contribution of academic institutions like schools, colleges and universities; issues of proper solid waste disposals, recycling of reusable materials like paper, plastics are of paramount importance and need to be considered to protect the healthy and safe environment leading to the sustainable development.

(Footnotes)

¹ J. Barnett and W. N. Adger, "Climate Change, Human Security and Violent Conflict", *Political Geography*, No. 26, 2007, p. 348.

² See, 'Analysis of Existing Environmental Instruments in India', Report Prepared by the Academic Staff College of India, Hyderabad, December 2009, p. 5.

³

G. Indira Priyadarsini, "Environmental Policies in India towards Achieving Sustainable Development", *IOSR Journal of Humanities and Social Sciences*, Vol. 21, No. 1, January 2016, p. 56.

⁴ Neelima Deshmukh, "Environmental Education: Holistic Approach for Environment

Protection and Sustainable Development in the Indian Context", *Indian Journal of Public Administration*, Vol. LX, No. 1, January-March 2014, pp. 139-40.

⁵ *Ibid.*, p. 140.