

Green India and environmental legislation

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Abstract

This paper study of Green India and Environmental Legislation is about Law and regulations are a major tool in protecting the environment.

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Introduction

We live in the environment and use the environmental resources like air, land and water to meet our needs. Development also means meeting the needs of the people. While meeting the ever-growing needs, we put pressure on the environment. When the pressure exceeds the carrying capacity of the environment to repair or replace itself, it creates a serious problem of environmental degradation. . If we use any environmental resource such as ground water beyond its limit of replacement, we may lose it forever. in the last two centuries or so, the human influence on environment has increased manifold due to the rapid population growth and the fast development in science and technology. These two are the major factors in reducing the quality of environment and causing its degradation. The environmental degradation poses a great danger to man's own survival. For example : We, the human beings are the prime killers of plants and trees. This callout gives an idea of the feelings of trees. A demon named 'deforestation' . Effects of deforestation can be understood by the message from the cut tree. Now, we are dead and understand that

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you too will soon die. You will not get fresh oxygen, clean air, and a good habitat. You destroy yourselves by destroying us. You are destroying the habitat of birds Die humans! Die!!

India has population of over one billion of which 300 million live around 600 towns and cities. Unfortunately, as a result stressed environmental conditions most of these towns and cities unable cope of with rapid pace of urbanization. water pollution unavailability of drinking water, inadequate sanitation, open dumping waste and loss of forest cover are some of the related problem. This situation demand immediate intervention in the management rapidly growing urban environment problems. The quality of the environment need to be monitored regularly and more importantly, scientific work need to extend beyond the laboratory and become more community centered. The underline realization is that each one of us is responsible for the current state of our environment and we cannot wait for someone else to solve it. Clean India Programme was launched by Development Alternatives with the vision of developing a cleaner environment for our urban centers.

Green India Mission: Marching towards a greener future

In India, the environmental awareness gained importance since 1970s after the UN sponsored conference on environment in Stockholm (1972). The increase in environmental awareness has resulted in a spate of activities to conserve it. The perception that we have always been and will continue to remain at the

mercy of nature is very clear. The Government of India has been a keen observer of the effects on the environment and has been in the forefront to help protect it. Indian government took many environment friendly activities. The Ministry of Environment & Forests has been actively involved in monitoring and formulating ways to preserve India's natural beauty and maintain a healthy ecological balance. From the promotion of Organic farming to the implementation of stringent industrial waste treatment rules, the government has provided facilities and policies to help us protect nature. Further, The National Mission for a Green India is one of the eight Missions under the National Action Plan on Climate Change (NAPCC). It is made for assessment of depleting natural resources and their impacts on livelihoods of the local people. Further it leads to increase green cover of the country.

India has around 21% geographical area under the forest (FSI 2007). It could support variety of environmental amelioration through climate change mitigation, carbon sequestration, food security, water security, biodiversity conservation and livelihood security of forest dependent communities. Besides helping to meet growing demands for timber, firewood and other forest products, it would provide other benefits such as reducing present levels of soil erosion and water loss on degraded lands resulting in enhanced biodiversity.

Historical Overview

Policy and Laws in Ancient India

In the ancient India, protection and cleaning up of environment was the essence of the Vedic

culture. In Hindu theology forests, trees and wildlife protection have always held a place of utmost importance . People used to worship trees like other God and Goddess. The conservation of the environment formed an ardent article of faith, reflected in the daily lives of the people and also enshrined in art, culture and religion.

Policy and Laws in British India

By Around 1860, Britain had emerged as the world leader in deforestation, devastation its own woods and the forest of Ireland, South Africa and north eastern United States to draw timber for shipbuilding, iron-smelting and farming. The imperial forest department was formed in 1864, with the help of experts from Germany, the country which was at the time the leading European nation in forest management.

In the early nineteenth century, the Raj carried out a fierce onslaught on the sub continent's forests. The revenue orientation of the colonial land policy also worked towards the denunciation of forests. The first inspector-general of forests, Dietrich Brandish, had been a botanist and recognize awesome task of checking the deforestation, forging legal mechanism to assert and safeguard states control over the forests. it was his dual sense that the railway constituted the crucial watershed with respect to the water management in India- the need was felt to start an appropriate department, and for its effective functioning legislation was required to curtail the previously untouched access enjoyed by the rural communities.

Policy and Laws post-independence of India

The Indian Constitution, as adopted in 1950, did not deal with that the subject of environment or prevention and control of pollution as such (until 1976 Amendment).”. It was Mrs. Gandhi who first pointed out that poverty was the greatest polluter and unless it was eliminated through national and international efforts it was futile to talk about protecting the planet from environmental disaster.

Prior to 1972 (Stockholm Conference) in India, the environmental concerns such as sewerage disposal, sanitation and public health were dealt with by federal ministries and each pursued their own objectives in the absence of a proper coordination system. The twenty-fourth UN General Assembly decided to convene a conference on the human environment in 1972, and requested a report from each member country on the state of the environment. As a result of these reports, greater coordination was achieved regarding the environmental policies and programmes. Thereafter, in sixth five-year plan an entire chapter on Environmental and Development was included that emphasized sound and environmental and ecological principles in land use, agriculture, forestry, marine exploitation, mineral extraction, fisheries, energy production and human settlements.

Further, the original text of the constitution under Article 372(1) has incorporated the earlier existing laws into the present legal system and provides that notwithstanding the repeal by this constitution of enactment referred to in article 397, but subjected to the

other provisions of the constitution, all laws in force immediately before the commencement of the constitution shall remain in force until altered, repealed or amended by a competent legislature or other competent authority. As a result, even after five decades of independence. The plethora of such laws is still in operation without any significant changes in them.

Legislations on Environment and Achievements

Environmental quality has deteriorated during past two decades. This is because of the gap between the intent of the policy and the actual achievement. India's environmental problems are mainly due to its high population and limited natural resources. Protection of the environment poses a fundamental challenge to the nation's desire to industrialize faster. Various efforts are being made to control India's environmental problems. The Supreme Court has recognized the nexus between environmental protection and human rights in *Andhra Pradesh Pollution Control Board v MV Naydu*. The Hon'ble court observed that environmental concerns under Article 32 and 226 are of equal significance to Human Rights concerns as both can be traced back to the protection of right to life and liberty under Article 21 of the Constitution. The government has recognized the need for planned land and water resource management and the protection of environmental resources is included in the constitution since 1976. The constitution, 42nd amendment act of 1977 obligates the Government to protect and improve environment for the good of society as a whole. It also makes an environmental

protection an obligation of the state and individual citizen and reads, "The state shall Endeavour to protect and improve the environmental and to safeguard forests and wildlife of the country." Article 51-A (g) states "It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures." A lot of Acts like are enacted from time to time for environment preservation.

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The National Environment Tribunal Act, 1995
8. The Wild Life (Protection) Amendment Act, 2002.
9. The Biological Diversity Act, 2002.

After that in 2010 the Parliament of India created a special tribunal named National Green Tribunal to handle the expeditious disposal of the cases pertaining to environmental issues. It draws inspiration from the India's constitutional provision of Article 21, which assures the citizens of India the right to a healthy environment.

Conclusion

India has a prominent environmental heritage which can be attributable to its biodiversity. However industrial and economic development as well as indiscretions in the part of certain industries has had an adverse effect on the environment as well as a number of communities who are dependent on them. However, the Government of India has been a keen observer of the effects on the environment and has been in the forefront to help protect it and prevent further depletion of the valuable biodiversity of the country. During in this research we have elucidated in the paper the Courts have been successful in achieving this goal. It has used principles of international environmental law and constitutional provisions as tools for the furtherance of the cause of the environment. Court has also acknowledged the crucial link between the environment and the rights of communities as well. Thus it would not be inaccurate to conclude that the Courts have been instrumental in establishing a holistic framework of environmental law geared towards achieving the ends of justice. environmental protection an obligation of the state and individual citizen The constitution, 42th amendment act of 1977 obligates the Government to protect and improve environment for the good of society as a whole. It states Law and regulations are a major tool in protecting the environment but It shall be duty of every citizen of India to protect

and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures.

References

- Karpagam, M. and Jaikumar, Geetha (Constitutional Provisions) (2010):, Book-Green Management : Theory & Applications, page no. 354
- Deniel, A.; Farber, Marjan Peeters Book-Climate Change Law, P: 507.
- Sahay, B. S.; Roger, R. Stough; Sohal, Amrik and Sonu Goyal (2006): India's Environmental Legislation, Green Business P: 448.
- Thakur, Kailash: Environmental Protection Law and Policy in India
- Gupta, K.R. (2006): Environmental Legislation in India, 4: P:VIII.
- Singh, Ram Babu and Misra, Suresh (1996): Environmental Law in India: Issues and Responses, P:83.
- Sengar, S. and Dharmendra (2007): (Environment protection for Sustainable Development Role of Indian Judiciary), Environmental Law, P:134.
- A.P. Pollution Control Board v Prof. M V Nayudu AIR 1999 SC 812.
- Naseem, Mohammad (2011): Environmental Law in India.
- Gill, Gitanjali Nain: Environmental justice in India: The National Green Tribunal.