**Environmental Policies of India**

The Environmental degradation is a global issue. Every country of the World is very much concern about the protection of environment. As with every passing day new challenges in form of the environmental problems and issues are coming forward. Therefore to deal with it various Policies, Conferences, Declarations are adopted in International level. The respective Countries are also enacting laws, rules, regulations and policies to protect environment. The Environment policies are adopted by the Nations to prevent environmental pollution and degradation of environment. As to have unpolluted air to breath, uncontaminated water to drink, nutritious food to eat and hygienic condition of life is a recognized right of a person from mother’s womb itself.

The Environmental [Policies](https://www.toppr.com/guides/commercial-knowledge/government-policies-for-business-growth/policy-decisions-and-goals/) are the sum total of the values to which a person or a group of persons or institutions social, legal and governmental – consider as important as in their relationships with one another. Environmental policies have to be formulated in the credible of social morals and values.

The goals of the Environmental Policies[[1]](#footnote-2):

1. ***To protect human health,***
2. ***Ensure the viability of wildlife,***
3. ***Preservation of historic monuments,***
4. ***Stopping further degradation of the***[***environment***](https://www.toppr.com/guides/geography/environment/environment/)***etc.***

The policy is the overall environmental intention and direction forming the backbone and skeletal framework, from which all other environmental components are hung including environmental management systems, audits, assessments, and reports.

Development of Indian laws relating to environment protection can be divided into two phases – Pre 1972 Development or Pre Stockholm Period and Post 1972 Development or Post Stockholm Period[[2]](#footnote-3).

**Pre Stockholm Period (Prior To 1972)**

After independence in the initial stages no much attempt was taken by the Government to formulate environmental policy and accordingly there were no specific laws for the purpose of protection of Environment. More emphasis was given at that time on the infrastructural development of the country whereas very little concern was shown to the environmental issues.

Before 1972 conference, the main laws regarding environment protection were **criminal law, easement laws, tort law**, **laws regarding canal and water, forest law and some special laws regarding hazardous substance**. But the environmental pollution as a subject matter of legislation did not find place in the Indian law books till 1974.

Certain Constitutional provisions can also be interpreted as the environment protection laws. Initially Indian Constitution does not talk directly about the Environment Protection, but it gives fundamental rights to life or **Article 21** to its citizen, which could be treated as the right to enjoy wholesome environment.

But the main drawback of such laws is that, those are not made especially for the protection of environment and approach of such laws is human centric and not the environment. Those laws also lack special enforcement and monitoring agency

Various environmental concerns like sewage disposal, sanitation, public health etc., were dealt with different ministries of [government](https://www.toppr.com/guides/civics/what-is-government/meaning-of-government/). However, the concern for environmental protection was reflected in the national planning process and forest policy.

**Post Stockholm Period (After 1972)**

The year 1972 marked a watershed in the environmental conservation movement in India. On the eve of the United Nations Conference on Human Environment in 1972, popularly called the Stockholm Conference, the Pitamber Committee was set up to make a report on the state of the environment in India and based on its recommendations, a National Committee on Environmental Planning and Coordination (NCEPC) was constituted by the Government of India in the Department of Science and Technology in order to plan and coordinate environmental programmes and policies and advice various ministries on environmental protection. Later, this department was elevated to form an exclusive Ministry of Environment and Forests in 1985.

**National Committee on Environmental Planning and Co-ordination (NCEPC)**

In February 1972 a National Committee on Environmental Planning and Co-ordination (NCEPC) was established in the Department of Science and Technology.

This was the apex advisory body in all the matters **pertaining to environmental protection and improvement.**

The committee was assisted by Department of Science and Technology and an Office of the Environmental [Planning](https://www.toppr.com/guides/business-studies/planning/) and Co-ordination (OEPC) was set up under the direction of the Chairman of the committee.

For the first time, the importance of preserving the quality of life and promoting the environment along with development was stressed in the fourth Five Year Plan (1969 to 1974) with a chapter on the long-term perspective. However, it was only diming the fifth (1974-79) and sixth (1980-85) five-year plans, concerns that were expressed in the fourth plan were made into a concrete one by initiating several programmes.

After the 1972 Indian Government brings major changes in environmental law, it moves from protection of environment through general law to specific law regarding environment.

**Stockholm Conference**

The UN Conference on Human Environment and Development held at Stockholm and ‘Stockholm Declaration on the Human Environment’ 1972 has the significant impact on India Environment Law. It is considered as magna carta of Environmental law and it has same parallel significance as Universal Declaration on the Human Right, 1948. In this conference, twenty-six principles were laid down.

**Stockholm Conference and Constitution of India**

After the Stockholm Conference, 1972, Government of India brought the 42nd amendment in the Constitution and incorporated Article 48A and Article 51A (g). Article 48A comes under the part IV ‘Directive Principle of State Policy’, and under this Article the states are under the ‘active obligation’ that it shall endeavour to protect and impose the environment. Whereas Article 51A (g) states the citizen has the duty to protect and improve the environment. Article 51A (g) is not law and, a fortiori, not supreme law.

**Stockholm Conference & Indian Legislation**

Stockholm Conference, 1972 also has the impact on the environment related laws. After 1972, India enacted the Water Act 1976, Air Act 1981, Environment Protection Act, 1986, various policies and notification

**Tiwari Committee (1980)**

The Government of [India](https://www.toppr.com/guides/general-knowledge/overview-of-india/india-an-overview/) set up a committee in January 1980 under the Chairmanship of Shri. N.D. Tiwari, then Deputy Chairman of the Planning Commission to review the existing environmental legislation and recommend legislative measures and administrative machinery for environmental protection. The committee stressed the need for the proper management of the country’s natural resources of land, forest and water in order to conserve the nation’s ecological bases.

After a brief review of the environmental legislations the Tiwari Committee of 1980, noted some major shortcomings which can be summarized as follows[[3]](#footnote-4):

* Many of these laws are outdated;
* They lack statements of explicit policy objectives;
* They are mutually inconsistent;
* They lack adequate provisions for helping the implementing machinery;
* 5) There is no procedure for reviewing the efficacy of the laws.

**Recommendations of Tiwari Committee[[4]](#footnote-5):**

* Comprehensive review and reformation of some Central and State Acts (such as the Insecticides Act 1968; The Water (Prevention and Control of Pollution) Act 1974; and the Indian Forest Act 1927).
* New legislation for areas of action not covered by the present laws (such as those concerning toxic substances).
* The introduction of 'Environment Protection' in the Concurrent List of the Seventh Schedule.

**Environmental policies[[5]](#footnote-6)**

In India, policies do not coincide with the laws. The usual practice is that whenever the government is convinced that a problem persists and has to be solved, it will formulate a policy describing the strategies to solve the problem. The next step is to make a law to implement such policy. But in India, the law comes first and is put into force. Later, realizing that the law has no policy back up, the government comes out with a policy. According to experts like Prof. M. K. Ramesh, this scenario reminds us of the situation ‘cart first and the horse next’.

In our country, we have the following policies on environment:

* The National Ocean Policy, 1983
* The National Water Policy, 1987
* The National Forest Policy, 1988
* The Policy Statement for Abatement of Pollution, 1992
* The National Conservation Strategy and Policy Statement on Environment and Development, 1992
* The Wildlife Conservation Strategy, 2002
* The National Biodiversity Strategy and Action Plan
* **National Environment Policy, 2006**

**(To be continued)**

1. <https://shodhganga.inflibnet.ac.in/bitstream/10603/73994/14/14_chapter%207.pdf> [↑](#footnote-ref-2)
2. <https://www.lawteacher.net/free-law-essays/indian-law/indian-environment.php> [↑](#footnote-ref-3)
3. CHHATRAPATI SINGH, Legal Policy for the Control of Environmental Pollution, COCHIN UNIVERSITY LAW REVIEW VOL. VIII 1984 available at <http://dspace.cusat.ac.in/jspui/bitstream/123456789/10986/1/Legal%20Policy%20for%20the%20Control%20of%20Environmental%20Pollution.PDF> [↑](#footnote-ref-4)
4. See 'Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection.' (The Tiwari Committee's Report), Department of Science and Technology, Government of India, 15th September, 1981, pp. 19-24 [↑](#footnote-ref-5)
5. <http://cpreec.org/152.htm> (C.P.R. Environmental Education Centre, A centre of Excellence of MoEF Government of India.) [↑](#footnote-ref-6)