

## Review of Environmental Governance

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A known American scientist, Rene Dubos said in 1972 “as we enter the global phase of social evolution it becomes obvious that each of us has two countries – his own and planet earth.” This indicated that we should take care of our earth as we take care of our own country. Unfortunately, policy makers, statesmen and citizens have been active in enlarging and protecting their country but have not been serious about the planet earth. In the name of development, mindless growth has taken place. Hence, more than before, debates of environment v/s development keep coming up. The growing awareness about the problem led UNO to take up the issue very seriously. First, agenda 21 cemented the political consensus that integration of the environment into development planning was critical for sustainable development.<sup>2</sup> Agenda 21 is the plan of action to achieve sustainable development that was adopted by the world leaders at the united nations conference on environment and development held in Rio de Janeiro, Brazil in June 1992. In September 2015, UN member states approved the 2030 development agenda and a set of sustainable development goals (SDGs). The SDGs holistically address the economic, social, and environmental dimensions of the sustainable development and are designed to be pursued in combination rather than at a time. Integrated development is therefore at the heart of the 2030 development agenda as reflected in the SDGs.<sup>3</sup> Integrated development could be defined as an International approach for linking the design, delivery, and evaluation of programs across disciplines and sectors to produce an amplified impact.

The global awareness created by UNO on environment problem and their relation with the sustainable development motivated the member states to take initiative. India being the world's second most populated nation and big democracy took some strong steps. So it is worthy to make a study in this specific context of environment v/s development.<sup>4</sup> The post-Independence political debate in India has centred on two major issues-equity and growth. The environmental concern has added a third dimension – sustainability. India's biggest challenge today is to identify and implement a development process that will lead to greater equity, growth and sustainability.<sup>5</sup> India is unique among the developing countries because it has a vast population to support, big reserve of natural resources, rich forests and biodiversity. Despite the natural endowments, its biggest challenge is to utilize them in an optimal manner. India faces a large number of environmental problems today like – Poverty, overpopulation, air-water- noise pollution, solid waste pollution, reduction of genetic diversity, urban sprawl, deforestation etc. Therefore it is extremely crucial that India, as one of the fastest growing economies of the world along with china, does not lose sight of its environmental objectives and maintain and establishes synergy between health,

environment, energy and the development process.

### Environmental Legislations in India:

With a view to protecting and improving the environment, different legislations have been made and different regulations, rules have been issued. The constitution under IVA (Article 51A –Fundamental duties) casts a duty on every citizen to improve and protect the nature and have compassion for all living being. The government of India, through its ministry of environment and forests, has enacted nationwide comprehensive laws. One of the major environment Enactment came just two year after the Stockholm conference in 1974. The water (prevention and control of pollution) Act was passed for the purpose of prevention and control of water pollution and for maintaining and restoring the wholesomeness of water. The water act represented India's first attempt to deal with an environment issue from a legal perspective. In 1976, parliament inserted two articles, i.e., 48A –Directive Principle and 51A –Fundamental duties in the constitution rightly directs that the state shall Endeavour to protect and improve the environment and safeguards forests and wildlife of the country. Similarly, clause (g) of article 51 A Imposes a duty on every citizen of India, to protect and improve the natural environment

including forests, lakes, river, and wildlife and to have compassion for living creatures. In the year 1980, the forest (Conservation) Act was passed for the conservation of forests and to check on further deforestation. The Air (prevention and control of pollution) Act of 1981 was enacted. In the wake of the Bhopal gas tragedy, the government of India enacted the environment (protection) Act, 1986. Apart from this, several notifications and rules have also been made, some of which include the Hazardous waste (Management and Handling) Rules in 1989, the Biomedical wastes (Management and Handling) Rules in 1998, Recycled plastics (Manufacture and Usage) Rules 1999, Environment (Silt for Industrial Projects) Rules in 2000. In addition to these eco-specific Legislation, realizing that there is no comprehensive legislation dealing with bio-diversity in India, and to fulfill its international obligation under the convention on bio-diversity, the government of India has enacted the biological diversity Act, 2002.<sup>6</sup>

The National Environment Policy 2000, is a response to our national commitment to a clean environment, mandated in the constitution in 48A and 51A (g). It is recognized that the maintenance of the healthy environment is not the responsibility of the state alone. It is the responsibility of every citizen and thus a spirit of partnership is to be realized through the environment management of the country. The National Green Tribunal Act, 2010 (No.19 of 2010) (NGT ACT) has been enacted with the objectives to provide for establishment of a national Green tribunal (NGT) for the effective and expeditious disposal of cases relating to environment protection and conservation of forests and other natural resources including enforcement of any right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

Enabling Factors for Effective Environmental Governance In India  
Government has an important role to play in the environmental governance and it is desirable to distinguish the environmental issues as a central issue of focus. The issue of environmental protection needs to be kept on high priority in the political agenda of the political actors because the industrial-technological-economic development registered by human kind during the past 100 years has not proved to be a real

development in so far as it has created imbalances in the environment as well as among the nations. Degradation of environment resulting from unprincipled and excessive exploitation of resources of our planet earth has threatened to negate and has already adversely affected the development registered by various societies. It is the duty of the government to ensure that development in no way should lead to environmental degradation and the development should be in tune with the health of land, air, forest and other natural resources. This aim could only be achieved through effective environmental governance. The character of environmental policy is the product of political process. The relationship between politics and environment also explains the responsiveness of the political institutions towards the matters of public concern. Therefore, the laws for environmental protection should be designed, amended and enforced in such a way that it has enough provisions to punish the polluters. These are some suggestions for effective environmental governance :-

I. There are large number of environmental legislation in India which deal with the environmental issues but the implementation part has been disappointing. The rate of deforestation has not reduced; the level of pollution in water has not been decreased and the quality of air has not been improved in any significant way, despite of all these existing environmental legislations. One of the important aspect of weak implementation lies in lack of legal teeth to the implementing mechanism as there is lack of inter-departmental coordination. It is not enough to enact any legislation. The big polluters like industries, manufacturing units, tanneries, etc. Often think that it is quite manageable to pay the compensation, rather than installing less polluting devices, treatment plants or using environment friendly techniques. Politics as a whole, be it a ruling party or opposition parties don't give much preference to environmental issues. The party manifestoes reflect this phenomenon. Even Indian government has not fought poverty and deprivation on a war footing.<sup>7</sup> The Indian governing class had always sought soft options that tend to leave the structure of privilege and inequality largely unchanged. Time demands a change from the side of the bureaucrats, in the interest of society and environment on the one hand and their existence itself on the other hand. The challenges to environment and its consequences, now-a-days demand the

bureaucracy to be green in nature. Green bureaucracy is environmental friendly in nature and working.<sup>8</sup>

II. water is central in achieving poverty reduction , inclusive growth , food security, public health, sanitation and harmony of the eco-system. There occurred a fundamental shift with regard to water governance over the past two decades. Water became a market product and ownership of water supply transferred from nationalized monopolies to private companies including multinationals. Commodification and privatization of water supply system has resulted in increase of water tariffs to unaffordable rates.<sup>9</sup> The market model , environmentally unsustainable and anti-human needs to be challenged with alternate model. Proper water governance is needed , which includes the ability to design water policies which are socially acceptable and environmentally sustainable in nature. Suitable strategies for conservation of water , provision of safe drinking water and keeping the water bodies clean are to be made and anti-pollution norms are to be made with strict punishment provisions.

III. India is at a critical juncture of development where economic growth needs to be balance with the concerns of human ecology , environment and the human being. As far as environmental issues is concerned in a densely populated country like India , these have both an ecological as well as human dimension.<sup>10</sup> The environmental governance should be human centric. Human being must be centre of development and not handful of corporate. The traditional farming and fishing communities are losing their hold on their livelihood. Programs to clear cut natural forests and replace them with exotic species deplete the soil even as they deprive peasants of access to fuel, fodder and artisanal raw material. The impact of coal mining on the environment and as a consequence , on the livelihood of the local people needs to be factored into this discourse , and a method must be found for the optimum use of natural resources without harming the environment. The tribal communities , inhabiting forests , respect the trees , birds and the animals that give them sustenance. We must recognize the role of these people in restoring and conserving forests. The modern knowledge and skill of environmental scientists and policy makers should be integrated with the traditional knowledge and experience of these local communities.

IV. Trash and garbage is a common sight in urban and

rural areas of India ,which is a major source of pollution. Indian cities alone generate more than 100 million tons of solid waste a year. India's waste problem are point to a stunning failure of governance.<sup>11</sup> In 2000 , india's supreme court directed all Indian cities to implement a comprehensive waste management programme that would include household collection of segregated waste , recycling and composting. Indeed , forget waste segregation and recycling directive of the supreme court , the 40 percent of municipal waste in India remains simply uncollected , half of medical waste is improperly disposed off. Recently government of India officially launched their prestigious swachh bharat abhiyan on 2 October 2014. More than three fourth of solid waste management budget is allotted to collection and transportation , leaving very little for processing or resource recovery and disposal.<sup>12</sup> The solid waste management model used in India should work up side down. Government has to focus on waste disposal plants rather than on recovery of waste. More and more money and planning needs to be used for installing of waste to compost and Bio -methanation plants. We should reinvent garbage management in cities so that we can process waste and not landfill it. Households and institutions must segregate their waste at source and recycle it. Compost pits should be constructed in every locality to process organic waste.

V. Climate is a serious threat to India's development aspiration. There are many tell-tale signs that India is facing increasing threats from other impacts of climate change as well , from receding glaciers to rising sea levels , a gradual increase in average mean temperatures to high uncertainty in monsoon patterns. India and it's people are bearing the brunt of the climate crisis not just monetarily but with their lives as well.<sup>13</sup> India needs a global solution to climate change. We need to play a key role in constructing a global agreement on climate change.

VI. One of the important steps to deal with the environmental challenge is to create an environmentally aware society through environmental education. Environmental education means teaching about the components and constituents of environment. It should focus the issue of population explosion in developing countries , depletion of physical renewable resources and increasing environmental pollution. Environmental education is an integral part of the strategy of eco-



development , environmental improvement and protection as well as prevention of environmental degradation. It is important to environmentally aware and educate our youth.

VII. The environmental laws and government machinery have a very important role in protecting healthy environment. Therefore , the law for environment protection should be designed , amended and enforced in such a way that it has enough provisions to punish the polluters. There is a need of better application of 'polluter pays principle' which implies that the financial cost of preventing or remedying damage caused by pollution should lie with the undertakings which cause pollution. It is the basic duty of government to provide the people , a clean and healthy environment , which could be achieved by a better coordination between centre and state governments.

VIII. India is witnessing a rapid rise in social and environmental consciousness , and growing action by communities and citizens marginalized by the dominant 'development' process. Resistance movements around the country have challenged destructive development projects and processes.<sup>14</sup> But citizen groups and active civil society is needed to join hand for the cause. Even the different pressure groups other then the environment groups like student unions , women's groups , teachers union etc. and political parties should raise environmental issues. Strong civil society is essential for effective environmental legislation and enforcement of laws.

The landmark report of the world commission on environment and development , entitled 'Our Common Future', warned that unless we change many of our lifestyle patterns , the world will face unacceptable levels of environmental damage and human suffering. The integrated development of a country has to understand the challenges of environment. The latest survey of National Geographic Magazine mentions that Indians are the most environment friendly people. So, today is our responsibility to protect, preserve and promote Indian cultural heritage and traditional knowledge but also to lead the world in environmental conservation through sustainable development.

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