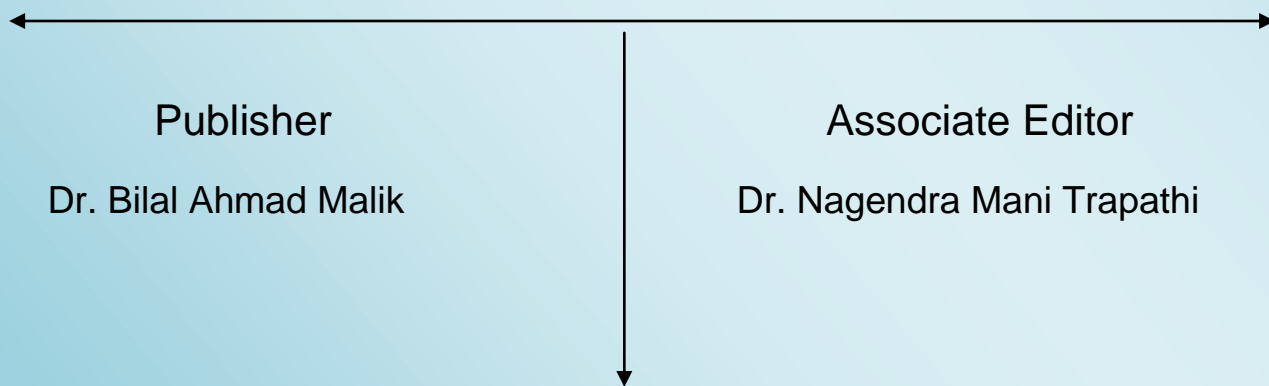


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ENVIRONMENTAL POLICY TRANSFORMATION IN INDIA – A HISTORICAL METAMORPHOSIS

DR. RAMAMOHANA REDDY APPANNAGARI*

*Environmental Ecologist, CHEMTEX Environmental & Industrial Hygiene Services Laboratory, Port Arthur,
Texas -77642 USA.

ABSTRACT

The protection of environment is a global issue and it is not an isolated problem of any area or nation. The problem of environmental pollution in an increasingly small world concerns all countries irrespective of their size, level of development or ideology. Notwithstanding political division of the world into national units, the oceanic world is interconnected whole; and winds that blow over the countries are also one. If the nuclear test is carried out in one part of the world, the fall out may be carried by winds to any other part of the world and such fall out of irresponsible disposal of radioactive waste from a remote energy plant in one country may turn out to have greater adverse effect on the neighbouring countries than the danger of full fledged war. From the cultural heritage point of view also the paper finds that in India there has been close link between the environment protection or nature and human beings. The present investigation has been focused on the historical changes brought in the environment protection and environmental policies since historical times to present times.

INTRODUCTION

The problem of environmental pollution is not new in its origin. It is as old as the emergence of *Homo sapiens* on the Planet and it was realised in the times of Plato 2500 years ago. However, different dimensions of the problem of environment protection and its management have taken a serious turn in the present era. Today, society's interaction with the nature is so extensive that environment question has assumed proportions affecting all humanity. *Industrialisation, urbanisation, population explosion, poverty, over-exploitation of resources, depletion of traditional resources of energy and raw materials and the research for new sources of energy and raw materials*, are some of the factors which have contributed to environmental deterioration the world over. While the scientific and technological progress of man has invested him with immense power over nature, it has also resulted in the unthinking use of the power, encroaching endlessly on nature.

It is a basic right of all to live in a healthy environment. The acute poverty in the country requires developmental process to be accelerated, but we cannot do so at the cost of environment thereby endangering not only the present generation but also the future generation. The crying need of the hour is the “sustainable development”. “Sustainable development” is that development which meets the need of the present without compromising the ability of future generations to meet their own needs. At present, human beings are indeed at the heart of the search for sustainable development as our very survival depends on very narrow range environmental conditions.

GENESIS OF THE PROBLEM

In order to achieve sustainable development environment protection constitutes an integral part of developmental process and it cannot be considered in isolation. Peace, development and environment are interdependent and indivisible. Today we are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill-health and illiteracy, and the continuing deterioration of the ecosystem on which we depend for our well being. However, integration of environment and development concerns and greater attention to them will lead to fulfillment of basic needs, improved living standards for all, better protected and managed ecosystem and a safer, more prosperous future.

ENVIRONMENTAL POLICY IN ANCIENT INDIA

Since the beginning of civilization, every culture has been guided by religion The World Commission on Environment and Development acknowledged, “*to reconcile human affairs with natural laws ... our cultural and spiritual heritages can reinforce our economic interests and survival imperatives*”.. It further adds, “*It is a terrible irony that as formal development reaches more deeply into rain forests, deserts, and other isolated environments, it tends to destroy the only cultures that have proved able to thrive in these environments*”. The cultural and religious heritage of India 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 the world are represented in India. All these religions realized the proximity of mankind with nature. All religions regulated the conduct of mankind in such a manner which was conducive to nature and not adverse to nature.

In *Hinduism*, we find that from *Vedic* period, the environment was part of ethos of ancient people. In *Rig Veda*, it is mentioned that the universe consists of five basic elements i.e. *Panchabhuta*. They are Earth, Water, Air, Fire and Ether (space). These five elements provide basis for life in everything and man is ordained to conserve them. It is further ordained that nobody will destroy vegetation and no one shall kill animals. Thus it shows compassion for both animals and plants.

The *Yajna* or sacrificial fire, apparently done to worship one or the other deity, also helps in purifying the air and thus keeping the environment healthy. In *Yajurveda* the significance of *Yajna* has been explained by stating that butter and firewood are offered into the sacrificial fire, it dissolves them to their subtlety so as to settle in the atmosphere and thus making it free from impurities and stink. Similarly, *Samaveda* also highlights the importance of sacrificial fire as it helps in keeping away the mosquitoes and other insects. *Yajna* or sacrificial fire is also considered the cause of biological evolution. *Sholoka* 14 of chapter 3 of *Shri Bhagwat Gita* explains that the blood and the semen is chemical transformation of the cereal consumed. From the seminal sperm creatures are begotten. But the cereal grows because of water that rains and the rains are brought about through the *Yajna* or the sacrificial fires. In the *Manusmriti* also it is stated that the *Yajna* or sacrificial fire is the cause of biological evolution.

The sages of the *Atharva Veda* chanted: What of thee I dig out, let that quickly grow over, let me not hit thy vital, or thy heart. *Atharva Veda* mentioned that pure water cure many ailments and it acts as preventer of the diseases which are not yet contracted. *Atharva Veda* also speaks about the protection of wild life and domestic cattle. The cattle were meant to adore the ceremony but not for sacrifice.

The killing of animals in the name of *Yajna* has been condemned as mad and undisciplined acts in *Mahabharata*. The *Padma Purana* point out that those who sacrifice cattle are destined to perdition. In *Manusmriti*, the cruelty towards animals has been condemned. *Manusmriti* also mentions about the optimum use of the resources of the nature. This is yet another way to maintain the ecosystem.

Certain trees are considered to be sacred and they are worshiped. They are not to be cut. In *Padma Purana* and *Karma Purana*, it is mentioned that the trees like, *peepal*, *bel*, *ber*, *neem* etc., are the abode of God and they are not to be cut. This is nothing but a way of conserving the vegetation. Planting of trees and plants like *tulsi* in every house are considered to be religious acts.

Buddhism

The basic tenets of *Buddhism* are simplicity and *ahimsa* or non-violence. Both these principles of *Buddhism* are of great importance in the conservation and protection of natural environment. The principle of simplicity teaches us that man should not overexploit the natural resources. Man should not become greedy to earn more and more in the shortest possible time by exploiting the natural wealth and leaving nothing for the future generation.

There is sufficiency of everything in the nature for man's need but not for man's greed. Thus, the first principle of *Buddhism*, *i.e.*, simplicity, is based on sustainability which is also the crying need of the present times. It shows the love for fauna and flora. In *Buddhism* we also find emphasis on tree plantation and their preservation. The king Ashoka wanted the non-violence to be the cultural heritage of the people. Therefore, punishment was prescribed for killing animals.

Jainism

The basic thrust of the *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, *i.e.*, to meet their minimum needs without over-exploiting the nature and natural wealth. Thus, the *Jainism* is also based on the principle which is in close harmony with nature and help in protecting and preserving the nature.

Sikhism Environmental Protection

Sikhism (Khalsa) emerged as a school of religious thought in the recent times in India. According to Guru Nanak Dev, the immanent spirit of the God is continuously present in nature and nature is in direct and constant dependence upon His will. He is beyond the creation in the sense that while nature and human beings depend on him. The concern for environment is evident from the fact that it considers every creature to be the incarnation of God and hence conservation and preservation are essential principles. Guru Nanak ji said:

“Air is vital force, water the progenitor, the vast earth the mother of all, day and night are nurses fondling all creation in their lap”.

(Jap Ji Sahib)

MEDIEVAL PERIOD

During the medieval period, where Mughals played a dominant role, the concern and policy for environmental protection was very limited. However still, there were rulers involved in the protection of environment, particularly water conservation and utilisation. King Lalitaditya Muktapida (724-61 AD), during his reign arranged the distribution of water of the Vitasta at Cakradhara which were causing floods by using a series of water wheels.¹⁷ Also during the period of King Avantivarman, remarkable steps were taken to reduce floods and utilize water for irrigation.

The Mughals were involved more in aesthetic beauty. Their activities include the developing of gardens and orchards. However, from 800 AD a gradual pattern of state forest control had emerged. In 1740s, the rulers were involved in plantations but for own sake of ship building and revenue rather than for nature. The Maratha rulers acquired control over large tracts of coastal forests for this reason. This trend of monopolistic control was also followed in Cochin and Travancore. And between 1770 and 1840, the *Amirs* of Sind carried out the most extensive programmes for afforestation and forest protection.

During the fifteenth century, there was an establishment of Hindu sect, *Bishnois*, devoted to India-friendliness and wildlife protection, and bond between man and nature. The Guru of the *Bishnois* laid down 29 commandments to be practiced by his followers. In 1730, it is believed that 360 *Bishnois* died hugging while trying to save the *Khejdi* trees from cutting at the order of Jodhpur king. On learning of the incident, the king apologised for the mistake committed by his officials and issued a royal decree prohibiting the cutting of trees and killing of wildlife in *Bishnoi* villages. The present *Bishnois* in India are also active in protecting the wildlife.

ENVIRONMENTAL POLICY IN BRITISH INDIA

The invasion by the British and the establishment of their rule in India ushered in an era of plunder of natural resources. At the same time, this regime saw the beginning of organised forest management. It was the forestry, wild life and water pollution which attracted their attention in particular. We can study the policy perspectives on forest management during the British period at some length as it illuminates a much wider field of governmental policy and practice and provides an insight into the politics of resource conservation in India.

Forest Conservation in British Rule

The early days of British rule in India were characterized by a total indifference to the needs of forest conservancy. Unlike the Moghuls who simply took no steps to conserve forests, the British administrators proved predators-causing “fierce onslaught” on India’s forests. The process of state empowerment *vis-a-vis* people on the question of control over forest started only in 1806 when a commission was appointed to enquire into the availability of teak in Malabar and Travancore by way of appointment of Conservator of Forests. This move failed to conserve forests as the appointed conservator plundered the forest wealth instead of conserving it. Consequently, the post of so-called Conservator of Forests was abolished in 1823.

It was the second half of the nineteenth century which marked the beginning of an organised forest management in India with some administrative steps taken to conserve forests; the formulation of forest policy; and the legislations to implement the policy decisions. The systematic management of forest resources began with the appointment of first Inspector General of Forests in 1864.

The enactment of the Forest Act, 1865 was the first step at asserting the state monopoly right over the forests. This facilitated the acquisition of forests by the state. The Act was revised in 1878 and extended to most of the territories under the British Rule. The provisions of the 1878 Act ensured that the state could demarcate tracts of forests, needed especially for railway purposes and retain enough flexibility over the remaining extent of forest land to revise its policy from time to time. The customary rights of rural communities to manage forests were also curtailed by the same Act. It also expanded the powers of the state by providing for reserved forests which were closed to the people and by empowering the forest administration to impose penalties for any transgression of the provision of the Act.

The first Forest Policy of 1894 made two major enunciations: first, permanent cultivation was to come before forestry, i.e. the claims of the former were considered stronger than the claims of forest preservation; and secondly, the public (material) benefit was the sole object of forest administration.

To provide teeth to the provision of the Forest Policy of 1894, the Forest Act of 1927 was enacted. This legislation specifically denied people any rights over the forest produce simply because they were domiciled there. The Act of 1927 also embodied land use policy whereby the British could acquire all forest land, village forest and other common property resources through simple notification, without getting into problems of compensation or equity.

INDIAN CONSTITUTION AND ENVIRONMENT

No country on the globe except India has given a constitutional status to the law relating to environmental control, protection and preservation. Specific provisions were already there. But recently more provisions have been added in the body of the constitution thereby making it obligatory on the State and every citizen to protect and improve the environment.

The Parliament of India through Article 39(f) has imposed a positive duty on the State to direct its policy to secure for children opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity. Clean, neat, free and unpolluted environment certainly helps in maintaining and attaining dignity. Our Supreme Court has observed that “the constitution is an organic document which must grow and it must take stock of the vast socioeconomic problems particularly by improving the lot of common man consistent with dignity.”

Right to breath in free and fresh air, consume contamination free water, reside, walk and travel in noise-free environment is guaranteed by Article 21 to all the residents of India. In fact the right to life takes within its sweep the right to food, the right to clothing, the right to decent environment and reasonable accommodation to live in. Thus the right to life connotes not-animal existence but has a much wider meaning which includes finer graces of human civilization

The Stockholm Declaration on Human Environment, 1972

The year 1972 marks a watershed in the history of environment management in India. It was the year in which a conference on Human Environment was held in Stockholm under the aegis of the United Nations. The conference is of particular significance to India as it expressed the Policy concern of our country on environmental protection, as a member state, and at the same time, it influenced the process of environment management in the following years.

Late Mrs Indira Gandhi, our then Prime Minister, addressed the conference wherein she added that “the environmental problems of developing countries are not the side effects of excessive industrialization but reflect the inadequacy of development. The rich countries may look upon development as a cause of environmental destruction, but to us it is one of the primary means of improving the environment for living or providing food, water, sanitation and shelter, of making the desert green and the mountains habitable.” Hence, rejecting the view

point of the developed countries that environmental problems were an affliction of industrialization and their suggestion for no growth policy as the only viable means of protecting the biosphere, India shared the view along with other developing countries that environmental problems are mostly due to lack of development rather than excessive development.

The Constitutional (42nd Amendment) Act of 1976

The Constitutional 42nd Amendment is also significant from environmental protection point of view as it was through it that the national commitment of environmental protection and improvement was explicitly incorporated into our constitution. The overriding concern for environmental protection with this amendment has now been steered in Directive Principles of State Policy. The newly added Article 48-A declares, “The state shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. The amendment Act introduced a new chapter on Fundamental Duties. Article 51A(g) of this chapter imposes a similar duty on the citizens “to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures ...”

From Independence to the Stockholm Conference, 1947 - 1972

Some important legislations relating to environmental protection during 1947-1972 enacted by the Parliament during this period were:

- a) The Factories Act, 1948
- b) The Prevention of Food Adulteration Act, 1954
- c) The River Boards Act, 1956
- d) The Mines and Minerals (Regulation and Development) Act, 1957
- e) The Ancient Monuments and Archaeological Sites and Remains Act, 1958
- f) The Atomic Energy Act, 1962
- g) The Insecticides Act, 1968

The Factories Act, 1948

Factories Act, 1948 is social welfare legislation intend to secure health, safety and welfare of the workers employed in factories. However, some of the provisions of this Act are concerned with prevention of water pollution.

The Prevention of Food Adulteration Act, 1954

Food is one of the basic necessities for sustenance of life. Pure, fresh and healthy diet is most essential for the health of the people. It is no wonder to say that community health is national wealth. Adulteration of food-stuffs was so rampant, widespread and persistent that nothing short of a somewhat drastic remedy in the form of a comprehensive legislation became the need of the hour. To check this kind of anti-social evil a concerted and determined onslaught was launched by the Government by introduction of the Prevention of Food Adulteration Bill in the Parliament to herald an era of much needed hope and relief for the consumers at large.

The River Boards Act, 1956

The Act provides for the creation of River Boards for regulation and development of interstate rivers and river valleys. One of the functions of the Board is to advise to the Government concerned on “prevention of pollution of the waters of the interstate rivers”.

The Mines Act, 1957

Chapter V of the Act deals with provisions regarding health and Safety of the employees. Section 19(i) Government upon arrangement for the quality of water for drinking purposes.

The Atomic Energy Act, 1962

The Act was enacted to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected there with. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any other instrument having effect by virtue of any enactment other than this Act.

The Insecticides Act, 1968

An Act to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risks to human beings or animals, and for matters connected therewith. As per the Act any person desiring to import or manufacture any insecticides has to apply to the Registration Committee created under Act for the registration of such insecticide and there shall be separate application for each such insecticide.

Stockholm Conference to the Bhopal Disaster, 1972-1984

The UN Conference on Human Environment held at Stockholm in 1972 exerted major influence on environmental legislations in India. A National Committee on Environmental Planning and Coordination (NCEPC) was set up in the Department of Science and Technology in 1972 to make necessary preparations for the Conference. The Government of India took a number of steps to implement the decisions taken at the Conference by means of amendments to the Constitution, new legislations relating to environmental protection and creation of institutions for implementing the legislations. Many Supreme Court judgments in the late eighties and the nineties refer to the decisions made at the Stockholm Conference. The Bhopal gas tragedy claiming more than 3000 lives triggered the passage of environmental legislations and formulation of rules relating to the use of hazardous substances.

The Wild Life (Protection) Act, 1972

This Act was enacted under the provisions of Article 252 to prevent the decline of wild animals and birds. It prohibits the poaching of certain animals except for the purpose of education or scientific research. In respect of certain wild animals, license is made a prerequisite for their hunting. It provides that a state government may declare any area to be a sanctuary or as a national park if it considers that such area is of adequate ecological, faunal, floral, geo-morphological, natural or zoological significance for protecting, propagating or developing wild life or its environment.

The Water (Prevention and Control of Pollution) Act, 1974

The first important environmental law enacted by Parliament is the Water (Prevention and Control of Pollution) Act, 1974. As water is a state subject and as 12 states had passed the enabling resolutions, the Government of India, in pursuance of clause 19 of Article 252, passed this legislation. It defines pollution 'such

contamination of water or such alteration of the physical, chemical or biological properties of water of such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or it is likely to create a nuisance or rend such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or of aquatic organisms'. This Act paved the way for the creation of Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs).

Forest (Conservation) Act, 1980

This Act was passed to prevent deforestation, which results in ecological imbalance and environmental deterioration. It prevents even the state governments and any other authority dereserves a forest which is already reserved. It prohibits forestland to be used for non-forest purposes, except with the prior approval of the central government.

The Air (Prevention and Control of Pollution) Act, 1981

The preamble to the Act states that 'whereas decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution; And, whereas it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution'. The central government used Article 253 to enact this law and made it applicable throughout India.

Bhopal Tragedy to the 1998, 1984 to 1998

Constitutional amendments, legislations and policies relating to environmental protection during this period were influenced by domestic events, shift in economic policy and international events. The Bhopal gas tragedy and the difficulties faced in claiming compensation from the company and disbursing compensations to the victims necessitated the need for a comprehensive environmental legislation, rules relating to storing, handling and use of hazardous wastes and a law to provide immediate compensations to the victims of industrial accidents.

Since June 1991, the Government of India announced a series of reform measures to liberalize and globalize the Indian economy. An urgent need was felt for decentralization and de-bureaucratization. The amendments to the Constitution in 1994 recognized the three-tier structure of the government and facilitated the transfer of powers and resources to the local governments. The Supreme Court and High Courts have been very active in the enforcement of legislations relating to environmental protection.

The decisions reached at the UN Conference on Environment and Development held at Rio de Janeiro in 1992 as well as the shift in economic policy led the Government of India to reexamine the command and control (CAC) type of regulatory regime for environmental protection and to explore the feasibility of combining regulatory instruments along with economic instruments for controlling environmental pollution.

Constitutional Amendments and Public Interest Litigation

The Supreme Court and the High Courts have played an active role in the enforcement of constitutional provisions and legislations relating to environmental protection. The fundamental right to life and personal liberty enshrined in Article 21 has been held to include the right to enjoy pollution free air and water. In *R.R. Delavoi v. The Indian Overseas Bank* case, 1991, the Madras High Court pointed out: 'Being aware of the limitations of legalism, the Supreme Court in the main and the High Courts to some extent for the last decade and a half did their best to bring law into the service of the poor and downtrodden under the banner of Public Interest Litigation. The range is wide enough to cover from bonded labour to prison conditions and from early trial to environmental protection'. This is a new remedy available to public spirited individuals or societies to go to the court under Article 32 for the enforcement of the fundamental right to life (including clean air and water) contained in Article 21.

The Environment (Protection) Act 1986

This Act was enacted in the aftermath of the Bhopal gas tragedy in 1984 claiming more than 3000 lives. The Statement of Objects and Reasons of this Act refers to the decisions taken at the Stockholm Conference in June 1972 and expresses concern about the decline in environmental quality, increasing pollution, loss of vegetal cover and biological diversity, excessive concentrations of harmful chemicals in the ambient atmosphere, growing risks of environmental accidents and threats of life system.

According to this Act environment includes 'water, air and land and the interrelationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro organism and property'. It defines hazardous substance as 'any substance or preparation which, by reasons of its chemical or physiochemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-organism, property or the environment'

The Public Liability Insurance Act, 1991

The Statement of Objects and Reasons mentions the need ' to provide for mandatory public liability insurance for installations handling hazardous substances to provide minimum relief to the victims. Such assurance apart from safeguarding the interests of the victims would also provide cover and enable the industry to discharge its liability to settle large claims arising out of major accidents. If the objective of providing immediate relief is to be achieved the mandatory public liability insurance should be in the principle of "no fault" liability as it is limited to only relief on a limited scale. However, availability of immediate relief would not prevent the victims to go to courts for claiming larger compensation. Hazardous substance means any substance or preparation which is defined as hazardous substance under the Environment (Protection) Act, 1986, and exceeding such quantity as may be specified, by notification, by the central government.

This Act stipulates that every owner shall take out before he starts handling any hazardous substance, one or more insurance policies and renew it or them from time to time before the expiry of validity. As per Rule 10 notified in May 1991, the extent of liability is Rs.50 million / one accident or Rs. 150 million per year for a number of accidents. Rule 11 states that an owner shall contribute to Environmental Relief Fund a sum equal to premium. This law is comparable to the laws enacted by the Member States under the Council of European Community's Directive on Civil Liability for Damage caused by waste since 1991.

The National Environment Tribunal Act 1995

The aim of the Act is to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation or damages to persons, property and the environment and for matters connected therewith or incidental thereto. It cites the decision reached at the U.N. Conference on Environment and Development held at Rio de Janerio in

June 1992 which called upon the countries to develop national laws regarding liability and compensation for the victims of pollution and other environmental damages.

Rio Conference

The U.N. Conference on Environment and Development held at Rio in 1992 specifies the following objectives of environment policy:

- (i) to incorporate environmental costs in the decisions of producers and consumers and to pass these costs on to the other parts of society, other countries or to future generations;
- (ii) to move more fully towards the integration of social and environmental costs into economic activities, so that prices will appropriately reflect the relative scarcity and total value of resources and contribute towards the prevention of environmental degradation; and
- (iii) to include, wherever appropriate, the use of market principles in the framing of economic instruments and policies to pursue sustainable development.

Ozone Depleting Substances (Regulation and Control) Rules, 2000

MoEF vide its notification dt. 17th July, 2000 under the section of 6, 8 and 25 of the Environment (Protection) Act, 1986 has notified rules for regulation/ control of Ozone Depleting Substances (ODS) under Montreal Protocol. As per the notification certain control and regulation has been imposed on manufacturing, import, export, and use of these compounds. Organizations as per provisions of notification shall phase out all equipment, which uses these substances, and is aiming at CFC free organization in near future.

The Biological Diversity Act, 2002

The Ministry of Environment and Forests has enacted the Biological Diversity Act, 2002 under the United Nations Convention on Biological Diversity signed at Rio de Janeiro on the 5th day of June, 1992 of which India is also a party. This Act is to “provide for the conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.” As per the provision of act certain areas, which are rich in biodiversity and encompasses unique and representative ecosystems are identified and designated as biosphere reserve to facilitate its conservation. All restrictions applicable to protected areas like

National Park & Sanctuaries are also applicable to these reserves. SJVNL abides by the provision of act wherever applicable and try avoiding these biosphere reserves while finalizing the project infrastructure locations.

Hazardous Wastes (Management and Handling) Amendment Rules, 2003

These Rules classify used mineral oil as hazardous waste under the Hazardous Waste (Management & Handling) Rules, 2003 that requires proper handling and disposal. Organization will seek authorization for disposal of hazardous waste from concerned State Pollution Control Boards (SPCB) as and when required.

National Green Tribunal Act, 2010

National Green Tribunal Act, 2010 (NGT) is an Act of the Parliament of India which enables creation of a special tribunal to handle the expeditious disposal of the cases pertaining to environmental issues. It was enacted under India's constitutional provision of Article 21, which assures the citizens of India the right to a healthy environment. As per the Act the National Green Tribunal has been established on 18.10.2010 under the National Green Tribunal Act 2010 for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. It is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues. The Tribunal shall not be bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice.

CONCLUSION

Hence the primitive people of India always treated the plants and trees as a part of their families. We should not deviate from the path of our forefathers regarding the environment protection. To sum up, the environmental policy during the British rule was not directed at the conservation of the nature but rather was directed at the appropriation and exploitation of common resources with a primary objective of earning revenue. Neither were there effective laws for the protection of environment.

REFERENCES

1. Aparna Sawhney, *New Face of Environmental Management in India*, Ashgate Publishing Limited, Hampshire, 2004, p. 125.

2. B.N. Tiwari, "Hindu Culture and Ecology" in Gautam Sharma (ed.), *Environment, man and nature Reliance: New Delhi, 1989.*
3. Jaswal P.S. *Environmental Law*, Pioneer Publications, Faridabad, 1999.
4. Kailas Thakur, *Environmental Protection Law and Policy in India*, Deep & Deep, New Delhi, 1999.
5. Khan, I.A., *Environmental Law*, Central Law Agency, Allahabad, 2002.
6. Ramachandra Guha, *The Unquiet Woods-Ecological Change and Peasant Resistance in the Himalaya*, Oxford University Press, Delhi, 1989.
7. Ranabir Chakravarti, „The Creation and Expansion of Settlements and Management of Hydraulic Resources in Ancient India“, in Richard H. Grove, Vinita Damodaran and Satpul Sangwan (eds.) *Nature and the Orient: The Environmental History of South and Southeast Asia*, Oxford University Press, New Delhi, 1998, p. 93.
8. Richard Grove, „Conserving Eden: The (European) East India Companies and Their Environmental Policies on St. Helena, Mauritius and in Western India, 1660 to 1854“, *Comparative Studies in Society and History*, Volume 35, Number 2, 1993, pp. 318-351.
9. Thakur Kailash, "*Environmental Protection Law and Policy in India*", Deep and Deep Publications, New Delhi, 1997.
10. World Commission on Environment and Development (WECD), 1987.

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