

CHANGES IN ENVIRONMENTAL POLICIES OF INDIAN LEGISLATION DURING VARIOUS ERAs OF INDIAN HISTORY

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ABSTRACT

Environment is the combination of living things & non living things . It is the basic requirement for the existence of life. This paper consists of factors affecting the environment and precaution taken to curb the factors affecting environment. We are focussing on the policies taken by the Indian Legislation towards growth and development of environment . Now, we have divided the policies depending upon the following time period or Era

- Ancient India
- Medieval India
- Mughal Period

We will also focus on the five year plans taken by the government post independence. Finally paper also includes National Environment Policy of 2004 and 2006, also to create some awareness among people about the importance of protecting our Environment .

KEYWORDS

Pollution, Atmosphere, National Environment Policy, Organisms, Van Mahotsav, Awareness, Conserving, Existence.

INTRODUCTION

Environment is a term which is known to everyone but when asked no one is able to define it properly. Environment not only include the surrounding near us but it also includes factors such as natural resources such as land, water, atmosphere, forests, dams, habitat, health, energy resources, wildlife etc. To support our comment we have the Environment Protection Act of 1986 and section 2a) of the Green Tribunal Act² which states that water, air & land are interrelated in such a way that it makes life of human beings, plants, living creatures possible.

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² <http://envfor.nic.in/>

Hence we are able to know now that environment is not just the surrounding but a combination of all the above mentioned factors. All factors which influence life are considered to be a part of the term ' ENVIRONMENT'.

ENVIRONMENT POLICIES OF ANCIENT INDIA TO MEDIEVAL INDIA

The term policy is referred to as a step or plan taken by the government or anyone having the power to issue laws regarding any major problem or issue. In this section we will be looking forward to know some policies taken from the period of ancient India to medieval India (up till the British India).

If we look back at history , the vedic era was considered to be the most environment friendly era out of all. During this era people use to worship water , air, tree etc. People used to consider it as a responsibility to preserve the natural resources as they believed it to be there god. In perspective of environment protection view Mauriyan Period was considered to be the glorious period. During this period Kautilya's Arthashastra was introduced which had strict punishments for cutting trees, destroying forests and killing of animals. Arthashastra introduced forest administration to look after the offences mentioned above. The penalty for above mentioned offences varied between 20 to 80 pana. Charak Sahmita had strict instructions for the use of water and to maintain its purity. In Srimad Bhagvatham it is said that he who give respect to sky, water, earth, rivers, trees and other living being , attains the power of supreme peace and God's grace.

Mughal Emperors have played a significant role in increasing the beauty of Environment by construction of elegant monuments such as Taj Mahal etc. Also enhanced the beauty by construction of gardens, water fountains, green lawns, dales on riverside which as used by the king as holiday resort. Most of the Mughal Emperors believed that forest were there hunting grounds where they go to kill animals for their own entertainment purposes although Akbar, Jahangir & Shah Jahan came out with policies to curb the killing of animals but it went in vain. Thus ,during Mughal period the wildlife started to being depleted as result animals began to be endangered.

The invasion of the Britishers in India marked the period of destruction of forests and plundering of natural resources. This period introduced forest management in an organised way although no legislation was made due to lack of awareness and moreover the Indians were considered to be the slaves of the British East India Company. After Industrial

Revolution some legislative laws were introduced but this was done only to fulfil their own greedy motives. These legislative laws later paved way for the further legislation in Independent India. Some of the laws that were introduced during the British reign were as follows :-

INDIAN POLICE ACT 1861

This law came into existence in order to curb the increasing amount of noise pollution during that time. It specified a reasonable range of voice limits, upon exceeding the range the person found guilty was penalised

INDIAN FOREST ACT 1865³

As a result of increasing amount of people living in forest, the use of forest products were causing the destruction of the forest. With the introduction of this act , it denied people living in forests any right over the forest produced. This law was imposed to conserve , protect and maintain the forest resources.

For protection of water bodies various laws such as Bengal Regulation VI of 1819, Merchant Shipping Act of 1858, Indian Penal Code of 1860, Indian Easement Act of 1882 and Fisheries Act of 1897 were passed. Thus now we are able to understand that the British rule was not aiming to conserve nature instead it was aiming at earning revenue by using the natural resources for its own purposes.

ENVIRONMENT POLICIES POST INDEPENDENCE

After being independent India showed keen interest in protection of environment which is evident from the five year plan taken up by India during that period

During the first five years (from 1951 to 1955) India adopted Van Mahotsav (Festival of planting trees), during this period of five years all people took participation in this festival in order to protect forest. During this period huge awareness were created among the people about the importance of forest and also the Indian Government revised the British Forest Policy and renamed it as ‘ **National Forest Policy**’ .

³ http://lib.icimod.org/record/23461/files/c_attachment_234_2518.pdf

The next five years (from 1956 to 1960), they focused on constructing roads through the forest areas, economic plantation received more emphasis during this period of time. Connecting places where no one used to go become major aim to improve the quality of life of people living in such areas.

The next five years (from 1961 to 1969), they focussed on the growth and development of the Environment Legislation.

A new scheme was introduced which was named as ‘ **Pre Investment Survey of Forest Resources** ‘ which was started with the collaborated efforts of United Nation Special Fund and Food and Agriculture Organisation .The main aim of the scheme as to study the availability of raw materials from the forest and to check the misuse of the natural resources . Determining economic viability became a major aspect for this period.

MAJOR ENVIRONMENT POLICIES IN INDIA

The ministry of Environment and Forests have taken up many policies and programs to preserve forests and conserve rivers, biodiversity, wildlife, ensuring welfare of animals and check on pollution levels.

1. The Policy Statement for Abatement of pollution : This policy statement came on existence from 26th February onwards. It includes the following guiding principles
 - Prevention of pollution at source
 - Encourage, develop and apply the best available practical technical solution
 - The polluter pays principle
 - Public participation in decision making

For the various environment problems which were rising day by day a new policy statement known as ‘**The National Conservation Strategy and Policy Statement on Environment and Development**’⁴ was introduced on June 1992 . This Policy Statement came into existence after extensive consultation at various levels of Central and State Governments, Universities, Academic Institutions, Non Governmental Organisations and informed individuals. It introduced a new concept or terminology to the Indian Legislation known as ‘ **Sustainable Development**’ . This policy made the Government to re- orient policies and action in unison with the environmental perspective

⁴ <http://envfor.nic.in/about-ministry/about-ministry>

and also had a significant role in devising the norms and regulation for integration of environmental consideration in the developmental activities of the various sectors, thus paving the way for achieving sustainable development.

DRAFT NATIONAL ENVIRONMENT POLICY-2004

The draft of the national environment policy was introduced on 21st August 2004 by The Ministry of Environment and Forests. This Policy identifies the major problems associated with the environment and also the various factors that are causing the problems. The Preamble of National Environment Policy states that there is a need for a comprehensive policy statement in order to infuse a common approach by various sectors , cross sectors , including fiscal, approaches to environment management . The present national policies for environment management are also mentioned in the National Forest Policy of 1988, The National Conservation Strategy and Policy Statement for Environment and Development of 1992⁵. With the introduction of the draft the following changes came into existence

- It made the people to realise their national commitment to clean the environment , mandated in the constitution Articles 48A and 51A
- Strengthened the judicial interpretation of Article 21 of the constitution
- It also pointed out that maintaining a healthy environment was not only the responsibility of the government of a country but also that of every citizen

The NEP 2004 played a vital role in being the statement of the India's commitment for making a positive contribution to international efforts. It briefly described the key environmental challenges faced by the country and also gave documented ways to curb the factors affecting these challenges.

NATIONAL ENVIRONMENT POLICY – 2006

The urge for a comprehensive policy statement was growing , to meet this urge a new statement was introduced by the cabinet on 18th May 2006 named as ‘ **The National Environment Policy**’⁶. According to the report submitted by the NEP of 2006 it was observed that the factors which contributed to environmental degradation were population growth, inappropriate technology, inappropriate consumption choice and poverty. The

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⁶ <http://www.moef.gov.in/sites/default/files/introduction-nep2006e.pdf>

Policy seeks to increase strength of environmental management by partnership of different stake holders , public agencies, local communities , academic and scientific institution, investment community, international development partners and also to harness their respective resources.

EXISTING LEGISLATIONS

Water (Prevention and control of pollution) Act of 1981, came into existence with the main objective of reducing the wastage of water and misuse of water bodies . It's another objective was to check the various factors which contributed to water pollution and reducing these factors. Continuous check on the quality of water was done and steps were taken to the ensure the quality of water⁷. Penalty was given to the defaulters who were found to misuse or pollute any natural water bodies.

Under water prevention act , Board for the Prevention and Control of water pollution for checking of quality of water came into existence with immense power from the government.

ENVIRONMENT PROTECTION ACT 1986⁸

Under this act the provisions for protection of environment and wildlife came into existence . The people were given awareness about the importance of the environment for sustenance of human life on earth, bad consequences of destroying forests for greedy intentions by human , ill effects of killing of forest animals etc. Strict punishment and penalty for anyone who violated the provisions mentioned in the act and constant check of any such act as given maximum importance .

CONCLUSION

At the end I would like to conclude that with the changing phases or Eras of Indian History the Environment Legislation became stronger and stronger . Each Time Period or Era marked its own laws and policies to protect environment and also wildlife and also to curb the various factors with are badly affecting both of them. Strict Rules, Heavy Punishment, PILs ,Regular Checking were some of the steps taken to ensure that our mother nature is protected.

⁷ <http://cpcb.nic.in/functions/>

⁸ <http://envfor.nic.in/legis/env/env1.html>

Although due to lack of proper implementation of Laws and Policies led to evident failure of Environment Legislation at times . Many steps have been taken earlier being it by Rulers , British Government or by the government of India after independence still more and more steps and rules are being introduced till date to ensure the protection of wildlife and environment. But all these steps and rules will go in vain unless the citizen of the country doesn't take the responsibility of protecting environment seriously, for this they should be made aware about the importance of the environment. Nowadays , government is taking this responsibility to make people understand this through various television advertisements . Hope that people take their responsibility seriously and start planting more and more trees so that we leave behind something for our future generations.