

NATIONAL POLICIES ON ENVIRONMENT

INTRODUCTION – ENVIRONMENTAL POLICY

Environmental policy is the commitment of an organization to the laws, regulation and other policy mechanism concerning environmental issues

These issues generally include air and water pollution, waste management, ecosystem management maintenance of biodiversity, the protection of natural resources, wild life and endangered species

Environment refers to the physical ecosystem, but can also take into consideration the social dimension (quality of life, health) and an economic dimension (resource management , biodiversity)

Policy can be defined as a “course of action or principle adopted or proposed by a government, party, business or individual”

Thus, environmental policy focuses on problem arising from human impact on the environment, which acts onto human society by having a (negative) impact on human values such as good health or the ‘ clean and green environment ‘

EVOLUTION OF ENVIRONMENTAL POLICY IN INDIA

Two international conferences-one at Stockholm in 1972 and another at Rio de Janerio in 1992 on Environment and Development have influenced environmental policies in India

Environmental Policy - Pre Stockholm Period (Prior To 1972)

1. In the early years of Independence there was no precise environmental policy and not much attempts were made to frame any specific policy or law for the protection of environment.
2. This period had more stress on the development of infrastructure with little concern for environmental issues.
3. Various environmental concerns like sewage disposal, sanitation, public health etc., were dealt with different ministries of government.
4. However, the concern for environmental protection was reflected in the national planning process and forest policy.
5. The 24 United Nations General Assembly decided to convene a conference on Human Environment in the year 1972 and it requested the member countries to prepare a

report on the same. India as a member country of United Nations was also requested to do the same.

6. The Government of India set up a committee on Human Environment under the Chairmanship of Dr. Pitambar Pant, member of the Planning Commission to prepare a report.
7. The report indicated the need for establishing greater co-ordination and integration in Environmental Policies and Programmes.
8. In February 1972 a National Committee on Environmental Planning and Co-ordination (NCEPC) was established in the Department of Science and Technology.
9. This was the apex advisory body in all the matters pertaining to environmental protection and improvement.
10. The committee was assisted by Department of Science and Technology and an Office of the Environmental Planning and Co-ordination (OEPC) was set up under the direction of the Chairman of the committee.
11. Major activities of the OEPC included collaboration with the project appraisal division of the planning commission in developing guidelines for evaluating the relevant costs and benefits of developmental projects by taking into account the environmental factors and formulation of proposals and co-ordination of research programmes on environmental problems.

Environmental Policy - Post Stockholm Period (After 1972)

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 long term perspective.

Fifth Five Year Plan

The fifth five year plan (1974-79) stressed the need to have a close association with National Committee on Environmental Planning and Co-ordination with all major industrial decisions so that environmental goals are fully taken into account.

It also stressed that in the process and pursuit of development there should not be any reduction in the quality of life and the link was very much stressed between developmental planning and environmental management.

Sixth Five Year Plan

In the sixth five year plan (1980-85) an entire chapter on 'Environment and Development' was included which emphasizes sound environmental and ecological principles in land use agriculture, forestry, wild life, water, air, marine environment, minerals, fisheries, renewable energy sources, energy and human settlements.

It provided guidance on environmental concerns to administrators and resource managers in formulating and implementing programmes and lay down an institutional structure for environmental management in the Central and State Governments.

Tiwari Committee (1980)

The Government of India 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 legislations 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.

The committee's recommendations were

- ★creation of comprehensive environmental code to cover all types of pollution and environmental degradation.
- ★constitution of environmental Courts in all district headquarters and appointment of experts to assist the Court.
- ★ Creation of Department of Environment.
- ★ setting up a Central Land Commission.
- ★ provisions of economic incentives to industries to encourage environment friendly products, income tax and sales tax benefits for adapting cleaner technology, investment tax, credits for purchases of purification devices, replacement cost of purification equipment in annual operating costs and minimal tax or no tax on the manufacture of pollution control devices.
- ★ making environmental impact assessment, not only a prerequisite for industry to start but also repeated periodically.

The emphasis laid in the planning commissions' reports and Tiwari committee's recommendations led the Government of India to set up a separate department namely Department of Environment in the year 1980.

To improve the implementation of laws and policy directives the Department of Environment was replaced by an integrated Department of Environment, Forests and Wild life in the year 1985, which later on expanded into a Ministry namely Ministry of Environment and Forests.

Ministry of Environment and Forests

Established in 1985, the MOEF is the central government nodal agency responsible for planning, promotion and coordination of all environmental activities, including formulation of national policies, standards and regulations.

Its major activities include:

1. conservation and survey of fauna, flora and wild life
2. prevention and control of pollution
3. afforestation and regeneration of degraded areas and protection of environment
4. promotion of research, extension education and training to augment the manpower
5. collection, compilation, storage and dissemination of environmental information
6. Creation of environmental awareness at different levels.

Later on two more agencies were created to tackle specific environmental problems viz.

1. National Waste Land Development Board

2. Central Ganga Authority

Establishment of Pollution Control Boards

In order to prevent and control water pollution, the Parliament enacted the Water (Prevention and Control of Pollution) Act in the year 1974 and similarly to prevent and control air pollution, the Air (Prevention and Control of Pollution) Act in the year 1981.

The Central Pollution Control Board was constituted under Section 3(1) of the Water (Prevention and Control of Pollution) Act in the year 1974.

Subsequently different states constituted State Pollution Control Boards in their respective states under the Section 4(1) of the Water (Prevention and Control of Pollution) Act 1974.

The major founding objectives of these boards were

1. to advise the government on any matter concerning the prevention and control of
2. coordinate the activities of state pollution control board and resolve disputes among them;
3. provide technical assistance and guidance to the State Boards,
4. carry out and sponsor investigations and research relating to problems of water and air pollution and for their prevention, control and abatement;
5. prosecute polluting industries pursuant to the Water Act;
6. collect, compile and publish technical data on air and water pollution and measures recommended for their prevention, control and abatement;
7. organize training of staff engaged in environmental programs;
8. prepare manuals, codes and guidelines relating to industrial emissions and effluents;
9. organize mass media awareness programs on environmental protection;
10. disseminate information on water and air pollution and their prevention and control; and
11. perform such other functions as prescribed by the central government.

State Pollution Control Boards.

The state pollution control boards were established following the State Legislatures' adoption of the Water Act of 1974 and then the Air Act of 1981.

At the State level, the SPCBs are attached either to the Environment Department, or to the Forest and Wildlife Department. In general, SPCBs perform the following functions:

- advise the state governments on pollution related issues;
- plan a comprehensive state-level pollution control/prevention/abatement program;
- implement and enforce national standards, making them more stringent if warranted by local conditions;
- grant consents to establish and to operate under the Air and Water Acts and authorize hazardous waste disposal per rules under the Environmental protection Agency ; and
- collect water cess for the use of water.

Rio Conference Policy (1992)

The United Nations Conference on Environment and Development (1992) (Rio Conference) specified the policy statement for the abatement of pollution to incorporate environmental costs in the decisions of producers and consumers.

1. to reverse the tendency to treat environment as a 'free good' and to pass these costs onto other parts of society or other countries or to future generations.
2. to move 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.
3. to include wherever appropriate the use of market principles in the framing of economic instruments and policies to pursue sustainable development (Agenda 21 Chapter 8).

Indian Environmental Policy (1992)

The Ministry of Environment and Forests, Government of India in the same year 1992 announced a policy statement for abatement of pollution. The Preamble not only spells out the objectives but also shift emphasis from defining the problem area towards actual implementation for achieving the objectives.

The policy stresses :

1. the need for a positive attitude on the part of everyone in the society to prevent pollution.
2. the need for a comprehensive approach to integrate environmental and economic aspects in development planning.
3. preventive aspects of pollution abatement and promotion of technological inputs to reduce industrial pollutants and reliance upon public co-operation in securing a clean environment to respond to the coming challenges.
4. the integration of environmental considerations into decision making at all levels.

The policy statement adopts the following fundamental guiding principles.

1. prevention of pollution at source
2. the adoption of the best available technology
3. the polluter pays principle : and
4. public participation in decision making

The policy favours a combination of regulatory and market based instruments to prevent and control pollution. There has been considerable activity in the states also. The Maharashtra State in the year 1997 announced a policy to restore the quality of its river waters and achieve ambient water quality standards. In the same year Haryana State announced a comprehensive conservation policy to improve pollution control.

Forest Policy (1988)

The major objectives of the new Forest Policy adapted in the year 1988 are as follows

1. maintenance of environmental stability through preservation and wherever necessary restoration of the ecological balance.
2. conserving the natural heritage of the country
3. increasing substantially the forest / tree cover in the country through massive afforestation and social forestry programmes.
4. meeting the requirements of fuel wood, fodder, minor forest produce and small timber of the rural and tribal populations.
5. creating a massive people's movement with the involvement women for achieving the objectives and minimize pressure on existing forests.

National Conservation Strategy (1992)

The National Conservation Strategy and policy statement of Environment and Development adapted in June 1992.

1. The policy provides the basis for the integration and industrialization of environmental considerations in the policies and programmes of different sectors.
2. emphasizes sustainable life styles and proper management and conservation of resources.
3. provides biomass on sustainable basis to the rural poor.
4. provides promotion between forest based industry and farmers

Policy Statement on Abatement of Pollution, 1992.

Policy statement on abatement of pollution encourages the use of economic instruments to complement traditional command-and control approaches to pollution abatement. To integrate environmental considerations into decision making at all levels, the policy adopts the following guiding principles:

- prevention of pollution at source;
- adoption of best available technology;
- the polluter pays principle; and
- public participation in decision making.

As the nodal agency, the Ministry of Environment and Forests (MOEF) is responsible for implementing the Policy Statement on Abatement of Pollution and National Conservation Strategy

National Environment Policy of 2006.

The National Environment Policy builds on the existing policies (e.g. National Forest Policy, 1988; National Conservation Strategy and Policy Statement on Environment and Development, 1992; and the Policy Statement on Abatement of Pollution, 1992; National Agriculture Policy, 2000; National Population Policy, 2000; National Water Policy, 2002 etc).

The National Environment Policy (NEP) of 2006 is the most recent pronouncement of the government's commitment to improving environmental conditions while promoting economic prosperity nationwide.

The NEP's key environmental objectives include conservation of critical environmental resources, intra-generational equity, livelihood security for poor, integration of environment in economic and social development, efficiency in environment resource use, environmental governance, and enhancement of resources for environmental conservation. This policy promotes mainstreaming of environmental concerns into all development activities, advocating important environmental principles and identifying regulatory and substantive reforms.

With respect to regulatory reforms, the NEP recommends revisiting the policy and legislative framework to "develop synergies among relevant statutes and regulations, eliminate obsolescence, and amalgamate provisions with similar objectives."

The NEP identifies a new framework for legal action that includes application of a mix of civil and criminal sanctions, adoption of innovative economic instruments, and public-private partnerships in strengthening environmental compliance and enforcement.

The Ministry of Environmental forests is responsible for implementing the NEP.

The current national policy can be put into two categories from the standpoint of

A) overall environmental management which includes:

1. National Forest Policy, 1988,

2. National Conservation Strategy and Policy Statement on Environment and Development, 1992, and
3. Policy Statement on Abatement of Pollution, 1992.

B) Sector based policies include

1. National Agriculture Policy, 2000
2. National Population Policy, 2000, and
3. National Water Policy, 2002 have equally contributed to manage the environment.

The common focus of all these policies is on the need for sustainable development in their specific contexts. The National Environment Policy seeks to extend the coverage, and fill in gaps that still exist, in light of present knowledge and accumulated experience (NEP, 2006).