



Environmental Law

Historical Perspective: Introduction

- Environmental pollution is Global issue— countries interconnected by oceans , winds blowing are same
- Nuclear tests, radioactive wastes,--effect on neighbouring countries.
- Efforts should be co ordinated
- Basic right to live in healthy environment
- Integration of environmental concerns in development process.

Env. protection policy during British regime

- British regime saw plunder of forest and natural resources---also beginning of forest management.
- Beginning –there was ‘fierce onslaught’ on forest-for military purposes, Navy, supply of teak sandalwood for export ,trade ,extension of agriculture etc
- People also had unrestricted rights in forest-- no govt control

Env. protection policy during British regime

- In **1806**—Commission was appointed to see availability of teak –appointment of conservator of forest—no conservation—
- In **1864** beginning of systematic management- Inspector General of Forests –for exploration, demarcation of reserves, protection from fires etc.
- Objective changed from obtaining timber to protection and improvement –
- Forest as State property- In **1865** state monopoly –acquisition of forests rights
- **1878** –Act revised– customary rights of people ended—State reserved forest--

Env. protection policy during British regime

- In 1894 –First Forest Policy-objectives of 1) promoting general wellbeing, 2) preservation of climatic and physical conditions and 3) fulfilling needs of people.
- Classifications of Forest :
- Forests for preservation(climatic/physical change)
- For supply of timber
- For inferior sorts of timber
- Pastures (forest in name)

Env. protection policy during British regime

- Implementation of Forest policy 1894 through ---Forest Act 1927
- It denied rights of people on forest produce only because domiciled
- Land use policy---State could acquire forests land, village forests thru simple notification.

Regulation of environment

- Water pollution
 - The Shore Nuisance Act 1853
 - The Indian penal Code 1860
 - Indian Fisheries Act, 1897.
- Air pollution:
 - Bengal Smoke Nuisance Act, 1905
 - Bombay Smoke Nuisance Act , 1912
- Wild life :
 - Elephants Preservation Act, 1879
 - The Forests Act, 1927
 - Wild Birds and Animals Act Protection Act, 1912
 - Wild life preserves at Kaziranga in 1926 and Corbett National Park 1936.

Environment Protection after Independence

- The National Forest Policy 1952
- Main objectives:
- To cover 1/3 rd of total geographical area with forest
- Functional classification
- National interest top priority
- Curbing indiscriminate extension of agriculture.

Environment Protection after Independence

- Conserved 'reserve forest' concept
- Village forests – no right of management to villagers-lack of faith-legacy of British
- Forests –source of revenue and supply of wood for defense, industries etc
- Prohibition to general public from using forests even which were reserved for commercial purposes—hostile to conservation
- Plantations of commercially useful trees –over socially and ecologically useful trees
- Growing relation and influences of politicians and forest personnel
- Unrestricted and unlimited cattle grazing

The Fourth and Fifth Plans

- Development with conservation ,
- Institutional financing
- Develop degraded forest for supply of timber and fuel
- Wildlife conservation- project Tiger
- The Stockholm Declaration on Human Environment 1972
- The Constitutional 42nd Amendment Act 1976
- Art 48-A, Art 51 A –g

The Fourth and Fifth Plans (1970's)

- Pitambar Pant Committee- reporting of Indian State of Environment
- Stressed on Co-ordination ,integration of policies and programmes
- National Committee On Environment Planning and Coordination (NCEPC)
- Laws:
 - Wild Life Protection Act 1972
 - Water Act 1974
 - Water Cess Act 1977

Sixth and Seventh Plan(1980's)

- 6th plan--Focus shift from economic to 'Ecological balance'---development without destruction –attempt to link forest development with tribal economy
- 7th plan –'Sustainable development in harmony with environment –massive afforestation—peoples' participation—forest-based programmes biomass based economy.

National Forest Policy 1988

- Protection of existing forest
- Diversion of good agricultural lands to forest discouraged
- Extension and management of national parks, sanctuaries etc
- People's involvement
- Natural forests –no supply of produce for industries
- Forest not for revenue and commercial exploitation ,but for conservation of soil and environment
- Role of people in conservation emphasized
- Forest dwelling communities –protected.

The Tiwari Committee- Recommendations

- Creating Department of Environment
- Create Land Commission
- Effective scientific management –scientific personnel
- Nature education for people
- Diversion of forest land to non forest purpose-after prior approval of central authority

ENVIRONMENTAL POLICY DURING 90`S

- **8th five year plan:**

Identifies these tasks to meet challenge of environmental degradation.

- To protect the natural environment.
- To regenerate and restore the degraded ecosystem and increase their productivity and to generate employment.
- To develop and share an understanding of nature on natural processes .
- To formulate a national policy for environment and appropriate institutional and legal framework in support of the policy.
- To ensure sustainable use of natural resources.

Policy statement for abatement of pollution, 1992

- Prevention of pollution at source
- Encourage and develop and apply best apply practicable technical solutions
- Ensure that the polluter pays for pollution and control arrangements
- Focus protection on heavily polluted areas and river stretches
- Involve public in decision making.

The National conservation strategy and policy statement on environment and development 1992

- Sustainable and equitable use of resources
- To prevent future deterioration of life support systems
- Restoration of ecologically degraded areas
- Developmental projects with least environmental effects
- Conservation of coastal areas and marine ecosystem
- Protection of landscapes, wildlife habitats, heritage sites etc

Instruments for implementation

- Environment Impact Assessment
- Compulsory prior environment clearance
- Incorporating environmental safeguards in developmental projects
- Encourage research and environmentally compatible technologies, modern tools of science and technology
- Encourage public participation
- Environmental consciousness thru education

Instruments for implementation

- Environmental management by professionals
- Implementations of environmental laws
- **LAWS:**
- Public Liability Insurance Act, 1991
- Amendment to Water Cess Act
- Environmental Audit compulsory
- Safety audit
- Environment Impact Assessment-- Statutory.