

Environmental Governance in India: A Critical Appraisal

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The successive governments at the Centre have taken bold initiatives within the legal and constitutional framework for the protection of the environment. But still the problem of environmental degradation and pollution has not been controlled to the extent to which can be. The fault might be with the institutional set up or with the people or with the both.

At the time of Stockholm Conference, environment issue was perceived by even the most educated sections in India, as an elite-oriented, fashionable subject. The academicians and professionals were fully aware of the environmental hazards but related them with the field of public health, forestry etc. What was not perceived was the totality of the linkages between these problems. Bureaucratic red-tapism was also responsible for the non-accomplishment of any success regarding environmental appraisal and building a firm institutional base in order to tackle the staggering environmental challenges that face us. To achieve this goal, methodologies appropriate to Indian conditions must be worked out. An outline of the major environmental concerns is elaborated herein.

The building of dams over rivers leads to creation of artificial lake and also the destruction of existing riverine ecosystem. As a consequence, new species of plants, fungi, bacteria and other micro-organisms emerge. These species play an important role in transmission of waterborne and other infectious diseases.

It is a sad commentary in our times that despite increase in health hazards such as waterborne diseases resulting in immense suffering of citizens goes unheeded by the political leaders. To attract their attention, such suffering must be translated into economic terms. Worst still is the blame game or in other words holding the victims responsible for the spread of diseases. The arguments of the decision makers like the local people or peasants are not ready to learn, had they learnt to use rivers and reservoirs more wisely, this would save them from water borne diseases to a great extent. Also, high pressures released by vast mass of water in big dams often give rise to earthquakes.

Furthermore, the authorities appear to be ignorant of the functional and life-saving roles assumed by the rivers in the everyday lives of the residents of those towns and cities situated on their banks. The rivers are centres of functions like trading, bathing, washing

clothes, and purification of oneself by taking a dip in the holy waters of the Ganges (Goldsmith and Hildyard 1984: 90-91). Expecting people to change their age old customs and traditions is a farce.

As a result of Green Revolution in India, the compulsion to use pesticides has increased manifolds, particularly in those areas where new varieties of rice and other crops have been introduced. Application of large quantities of pesticides is often accompanied with devastating consequences to these crops as such crops are highly prone to insect depredation.

The second half of the Twentieth century had witnessed large scale deforestation as a result of frequent occurrence of floods by structural means. This is a common phenomenon that has occurred in almost all the third world countries involved in flood control through structural mechanisms, like building embankments, dams and other similar measures.

Another problem related to flood control in India, as in many other countries happens to be the irrigation department consisting of officials who are engineers. This is the nodal department for controlling floods and due to the engineering mindset; the people here are unwilling even to accept that the solution to the problem of flood control can also be of non-technical nature. One argument is that the responsibility of controlling floods should be handed over to an organization capable of controlling soil erosion in the catchments. The problem is that such organizations do not exist, secondly even if they are created; their survival is questionable given the extent of political interference in the country.

Moreover, developing countries are surrounded by basic problems like lack of safe drinking water, depleting natural resources, and pollution. Instead of finding solutions to these basic problems, irony is, the government is spending three times as much on armaments than health care, scientists are engaged in technology of making weapons, economists are busy with unlimited growth, industrial corporation are dumping toxic wastes somewhere else, rather than re-cycling, not realizing that in an eco-system there is no somewhere else.

The situation pertaining to environmental governance appears to be grim but the decision makers appear to be oblivious of the main cause: the systemic problems. These problems cannot be solved by academic discipline or by government agencies but requires change at the structural-institutional level capable of bringing about profound transformations in the existing social and political institutions, values, ideas, and mindset of the people.

The multinational corporations have added to the already existing environmental woes profit maximization, resource exploitation, rather than welfare is their ultimate goal. There are no laws today, national or international; that can effectively address the problems of these giant institutions...the development of our international framework has been ousted by the growth of corporate power (Charlene and Capra, 1984: 159).

The implementation machinery is inefficient and unprofessional in its functioning. The rigidity and red-tapism in bureaucracy has also added to the environmental maladministration in the country. As a result, villages and the slums in every city of India is still suffering from diseases, squalor and unhygienic conditions despite several legislative enactments. On one hand, the **Environment Act 1986** is responsible for protecting the environment. But on the other hand, loopholes in the Act leave scope for protection of the industry. This reveals the contradiction in handling matters of industrial and environment safety. Moreover, the notice given by the court for violation of laws provides enough time to the offender to make amendments and escape liability of punishment under the Act which is considered as a major loophole.(Jain and Sharma 1989: 417)

The Water Act expressly confers powers and functions on the Water Boards; it is silent on funds, which it leaves to state governments. As long as funds are uncertain the state governments cannot enforce the act effectively. As a remedy to this problem, the Water (Prevention and Control of Pollution) Cess Act was passed in 1977 to helpaugment resources and control of water pollution. The Water Board has no authority to directly deal with the erring industries and is required to approach the judiciary for taking action. The court's procedures are time consuming which enables the guilty to rectify the mistakecommitted.The ordinary citizens are not represented in decision making as far as the various acts of water, air, and noise pollution are concerned. Central and state pollution control boards can actually benefit by the people's constant vigilance.

Courts have important role in the protection of the environment. The courts have been more concerned with the capability of the defendant rather than the condition of the environment. Many cases do not satisfy to be crime by the court and are regarded asbreaches of social welfare standards. The Court awards such petty fines in most of the cases, making it easier for the industrialists to go on paying fines instead of buying pollution prevention equipment. The need of the hour appears to reorient the judiciary mainly at the magistrate level and above.

Forest (Conservation) Act, this important piece of environmental legislation has received very little public attention, which has focused more on the proposed forest bills, amending the forest Act, 1927. This act stipulates that no forest land or any portion thereof may be used for non-Forest purpose without the permission of the central government. It provides for the constitution of an advisory committee to advise the government on the cutting of forests. There is lack of political will to save the forest while it is possibly true that a lot of forest felling has been stopped under this act, in several instances permission has been given for felling forests on a large scale when the government faced serious political problem like the fall of a state government.

Several state government are not happy with the Act, they believe it delays implementation of their development projects. According to an amendment moved in the parliament in 1982, which mandated the government to give permission to forest felling for public utility services such as roads, drinking water schemes, telephone lines and electricity lines. The resolution suggested the central government to give its approval to the schemes of the state government within fifteen days of its receipt. Fortunately this amendment was not considered. A wider dialogue and more detailed information on the implementation aspects of the Act are more urgently needed.

The environment of Third World is the provider of raw materials not only for its own industries but also for the industries of the west. The way the western industries have exploited the forest cover of the Third World, in the same way Indian industry is largely responsible for the damage and destruction of the forests in India. This is very much obvious by the fact that most of the modern industries today are based on the natural sources like cotton textiles, rayon, paper, plywood, rubber, soap and sugar. No wonder the denudation of the Great Nicobar Islands to plant palm for extraction of oil has been suggested by a leading soap manufacturer, which indicates that the environment in general and forests in particular have become the main provider of raw materials to Indian industries.

The forests of India have been mauled and mutilated by the Indian paper industry. After destruction of bamboo forests by the paper companies in Karnataka, have now moved to the forest of Northeast for acquiring raw materials. The government is under extreme pressure to liberalize import of pulp for the country's paper industry, thus adding to the pressure on

the forests of other third world countries. (The state of India's Environment 1984-85, pg.77).

The main cause of environmental destruction in the world is thus the natural consequence of the demand of the rich; whether rich nations or rich individuals and groups within nations. In India too, the extensive literature on legal and constitutional provisions for protection of environment are manipulated by the implementation machinery which caters to the interests of the more affluent. The forest departments, the corrupt forest officers have destroyed forests by selling off timber to the industrial and urban interests.

The very presence of the voluntary organizations for environmental protection indicates the failure of the government regarding environmental administration in India. The involvement of these NGOs ranges from protest against felling of trees, to land being submerged by dams, mining activity, killing of rare species of birds and animals, pollution, unhealthy working conditions of workers etc. Unfortunately, the government support for NGOs is limited to urban based NGOs and in the case of militant, rural NGOs which deal with life and death issues of people, its role is often adversary. In similar vein, it often regards the activities of the *adivasis* as law and order problem.

From the above discussion, it is quite evident, that the state has failed in its obligation to meet the constitutional requirements like, enact and implement laws strictly, set up review mechanisms, invite the public to participate in the policy decisions pertaining to the environment. Not only the state but even the decentralized levels of administration that is the districts, cities, official institutions responsible for enforcement and protection of environmental concerns have failed to act effectively. However, there are remedies and some solution are suggested which are expected to grapple with the problems to a certain extent.

Suggestions for Better Environmental Governance:

India's biggest challenge is to implement that model of development which will lead to greater equity, growth and sustainability. Inspite of the loopholes, following measures are suggested for environmental protection:

Greater degree of cooperation and coordination is needed between central, state and local governance, administrative institutions, ministries and departments. This problem can be dealt more effectively with de-centralization and much of the action entrusted to the states.

Environment should not be regarded as just another sector of development. It should form a crucial guiding dimension in each department and ministry (Jain and Sharma 1989: 418).

The crucial role of the NGOs as eyes and ears of the government in complementing the government's efforts in protection of the environment should be given due recognition. The efforts of the NGO's in terms of grassroots monitoring of environment concerns need to be properly recognized. Not only recognition, but steps should be taken to strengthen the NGOs to enable them to perform the above mentioned functions.

The allocation of national resources must also be budgeted. The government must present in the Parliament an annual natural resource budget which allocates funds for conservation of natural resources. The revenue of such a budget will be for land, waterand soil conserved or recycled, the air cleaned and the forests planted (Singh1985).

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