



E-ISSN: 2664-603X
P-ISSN: 2664-6021
IJPSG 2023; 5(1): 188-197
www.journalofpoliticalscience.com
Received: 21-04-2023
Accepted: 22-05-2023

Abhiram Meher
Ph.D. Research Scholar
(NFOBC Fellows), P.G.,
Department of Political
Science and Public
Administration, Sambalpur
University, Odisha, India

Revisiting environmental policy in India: An analysis of structure, process, and institution

Abhiram Meher

DOI: <https://doi.org/10.33545/26646021.2023.v5.i1c.222>

Abstract

The current paper attempts to understand the established environmental policies and parliamentary regulations for the protection, conservation, and consolidation of the environmental laws in India on one hand and focuses on the contemporary emerging issues on the other. Undoubtedly, India is currently passing through a difficult time where most of its regulatory bodies and constitutional laws are facing an internal crisis. These are often found irrelevant; as they failed to maintain a healthy environment in the country over time. Critics also argue that environmental issues in India are rightly standing as a major obstacle in which 'environmental pressure' is found to be high. So long as India's environmental initiatives are concerned, India had been a founding member of many global conferences, symposiums, and environmental debates from time to time. Among all of them, one of the founding attempts was the Stockholm Conference (1972). This led to the initial foundation touch for the development of its domestic and national environmental policy thereafter. However, India's environmental concerns were so ancient as it has inherently linked with the colonial past. But, despite all such efforts, the issue and challenge of environmental problems in the country are still new, fresh, and continuously weaving in different forms like water scarcity and resource conflict, climate change, and resource management. At the same time, Population growth and economic development might be equally responsible. Hence, the author wants to critically examine a few major areas of the study. In the first place, it tries to focus on the emergence of the environmental policy structure in India historically; while, the second, is the pioneering role of the Modi government in tackling the environmental challenges in the light of sustainable development and especially the debated climate issue in the 21st century; lastly, it provides a critical analysis to address the current difficulties in the realm of environmental policy system of India.

Keywords: Stockholm conference, Modi government, environmental policy, sustainable development, environmental concerns

1. Introduction

The Supreme Court in 'Tarun Vs. Union of India' (1992) case had referred to a popular statement as rightly argued by an emeritus American judge ['The issue of environment is above all, then the government, the business, and the individual liberty'] (Law Commission of India, 2013) ^[1]. This is an assertion to locate the increasing growing demand for environmental concerns all over the world. The judiciary thinks, unless there is a guaranteed condition of a healthy environment, nothing is above and finds a predominant place beyond it.

A country can never be regarded as high unless it has developed an able policy structure and governance system. Human health and risk management are equally important as economic development and nation-building. But, most of the country has failed to realize the truth that environmental problems are appearing because of their single-handed attention and India is not an exception to it. As the Ministry of Statistics and Programmer Implementation (MoSPI) report data shows, India's current population growth rate has reached 1.39 billion (139 crores) by July 1, 2021, and also estimated to reach 1.47 billion in the next half-decade as per the recent study by the UN, of which is India shares relatively more than 17 percent of the world population (Statistic Times, 2022) ^[2]. Even India's GDP growth rate remained at 12.55 percent by April 2022 despite the economic slowdown in many parts of the world. Still, the position of India has deep-rooted itself to be capable as 5th largest economy by surpassing the United Kingdom (UK) in the long race by April 2021 (IMF, 2022) ^[3].

Corresponding Author:
Abhiram Meher
Ph.D. Research Scholar
(NFOBC Fellows), P.G.,
Department of Political
Science and Public
Administration, Sambalpur
University, Odisha, India

In this trend, India's also share 1.8 metric tons per capita carbon emission since 2019, which is 2.5 times greater than India's microeconomic reforms of 1990 (Macrotrends, 2022) [4]. The mentioned data has negatively shown its many side defects as well, that effect directly on the environment. Being the second most populous country after China, India is never being able to control its environmental problem till the date of its independence because of some ongoing changes.

As Greenstein & Hanna (2011) [5] analyze if any factor will be common for the environmental degradation in India, then air, water, and land erosion. Similarly, air pollution, water scarcity, and land degradation like digging for mining works have been continuously rising despite the plethora of laws and agenda setting; which is again going to be a headache for the environment and its security concerns even by the stakeholders. Constant Industrialization, construction activities, and vehicular pollutant share the same threat of heatwaves, Greenhouse Gas (GHG), and poor air condition among the major cities of the big capital. As per 2022 Yale and Colombia University Studies, India has been regarded as one of the lowest countries whose rank is 180 in the Global Environmental Performance Index (GEPI) because of its poor policies execution and certain irrelevant green laws by including the national capital of Delhi and other megacities (Hindustan Times, 2022) [6].

On the other hand, Organization for Economic Cooperation and Development (OECD) argues that India's environmental issues are uncertain. For this, the World Health Organization (WHO), International Monetary Fund (IMF), and World Bank (WB) certainly have blamed India's weakening position to handle its national environmental policy to control environmental risk. It might be involved two sets of crises which are found to be solely responsible; in one respect, international pressure on India to solve the climate issue as soon as possible, while; controlling the productivity level of thermal power plants, coal, and manufacturing sector like energy sources, wastages from multiple sources on other (OECD, 2006). Hence, there is growing consciousness rapidly increasing in the mind of academia, environmentalist, health expert, NGOs, and stakeholders regarding the present environmental policy structure in India and its future. These are often rising in the question of how far the environmental policy in India is seemed to be effective. Is there any such responsible factor still prevailed? What is the governmental activeness to deal with the current environmental situation and for its adequate safety for management despite having a plethora of environmental laws over decades? Is there any alternative policy still required where the economic system and its environmental sustainability will go hand in hand?

2. Review of Literature

Divan and Rosencranz (2001) [48] try to relate the legislative, executive, and judicial efforts to strengthen environmental policy in India. To control pollution and degrading treatment of the environment many legislative measures have been suggested. These are the statutory and parliamentary actions in the national context to protect the environment, wild animals, and human health from ongoing crises. Contrary to it, constitutional provision elaborates a detailed and comprehensive document that is outlined under the Indian constitution. Through fundamental rights or a citizenry duty, the constitution has incorporated such agenda in a federal structure, between center-state relations, and

through the way of a constitutional amendment. Two provisions articles 48 (A), and 51 (A) focus on this dimension. The judicial arms also seek to empower its role to examine the parties' interests that are affected due to environmental problems. For this, hearing and instruction have timely been offered to these other two branches on such matters.

Ciecierska-Holmes *et al.* (2020) [47] developed a new piece of work to define the current changes in the environmental policy system of India. Apart from the federal structure of environmental governance, the responses of states' role and the increasing appearance of civil society to debate on environmental issues have been discussed. The needs of contemporary environmental policies like sustainable energy, forest governance, and green, smart, and sustainable city planning have also been currently outlined. Looking at the growing tension of climate change, India also moving forward to settle such concerns both at the national and international levels by setting climate agenda goals.

Kohli and Menon (2021) [46] show their expertise to trace out the developmental process of India's environmental laws. Very critically they have examined the feasibilities of environmental regulatory wings, legislative framework, and judiciary working approach in their analysis. Forest, land, water, and wildlife provision were getting a new texture to find their originality in the present context. At the same time, focuses on the recommendation of different committees especially in favor of environmental laws are the recent concerns.

Surendra Kumar (2009) [45] indicates the growing environmental issues in India. For him, giving a defined policy framework to overcome land conflict, resource shortage, and human struggle with nature is very important. Pollution level is widely increasing because of access uses of natural resources through human-made consequence. So, to deal with this matter, a 'social audit' program as he feels the best method to adopt in the environmental policy process. Apart from constitutional and legislative measures, environmental issues are more suitable to handle if community participation is established directly. Thus, the emerging crisis of the environment too much depends upon executives' decisions with individual support.

Bhabe and Kulkarni (2015) [45] give a historical remark on air pollution legislation scenarios in India to date. This has been a close analysis to study all types of air pollution measures through legislative action, executive decision, and judicial intervention. To provide a solid understanding, the action plan of the United Nations (UN) on managing air problems has been also taken by the country's national government. It also strongly defined the different constitutional provisions such as Article 21, which ensure the 'right to a healthy environment' as citizen rights. On the other hand, article 37, the 42nd Amendment Act added to these concerns under Articles 48 (A) and 51 (A). International protocol and conventions are distinctively taken here for a comparative study purpose.

3. Research Objectives

The followings are the central objective of the research work-

- a) To delineate different perspectives of Environmental Policy in India.
- b) To study 'Constitutional and Legislative measures' to safeguard environmental issues in India.
- c) To deliberate the major roles of 'Parliamentary Acts' to

- solve Environmental issues in India.
- d) To outline Modi's Government perspectives on Environment interrogations.
 - e) To describe 'New Environmental Schemes' under Modi's Government.

4. Research Methodology

This research paper is Qualitative in nature. It is purely based on historical and documentary methods, for which the data has been directly collected from the Ministry of Environment, Forest and Climate Change. Descriptive Analysis has been conducted. For data interpretation in the research work, the planned research depends on the constitutional and institutional approach. For this study, the primary data was composed in the form of Government reports, and study reports of various research organizations on the Environmental in India. Secondary data for this research include-Journals, Periodicals, Books, Articles, Newspapers, etc.

5. Environmental Policy: An Analysis of the Context

As Saxena (2021) ^[8] summarizes "environmental policy" in India can never be determined without a set of plans. It began with "people engagement to governmental intervention, from law making to their rigorous enforcement, from authorization to their judicious assessment through several processes with their inevitable scrutiny, reforms, and recommendation at the same". To relate the point, Kanchana Chopra (2017) ^[9] further writes, the concern of environmental policy framing in India is not as much easy as someone can quickly resolve. The process is often quite difficult and controversial for verities of reasons. Assigning a role to the political actor, then to the administrative institution, and then towards the working organization for the cause of policy-making gives a new meaning to it every time. Thus, environmental policy-making according to Chopra has been four important things. In the first place, it may understand the 'political and constitutional principles' on the environment in India; while secondly giving importance to 'parliamentary acts and rule and the legal intervention of the judiciary'. Thirdly, it would be the influential 'role of stakeholders' (Civil society, academia, NGOs, and so on) based on the prior knowledge to review, remake, and readdress environmental laws from the bottom level to the national and then international sphere. However, The Energy and Research Institute (TERI, 2014) ^[10] argues that 'environmental policy in India has been largely an outcome of 'federal model', whereby sharing the constitutional responsibilities among the national and subnational unit, between the different layers of government and governance process, then between center-state, local community and people as the center of analysis. As Ganguly (2016) ^[11] defines, 'environmental policy is a blending of 'nature, economy and livelihood' that has linked with socio-economic, political and scientific constraint in different level'. This does not infer merely the matter of negotiation and interaction about socio-economic reality, resource conflict, and the dynamism of the environment, but also multiple identities which makes it a cross-cultural and cross-nation nature of the debate.

6. The Constitutional Support

Initially, India has been the first country to take the privilege for the adaptation of environmental provisions under its number of constitutional provisions. Starting from Articles

21, 42, 47, and 49 have envisaged different meanings for the environment, public health, state obligation, and so on for the protection of the environment having of national importance. On the other hand, articles 48 (A), and 51 (A) were added to it after the 42nd Amendment Act of 1976 under the Indian constitution. Part IV and IV (A) of the Indian constitution also have described the provision of environmental protection under the Directive Principle of State Policy (DPSP) as well as in terms of citizenry duty (Law Commission of India, 2003) ^[1].

Article 48 (A) says that "the state shall endeavor to protect and improve the environment and to safeguard the forest and wildlife of the country".

As a matter of citizen duty article 51(A) says that "it shall be the duty of every citizen of India to protect and improve the natural environment including forest, lakes, river, and wildlife and to have compassion for the living creature" (Ministry of Law and Justice, 1976) ^[13].

Unlike that, the working of the federal structure of India has also played a very crucial role. The VII schedule of the Indian constitution contains three important lists under the center-state relation. Accordingly, list I deal with (Union List), II List deals with (The state List), and III List deal with (The concurrent List), however, the authority to legislate the power has been largely in the hand of the union parliament over the states. The union list discusses nine items such as inter-state river valley, regulation of oil and mineral resources, fishing, and so on. On the other hand, the state listed provision like (a) public health, (b) animal safety (c) agriculture (d) drainage, and water supply, etc. have been intertwined. At the same time, the protection of forests, animals, and birds has been added to the concurrent list (Law Commission of India, 2003) ^[1].

7. Environmental Administrative Structure in India

According to National Conservation Strategy and Policy Statement (1992) ^[15], environmental administration in India has been consisting of three important levels. They are namely (1) under legal setting, (2) under institutional framework, and (3) as per timely requirement. The legal mechanisms are necessarily statutory laws that have been made up through parliamentary intervention and regulation. These are often non-constitutional and be amended or can be repealed at any time. Hence, these laws are non-permanent in nature. Based on people's needs and essential to the protection of the environment of local, national, and international importance these laws have been framed. The legislation will be provided a wide framework for the interest of environmental protection and the safety of people's lives. Later on, it also deals with the safety of animals, plants, forests, Waterland, natural resources, and community living. Apart from such proviso, the environmental laws are essentially made to reduce and control the level of pollution which has affected water, air, land, and the environment. Among the operational act (1) The Wildlife Protection Act (1972); the Water Prevention and Control Act (1974); Water Prevention and Control Cess Act (1977) the Forest Conservation Act (1980) ^[18]; Air Pollution Act (1981); Environmental Protection Act (1986) ^[20]; Public Liability Insurance Act (1991) ^[23] and so on were historically constituted to maintain desirable environment across the country. These acts were framed with a special reference to deal with aspects of function and responsibility (MOEFCC, 1992). ^[24]

Secondly, on the other hand, under the institutional

framework, some special bodies have remained operational for the protection of the environment. These bodies are namely included different councils, boards, departments, ministries, and research centers, to be constituted hierarchically for the protection of the environment while ensuring a healthy environment situation countrywide accordingly. These are as follows-

- **Department:** (1) Department of Environment (1980); Ministry of Environment and Forest (1985); Department of Science and Technology (1971); Department of Agriculture and Cooperation; Departments of Environment; Department of Renewable Energy Sources.
- **Boards:** (1) Central Pollution Control Board (CPCB); (2) State Pollution Control Board (SPCB); and Central Forestry Board; (4) National Wasteland Development Board; (5) Indian Board of Wildlife.
- **Councils:** (1) Indian Council of Forest Research and Education; (2) National Land Use and Waste Land Development Council; (4) Council of Scientific and Industrial Research etc.
- **Survey Institution:** (1) Forest Survey of India; (2) Botanical Survey of India; (3) Zoological Survey of India.
- **Environmental Research Centre:** (1) National Museum of Natural History; (2) Centre for Environmental Education; (3) Institute for Himalayan Environment and so on (ibid).

However, thirdly, there is a time in which both parliament and executives have the power to initiate new laws to deal with emerging issues that depend on the needs of the hours and are also based on experts' suggestions.

8. Major Parliamentary Acts and Instruments

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

In the aftermath of the UN Stockholm Conference of 1972, for the first time, India enacted the Prevention of water pollution act in the country. It was passed through the central parliamentary law on 23 March 1974, to maintain the quality of water i.e., clean, fresh, and free from any form of pollutants. However, India successfully enacted this scheme after a long two and half decades of independence. The law was primarily consisting of two conditions; that is establishing both the Central Pollution Control Board (CPCB) and State Pollution Control Board (SPCB) for the maintenance of the water system in India and its successful restoration to tackle the issue of water pollution in the country. The act primarily indicates two constitutional laws such as articles 249 and 250, in which the state has exclusive power over water resources and is primarily responsible for its operation at the state level where the parliament has no authority to impose any burden on the states. In an earlier case, states like Bihar, Haryana, Gujarat, J & K, Assam, Kerala, and other union territories have passed such laws in their state assembly under article 252 of the constitution by the request of states (Central Pollution Control Board, 1974)^[17].

8.2 Forest Conservation Act, 1980

This act was introduced by the central government that came into effect on October 25, 1980. Under this act, there is an early condition required to fulfill i.e., taking approval in front of the central government for the diversion of forest

land into non-forestry areas in the country. Moreover, found a well-balanced place between the struggle for development and the environmental constraint. Further, the matter of natural heritage along with forest land protection subjects was added. The guideline of this act also strongly asserted that 'with the adaptation of the forest conservation policy developmental activities like the construction of roads, rail lines, drinking water project, transportation services, and mining works have been promoted without much damaging to nature'. Even though the price rate came down to 15 thousand per annum per hectare from 1.43 lakh of land price in non-forestry areas. At the same time, the catchment areas were being used for the protection of wildlife, and habitats, by recreating artificial plants in the process of afforestation. For this purpose, a central authority was constituted at the national level called as Compensatory Afforestation Management and Planning Authority (CAMPA) as a monitoring wing under the Ministry of Environment Forest climate change (MoEFCC) (Ministry of Environment, Forest and Climate Change, 1980).

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

Unlike previous environmental laws, the air pollution act was passed by the central government in India in the face of impending air pollution and rising numbers of environmental cases across the country. With a special aim to reduce and control such a range of air pollution in the country, the act was brought up. Again, it focuses so deeply on the maintenance of air quality by prohibiting poor air conditions (i.e., toxicities and poisonous gas and pollutants) and hazardous substances which is dangerous. Even nobody will disagree that the decline in air quality has a serious threat to the health system alongside on human environment. The act has also restricted manage of their source of pollution like limited use of gases, liquid, and solid exposal that will bring changes to the air system and at the same time upon the organism. It also opposes the use of chemicals, pollutants, and industrial hazards for the cause of environmental security. The law has a similar function to establishing Central and State Boards to observe the air quality from time to time. The act was strictly enforced as a result of the 'Bhopal Gas Tragedy' (Gas Leak Case) (Central Pollution Control Board, 1981)^[19]. Following this end, parliamentary legislation was brought up and set up its boards and councils countrywide to measure the quality of air then of industry and factory working conditions.

8.4 The Environment Protection Act, 1986

In 1986, India promulgated its Environmental Protection Act (EPA), which was a major landmark policy ever for the protection of natural resources for verities of reasons. The regular decline and losses of natural environmental resources involved in ongoing economic and developmental activities have laid down such provisions in the country. This is again due to the overreaching industrial activities that have left a greater impact on sources availability and shortage. Importantly the act seeks to prevent a wide range of forest degradation and resource exploitation. To deal with such matters and improvement of the human environment in the country, the act was mainly constituted. The UN's Stockholm Conference' in 1972 led to this challenging responsibility to frame a human-oriented environment in every country in which India was also a founding participant (Ministry of Environment, Forest and Climate Change,

1986). The act also provides a comprehensive doctrine that would enable strengthening the environmental law more accurately. So long as its commitments are concerned the act will keep away the negative impact upon human beings, plants, creatures, and natural organisms from any damages. The act also provided a wide-ranging power in the hand of the central government for the protection and control of pollution across the country. The act said that “a technical and expertise organize body will be formed to monitoring and observe the condition of the environment from time to time” (ibid).

8.5 National Forest Policy, 1988

On the recommendation of the Ministry of Food and Agriculture (MoFA) in 1952, the Government of India (GoI) adopted a Forest Policy Act (FPA) in 1988 to be known as National Forest Policy (NFP). This act was undertaken for the management of state forests in the country, with an imperative to resolve the problem of the depletion of natural resources, forest criminalization, cutting of trees, and supply of fodder-timber for commercialization. In contrast, the NFP would be surely an evolving mechanism, which tries to bring to an end the illegal practice of forest trading which is the source of income for the local people, traders, and business organizations. The policy also provides some unique safeguards not only for the maintenance of forest resources but also for their conservation, protection, and mutual community afforestation process. Sustainable utilization of forest resources and the demand to enhance forest reservoirs across the country was another area of it under the mentioned act. This act has been enumerated as follows: -

- **Forest Security:** This policy has ensured broadly maintained the possibility of forest stability in the country. Alongside will prohibit ecological imbalance, resource depletion, and forest deterioration, if possible, by human-made activities around the country.
- **Preservation of Biodiversity:** This provision is essentially given new confidence to conserve the natural heritage site nationwide and will conserve various types of fauna and flora within it. The natural forest, genetic resources, and healthy plants shall be given utmost priority, to be also protected by using different measures which it emphasizes.
- **Conservation of Soil and Water Resources:** The act discusses solving the problem of soil erosion and the Waterland crisis in the catchment areas. Conservation of water sources from lakes, rivers, and tributaries and managing flood, and droughts crises during the unavailability time have been a matter of concern.
- **Campaign for Forest Recreation:** The act enables awareness among the people to plant trees for the increment of forest cover in non-fertile land. Its approaches are social or voluntary or institutional level. Hence, afforestation and forestry processes must be encouraged differently. (ibid).

8.6 The Public Liability Insurance Act, 1991

Such an act was essentially passed by the Union Parliament on 22nd January 1991. The preface of PLIA defines, “the public liability-insurance means in case of damaged done to the parties or victim by any accidental reason or by affected hazardous substance shall be given an immediate compensation, relief, and sympathy as a matter of concerns”. The act also provides instruction to the owner to

issue an immediate insurance policy before entering the workers and employees on dangerous work at any work site. By this policy, a certain amount of package will be given as insurance to the parties for partial or total damage or the chances of disability with certain medical facilities. To abide by these norms, this law was focused to circulated among the working agency taking from central to state, to the district to local or grassroots level without disobeying its practice (Ministry of Environment, Forest and Climate Change, 1991) ^[23].

8.7 National Conservation Strategy, 1992

India adopted the National Conservation of Strategy (NCS) act right back two and half decades ago. This policy came only after the World Earth Summit (1992) held in Rio de Janeiro. As a policy response, focusing on the theme of ‘sustainable development’ it mentioned development was meant to be conducting economic growth in a balanced way. With a target to meet this robust agenda, soon after it, India began its National Conservation Strategy (NCS). There will be another example to form the national conservation strategy in India when causes like resource conflicts, environmental degradation, deforestation, infrastructure development, population growth, food shortage, and hunting of wildlife arose in different parts of the country. Yet, it was expected that there was no other imperative in front of the government rather than to frame a national policy in case of their violation (Ministry of Environment, Forest and Climate Change, 1992). Thus, the following standard has been used to meet the peculiar ambition of the country:

- Establishment of environmentally friendly developmental technology
- Conservation of forest resources and protection of wild animals
- Fight for Poverty mitigation
- Promotion of ecological development
- Development of inclusive growth strategy without social cost
- Protection of natural resources and human environment (ibid).

8.8 Environmental Laws: The Post-2000 National Biodiversity Act, 2002

After the UN Conservation of Biological Diversity (CBD) Act, India implemented National Biodiversity Act (NBA) in the national context. It is aimed to conserve the biological resource within a defined territory of a sovereign country and recognizes its authority to use them. (MoEFCC, 2002) ^[26].

8.9 National Environmental Policy, 2006

The National Environmental Policy (NEP) became possible when it was made by the Ministry of Environment (MoE) on 18th May 2006. As the Preamble of NEP states, “National environmental policy primarily is a policy strategy which seeks to maintain and empower the regulatory bodies for the sound implementation through its policy agenda by following the previous approach in the light of present knowledge and collective experience”. In other words, NEP is revolved around a deep concern before starting each developmental activity (Ministry of Environment, Forest and Climate Change, 2006). In this process, NEP has been formulated in response to the past policies trend that generally comes from two important sources of National Forest Policy (NFP) 1988), and the

National Agricultural Policy (NAP) 2000. Similarly, in 2002, the National Water Policy (NWP) was also added. Thus, all these existing laws try to put attempt to bring out some qualitative changes within the present National Environmental Policy (NEP) context. In practice, the law also tends to bring out the successful execution of several environmental projects. Simultaneously, would be enabled the functioning of governmental agencies at central, state, and local levels (ibid). Environmental protection is a constructive program, that would be adequately based on 'people's livelihood and well-being and vice-versa. The working objectives of NEP are (1) conservation of vital natural resources, (2) providing livelihood guarantee to the poor and weaker people, (3) giving equal fairness policy among the people of the same generation, (4) focusing on socio-economic development, (5) efficient use of natural resources, (6) promotion of environmental governance system and efforts towards the extension of resource for environmental conservation (ibid).

8.10 The National Action Plan on Climate Change (NAPCC), 2008

To keep away uncertainties of climate change in India, the National Action Plan on Climate Change (NAPCC) Act was launched in 2008 for the first time by the PMO office through an executive decision. For this, even an expert committee was formed under the Ministry of Environment Forest and Climate Change (MoEFCC), to observe the impact of climate change and its related impact on those primarily responsible for climate change. The act has elucidated 8 major national goals to prevent it such as (1) National Solar Mission; (2) a National Mission for Enhanced Energy Efficiencies; (3) Sustainable Habitat; (4) a National Water Mission; (5) Sustaining the Himalayan Ecosystem; (6) Mission Green India; (7) Sustainable Agriculture and; (8) Strategic Knowledge for Climate Change (MoEFCC, 2008) ^[29].

8.11 The National Green Tribunal Act, 2010

The National Green Tribunal (NGT) act was adopted in India as a response to two global environmental treaties made by United Nations Conference on Human Environment (UNCHE) or Stockholm Conference, 1972 and Rio de Janeiro (1992). However, India being a founding member of this conference has taken various measures in the national context for its effective implementation. But the judicial and administrative proceeding to deal with such matters of environment was India's first-ever national experience which only started thereafter. As a result, the parliamentary act was passed on 2nd June 2010 or which is popularly known as the National Green Tribunal (NGT) Act. The preamble of NGT claims that "the act will have to observe for the effective and speedy disposal of environmental cases to the victim and will strongly redress of their liability". In case of found any damage to the property, forest, natural resources, and community rights of people the act will ensure a cost of compensation and relief accordingly. It aimed to provide quick, speedy, and urgent disposal of the case hearing on a chief price to the petitioner or involving parties (National Green Tribunal, 2010) ^[30]. Hence the NGT is primarily a judicial and administrative arm to ensure the remedy and measure to the victim in the form of liability, and compensation in case of occurrence of accidental damage, under the schedule II of NGT. The tribunal has been constituted by taking the person having

'specialized knowledge and experiences in the areas of environmental litigation. The green tribunal will reaffirm the attempt of (a) the Public Liability Insurance Act, 1991 (b) the Water Pollution Act, 1974, Forest Conservation Act 1980, Environmental Protection Act 1986, and so on. The tribunal is not subject to obeying the underlined procedure of the Indian Evidence Act 1872, then the Code of Civil Procedure Act 1908, and so on (ibid).

9. Modi's Environmental Policy: A Recent Trend

In the past several years, India's environmental policies becoming a matter of grave concern not only at the level of a local authority, district, or state but also at national and global levels. However, such a situation is still prevalent regardless of their regular monitoring, notice, and timely assessment. The activities of the judiciary, state institutions, and regulatory arms have been tremendously increasing. Developmental projects, mining, road construction, and issuing of forest licenses did not become headaches to the business institution and private companies, as the government brought some fresh laws to this action in recent times. So, an apprehension also arose under the Modi regime; India's environmental policy has been multi-dimensional. But their allegation is not such a single parameter to blame and target the BJP-led Modi government's major initiatives and governance systems without probing accurately.

As Nabanita Das (2021) ^[32] in her recent article "Analysing Narendra Modi's Position on Environment: Reality or Rhetoric?" focuses on the trending environmental policies demand of India under the new NDA-led Modi government. This process was exactly started in 2014, soon after the end of the Lok Sabha general election. With this victim, Modi installed many centralized sponsored schemes like Swachh Bharat Abhiyan (SBA) 2014, Clean Ganga Mission (CGM) 2014, National Air Quality Index (NAQI) 2015, Toilet before Temple, Water Conservation, and Mount Everest Ascent as a few ambitious projects in his environmental policy actions. Again, in September 2014, a series of environmental reforms were mainly undertaken by the government with the recommendation of the Subramaniam Committee. The committee particularly amended the ongoing Environmental Protection Act (1986), Forest Conservation Act (1980) ^[18], Wildlife Protection Act (1972), Air Prevention and Control Act (1981), and Water Prevention and Control Act (1974) ^[17], and also replaced India's Forest Act (1927) permanently. Among the other measure, the government worked on reducing industrial pollution, restoring forest conservation (on the 14th Finance Commission), waste management (construction and demolition of waste management rules 2016), renewing CAMPA Funds, and engagement of the private sector towards Afforestation of degraded forest. Even his tactics of a license permit of the environment system also named 'Modi clearance Raj', means making it easier for the investors at the cost of the natural environment. Some negative sides can be resulted in approving 300 centralized developmental projects and diluted dams, roads, pipelines, and railway projects that weaken the environmental laws of nations. The industrial coal and mining sectors profit based on 'each doing business. Leo F. Saldanha (2018) ^[33] in his recent article "A Critical Examination of The State of Environmental Governance under Prime Minister - Narendra Modi" has also described the recent policy perspective of NDA led Modi government on the

environment and its conservation process. However, Former Environment Minister Jairam Ramesh correctly described one aspect i.e., the green clearance policy as 'Modi license Raj' or 'Green Tapism'. Again, he said that, under Modi's period, investment in development meant a violation of Indian environmental norms. "Development was a major plank of political achievement". Modi's environmental policy coincided with placing business interests over ecological security.

Despite the above criticism, the Modi government has made a few steps to control and manage the issues of climate change and environmental pollution in its action plans. Here, we have briefly incorporated some bold initiatives that are found to be beneficial to achieve India's energy needs and Green India's Mission into practice. The new areas of environmental laws are based on clean & green growth technologies, Net Zero-Carbon emissions by 2070, and reproduction of green hydrogen power, inclusive green growth development model, make-in-India start-up, and National Hydrogen Mission. At the same time, he stated clean, green, sustainable, and reliable goals, on solar ambition projects, renewable energy systems, and promotion of Afforestation, new National Environmental Policy, and use of electric vehicles, and so on.

10. New Green Laws Initiatives under Modi's Government

National Hydrogen Mission (NHM) was announced by the ruling Modi government on 15 August 2021, while addressing the August gathering in Lalkila (Red Fort). To meet India's peculiar energy market demand and to produce an alternative source of using renewable energy capacities, it was introduced. This is a comprehensive scheme, that involves all energy sources including solar, wind, and electricity together. This is also useful to reduce the dependence on petroleum products and oil scarcity. Under the scheme, the government not only portrays the self-reliant picture of India but also decided to place India as the biggest global market hub in the future days. Further, the process of energy supply, trading, and export-import globally will be promoted based on ongoing demands. At the same time, even the government has decided to fulfill this goal by 2029 (Bhaskar, 2021) ^[38]. Net-Zero Carbon policy is another sound step that India imagines to march towards a clean India process to achieve by 2070. This is a global agenda, that the government addressed at COP 26 summit, held in Glasgow in recent years. Around 50 percent of energy consumption in India will be produced from the renewable sector by 2030, which was a key feature under Modi's deliberation at the summit (The Hindu, 2021) ^[35].

Clean and Green India Growth is another new theme that Modi again emphasized India's future role in the World Economic Forum (WEF), entitled 'Davos Agenda' 2022. As the government announced, India's milestone is towards achieving a green India, which is also a 'clean and sustainable' way. Even India has put its all effort to chase the target in the next two and half decades. However, India made this step more advanced under COP 26 commitment which is by the 2070 Net-Zero Policy (The Economic Times, 2022) ^[34]. But what is appropriate to address the meaning of sustainable development, is that the world bank defines (1) Sustainable development as economic sustainability; (2) Sustainable development as social sustainability; (3) Sustainable development as environmental sustainability (World Bank, 2012) ^[37]. Jal

Jeevan Mission (JJM) was launched by The Modi government on the 73rd Independence Day of 2019. It aimed to provide safe and adequate drinking water facilities for every household through direct taps connection in the country to have water accessibility. As the source argues, by 2019 only 17 percent of the rural family had tap water tap connections. Significantly, by 2022 around 9.18 crore housed hold benefited successfully. The commitment was reforming the drinking water supply in rural India, implementing of decentralized and community-driven program, and facilitating women's engagement in the water supply chain system. By 2024, the mission has ensured to have a tap connection across the country. (Department of Drinking Water and Sanitation, 2019) ^[39].

The Plastic Waste Management (Amendment) Rule, 2022 Act generally replaced the Plastic Waste Management Rule of 2016. It can be believed that India produces 26 thousand tonnes of plastic waste in a single day. Their processing is also hardly challenging and is naturally not imitable and decomposed. In simple it is hazardous. Now microplastics are also found in the human body and animals. Hence, the recent rule tries to emphasize to ban on the use of plastic materials in any form and content of polythene, bottles, glasses, and so on. On the contrary, single-use of plastic sources are easily recycled, reused, and reproduced in long-term practices. So, the national agency put this law binding and compulsory among retailers, companies, businesses, and producing organizations (Central Pollution Control Board, 2022) ^[40].

11. Current Environmental Issues and Challenges in India

The following are the major issues and challenges that India faces are in recent decades-

In October 2015, before Paris Summit, India promised to bring down the carbon emissions and pollution intensity through the regular operation of Intended Nationally Determined Contribution (INDC). Indoor air pollution has resulted in 2 million death per year due to coal, wood, and stove, and has fixed a target to reduce 150 million low emissions by 2020. India is also a victim of global warming. The regular heat wave and rise of weather events in major megacities will bring out the regular occurrence of natural disasters and other problems untimely. Hence India at Paris Conference has ensured to reduce its national emission by up to 1.5 degree Celsius in the next half decade and 7.6 percent globally (UNEP, 2019) ^[41].

India is similarly facing natural disasters due to floods, hurricanes, landslides, droughts, and so on. According to Atlas Magazine observation India has lost around 80\$ billion in the last two decades where 63% in floods, 32% in human losses, and 63% in material losses are accounted for. Even United Nations Office for Disaster Risk Reduction (UNDRR) reported that from 2000 to 2019 the human losses rate was more than 75 thousand in India (Atlas Magazine, 2022) ^[43]. Other than the above, environmental issues and challenges in India are found numerous. They might be because of poverty, human losses, land conflict, and climate change. Plastic pollution and global warming, marine security, and coastland erosion are coastally emerging as impeding issues and concerns of environmental security. In big and urban cities, the population, sewage system, flood control, and garbage disposal and its management are also becoming a matter of concern. Mining and infrastructure development tend to bring out ecological decline and

environmental crises. Sustainability and mitigation of climate crisis led to human health and threat to an organism as well.

It can be argued that the economic-centric policy model of NITI Aayog was getting more priority over sustainable development. NITI Aayog's (2018) ^[42] 'Strategy for New India @ 75' focuses primarily on three core principles firstly, transforming development as a mass movement; secondly, an economic-driven development model; thirdly, promoting public-private partnership together. Based on these above concerns and to achieve a growth narrative roadmap for India to get back on track, this increasing sectoral growth creates some other constraints on the impact of the environment. Among them, industrial growth, financial inclusion of farmer policy, and innovative technology features are newly added. So, there is more fear about how to manage carbon tension based on sustainability by increasing the potential of the energy sector like coal, minerals, and oil products. The infrastructure development however gets some positive remarks by addressing sustainable development, motor-vehicle laws, clean India program through the smart cities scheme (Niti Aayog, 2018) ^[42]

12. Conclusion

From the above analysis, it can be summed up that, India's environmental policies have emerged with the growing tension to provide a suitable environmental condition in the country. This is also being shaped by several international influences. However, the first root problem that gives rise to it is very necessary because of the domestic issues, then as a national responsibility and international agreement that India signed historically. We have taken this matter into three important faces of analysis. One foremost reason is the international conference and summits. Here the point is that India's domestic and national environmental policy is substantially linked with the Stockholm conference on the 'Human Environment' of UNEP that got international influence all over the world in the year 1972. This is the first-ever international expression that directs countries to practice their national laws while keeping environmental concerns in mind. Secondly, India shares a level playing field in which the colonial structure was built. Since the past and during the British period, India supported conserving its forest, lands, Water land, natural resources, and so on in different ways. But it was only coming down in 1950 when the constitution of India ultimately mentions such elaborated provision under article 21, that the 'right to a healthy environment' is an individual claim to live sustainably.

Later on, many constitutional orders such as articles 48 (A) and 51(A) under DPSP and Fundamental Right took such constitutional responsibility. The federal structure of India even provides a system of center-state relation to effective environmental policy action. Even the statutory laws and legal framework brought many defined features to protect environmental issues individually. For this, many national environmental laws were passed by the union parliament since independence. The Water Prevention Act 1974, Forest Conservation Act, 1980 ^[18], Air Pollution Control Act 1981, Environmental Protection Act 1986, National Forest Policy 1988, and National Conservation Strategy 1992 helped India to safeguard environmental concerns in a timely. Even the recent two-decade, National Biodiversity Act 2002, National Environmental Policy 2006, National Action Plan on Climate Change 2008, and National Green Tribunal 2010

show the power of legislative action to deal with environmental problems.

But despite so many attempts, the problems are never-ending. We are here, thirdly wanted to know about the recent environmental policy approach that started under Modi's government. Onwards 2014, there was a lot of debate on how the government will recover from environmental problems. This is also the departure and continuation of environmental laws under new political leadership. This time, as before, India doesn't want to limit its way of dealing through conventional methods. For that, we need to revisit environmental policy. To know better way what perspective government seeks to lay down for their rightful control. With the emergence of air deterioration, climate change, heat waves, and disasters there are lots of discussions on how to prevent it and what shall be a new alternative to replace it with more positive results. The Modi government has taken such responsibility with a commitment to making a green and resilient environment-friendly law as much as possible. But at the same time, his developmental project and business mindset according to critics would be at the cost of the environment.

In contemporary times, Swachh Bharat Abhiyan, Jal Jeevan Mission, Namami Ganga Project, and National Solar Mission are a few progressive attempts largely made up to strengthen environmental laws in India. Many international developments were also brought up by the new government. Whether it is a matter of clean and green energy conservation or fighting against climate change. The government also takes its leadership in front of other countries to guide the global agenda and the responsibility of states accordingly. With this remark, the Davos Agenda, COP 26, and so on in many international forums India putting its national effort into collective fighting with many holistic roadmaps. The Jal Jeevan Mission, National Green Hydrogen Policy, Net-Zero Carbon Goal by 2070, and National Green Energy are some current promises that India has made to work in maintaining the domestic and national policy. This will also help to control poor air pollution through vehicle transformation and will remove hazardous wastage. To keep India clean, fit, and strong Wastage Management Act and Plastic Amendment Act also has been adopted. There is much debate and fewer results if such practice would not continue as has been imagined. But the way the government is working for the systematic mitigation and adaptation process will at least reduce the effect of greenhouse gasses and global warming which can further enhance with strong commitment and willpower. Hence, the working of environmental policies in India plays a significant role as per the demand of time and circumstances despite its many ups and down.

13. References

1. Law Commission of India. 186th Report on Proposal to Constitute Environmental Court. New Delhi: Government of India; c2003.
2. Statistic Times. (n.d.). Population of India. Retrieved October 12, 2022, from Statistic Times: <https://statisticstimes.com/demographics/country/india-population.php>
3. IMF. World Economic Outlook: War sets back the world recovery. Washington D.C.: International Monetary Fund; c2022 Oct 12.
4. Macrotrends. India Carbon emission: 1990-2022. Retrieved October 12, 2022, 2022, Oct 12. from

- Macrotrends:
<https://www.macrotrends.net/countries/IND/india/carbon-co2-emissions>
5. Greenstone M, Hanna R. Environmental Regulation: Air, water pollution, and Infant Mortality in India. MIT Centre for Energy and Environmental Research; c2011. p. 1-30.
 6. Hindustan Times. India's rank lowest in global environmental performance index by US researcher; c2022 Jun 6. Retrieved October 12, 2022, from Hindustan Times: <https://www.hindustantimes.com/india-news/india-ranks-lowest-in-global-environment-performance-index-by-us-researchers-101654522252514.html>
 7. OECD. Environmental Compliance and Enforcement in India: Rapid Assessment. Asian Environmental Compliance and Enforcement Network. New Delhi: OECD; c2006. p. 1-31.
 8. Saxena S. Environmental Regime in India and its Enforcement Constraints: An Analysis. International Journal of Law Management and Humanities. 2021;4(1):1486-1498.
 9. Chopra K. Development and Environmental Policy in India: The Last Few Decades. Delhi: Springer Publication; c2017.
 10. TERI. Environmental Federalism in India: Forest and Compensatory Afforestation. New Delhi: The Energy and Resource Institute; c2014.
 11. Ganguly S. Deliberating Environmental Policy in India: Participation and Role of Advocacy. New York: Routledge Publication; c2016.
 12. Law Commission of India. 186th Report on Proposal to Constitute Environmental Court. New Delhi: Government of India; c2003.
 13. Ministry of Law and Justice. The Constitution 42nd Amendment Act; c1976. Retrieved October 13, 2022, from Legislative Department: <https://legislative.gov.in/constitution-forty-second-amendment-act-1976>
 14. Law Commission of India. 186th Report on Proposal to Constitute Environmental Court. New Delhi: Government of India; c2003.
 15. MOEFCC. National Conservation Strategy and Policy Statement on Environment and Development; c1992. Retrieved October 15, 2022, from Ministry of Environment Forest and Climate Change: <https://moef.gov.in/wp-content/uploads/2017/07/introduction-csps.pdf>
 16. *ibid*
 17. Central Pollution Control Board. The Water Prevention and Control Act, 1974. Retrieved October 13, 2022, from Central Pollution Control Board; c1974, March 23. <https://cpcb.nic.in/upload/home/water-pollution/WaterAct-1974.pdf>
 18. MOEFCC. Forest Conservation Act, 1981. Retrieved October 14, 2022, from Ministry of Environment Forest and Climate Change; c1980, October 25. <https://moef.gov.in/en/division/forest-divisions-2/forest-conservation-fc/introduction/>
 19. CPCB. The Air (Prevention and Control of Pollution) Act 1981. Retrieved October 13, 2022, from Central Pollution Control Board; c1981 March 29. <https://cpcb.nic.in/air-pollution/>
 20. MOEFCC. The Environmental Protection Act, Retrieved from Ministry of Environment Forest and Climate Change; c1986 May 23. https://moef.gov.in/wp-content/uploads/2017/06/eprotect_act_1986.pdf
 21. *Ibid.*
 22. *Ibid.*
 23. MOEFCC. Public Liability Insurance Act, 1991. Retrieved October 14, 2022, from Ministry of Environment, Forest and Climate Change; c1991 Jan 2. <https://moef.gov.in/en/rules-and-regulations/public-liability-insurance/>
 24. MOEFCC. National Conservation Strategy and Policy Statement on Environment and Development, 1992. Retrieved from Ministry of Environment Forest and Climate Change; c1992 June. <https://moef.gov.in/wp-content/uploads/2017/07/introduction-csps.pdf>
 25. *ibid*
 26. MOEFCC. Biological Diversity Act 2002. Retrieved from Ministry of Environment Forest and Climate Change; c2002. https://moef.gov.in/wp-content/uploads/2018/03/Ministry_of_Environment.pdf
 27. MOEFCC. National Environment Policy, 2006. Retrieved from Ministry of Environment Forest and Climate Change; c2006 May 18. <https://moef.gov.in/wp-content/uploads/2017/07/introduction-nep2006e.pdf>
 28. *ibid*
 29. MOEFCC. Impact of Climate Change and National Action Plan on Climate Change, 2008. Retrieved from Ministry of Environment Forest and Climate Change; c2008 Oct 22. <https://pib.gov.in/newsite/erecontent.aspx?reid=44098>
 30. National Green Tribunal. National Green Tribunal. Retrieved October 14, 2022, from Ministry of Law and Justice; c2010 June 2.
 31. *ibid*
 32. Das N. Analyzing Narendra Modi's Position on Environment: Reality or Rhetoric? Journal of Emerging Technologies and Innovative Research. 2021;8(9):230-241.
 33. Saldanha L. A Critical Examination of The State of Environmental Governance under Prime Minister - Narendra Modi. Environmental Law and Practice Review. 2018;6:67-102.
 34. The Economic Times. Industry welcome PM Modi emphasis on clean, green growth. Retrieved September 13, 2022, from The Economic Times; c2022 Jan 17. <https://economictimes.indiatimes.com/news/india/industry-welcomes-pm-modis-emphasis-on-clean-green-growth/articleshow/88959042.cms?from=mdr>
 35. The Hindu. COP 26 Summit: India will achieve net-zero carbon emissions by 2070. Retrieved Sept. 13, 2022, from The Hindu; c2021 Nov 2. <https://www.thehindu.com/sci-tech/energy-and-environment/prime-minister-narendra-modi-addresses-cop26-un-climate-summit-in-glasgow/article37292550.ece>
 36. Business Standard. India can be a global hub of green hydrogen, says Narendra Modi. Retrieved Sept. 13, 2022, from Business Standard; c2022 Mar 4. https://www.business-standard.com/article/economy-policy/india-can-be-global-hub-of-green-hydrogen-says-pm-narendra-modi-122030401489_1.html
 37. The World Bank. The Inclusive Green Growth: The Pathway to Sustainable Development. Washington D.C.: The World Bank; c2012.

38. Bhaskar U. Independence Day: PM Modi announces national hydrogen Mission. Retrieved Sept. 12, 2022, from The Mint; c2021 Aug 15. <https://www.livemint.com/news/india/independence-day-pm-modi-announces-national-hydrogen-mission-11629002077955.html>
39. Department of Drinking Water and Sanitation. Jal Jeevan Mission. Retrieved from Jal Jeevan Mission; c2019 Aug 15. https://jaljeevanmission.gov.in/sites/default/files/manua_l_document/JJM-Reform-Documents-English.pdf
40. CPCB. 2nd Amendment of Plastic Waste Management Rules, 2022. Retrieved from Central Pollution Control Board; c2022 July 7. <https://cpcb.nic.in/uploads/plasticwaste/2-amendment-pwmrules-2022.pdf>
41. UNEP. Cut global emissions by 7.6 percent every year for next decade to meet 1.5°C Paris target. Retrieved October 25, 2022, from United Nations Environmental Programme; c2019. <https://www.unep.org/news-and-stories/press-release/cut-global-emissions-76-percent-every-year-next-decade-meet-15degc>
42. NITI Aayog. Strategy for New India @ 75. NITI Ayog: New Delhi; c2018.
43. Atlas Magazine. Natural disasters risk in India. Retrieved October 25, 2022, from Atlas Magazine; c2022. <https://www.atlas-mag.net/en/article/natural-disasters-risk-in-india>
44. Bhave P, Kulkarni N. Air Pollution and Control Legislation in India. *Journal of the Institution Engineers*. 2015;96(3):259-65.
45. Kumar S. *Environmental Policies in India*. New Delhi: North Book Centre; c2009.
46. Kohli K, Menon M. *Development of Environmental Laws in India*. New York: Cambridge University Press; c2021.
47. Ciecierska-Holme N, Jorgensen K, Ollier LL, Raghunandan D. *Environmental Policy in India*. New York: Routledge; c2020.
48. Rosencranz A, Divan S. *Environmental Law and Policy in India: Cases, Materials, and Statutes*. India: Oxford University Press; c2001.