



The Evolution and Strategic Framework of India's Environmental Policy

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Introduction:

India's journey toward environmental conservation is a complex narrative that bridges ancient wisdom with modern legislative necessity. While the 1970s marked a global awakening to ecological crises, India's cultural roots have long recognized the interrelationship between humans and the natural elements of air, water, and land. Historical texts like Kautilya's *Arthashastra* demonstrate that environmental regulation existed in the Indian subcontinent as early as 300 BCE. However, the contemporary framework was primarily catalyzed by international milestones, most notably the 1972 Stockholm Conference. This global shift prompted India to move beyond its original constitutional silence on the environment, leading to the landmark 42nd Amendment in 1976.

This amendment introduced Article 48A and Article 51A (g), establishing a dual responsibility where both the State and its citizens are constitutionally mandated to protect and improve the natural environment. The evolution of India's policy reflects a transition from "growth at any cost" to the framework of sustainable development. This transition was further accelerated by domestic tragedies, such as the 1984 Bhopal gas leak, which necessitated 'umbrella' legislation like the Environment (Protection) Act of 1986 to coordinate regulatory agencies.

Today, the National Environment Policy (NEP) of 2006 stands as the first comprehensive

initiative to integrate environmental concerns into the mainstream of national development. It emphasizes that economic goals must be seamlessly integrated with environmental considerations to minimize the adverse costs of rapid development. Central to this modern strategy is the Environmental Impact Assessment (EIA), a tool designed to evaluate the ecological footprint of developmental projects before they are permitted. This introduction explores how India balances its urgent developmental needs with the imperative of preserving its life-support systems for future generations.

Global Initiatives and International Environmental Efforts:

The Club of Rome played a pivotal role in shifting global perspectives by highlighting the inherent limits to economic growth and drawing urgent attention to the necessity of sustainability and ecological balance. These rising global concerns over environmental degradation were formally articulated at the 1972 United Nations Conference on the Human Environment. During this same period, the Meadows et al. (often attributed to the project's sponsorship) publication *The Limits to Growth* (1972) emphasized the catastrophic potential of resource depletion, overcrowding, pollution, and famine. Continuing this trajectory, a 1979 UN symposium identified unsustainable consumption patterns predominantly in developed nations as a primary driver of environmental decline. Notably, at the

Stockholm Conference (1972), Indian Prime Minister Smt. Indira Gandhi argued that environmental protection is unattainable in the face of widespread poverty. She posited that poverty is both a cause and a consequence of global environmental issues, a realization that spurred the emergence of a development model centered on equity, stability, and sustainability.

A fundamental shift in global development philosophy occurred with the publication of the Brundtland Commission's report, *Our Common Future* (1987). This report moved away from the 'growth at any cost' mentality, instead stressing the complementary relationship between economic progress and environmental conservation through the framework of sustainable development. This concept was further solidified at the 1992 Rio Earth Summit, where participating nations committed to integrating environmental concerns directly into national development planning. Although the Rio principles are not legally binding, they carry a significant moral authority that continues to encourage international cooperation and compliance.

Origins of Environmental Policy Formulation in India:

One influential school of thought increasingly emphasizes that the environment must be regarded as an essential component of the development process. This perspective argues that economic goals should be seamlessly integrated with environmental considerations. Consequently, the primary focus has shifted toward the optimal utilization of natural resources and effective environmental management to minimize the adverse costs often associated with rapid development (Ramana and Bhardwaj, 1980). It is recognized that environmental challenges vary significantly across countries, influenced by factors such as their level of development,

economic structure, and the specific nature of their existing environmental policies (WDR, 1992).

On the international stage, two major milestones the 1972 Stockholm Conference and the 1992 Rio de Janeiro Conference on Environment and Development have played a significant role in shaping India's domestic policy framework. Globally, many nations have adopted core guiding principles for policymaking, including the 'polluter pays' principle, the precautionary approach, and the concept of intergenerational equity. Ultimately, environmental policies are unique to each nation, largely shaped by a combination of scientific research, cultural traditions, and the specific political institutions of the country

Constitutional Provisions and Amendments for Environmental Protection:

The Constitution of India contains several Directive Principles of State Policy; however, environmental protection was not originally included in its provisions. It was only through the 42nd Constitutional Amendment in 1976 that specific measures related to environmental conservation were formally introduced. This amendment added Article 48A to the Directive Principles, which mandates that the State shall endeavor to protect and improve the environment and safeguard the country's forests and wildlife.

Furthermore, Article 51A (g) was incorporated under the Fundamental Duties, imposing a constitutional obligation on every citizen to protect and improve the natural environment including forests, lakes, rivers, and wildlife and to have compassion for living creatures. As a critical part of this legislative shift, subjects related to forests and wildlife were transferred from the State List to the Concurrent List, granting both the Central and State governments joint jurisdiction over these areas. In

1972, the National Council for Environmental Planning and Policy was established to provide a structured approach to environmental issues. This body eventually evolved into the Ministry of Environment and Forests in 1985. While India's Five-Year Plans have traditionally prioritized rapid economic growth, employment generation, poverty alleviation, and balanced regional development, public policy has increasingly integrated sustainable development as a core objective. Broadly speaking, the evolution of environmental policies in India can be categorized into four distinct periods.

A. Pre-independence period (1853 to 1947),

- i. Shore Nuisance (Bombay and Kolaba) Act, 1853
- ii. The Elephant's Preservation Act, 1879
- iii. The Fisheries Act, 1897
- iv. The Factories Act, 1897
- v. The Bengal Smoke Nuisance Act, 1905
- vi. The Bombay Smoke Nuisance Act, 1912
- vii. Wild Birds and Animals Protection Act, 1912

B) Independence to the Stockholm Conference (1947–1972)

During this initial period, several pieces of legislation existed to regulate activities such as tree felling, forest destruction, and unplanned urban growth. However, the primary emphasis of public policy was on rapid economic development, which often meant that environmental considerations remained a secondary priority. Key acts in place during this time included:

The Factories Act, 1948: This Act mandated that liquid effluents, gases, and fumes generated during manufacturing processes must be treated before final disposal to minimize adverse environmental effects. The Mines and Minerals (Regulation and Development) Act, 1957: This provided the framework for regulating mining activities and mineral development.

Post-Stockholm Conference to the Bhopal Disaster (1972–1984):

The 1972 Stockholm Conference on the Human Environment profoundly influenced Indian environmental policymaking. This era saw a landmark amendment to the Constitution and the enactment of foundational environmental laws. It also marked the creation of regulatory institutions, such as the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs), to implement and enforce these new provisions.

The following major legislations were enacted during this period:

The Wildlife (Protection) Act, 1972: Enacted under the provisions of Article 252, this Act aimed to halt the decline of wild animals and birds by prohibiting poaching, except for specific educational or scientific purposes. It empowered state governments to designate areas as sanctuaries or national parks based on their ecological, faunal, floral, or geomorphologic significance.

The Water (Prevention and Control of Pollution) Act, 1974: This pivotal legislation established the CPCB and SPCBs. Its primary objective was to maintain and restore the cleanliness of streams and wells across various regions.

The Forest (Conservation) Act, 1980: Designed to prevent deforestation and the resulting ecological imbalances, this Act restricts state governments and other authorities from de-reserving protected forests. It strictly prohibits the use of forest land for non-forest purposes without prior approval from the Central Government.

The Air (Prevention and Control of Pollution) Act, 1981: This Act defines an air pollutant as any solid, liquid, or gaseous substance including noise present in the atmosphere in concentrations that may be

injurious to humans, living creatures, plants, or property. The CPCB and SPCBs were entrusted with the implementation of this Act's provisions, integrating air quality management into their existing mandates.

Bhopal Tragedy to 2006 (1984–2006):

The Bhopal gas tragedy of 1984 served as a profound wake-up call for policymakers, creating an urgent mandate for comprehensive environmental legislation. This led to the enactment of the Environment (Protection) Act, 1986 (EPA), which extends to the entire country and came into force on November 19, 1986. Following the earlier implementation of the Water Act (1974) and the Air Act (1981), the EPA was designed as 'umbrella' legislation. Its purpose was to provide a general framework for environmental protection and to coordinate the activities of various regulatory agencies. Furthermore, there was a recognized need to establish an authority with the power to regulate industrial discharges, manage hazardous substances, respond swiftly to environmental accidents, and impose deterrent punishments on those who endanger human health and safety.

During this era, several other important legislative and judicial mechanisms were established to address the complexities of environmental management: The Motor Vehicles Act, 1988: Introduced provisions to regulate vehicular emissions and promote road safety. The National Environment Tribunal Act, 1995: Created to provide strict liability for damages arising out of any accident occurring while handling hazardous substances. The National Environment Appellate Authority Act, 1997: Established to hear appeals regarding the restriction of areas in which industries or processes shall not be carried out. The shift toward a New Economic Policy in 1991 necessitated further administrative evolution.

Constitutional amendments in 1994 (the 73rd and 74th Amendments) facilitated the decentralization of powers, empowering local bodies (Panchayats and Municipalities) to take part in resource management. This period also saw significant strategic developments by the Ministry of Environment and Forests (MoEF): Policy Statements (1992): The MoEF released the *Policy Statement for Abatement of Pollution* and the *National Conservation Strategy and Policy Statement on Environment and Development* to align industrial growth with ecological preservation. Environmental Action Programme (EAP) (1993): Formulated to improve environmental services and ensure that ecological considerations were integrated into all national development programs.

An Overview of the National Environment Policy (NEP):

The National Environment Policy (NEP), 2006 represents India's first comprehensive initiative to formulate a national strategy for environmental protection. It was designed to address the gaps in previous regulations while building upon earlier frameworks like the National Forest Policy and the Environmental Action Programme. The policy serves as a guide for regulatory reform, environmental conservation projects, and the review of existing legislation by central, state, and local government agencies.

Strategies for Combating Land Degradation:

One of the primary focuses of the NEP 2006 is the diagnosis of factors responsible for land degradation. The policy acknowledges that land health is often unintentionally impacted by various fiscal, tariff, and sectoral policies. To address these challenges, the NEP suggests a multi-pronged remedial approach: Integrated Land Management: Combining traditional land-use practices with modern science-based

techniques. Capacity Building: Implementing pilot-scale demonstrations and large-scale dissemination of sustainable methods. Stakeholder Collaboration: Utilizing multi-stakeholder partnerships to promote agro-forestry and organic farming. Sustainable Agriculture: Encouraging environmentally sustainable cropping patterns and the adoption of high-efficiency irrigation techniques.

Environmental Impact Assessment (EIA):

The policy mandates a rigorous Environmental Impact Assessment (EIA) process for developmental projects to ensure they are ecologically sound. This process involves the submission of a detailed project report and an Environmental Management Plan (EMP) to the designated impact assessment agency. A critical component of this framework is the requirement for public hearings, allowing affected communities to voice concerns. In specific high-impact cases, project proposals undergo a further review by a committee of experts to ensure compliance with national standards before final clearance is granted.

Classification of Environmental Policies:

From a strategic standpoint, India's environmental policies can generally be divided into two main categories: Overall Environmental Management: These are broad-based policies such as the National Forest Policy (1988) and the NEP (2006) itself that establish cross-sectoral goals for conservation and sustainability.

Sector-Specific Policies: These are targeted frameworks that integrate environmental concerns into specific industries or sectors, such as the National Water Policy, the National Agriculture Policy, and policies governing energy and industrial pollution.

A) Overall environmental management which includes:

- i) National Forest Policy, 1988,
- ii) National Conservation Strategy and Policy Statement on Environment and Development, 1992
- iii) Policy Statement on Abatement of Pollution, 1992

B) Sector based policies include

- i) National Agriculture Policy, 2000
- ii) National Population Policy, 2000
- iii) 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).

A Brief Overview of Environmental Impact Assessment (EIA):

Environmental Impact Assessment (EIA) is a crucial mechanism used to evaluate the potential environmental consequences of proposed developmental projects. It involves a rigorous scientific assessment of activities such as mining operations, irrigation dams, industrial establishments, or waste treatment facilities. Beyond technical analysis, the EIA process incorporates public opinion before final clearance is granted, making it a vital participatory exercise. Essentially, it serves as a decision-making tool to determine whether a project should be permitted, modified, or rejected based on its ecological footprint.

The authority to issue EIA notifications is granted to the Central Government under the Environment (Protection) Act, 1986, which empowers the state to adopt measures aimed at protecting and enhancing environmental quality. While the concept of EIA originated in the United

States during the 1970s linking scientific evaluation with public participation—it has since been adopted by most countries worldwide. In India, the framework was established to align domestic industrial growth with global environmental standards.

Regulatory Role and Global Compliance:

EIA functions as a dual-purpose tool: it acts as a regulatory mechanism to monitor and control the activities of private enterprises, and it often serves as a mandatory requirement for securing financial assistance from international funding agencies. The government maintains that recent updates to the notification aim to enhance transparency and efficiency through the introduction of online systems, decentralization, and the standardization of procedures. However, environmental activists argue that these administrative changes may inadvertently weaken and dilute the overall effectiveness of the assessment process.

Key Changes and Concerns in the New Draft:

The latest draft notification was introduced with the stated objective of making the EIA process more streamlined. However, it proposes the exclusion of several project types from public consultation. The draft envisages two distinct types of approvals: Environmental Clearance (EC), which requires the consent of expert committees, and Environmental Permission (EP), which does not require such expert oversight.

A significant point of contention is the exemption of nearly 40 types of projects including clay and sand extraction, well-digging, building foundations, solar thermal power plants, and common effluent treatment plants from requiring either prior EC or EP. Furthermore, numerous other activities are now excluded from the public consultation stage. These include

Category B2 projects, irrigation schemes, the production of acids and chemical fertilizers, biomedical waste treatment facilities, and large-scale infrastructure projects such as elevated roads, flyovers, and expressways.

Categorization and Concerns Regarding B2 Projects:

Category B2 projects encompass a wide range of activities, including offshore and onshore oil, gas, and shale exploration; hydroelectric projects up to 25 MW; and irrigation projects covering 2,000–10,000 hectares. This category also includes small and medium mineral beneficiation units, small foundries, certain re-rolling mills, small and medium cement plants, and clinker grinding units. Furthermore, it covers the production of acids (excluding phosphoric or ammonia), MSMEs involved in dyes, bulk drugs, and synthetic rubbers, as well as medium-sized paint units, inland waterway projects, and specific highway expansions (25–100 km). Aerial ropeways in ecologically sensitive areas and selected building and area development projects are also listed under this classification.

A primary public concern is that exempting B2 projects as well as modernization and expansion efforts from the full EIA process and public consultation could lead to significant environmental degradation due to a lack of oversight. Critics particularly highlight the provision for post-facto approvals, which allows projects to receive clearance even if construction or operations began without prior authorization. This risks legitimizing environmental violations and waiving accountability for ecological damage.

Procedural Changes and Public Participation:

The draft notification introduces several procedural changes that have sparked debate. The notice period for public hearings has been

reduced from 30 days to 20 days, which may hinder stakeholders' ability to review complex EIA reports, especially when these documents are not available in regional languages. Regarding project expansion, an EIA is only required if the capacity increase exceeds 25%, and a public consultation is only triggered if the increase exceeds 50%. Additionally, the validity period for environmental clearances has been extended for mining and river valley projects.

Under the EIA Notification 2020, public reporting of non-compliance is restricted; the government will only recognize complaints from project proponents, government authorities, appraisal committees, or regulatory bodies. While approvals can be granted with conditions such as ecological remediation, the assessment of this damage is often reported by the project proponent rather than an independent agency, despite the requirement to follow Central Pollution Control Board (CPCB) guidelines. Collectively, these shifts are viewed by many as favoring project proponents at the expense of public participation and the preservation of finite natural resources.

Conclusion:

The historical study of India's environmental policy reveals a robust legislative structure that has evolved significantly over four distinct periods, from pre-independence acts to the comprehensive modern drafts of 2020. Despite this progress, the transition from policy formulation to effective implementation remains a critical challenge. The analysis suggests that while India has established specialized bodies like the Central Pollution Control Board (CPCB) and enacted sector-specific policies for water, forests, and agriculture, the effectiveness of these measures is often hindered by the pursuit of rapid economic expansion.

A significant point of contemporary debate is the draft EIA Notification 2020. While

intended to streamline procedures and enhance transparency through digital systems, it has raised concerns regarding the dilution of environmental oversight. Specifically, the exemption of nearly 40 project types from public consultation and the provision for post-facto approvals legitimizing projects that start without prior authorization are viewed as shifts that may favor project proponents over ecological preservation. Such changes risk weakening the participatory nature of environmental governance, which is essential for inclusive and sustainable growth.

Ultimately, the preservation of India's environment cannot rest solely on government mandates or legal frameworks. As the National Environment Policy (NEP) 2006 notes, success depends on the active involvement of all stakeholders, including community groups and individual citizens. There is an urgent need to shift from 'pollution subsidies' toward more effective economic tools, such as pollution taxes used in other developing nations. Moving forward, India must prioritize environmental ethics through education, ensuring that the Earth's life-support systems are protected not just by law, but by a fundamental change in societal attitudes. Only through such a multi-pronged approach can the country achieve the tractable targets of increased forest cover, energy efficiency, and urban wastewater treatment necessary for a sustainable future.

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