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RESEARCH ARTICLE

IMPLEMENTATION OF ENVIRONMENTAL POLICY AND PLANNING: SUGGESTIONS AND RECOMMENDATIONS FOR ECO-FRIENDLY INDIA.

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Abstract

This paper examines implementation of environment policy and planning particularly on making India eco-friendly. Environment policy and planning maintained of environmental quality, it is essence of requirement for improving quality of life leading to sustainable development. Environment considered have been an integral part of the Indian culture the need for conservation and sustainable use of natural resources has been expressed in Indian scriptures, more than three thousand years old and is reflected in the constitutional, legislative and policy framework as also in the international commitments of the country.

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Introduction:-

An environmental policy being interdisciplinary in nature draws together technology, economics, and natural and social sciences. In order to develop sustainable policies, therefore, it is necessary to have sound knowledge of the actual and potential environmental impacts of certain activities and some knowledge of the technical characteristics, economic costs, social acceptability and possible side effects of alternative policy options. Environmental policies involve certain measures aimed at achieving a sound environment. They are usually developed in the context of public policy, based on economic theory, which focuses more on the level of costs and benefits associated with the implementation of environmental policies than on the quality of the environment. When governments propose and subsequently implement strict standards, sectors that pollute the environment will have to take measures, and this cannot be achieved without incurring extra costs. Polluting industries are, therefore, often keen to highlight the likely costs they have to incur due to the proposed environmental measures. Annan Kofi, the former UN Secretary General, had observed: "Perhaps the biggest challenge of our times is the task of achieving a transition to sustainability, a transition that will enable people around the world to live free from want and fear without compromising the ability of future generations to do so as well", (quoted by Kasemir B. 2003:1). World Development Report 2003: *Sustainable Development in a Dynamic World-Transforming Institutions, Growth, and Quality of Life* has shown that such a transition is a manageable challenge. It requires, on one hand, an appropriate modeling of a dynamics of socio-economic development and designing operationally viable and result-oriented policy-mix which includes an environmental policy, and on the other hand, implementation of policies with utmost vigilance. Obviously, the stakeholders - the state and the citizens have a crucial role to play in this mission.

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Aim and objectives:-

The aim of the study is to evaluate the impact on environment that has occurred already with the following objectives:

1. To assess the existing air quality.
2. To assess the extent of pollution of water bodies due to developmental activities.
3. To assess the quality of soil and extent of soil pollution and soil degradation.
4. To assess the extent of noise pollution.
5. To assess the quantities and types of solid wastes generated, assess the efficacy of present disposal method and to propose suitable methods disposal.
6. To assess the amounts of sewerage generated and its quality.
7. To assess the efficiency of existing sewage system and propose sewage treatment facilities.

Provision of environmental law in India:-

Apart from international laws, every country has enacted laws regarding environment protection, pollution control etc. In India, there are several acts for environment protection that says protection of environment is the duty of government. Also the purpose of state is welfare of citizens and establishment of such a society that ensures people a human dignity a human living and finally an equal and humane socio-economic relationship. The intermeshing of human rights can be seen from the fact that ecology and environment are today considered control focus of a person's entitlement.

In India a separate ministry namely The Department of Environment was established in 1980 to ensure a healthy environment for the country. The main acts for environment protection in India are as follows:-

1. The Forest Conservation Act, 1980.
2. The Prevention of Air and Water Pollution, 1974, 1981
3. (The Central Pollution Control Board) (CPCB) was constituted under this act.
4. The Air Prevention and Control of Pollution, 1981.
5. The Atomic Energy Act. 1982.
6. The Environmental Protection Act, 1986.
7. (It came into force soon after the Bhopal Gas Tragedy)
8. The Environmental Conservation Act. 1989.
9. The National Environmental Tribunal, 1995.
10. National Environmental Appellate Authority Act, 1997.
11. National Environment Management Act (NEMA), 1998
12. Handling and Management of Hazardous Waste Rule in 1989.
13. The Public Liability Insurance Act (Rules and Amendment), 1992.
14. The Biomedical Waste Management and Handling Rules, 1998.
15. The Environment (Siting for Industrial Projects) Rules, 1999.
16. The Municipal Solid Waste (Management and Handling) Rules, 2000.
17. The Ozone Depleting Substance (Regulation and Control) Rules, 2000.
18. The Biological Diversity Act 2002.

Environmental Challenges: Causes and Impacts:-

The key environmental challenges that India faces relate to the nexus of environmental degradation with poverty in its many dimensions, and economic growth. These challenges are intrinsically connected with the state of environmental resources, such as land, water, air, and their flora and fauna. The proximate drivers of environmental degradation are population growth, inappropriate technology and consumption choices, and poverty, leading to changes in relations between people and ecosystems, and development activities such as intensive agriculture, polluting industry, and unplanned urbanization. However, these factors give rise to environmental degradation only through deeper causal linkages, in particular, institutional failures, resulting in lack of clarity or enforcement of rights of access and use of environmental resources, policies which provide disincentives for environmental conservation (and which may have origins in the fiscal regime), market failures (which may be linked to shortcomings in the regulatory regimes), and governance constraints. Environmental degradation is a major causal factor in enhancing and perpetuating poverty, particularly among the rural poor, when such degradation impacts soil fertility, quantity and quality of water, air quality, forests, wildlife and fisheries. The dependence of the rural poor, in particular, tribal societies, on their natural resources, especially biodiversity, is self-evident. Women in particular

face greater adverse impacts of degradation of natural resources, being directly responsible for their collection and use, but rarely for their management. The poor are also more vulnerable to loss of resilience in ecosystems. Large reductions in resilience may mean that the ecosystems, on which livelihoods are based, break down, causing distress. The loss of the environmental resource base can result in certain groups of people being made destitute, even if overall, the economy shows strong growth. For the poor, several environmental resources are complementary in production and consumption to other commodities, while a number of environmental resources are a source of income or food. Poverty and environmental degradation are also reinforced by, and linked to population growth, which in turn, depends on a complex interaction of diverse causal factors and stages of development. Poor environmental quality has adversely affected human health. Environmental factors are estimated as being responsible in some cases for nearly 20 percent of the burden of disease in India, and a number of environment health factors are closely linked with dimensions of poverty. It has been shown that interventions such as reducing indoor air pollution, protecting sources of safe drinking water, protecting soil from contamination, improved sanitation measures, and better public health governance, offer tremendous opportunities in reducing the incidence of a number of critical health problems. It is also evident that these environmental protection measures would be difficult to accomplish without extensive awareness raising, and education, on good practices with respect to public and private behavior.

Suggestions:-

The existing legal provisions are inadequate to control the enormous problems of environmental pollution of various types in the country. Therefore, the judiciary has to play a more active and constructive role. This has become all the more essential in view of the lack of awareness in the masses of the pollution problems; lack of planning and the plenty of the industries and the local bodies in this regard. New jurisprudential techniques have to be devised to deal adequately with the problems of pollution control and protection of environment.

1. Environmental law should be implemented effectively by adopting new instruments, mechanisms and procedures like environmental impact assessment and environmental audit and incorporate environmental objectives in manufacturing processes, minimum usage of hazardous materials and toxic chemicals, careful usage of toxic gases will reduce environmental load.
2. Legal provisions granting a perspective right to pollute air and water should be constructing restrictively by the courts.
3. Legal provisions intended to prevent or control pollution should be interpreted in such a way that even the subtle invasions of the anti-pollution laws are covered.
4. Government must initiate the programmes to create public awareness with regard to relation between human rights and environmental protection and also related laws.
5. Sincere commitment to good environmental practices must be supported throughout the globe for sustenance of life and adopting green technologies, viz, using solar energy, low CFC emitting technology, those which are highly innovative, cost-effective, eco-friendly technologies.
6. The decision of the Supreme Court in the case of Ratlam Municipal Council should be treated as containing the basic guidelines in determining the primary responsibility of the local bodies as also of the industries.
7. Coordinating efforts globally between all states and locally among governments centre and states, private groups, organizations, operational and financial institutions and people at large in appropriate aspects of their respective activities through Exchange of information, sharing of expertise knowledge, developing arrangements for technical cooperation is needed.
8. The sentencing policy should place emphasis on abatement of pollution of environment rather than imposition of fines or traditional penalties.
9. Public interest litigation for protection of the natural environment should be permitted In view of the wider social interests affected by environmental pollution. The court has to inculcate new methods and devise new strategies for the purpose of providing access to justice to large masses of people who are denied their basic human rights. Especially having regard to the peculiar socioeconomic conditions prevailing in the country where there is considerable poverty, illiteracy and ignorance obstructing and impeding accessibility to the judicial process.
10. Promoting programmes to sensitize decision makers, including public officials, legislators and members of the judiciary, as to the need to develop a sense of commitment to the protection of human and environmental rights and to adopt more holistic approaches to integrating the requirements of sustainable development in the interpretation and application of national and international norms for the protection of those rights and sustainable development concepts.

11. Among all the laws on the subject, Sec. 133 of Cr. P.C. 1974 can play a pivot role in controlling all types of pollution viz, air, water and noise. Being a speedy and summary remedy every one can use it effectively by raising the guns of section 133 to go in to action, whenever there is a public nuisance caused by pollution to the environment.
12. The Magistrate and the Courts must invoke the provisions of Sec.133 for achieving the social justice by ordering the abatement of public nuisance caused by pollution to the environment.
13. United Nations and governments of nations can do three key course of action: 1. Proper information regarding seriousness of the environmental problem. 2. Incentives may be provided to those who develop standards to meet the challenge of environmental pollution. 3. To set up a unified Research center and implement the principles of sustainable development.
14. This is a very small step when what are needed are giant strides in an eco friendly direction. The crying need of the hour is to educate the public and make them aware of their rights as citizens of this country to a clean environment, to clean water, clean air and clean surroundings. They must act together to fight corruption in governance and ruthless exploitation by the captains of industry. A strategy for environmental protection could be adopted.
15. Reduce fertility rates and control population, reducing pressure on natural resources. Educate and inform the people about the gains of environmental protection and sustainable development. They must stand up for their rights

It is high time that the general public, public entities, state and central government realize the damage, which our developmental process has made to the living environment. The extent is such that it cannot be resorted. There a necessity to think about the needs of present and future by compulsion and also need to balance the public interest and environment protection. It is to be noted that unless the humanity rises to the occasion for the prevention and control of the pollution and protection of environment with necessary zeal and speedy trial, the progressive and prosperous living and to procure welfare state will become a nightmare. There is still hope for us. We can, to a certain degree, reverse the process of degradation of our surroundings, for Mother Earth is forgiving and able to heal her wounds if we do not inflict more grievous ones on her. As Paul Bigelow Sears said, "How far must suffering and misery go before we see that even in the day of vast cities and powerful machines, the good earth is our mother and that if we destroy her, we destroy ourselves." So we should act today for a better tomorrow for our children.

Recommendations:-

As the measures suggested above are important and even several NGOs and Government agencies try to spread awareness about them, it has been observed that the implementation of these measures fails to a greater extent. The extravagance of the celebration of this spiritual festival continues to degrade the environment and increase the levels of pollution. The problem identified through the study is the ineffective communication of these measures which must be communicated effectively if they are to be implemented successfully. Several NGOs and Government agencies are trying to communicate the measures to masses but the communication needs to be done on a greater scale. The recommendations for the effective communication of these measures are presented as below:

1. All these measures can be incorporated in the syllabus of the subject 'Environmental studies' in primary schools and colleges.
2. Awareness programmes such as slide-show presentations, street-plays can be organized on a greater scale in schools, colleges and at public places.
3. The government agencies, NGOs, schools and colleges may form groups for carrying out such awareness programmes on a greater scale.

Conclusion:-

The moot point then is what does the future hold in terms of environmental policy. If the past is anything to go by, the likelihood is that social concerns will continue to play second fiddle to the management of the environment. yet, legal and policy spaces will continue to emerge through which proponents of an alternative vision of environmental management and development will launch their struggles. Such struggles must engage more deliberately with existing neo-liberal discourses of good governance and the market instead of shy away from them. Communities are already enmeshed in the market and located in geographical spaces that will eventually come into the gamut of good governance strategies. Instead of being swallowed up by these discourses as is currently happening, communities and those who speak for them need to help shape them instead. The market and good governance rhetoric are after all as bad or good as the ideological context in which they are located.

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