

CONCEPT OF ENVIRONMENTALISM IN INDIA: ANALYSIS

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ABSTRACT

Environmentalism is a movement that arose in response to global environmental crises. It encompasses theories about the nature and causes of environmental problems, moral views about our relation to nature, and attempts to define and bring about an environmentally sound society. The main moral debate among environmentalists is between those who value nature for the sake of human well-being and those who take an ecocentric view, who think that things in nature have inherent worth. The main issues of environmentalist political theory are how an environmentally sound society should be defined and achieved, and how the achievement of this goal is related to other political values. Further carry forwarding this ideology, the research article's first section deals with evolution of environmentalism in India during pre and post colonies. The next section enumerates the current environmentalism trends and the judicial trends regarding environmentalism.

Key words: environment, nature, judiciary, sustainable development, pollution.

I. INTRODUCTION

The environmental movement in India has essentially emerged as a response to a wide spectrum of struggles and conflicts over the use of natural resources and social justice issues or human rights. At one end of the spectrum, the movement is around a specific issue, such as deforestation or construction of a dam. At the other end, the focus is on an alternative development paradigm. To understand the nature of the environmental movement in India, one attempt has been to analyse them in terms of their material, political and ideological contexts. According to this approach, the material basis of the environmental movement is served by the conflicts over natural resources. The political context of the movement relates to the involvement of action groups in the collective mobilisation of people affected by environmental degradation. The ideological expressions of the movement are analysed by describing different ideological strands of Indian environmentalism.

In another attempt, the nature and type of the environmental movement in India have been analysed based on the classification of the struggles over the use and control of natural resources. In this schema, the environmental movement in India is contextualised by three types of struggles over natural resources. The first type of struggle is related to the entitlement of different social groups to environmental resources. Second, environmental action is directed towards seeking a change in the official policy related to the pattern of environmental resource use and, the third type of struggle raises ecological issues of development, particularly the dimension of human-nature relationship and presents a critique of the dominant development paradigm. All these struggles are clustered around various natural resources that include land, water, forest, and air.

II. EVOLUTION OF ENVIRONMENTALISM IN INDIA

The Environment protection in India started long before from the time of Ancient India. In the early stages of human history in India, human beings considered the environment as very dominant and that was why, they worshipped different aspects like trees, forest, animals, mountains, rivers etc. All of these held a special place of reverence in Hindu theology. Many animals and plants were associated with Gods and Goddesses so that they were preserved for the future generations. As they were associated with supernatural powers, no one dared to misuse the resources and therefore there was a check on the excess utilization of resources. King Ashoka of the Mauryan Empire did as much as he could to protect environment. He made several laws for the preservation of the ecology of India. Same trend continued even at the time of medieval India when Mughals ruled India though not at the same pace which was expected from them. However, the strongest steps for the same came only from British. They contributed a lot for the conservation of the ecological system of India by enacting several laws, which really were missing in the ancient era.

Indian Forest Act was brought in accordance with Lord Dalhousie memorandum. In 1855, Lord Dalhousie circulated a memorandum on forest conservation proposing that teak be treated as state property, and its use strictly regulated. Dietrich Brandis was appointed Inspector General of Forests by the government in 1864 for laying the foundation of the Indian Forest Department. To manage

the forests, Brandis thought of training the people in the science of conservation as well as introducing a legal system. Brandis then set up the Imperial Forest Service in 1864. The Forest Act 1865 was amended twice, in 1878 and 1927. The Forest Act 1878 classified the forests as reserved, protected and village forests. The best forests were called “reserved forests,” and the villagers could not take anything from these forests except as permitted under the Act. Villagers could take wood for their use from forests in village or protected areas. The Indian Forest Act of 1927 affected the lives of forest-dependent communities. The penalties and procedures in this Act aimed to extend state control over forests and to diminish the rights of people to use forests. The rules were stricter and the department was given police powers. To implement the Forest policy of 1884, the Forest act of 1927 was enacted. Till 1935, the government of India enacted the Forest Act. In 1935, the British Parliament through the Government of India created provincial legislature and the subject of the forest as included in the provincial legislature list. Thereafter, several provinces made their own laws to regulate forest. Most of these laws were within the framework laid down in the 1927 Act. The British all along their reign in India formed many other Acts from time to time.

i. The Shore Nuisance (Bombay and Kolaba) Act, 1853:

This is the earliest Act on the statute book concerning control of water pollution in India. It was the first act in the field of Environment protection in India, which was enacted by the British for the British India. This act was passed to regulate the waste materials discharged in the coastal area of Bombay (Now Mumbai) and Kolaba area, from various industries functioning in these areas.

ii. Oriental Gas Company Act, 1857:

This law-imposed restrictions on fouling of water by the Oriental Gas Company. The Oriental Gas Company provided fine of Rs. 1000, for fouling water and for the subsequent continuation of the offence, Rs. 500 per day. Oriental Gas Company (OGC) Act was among the first act in the field of water pollution.

iii. statute was enacted in Madras (Chennai) for the protection of wild elephants. The law introduced a general prohibition on destruction of wild elephants and imposed penalty on those who violated the embargo. The first effort by the Central Government came after six years later by the passing of the Elephant Preservation Act in 1879. In 1887, central government enacted the Wild Birds Protection Act prohibiting the possession or sale of wild birds recently killed or taken during the notified breeding season. In 1912, the Central Government enacted a broader Wild Life and Animal Protection Act. The first comprehensive law for the protection of wildlife and its habitat was perhaps the Hailey National Park Act of 1936, which established the Hailey (now Corbett) National Park in Uttar Pradesh.

iv. Criminal Procedure Code, 1893 was one of the major acts, which provided some of the very strict punishments for the environmental offences under the criminal law. Sections 133 to 144 in the Chapter XII of the Criminal Procedure under the heading Public Nuisance provided for the punishment under criminal procedure for the commission any nuisance of which affected the public at large. The environmental degradation was also included in it as any degradation of the environment is automatically supposed to be affecting the public at large.

A. Post colonialism environmental trend:

i. Chipko Movement:

It was launched from Gopeshwar in Chamoli district, Uttarakhand in 1973. The movement was to prevent illegal cutting of trees in the Himalayan region (Uttarakhand). Sunderlal Bahuguna and Chandi Prasad Bhatt were the leaders of this movement. The most notable characteristics of this movement were the involvement of women.

ii. Silent Valley Movement:

It is an area of tropical evergreen forests in Kerala. It is very rich in biodiversity. The environmentalists and the local people strongly objected to the hydel power project being set up here in 1973. Under pressure, the government had to declare it the national reserve forests in 1985.

iii. Jungle Bachao Andola:

The tribal community of Singhbhum district of Jharkhand (Previously, it was a district of India during the British Raj, part of the Chota Nagpur Division of the Bengal Presidency) agitated against the forest policy of the Government in 1982. The Government wanted to replace the natural soil, forests with the high-priced teak. Many environmentalists refer to this movement as “Greed Game Political Populism.”

iv. Narmada Bachao Movement:

The environmentalists and the local people started protest the building of Dams on the Narmada to produce hydro-electricity since 1985 which was popularly known as Narmada Bachao Aandolan. Medha Patkar has been the leader of this aandolan who got support from the Arundhati Roy, Baba Amte and Aamir Khan.

v. Tehri Dam Conflict:

This movement was started by the local people around 1980s and 1990s because the dam project would construct in the seismic sensitive region and people think that it causes submergence of forest areas along with Tehri town. Despite of protest, the construction of the dam is being carried out with police protection as Sunderlal Bahuguna is sitting on fast unto death. After assurance from the government to review the project, Bahuguna ended his fast but construction goes on, though at a slower pace.

vi. Delhi Protests:

In 2018, there were a series of protests for reforestation of south Delhi after cutting down 14,000 trees. This was yet another 'Chipko movement' with 1500 people came together, hugging trees and shouting slogans against the government in Sarojini Nagar.

vii. Aarey Forest Protests:

In 2019, around 29 people were arrested in protests cutting down of 2500 trees in the Aarey Forest, an important area for the Mumbai Metro Rail Corporation. After a series of protests, Supreme Court ordered the release of the activists and declined permission to cut anymore trees.

III. THE CURRENT ENVIRONMENTAL TRENDS IN INDIA

Undoubtedly one of the most pressing environmental issues in India is air pollution. According to the 2021 World Air Quality Report, India is home to 63 of the 100 most polluted cities, with New Delhi named the capital with the worst air quality in the world. Vehicular emissions, industrial waste, smoke from cooking, the construction sector, crop burning, and power generation are among the biggest sources of air pollution in India. In recent years, the State Government of the Indian capital has taken some stringent measures to keep a check on air pollution. One of which is the Odd-Even Regulation – a traffic rationing measure under which only private vehicles with registration numbers ending with an odd digit will be allowed on roads on odd dates and those with an even digit on even dates. Starting from January 2023, there will also be a ban on the use of coal as fuel in industrial and domestic units in the National Capital Region (NCR). However, the ban will not apply to thermal power plants, incidentally the largest consumers of coal. Regardless of the measures taken to curb air pollution, as the World Air Quality Report clearly shows – the AQI in India continues to be on a dangerous trajectory.

Besides its air, the country's waterways have become extremely polluted, with around 70% of surface water estimated to be unfit for consumption. Illegal dumping of raw sewage, silt, and garbage into rivers and lakes severely contaminated India's waters. The near-total absence of pipe planning and an inadequate waste management system are only exacerbating the situation. Fortunately, the country has started addressing the issue by taking steps to improve its water source quality, often with local startups' help. One strategy involves the construction of water treatment plants that rely on techniques such as flocculation, skimming, and filtration to remove the most toxic chemicals from the water. The upgrade process at one of the country's largest plants located in Panjrapur, Maharashtra, will enable it to produce more than 19 million cubic metres of water a day, enough to provide access to clean water to approximately 96 million people.

The government is also looking at ways to promote water conservation and industrial water reuse by opening several treatment plants across the country. In Chennai, a city in Eastern India, water reclamation rose from 36,000 to 80,000 cubic metres between 2016 and 2019.

Finally, in 2019, Gujarat – a state of more than 70 million citizens – launched its Reuse of Treated Waste Water Policy, which aims to drastically decrease consumption from the Narmada River. The project foresees the installation of 161 sewage treatment plants across the state that will supply the industrial and construction sectors with treated water.

As the second-largest population in the world of nearly 1.4 billion people, it comes as no surprise that 277 million tonnes of municipal solid waste (MSW) are produced there every year. To tackle this issue, in 2020 the government announced that they would ban the manufacture, sale, distribution, and use of single-use plastics from July 1 2022 onwards.

Furthermore, around 100 Indian cities are set to be developed as smart cities. Despite being still in its early phase, the project sees civic bodies completely redrawing the long-term vision in solid waste management, with smart technologies but also awareness campaigns to encourage community participation in building the foundation of new collection and disposal systems.

Lastly on the list of environmental issues in India is biodiversity loss. The country has four major biodiversity hotspots, regions with significant levels of animal and plant species that are threatened by human habitation: the Himalayas, the Western Ghats, the Sundaland (including the Nicobar Islands), and the Indo-Burma region. India has already lost almost 90% of the area under the four hotspots, according to a 2021 report issued by the Centre for Science and Environment (CSE), with the latter region being by far the worst affected. Forest restoration may be key to India's ambitious climate goals, but some argue that the country is not doing enough to stop the destruction of this incredibly crucial resource. Indeed, despite committing to create an additional carbon sink of 2.5-3 billion tonnes of CO₂ equivalent through additional forest and tree cover by 2030, Indian government faced backlash after refusing to sign the COP26 pledge to stop deforestation and agreeing to cut methane gas emissions. The decision was justified by citing concerns over the potential impact that the deal would have on local trade, the country's extensive farm sector, and the role of livestock in the rural economy. However, given these activities' dramatic consequences on biodiversity, committing to end and reverse deforestation should be a priority for India.

IV. ANALYSIS

The environment and development are two sides of the same coin, and none can be sacrificed for the sake of the other. Both, on the other hand, are equally important for our better future. In this situation, it is up to the Supreme Court and the High Courts to handle these matters with extreme caution; only then will we be able to fulfil our goal of ensuring a pollution-free developed country for our next generation.

Another issue that needs to be addressed is the location of the industry. In this regard, it is recommended that, when an industry is hazardous, it is not to be in a location where many people live or near a colony, considering the happiness and health of the inhabitant. It pertains to the provisions of Directive Principles of State Policy Articles 48A and 51A (g).

We always kept in mind Resource management, which is another major issue that focuses on the idea of “sustainable development,” which emphasizes that the right to development should not have an adverse impact on the potentiality of natural resources.

Public Interest Litigation (PIL) under Articles 32 and 226 of the Indian Constitution has also played an essential part in protecting the environment, as most of the Supreme Court’s environmental cases are the outcome of this Public Interest Litigation.

The World Commission on Environment and Development observes, “What is required is a new approach in which all nations aim at a type of development that integrates production with resource conservation and enhancement, and that links both to the provision for all of an adequate livelihood base and equitable access to resources.”

These industries or businesses/trades are sometimes found to be carried on in a way that endangers vegetation cover, animals, aquatic life, and human health, but we now know that any trade or business that is harmful to flora and fauna or human beings cannot be carried on in the name of the fundamental right. In this light, we can only hope that the judiciary would play an essential role in protecting the environment and assisting India’s industrial development by adopting a sustainable development policy.

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