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Phone : +91 94896 71437 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



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## NATIONAL ENVIRONMENTAL POLICY, 2006 UNDER ENVIRONMENTAL LAW

**AUTHOR** – BHAVANA B K STUDENT AT VIDYA VIKAS INSTITUTE OF LEGAL STUDIES, MYSORE

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### I. **ABSTRACT:**

The National Environment Policy builds on the existing policies (e.g. National Forest Policy, 1988; National Conservation Strategy and Policy Statement on Environment and Development, 1992; and the Policy Statement on Abatement of Pollution, 1992; National Agriculture Policy, 2000; National Population Policy, 2000; National Water Policy, 2002 etc.). It is intended to be a guide to action: in regulatory reform; programmes and projects for environmental conservation; review and enactment of legislations by Central, State and Local Government. The dominant theme of this policy is that while conservation of environmental resources is necessary to secure livelihoods and well-being of all, the most secure basis for conservation is to ensure that people dependent on particular resources obtain better livelihoods from the fact of conservation, than from degradation of the resource. The policy also seeks to stimulate partnerships of different stakeholders, i.e. public agencies, local communities, academic and scientific institutions, the investment community, and international development partners, in harnessing their respective resources and strengths for environmental management. The protection of environment has been mandated in the Constitution in Articles 48 A and 51 A (g), strengthened by judicial interpretation of Article 21. As the process of Economic Development hastens in the economy, the demand for 'natural resources also increases. It becomes critical that natural resources should be used in judicious manner so that these resources are not exploited for short term gain but used without harming the interest of future generations. Environmental factors are estimated as being responsible in some cases for nearly 20% of the burden of disease in India. The National Environment Policy (NEP), 2006 was an effort towards India's commitment to clean environment and making positive contribution to international efforts. The NEP builds on the various earlier policies which had addressed the challenges of environment and need of sustainable development prior to this policy.

### II. **KEYWORDS:**

National Environmental protection Act, 2006, Article, Protection of Environment, Committee, Wildlife, Pollution free Environment, Awareness related to Prevention of Pollutions of Environment.

### III. **INTRODUCTION:**

Environment safety has become a high priority issue around the world. It is the practice of the policy and procedure that ensure that a surrounding environment, including work areas, laboratories is a free of dangerous that could cause harm to a person working in those areas. The need of environment safety bring into the picture the need of environmental planning. The word Environment it is clearly derived from French. The word environmer it means recycle and encompasses with in it the land water, chloroforma, leaving creature, forest and

everything on the land. Environment protection Act, 1986, section 2(a) of this act it is clearly defined. It includes water, Air, land and the inter relationship which exist among and between water, air, and land and human being, other living creatures, plants, microorganisms and property.

### IV. **THE POLICIES MADE IN INDIA BEFORE NATIONAL ENVIRONMENT POLICY, 2006.**

- A. Environmental protection Act, 1986.
- B. National forest policy, 2008.

C. National conservation strategy and policies statement on environment and development, 1992.

D. Policies statement on a abetment of pollution, 1992.

E. Other policy related to Environmental policy,

A. National agriculture policy, 2000.

B. National population policy, 2000.

C. National water policy, 2002.

The National Environmental policy was formulated in 2006, by government of India and ministry of environment and forest. National Environmental policy seeks extent the coverage, and fill in gaps that still exist in light present knowledge and accumulated the experience. It does not displace, build on the earlier policies. The main objective of this policy is that while conservation of environment resource is necessary to secure livelihood and will being of all the most secure basis of conservation is to ensure that people depends on particular resources to obtain better livelihood from the fact of conservation rather than degradation of resources.

#### V. **OBJECTIVES:**

A. Conservation of Environmental resources.

B. Intra- generational equity.

C. Inter- generation equity.

D. Interrogation of Environmental concern in social and economic development.<sup>846</sup>

#### VI. **ENVIRONMENT IMPACT ASSESSMENT:**

There are two types of Environmental impact assessment models.

A. Statutory model.

B. Administrative model.

##### A. **Statutory model:**

Which makes the assessment of impact compulsory under the enacted law or a delegated legislation.

##### B. **Administrative model:**

Under which an Administrative model exercises it's directions to find out whether an impact study is necessary. Till 1992, India was

following the administrative model of Environment impact assessment. On 27th January, 1994 a notification was issued dealing with mandatory Environment impact assessment. The notification requires project proponent to submit an Environment impact assessment report, and Environment model policy, details of the public hearing and a project report to the impact assessment agency for clearance, further review by A committee of experts in certain cases. By the amendments in the year 1997, public hearing was made compulsory before impact assessment was finished.

#### VII. **ENVIRONMENTAL POLICY AND LAW : PRE INDEPENDENCE PERIOD POLICY AND LAWS IN ANCIENT INDIA [500 BC – 1638 AD]:**

Environmental awareness can be said to have existed even in the pre verdic Indian valley civilization. Which flourished in Northern India about 5000 years ago. Protection and cleaning up of Environment was the essence of Vedic [1500-500BC] culture. Charak samhita book will be having the information about this under arthashastra will be prescribed for the punishment, who is polluted the Environment.

#### VIII. **POLICY AND LAWS IN MEDIEVAL INDIA [1638 -1800AD]:**

To Mughals rulers, forest mint no more than Woodlands wear they could hunt. The history of medieval India is dominated by Muslim Rulers where no note worthy development of environmental jurisprudence took place except during the rule of Mughal Emperor Akbar. During Akbar's rule except rulers others are prohibited from hunting or shikar.

#### IX. **LAWS IN BRITISH INDIA [1800-1970AD]:**

Shore nuisance ( Bombay and Colaba) Act ,1853 imposed restrictions on the fouling of seawater. Merchant shipping act 1858 dealt with prevention of sea pollution by oil. The fisheries Act ,1897. The Bengal smoke nuisance Act, 1905. Bombay smoke nuisance Act, 1912. Wild birds and animal protection Act, 1912.

#### X. **ENVIRONMENTAL POLICY AND LAW: POST INDEPENDENCE PERIOD:**

<sup>846</sup> Environmental law, SC Shastri, 6<sup>th</sup> edition, 2018, Estern book company.

Environmental laws are laws which regulate and maintain human actions where are damaging or most likely to create a threat to the Environment Article 51 (a)(g) ,48,47,49. The five year plan report of the planning commission of India, most specifically the fourth plan (1965-1970 to 1973- 1974) onwards, discloses an increase in recognition by the government on matter of Environment in planning, preserving and development. 6<sup>th</sup> plan- marine (1980-1985), forestry, wildlife, water, fisheries, air. 7<sup>th</sup> plan – (1985-1990), sustainable development in conformity with the Environment it is a major guiding for India.<sup>847</sup>

#### **XI. PITAMBAR PANT COMMITTEE:**

Prior to 1972, the Environmental concerns such as sanitization, sewage disposal and Public health were handled by different Government. On the 24<sup>th</sup> UN general assembly decided Human Environment in 1972 popularly known as Stockholm conference. Each country shall prepared and submit the report based on that National committee on Environmental planning and coordination was formulated by the Government within the development of science and technology. Later, this department was formed into the ministry of environment and forest in the year 1985. In 1956, pitambar pant took the position of secretary, chairman (Nehru PM) of planning commission of India. He formulates the various report relating to the Indian labour force, forecasting of man power . He served as a member of the 4<sup>th</sup> 5 year plan after his retirement. National committee on Environment planning and coordination (NCEPC) appointed as chair person.

#### **XII. TIWARI COMMITTEE:**

Until the fifth general election 1977 none of the parties concerned a Environmental problem as an issue to include in there election platform. However, various Environmental problems and controversy, public concern such as silent valley, acid rain main project. During a 1980 election various public parties include the need for safe coding Environment and the rising

concern and include a same into their manifestos. After January 1980, general election when Congress came into power it set up a committee which was charied by" ND Tiwari "to recommended legislative measures and administrative mechanism to established Environmental protection. The committee give it Is report in September 1980 inclusive of their recommendation along with submit the report 1980 of September . The committee noted that,

1. Most of the law related Environment are out dated.
2. There was avoid in the statements of explicit policy objectives.
3. There are jointly inconsistence.
4. There is a lack of sufficient provisions in relation to the implementation machineries.
5. There is no procedure for re- assising the efficiency of law.

On the basis of recommendation of the Tiwari committee," the district department of environment was formulated on November 1<sup>st</sup> 1980 in addition to these on the recommendation of Tiwari committee the National committee on Environmental planning and coordination(NCEPC) was replaced by National committee on Environment planning this committee(NCEP) also perform a similar function". The NCEP was formulated in April 1981 and possessed the power to formulate and annual " state of the Environment" report, and assimilated diffort public hearing and conferences which may significant to environment issues and create a Nation vite Environmental Information and communication. System for propagative Environmental awareness through mass media. UN charter fixes the conditions to the Environment. NCEP is a advisory body and make or constitute a committee also. Total 14 members are there. 14 members are disciplinary management, various non official members, Environmental scientist. NCEP is a Apex body.<sup>848</sup>

#### **XIII. THE MINISTRY OF ENVIRONMENT, FOREST CLIMATE CHANGES:**

<sup>847</sup> Lecturer notes, Spoorthi TL, professor of Vidya Vikas Institute of legal studies ,Mysore .

<sup>848</sup> Principles of Environmental laws, Dr. Rabindra, Kr. Pathak, MS . Surabhi singh ,2019, Book co- operation.

During 1977, emergency period frame 48 of Article. Indira Gandhi was prime Minister and she was added Article 48.

#### **MC Mehta v/s union of India.**

In this case, considered from state list forest and wildlife to Central list. It is created federal department on 1918 Environment, which letter we called ministry of environment forest.

#### **A. Functions:**

1. Nodal agency in the central government for supervising the formulation of Indian Environment and forest.

2. Forest policy with regarding safeguarding and conserving the natural resources.

3. It maintain check concentration- wildlife Welfare of animal, decreasing a pollution.

#### **XIV. THE PRIMARY PURPOSE OF THE BODY:**

1. Protection and surviving the conditions of chloropharm, forest and wildlife.

2. To prevent pollution and supervise the act.

3. A forestation and rejuvinate ( decreasing ) area which are degraded.

4. Safe guarding the Environment and ensuring the safety of the animals.

#### **XV. CHANGES:**

2015- ministry of Environment forest, climate change put 4<sup>th</sup> new standard to restrict the concentration of Sulphur dioxide, nitrogen dioxide, Mercury in stock emission of for power plant make an policy.

There are various legislation and regulatory measures that are focused on conservation and safeguarding the environment apart from this measures National conservation strategy and policy statement and environmental development in 1992, National forest policy 1998 and National Environmental policy 2006 deals all act, as a guide to the Minister work.<sup>849</sup>

#### **XVI. ENVIRONMENTAL JURISPRUDENCE:**

The development of Indian jurisprudence may seems similar to what we see in other common law countries. In 1980's and early 1990's there were many significant changes has been made and specific loss were made to

control the Environmental pollutions. Substantial provisions were also incorporated into the constitution 42<sup>nd</sup> Amendment.

#### **XVII. THE INDIAN CONSTITUTION AND ENVIRONMENTAL PROTECTION:**

India is one of the signatories of the Stockholm declaration which in the knows, as a magnacarta on Human Environment. Indian parliament passed the 42<sup>nd</sup> Amendment to constitution in 1976 and incorporated specially 2 Article relating to protection and improvement of the Environment.

#### **XVIII. SUSTAINABLE DEVELOPMENT:**

It is recognized in the declaration of which says that, their must be a balance between development and ecology. Economic development without Environment consideration can cause serious Environmental damages affecting the quality of life of the population. Both present and future. Therefore, there is an urgent need to maintain a balance between the demand of development and the levels of Environment order to ensure sustainable development.<sup>850</sup>

#### **XIX. CONCLUSION:**

In India, the concern for environmental protection has not only been raised to the status of fundamental law of the land, but it is also wedded with human rights approach and it is now well established that, it is the basic human right of every individual to live in pollution free environment with full human dignity. The state is responsibility with regard to Environmental protection has been lay down under Article 48 (a) of our constitution it says that" to safeguard the forest and wildlife of the country". Environmental protection is fundamental duty of every citizen of this country under Article 51(a)(g) "it shall be the duty of every citizen of India to protect and improve the natural Environment. Article 48 (a) ,51(a)(g) comes under list third concurrent, schedule 7.

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<sup>849</sup> Environmental law, Gurdip singh, 2<sup>nd</sup> edition, 2023, Estern book company.

<sup>850</sup> Environmental law, SC Shastri, 6<sup>th</sup> edition, 2018, Estern book company.



2. Environmental law, Gurdip singh,<sup>2<sup>nd</sup></sup> edition, 2023, Estern book company.

3. Principles of Environmental laws, Dr. Rabindra, Kr. Pathak, MS . Surabhi singh ,2019, Book co- operation.

**B. Lecturer notes:**

1. Lecturer notes, Spoorthi TL, professor of Vidya Vikas Institute of legal studies ,Mysore .

