“India has been something of a pioneer in recognizing that conservation is not to the detriment of economic growth but the pre-condition for sustainable development!”

- Rajiv Gandhi
Environment Protection: An Indian Concern

Although India has a rich tradition of environment protection, starting from hymns of the Rig Veda to altogether 350 acts, laws, by-laws and conventions, large-scale degradation of the environment has resulted from population, pollution pressures, rapid industrialization and indiscriminate use of forest area for travel, power generation and irrigation purposes. Major concerns of today are air pollution resulting from industrial development; water pollution from industrial domestic effluents; soil erosion; deforestation; desertification and loss of wild life because of imprudent and unplanned use of land and resources and ugly landscapes, urban sprawl and city slums resulting from a burgeoning population. However, environment protection presents a most fundamental challenge to the nation’s desire to industrialize faster, to be self-sufficient in food and to be capable of fulfilling certain basic needs of the growing population. This challenge is manifested in policy pronouncements of the Government of India. Consequently, India’s environmental plight “compounded to seemingly unmanageable proportions by poverty, squalor and ignorance, shows why environmental problems must be treated as an integral part of the development strategy in this case, tackling poverty, unemployment, disease and ignorance simultaneously” (Indian National Report, 1971; 36). These concerns are reflected in the national planning process, constitutional provisions and the administrative machinery set up to accommodate developmental policies that focus on environment protection.

Mrs. Indira Gandhi’s historic Stockholm speech of 1972

Environmental concerns in India rests not so much on aesthetic and health grounds as on survival and livelihood issues. Though aesthetic and particularly health consideration are important, it is the survival and livelihood issues which lend even greater urgency to environmental policies than in the developed countries. When the North was in a comparative stage of development as today’s South, it could more easily externalise the cost of development as
environmental concerns than was minimal. The idea has influenced the mindset of Mrs. Indira Gandhi when she addressed the 1972 UN Conference on Human Environment in Stockholm. Her speech has also been labelled as an orthodoxy established by her over India's foreign environmental policy (Rajan, 1997; 25). In her important speech she said: "We do not wish to impoverish the environment any further and yet we cannot for a moment forget the grim poverty of large numbers of people. Are not poverty and need the greatest polluters? How can we speak to those who live in villages and in slums about keeping the oceans, the rivers and the air clean when their own lives are contaminated at the source? The environment cannot be improved in conditions of poverty". (DOE, 1984; 20-29, 23).

She was aware that 'the environmental problems of developing countries are not the side effects of excessive industrialization but reflect the inadequacy of development' (DOE, 1984; 28). The conclusion and prescription were thus obvious – for India poverty was the greatest polluter, and development was the panacea to solving both the problems of poverty and environmental degradation. She warned the West to play a positive role in helping and alleviating the poverty of the developing world while asking developing countries to protect the environment. She asked, "Will the growing awareness of 'one earth' and 'one environment' guide us to the concept of 'one humanity'? Will there be a more equitable sharing of environmental costs and greater international interests in the accelerated progress of the less developed world". (DOE, 1984; 29)

Mrs. Gandhi advised that the developing countries would cooperate with the developed states to protect the global environment. But they reserved their sovereign right to decide their own environmental priorities. They were not prepared to see cooperation twisted to 'add to the burdens of the weaker nations by introducing new considerations in the political and trade policies of rich nations' (DOE, 1984; 29). She argued further, 'many of the advanced countries of today have reached their present affluence by their domination
over the other races and countries. They got a head start through sheer ruthlessness, undisturbed by feelings of compassion or by abstract theories of freedom, equality and justice'. (DOE, 1984; 20,23)

Mrs. Gandhi played down concerns, particularly pronounced in the North, about the impact of population growth in the developing world on levels of poverty and environmental degradation. She advised that the concern with population was a very narrow way of looking at matters; it was at least as important to bear in mind the lifestyles and consumption patterns of the poor, particularly when compared with those of the rich. She said, “it is an over simplification to blame all the world’s problems on increasing population. Countries with but a small fraction of the world population consume the bulk of the world’s production of minerals, fossil fuels and so on. Thus we see that when it comes to the depletion of natural resources and environmental pollution, the increase of one inhabitant in an affluent country, at his level of living, is equivalent to an increase of many Asians, Africans or Latin Americans at their current material levels of living. (DOE, 1984; 27)

Mrs. Gandhi’s forceful presentation has been labelled as her political preferences at that time. Her emphasis on ‘Garibi Hatao’! –‘Eradicate Poverty’ was an electoral ploy too. Her number of populist, socialist actions were keeping in with dependency theory prescriptions, much in currency in the developing world at that time. She nationalised banks, abolished privy-purses and instituted special employment-generation and poverty alleviation schemes along with ‘Green Revolution’ as government’s priorities. The speech, which was concern with sovereignty and nationalist consent also emphasised sovereignty and solidarity with the Third World. Her anti-west stand was the result of the role played by Western powers particularly US during the war.

Anyway, due to long congress rule and a charismatic and powerful leadership by Mrs. Gandhi exercised enormous influence over both party and the government. Even development planners and major political parties accepted
the view that poverty alleviation through industrial development and economic growth must be the top priority of the government.

Mrs. Gandhi’s views carried weight with domestic environmental community. Her speech highlighted the difficult choices between environment and development that faced developing countries. Nevertheless her government took a number of environmental protection measures, including legislation of the Water Act, 1974, Air Act, 1981 and amendments of the constitution in 1976 and administrative actions like the establishment of NCEPC and the DOE. She also earned a lot of goodwill as a result of her personal support for Project Tiger, launched in 1973 to save the Indian Tiger from extinction.

International supports also help to sustain the orthodoxy that emerged from Mrs. Gandhi’s views. These views reflected and were reinforced by Third World views on environment and development. They also gained support from liberal elements in the North who accepted as legitimate the priority that developing countries accord to development (Rajan, 1997; 29). The maintenance of orthodoxy as established by Mrs. Gandhi can be cited in the 1980 Tiwari Committee Report which by virtue of Committee’s consultation with, and inclusion of, leading ecologists, environmentalists, development planners and policy makers, represented a consensus among the major influences on national environmental policy argued that ‘while for developed countries environmental problems are largely the by-products of affluence marked by resource wasteful lifestyles, the stresses on India’s environmental resource come mainly from the pressures for satisfying the basic human needs of a large and growing population (Tiwari Committee Report, 1980:7).

Successive Indian governments have been preoccupied with the problems of poverty and the need for industrialization and economic growth. This has laid the ground for a de facto prioritization of development over the environment. This has in fact influenced India’s environmental policy on global issues as discussed in previous chapter.
Although the Tiwari Committee Recommended in 1980 that a national environmental policy be drawn up, the National Conservation Strategy and Policy statement on Environment and Development was only produced in 1992. This suggests a lack of long-term vision.

**International Agreements and Indian Position**

In order to understand the various Indian legislations regarding protection of environment, one has to run through the numerous international agreements to which India is a party. Some of them are,

(i) International Convention for the Regulation of Whaling, 1946,

(ii) The Antarctic Treaty, 1969;


Being a party to above conventions, India stake its claim in the marine and Antarctic sector. In 1976, India proclaimed its Maritime Zones to Act to claim 12 nautical miles (nm) territorial sea, 12 m contiguous Zone, 200mm exclusive economic Zone (EEZ) and rights over the continental shelf. In 1991, it promulgated the Coastal regulation Zone (ORZ) Act under environment (protection) Act, 1986 to protect its coastal areas and is planning to come up with an Ocean Regulation Zone (ORZ) to protect and conserve its oceanic Zones, at least till territorial sea units. In 1981, it enacted a legislation on regulation of fishing by foreign vessels in Indian water.

(v) The Civil Liability for Oil Pollution Damage, 1969;

(vi) The Fund Convention, 1971;

Being a party to aforesaid conventions, India assured the commitment to regulate shipping and preserve and protect the marine environment. The only notable convention in this category to which India has got to become a member is the London Dumping Convention, 1972 and its 1976 protocol

(viii) The Ramsar Convention, 1971; (on wet lands);

(ix) The World Heritage Convention, 1972;

(x) The Convention or Trade in Endangered Species (CITES), 1973;

(xi) The Convention or Migratory Spices, 1979

(xii) International Tropical Timber Agreement, 1983;

(xiii) FAO International Undertaking on Plant Genetic Resources, 1983;

(xiv) The Convention on Biological Diversity, 1992

By being a contracting party to above-mentioned convention, India has shown its commitment to protect its flora, fauna, wildlife, forest areas, heritage sites, wetlands and biodiversity. The International Wetland Bureau has recognized eight of the world’s largest wetlands in India for protection and conservation. By signing the Kyoto Modification (1992) of CITES, India has shown its commitment to integrated wildlife management programmes and ‘regulating traffic in wildlife.’ Migratory species agreements between range states are yet to be concluded, although substantive work is underway on wildlife corridors. Under ITTA, India has changed its position from a timber producing country to a timber consuming one. Necessary steps have been taken to prevent international transfer of genetic material. Although national legislation in relation to above mention international agreements exist in the form of Wildlife (Protection) Act, 1972 (as amended in 1993), the Forest (Conservation) Act, 1980, EIA Notification Act, 1994, the Seeds Act, 1966 and the Indian Patents Act 1970, there is pressure to strengthen these laws by filling up the gaps and by formulating new legislations, particularly in the field of biodiversity.
As such, India has shown its commitment towards air pollution control, reduction in emission of greenhouse gases and reduction in the use of ozone depleting substances, either by freezing their production or by phasing them out. CPCB plays an important role in laying down emission standards of various kinds. In compliance to international pressure now Government must enact new legislations besides strengthening Air Act, 1981 and Motor Vehicle Act, 1988.


The national covenant, Hazardous Waste (Management and Handling) Rules, 1989 enacted under section 6, 8 and 25 of Environment (Protection) Act, 1986 apply to hazardous wastes specified in the schedule and rules give a detailed system of authorization for handling hazardous wastes. (Sinha, 2000; 53-54)

**The Five-Year Plans and the Environment**

Although national programme in sanitation, public health, nutrition, water supply and housing have formed part of the country's national and state plans since the inception of planning in the post-independence India, environmental issues were explicitly recognised in the Fourth Five Year Plan. It recognized 'the inter-dependence of living things and their relationship with land, air and water', and the need for harmonious development which is possible only on the basis of comprehensive appraisal of environmental issues, particularly economic and ecological. It was further observed that it is necessary 'to
introduce the environmental aspect into our planning and development' (Fourth Five Year Plan, 1969-1974; 49).

Neither the Approach to the Fifth Plan 1974-79 nor the Fifth Plan document contain a separate section or chapter on Environment. The ‘Sixth Five Year Plan 1980-85 — A Framework’ for the first time devoted one full section ‘Ecology and Environment’ (Sixth Five Year Plan 1980-85; 29-30). This document recognized the “imperative need to carefully harness renewable resources of soil, water, plant and animal life to sustain our economic development”. The depletion of natural resources and their subsequent deterioration has adversely affected the life of the people. The causes of such a state of affairs, such as, ‘no consideration of costs of environmental degradation at the policy planning level; lack of long term perspective in our developmental planning, entrepreneurs’ interest in quick profits even, if it leads to the destruction of the resource base, cultivation of marginal lands; overgrazing of depleted forests, etc. were also mentioned. In conclusion, ‘the situation called for a bold new approach to development which will be based on techno-environmental and socio-economic evaluation of each development project’. The Sixth Five Year Plan document subsequently devoted a full chapter to ‘Environment’, which briefly discussed ‘the environmental problems relating to land, water, forests, urban and rural human settlements, and industrial projects. Mention was also made of ‘Disappearing Species and Ecosystems’, Marine Eco-systems’ (costal mangroves, coral reefs, marine reserves and island eco-systems) and the need for constituting Bio-sphere Reserves. It also reviewed the administrative and legislative arrangements for environment protection and indicated some of the environmental development programmes to be implemented during the period, such as making ‘Environmental Impact Assessment’ an integral part of the entire planning process, setting up of an ‘Environment Information System’, programmes for increasing ‘Public awareness about environmental protection’, ‘Creation and
Management of Biosphere Reserves’, Monitoring and Conservation of Marine Ecosystem’, etc.

The ‘Approach to the Seventh Five Year Plan 1985-90’ contained two sections on ‘Environment’. It envisaged formulation of a ‘National Conservation Strategy’ to ensure that the goals of sustainable development are met in future. Non-governmental Organisations, voluntary bodies and private sector will be encouraged to take an active role in this effort. The main programmes included development of instrumentation, equipment and institutional facilities for environmental monitoring, pollution control and waste management; establishing institutional mechanisms for regulations of import, manufacture and use of hazardous substances; formulation and follow-up of environmental guidelines for setting up of industries, mining operations, power generation and other projects, etc. The Seventh Five Year Plan document contained a separate chapter on ‘Environment and Ecology’ which reviewed the progress of implementation of various environmental development programmes and listed the various environmental issues, such as, stabilisation of human and livestock population, need to conserve environmental resources and adoption of a coordinated, highly decentralized approach involving the cooperation and active participation of every segment of society.

The Eight Five Year Plan 1992-97 document has a separate chapter on ‘Environment and Forests’. There is pointed reference to ‘destruction and degradation of forests’, which has resulted in a heavy toll of our soil and water resources, ‘seriously affecting the lives of especially tribals and other weaker section of the society.’ It also refers to the pollution of the water resources and air due to ‘increasing contamination by chemicals, heavy metals and other toxic substances’ due to ‘careless industrial and agricultural practices, unplanned urban growth and industrialization’. The document also lists the following major tasks:
(1) To protect the natural environment.

(2) To regenerate and restore degraded ecosystems and increase their productivity and to generate employment through these activities.

(3) To decentralise control over nature and natural resources.

(4) To develop and share an understanding of nature and natural processes.

(5) To formulate a national policy for the environment and an appropriate institutional and legal framework to support the policy.

(6) To ensure co-ordinated and integrated Government action aimed at conserving nature and sustainable use of natural resources.

(7) To make individuals and institutions more accountable to the people for their actions impinging on environment and ecosystem.

(8) To monitor the state of environment.

The Ninth Plan (1997-2002) seeks to achieve “growth with equity” has in its approach paper outlined “environmental sustainability of the development process through social mobilization and participation of people at all levels” (Approach paper to the Ninth Five year Plan 1997-2000: 16)

It states that rapidly growing population, urbanisation, changing agricultural, industrial and water resource management, increasing use of pesticides and fossil fuels have all resulted in perceptible deterioration in the quality and sustainability of the environment. It needs to be realised that environment protection does not only involve a prevention of pollution and of natural resources, degradation, but has to be integrated with the over-all development process and the well-being of people. This approach has been articulate in the Agenda 21 of United Nations Conference on Environment and Development the steps outlined in this document need to be adopted and integrated with the
development strategy. A synergy between health, environment and development is recognized.

Regeneration of the forest cover is an important component of environmental sustainability. This not only requires attention to the preservation of existing forests, particularly in the fragile eco-regions of the Himalayas and the Ghats among others, but also a greater effort to create forest cover in a wide-spread manner. It is proposed that every district in the country should reserve at least two percent of its available area as forest.

One of the main problems in taking a rational decision on natural resource use is the lack of an appropriate information system and a methodology for natural resource accounting. As a result, the depletion of the national asset base is simply not taken into account while evaluating alternative strategies. The ninth plan will lay great stress on evolving such natural resource accounting methodologies, so that decisions can be taken on the basis of the full cost to the Nation.

The most important methodology for preventing undue depletion of natural resources is by ensuring their efficient use at all levels. This has two important dimensions. First, exhaustible or vulnerable natural resources should be priced appropriately in order to prevent over-exploitation. In India since, large proportion of natural resources are subjected to administered prices, there has been a tendency to under-price resources quite significantly. This approach needs to be changed urgently. Second, technologies which conserve the use of natural resources need to be developed and promoted vigorously.

In conclusion, the environmental planning in India started from the Sixth Plan onward, the focus become sharper during the Seventh Plan which envisaged the formulation of National Conservation Strategy, establishing a network of Environmental Information System besides implementation and research programmes in this field. The Eighth Plan recognized protection, regeneration and restoration of eco-systems and monitoring the state of environment. The
Ninth Plan Approach Paper emphasises ‘food and nutrition security as well as poverty alleviation as inalienable components of sustainable development’. Any way, planning has been in piece-meals and fragmented. ‘There does not seem to any perspective for environment in the Five Year Plans. What exactly is the status at present, what are the short-term and long-term objectives and what is sought to achieved in the next fifteen years (to which the Perspective Plan in India relates), and what approaches, strategies and programmes need to be adopted and implemented, keeping in view the proposed perspective, don’t seem to have been spelt out.’ (Saksena, 1993; 5).

The recurrence of ecological protest movements in different part of the country also reveals the continuing failure of successive governments to adequately build concern for environment protection into development schemes. It is because, as espoused by many NGOs invokes class-based analyses of India’s ruling elite and draws sustenance from the fact that several serious protests against government policies have emanated from groups that, while substantial in numbers, have traditionally been marginal, politically and economically, as has been the case, for instance, with the Chipko and Jharkhand movement (Guha 1986; 623-6). The second argument, implicit in the views of the mainstream political parties and development planners, justifies high degree of prioritisation of development over the environment in the short term in order to generate the momentum for the alleviation of poverty as well as the creation of surplus resources that can be ploughed back into environment protection in the long term. It emphasizes the scarcity of resources for environment protection and the need for these resources to come from the process of development (Rajan, 1997; 35).

In fairness to past and present governments, it has to be said that there is a learning process involved, both for agencies like the MEF to learn to insinuate themselves in the development planning process, as well as for development planners to learn the true costs of environmental degradation. Still, while governmental rhetoric accommodates environmental concerns, the scale still
tips substantially towards a very much higher priority for development over the
environment. “Future strategies of development should pay systematic
attention to their of environmental impact. Environmental impact analysis,
environmental accounting and use of environmentally sound technologies
should be built into all major development processes and project. It has,
however, to be recognised that this will lead to a rise in the capital cost per unit
of output, at least in the short run. The economy’s resource base has to be
expanded so that there additional costs can be absorbed without hurting the
development process’. (Singh; 1992, 3)

The Constitution and the Environment

India is one of the few countries of the world whose constitution includes a
commitment to environment protection and improvement. Although same
provisions for improvement in the quality of life were included when the
constitution was proclaimed in 1950, Mrs. Gandhi spared no pains in taking
several steps, as shown later, in the case of environmental protection. Apart
from the concrete legislative and institutional measures, the need for
environment protection was explicitly incorporated into the constitution by the
constitution’s 42nd Amendment Act of 1976. The amendment also sought to
evolve a national policy and institutional framework for implementing the
policy by including ‘forests’ and ‘protection of wild animals and birds’ in the
concurrent list where both the central and state governments had a say: these
categories were earlier in the exclusive domain of the state. Article 253 of the
constitution was added to empower the national parliament to make laws for
the whole country including subjects in the state list, i.e. those under the
jurisdiction of the states as per the constitution. This provision was made use of
later to make several laws in the interest of environmental regulation and
improvement.

To serve as a guideline to the government, Article 48-A was added to the
Directive Principles of State Policy in 1976 which reads as follow: “the state
shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country”.

In a new chapter entitled ‘Fundamental Duties by the same constitution Amendment act, Article 51A(g) imposed a similar responsibility on every citizen ‘to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. “The Directive Principles are increasingly being cited by judges as complementary to Fundamental Rights. The courts have been guided by these Principles in several environmental cases. The Supreme Court of India has held: ‘whenever a problem of ecology is brought before the Court, the Court is bound to bear in mind Article 48A of the Constitution”. (Rosencranz et al, 1991; 54)

The 73rd constitutional Amendment Act of 1992 on revitalisation of Panchayti Raj in Indian Political System has added XI schedule to the Constitution. It has eight entries which are linked to environment protection and conservation. The Panchayts are accordingly assigned important environment functions including soil conservation, water management, watershed developments, social and farm forestry, drinking water, fuel and fodder, non-conventional (like biogas) energy sources and maintenance of community assets which are significant from the point of view of environment management.

Under the 74th Amendment Act, 1992 for constituting urban local (municipal) bodies, entry 8 of the XII schedule assigns the function of “protection of environment and protection of ecological effects” to urban local bodies.

Thus, the state, citizens and local communities (through local elected institutions) have been assigned environment related duties, responsibilities and functions. Gradually, from the Directive Principles of State Policy to the Constitutional Amendments, increasing importance has been given to environment protection and water management, watershed development, drinking water, non-conventional energy sources and environmentally
significant community assets as well. So also ecological effects having connection of extensive application.

Surprisingly, the term ‘environment’ has been defined in the Constitution but it could be ‘interpreted in a broad manner as the quality of physical-natural environment—the air, the water, the land and the wilderness we seek to enjoy today and to preserve it for future generations. Hence, the aforesaid provision covers the entire spectrum of environment degradation. The words “protect” and “improve” are also significant in the sense that the state is obligated not only to endeavour to preserve the environment in whatever degraded form it is at present but also to improve its quality. The provision has a positive and dynamic connotation so that the state may deliberately take steps and impose restrictions on the use of resources that would adversely affect the environment. It further clarifies that the state is not obligated to protect and improve the environment but merely shall endeavour to do so.

Environmental laws have certain immunities from Judicial scrutiny. Article 31.A provides that:

(i) No law giving effect to the policy of states towards securing all or any of the principles laid down in Part IV shall be deemed to be void on the ground that it is inconsistent with, or taken away or abridges any of the rights conferred by Article 14 or Article 19.

(ii) No law containing a declaration that it is for giving effect to such polices shall be called in question in any court on the ground that it does not give effect to such policy.

The Governmental Response and the Environment

The institutional set-up for environmental planning and development, as it exists today, has taken nearly three decades to evolve. (Appendix IV) The year 1972 marked a watershed in the history of environmental management in India. Prior to 1972 environmental concerns such as sewage disposal, sanitation and
public health were dealt with by different Ministries of the Government of India and each pursued these objective without proper coordination at the federal or the intergovernmental level. When the 24th UN General Assembly decided to convene a conference on the Human Environment in 1972 and requested a report from each member country on the state of the environment (UNGA Resolution 2398, 1968), India set up a Committee on Human Environment under the chairmanship of Pitamber Pant, member of the Planning Commission to prepare these reports. (NECPC, 1972:1) in the Department of Science & Technology ‘to secure the best advice available upon environmental problems and make recommendations for their improvement after careful considerations and detailed consultations with the various ministries and departments charged with the responsibility for environmental matters’. The NCEPC’s works also included ‘identification of environmental affects of activities programmed and recommending modifications to safeguard the quality of environment’.

The NCEPC at its inception consisted of 14 members drawn from various disciplines concerned with environmental management. Most of the non-official members were specialists. The Committee was to plan and coordinate while the responsibility for execution remained with the various ministries and agencies of the government. It was expected that the success of NCEPC depended upon the level of cooperation that it could receive from other ministries and departments. The Committee was assisted by the Department of Science and Technology and an office of Environmental Planning and Coordination (OEPC) was set up under the direction of the chairman of the committee. Some of the important activities of OEPC were (1) Collaboration with the project appraised division of the Planning Commission in developing guidelines for evaluating the relative costs and benefits of development projects that take into account environmental factors; and (2) formulation of proposals and coordination of research programs on environmental problems. (UNEP-
India, 1968) The OPEC later on became the Environment Division of the Department of Science & Technology.

The composition of NCEPC changed significantly later on. The term for committee member was two-years. While the membership of NCEPC increased from 14 in 1972 to 24 in 1977 to 35 in 1979, the proportion of non-officials decreased. The membership also became unwieldy and decision-making was more complex. Greater bureaucratisation occurred with the addition of more Secretaries to the Committee. The first Committee enjoyed some political clout, but this waned in subsequent Committees. Consequently, the willing cooperation of other departments also decreased. This was accentuated by the fact that different departments started viewing this Committee as a competitor rather than a planner and coordinator. (Dwivedi, 1977; 133)

At the behest of the NCEPC, almost all the States and the Union Territories have established environmental boards under terms similar to those of the national committee. To give stature and executive authority, they were chaired by the Chief Minister. An official of the Department of Environment was invariably a member of the State Boards to provide good liaison between them and the national committee. These boards were expected to perform the following functions: (i) to be the focal point for initiating, reviewing and monitoring all environmental matters in the respective states; (ii) to undertake environmental education and create awareness; (iii) to appraise projects at an early stage; (iv) to site industries and incorporate environmental safeguards for development projects; and (v) to serve as a liaison with the Department of Science and Technology, NCEPC, and other government departments and with research and educational institutions, and industries in the respective states (Dwivedi & Kishore, 1982; 900).

In February, 1980, the Government of India appointed a 'Committee for Recommending Legislative Measures and Administrative Machinery for Environmental Protection' under the chairmanship of N.D. Tiwari. One of the
main recommendations of this committee was creation of a Department of Environment at the Centre 'to provide explicit recognition to the pivotal role that environmental conservation must play for sustainable national development'. The Committee further recommended that this Department should be under the charge of the Prime Minister and 'should primarily play a watchdog role;' to study and bring to the attention of the Government and Parliament instances, causes and consequences of environmental degradation in all sectors, and also as a nodal agency for environmental protection and eco-development in a coordinating role'. The Government accepted these recommendations and the Environment Division was converted into Department of Environment with effect from November 1, 1980 to serve as the focal point in the administrative structure of the government for 'planning, promotion and coordination of environmental programmes'. A National Committee on Environmental Planning (NCEP) was also set up in April 1981, as recommended by the Tiwari Committee. NCEP's functions included preparation of a 'state of environment' report, arranging 'conferences on significant environmental issues' and establishing a nation-wide environmental information and communication system to propagate awareness through mass media.

The Department of Environment became part of a new Ministry of Environment and Forests, which was constituted in January 1985. This Ministry consisted of two Departments, viz. The Department of Environment and the Department of Forest and Wildlife. The latter was constituted as a new Department by transferring to it work relating to forestry from the erstwhile Department of Agriculture and Corporation, as well as work relating to wildlife from the erstwhile Department of Environment.

Presently, the Ministry plans, promotes and co-ordinates environmental and forestry programmes (Performance Budget 2000-2001; 1-2). The Ministry's main activities include conservation and survey of flora, fauna, forests and wildlife, prevention and control of pollution, afforestation and regeneration of
degraded areas, protection of the environment and research related to these topics. The tasks are being fulfilled through environmental impact assessment, eco-regeneration, assistance to organisations implementing environmental and forestry research, extension, education and training to augment the requisite manpower, collection and dissemination of environmental information and creation of awareness at the national level.

The Ministry is dealing with the following subject in 2000-2001:

- Environment and ecology, including environment in coastal water, in mangroves and coral reefs, but excluding marine environment on the high seas;

- Botanical survey of India and Botanical Gardens;

- Zoological survey of India;

- National Museum of Natural History;

- The Water (Prevention and control of pollution) Cess Act, 1977;

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

- The Forest Act, 1927;

- The National Environment Tribunal Act, 1995;

- The Wildlife (Protection) Act, 1972;

- The Forest (Conservation) Act, 1980;

- The Environment (Protection) Act, 1986;

- The Public Liability Insurance Act, 1991;

- Biosphere Reserve Programme;
• National Forest Policy and Forestry Development in the country, including Social Forestry;

• Forest Policy and all matters relating to forests and forest administration so far as the Andman and Nicobar Islands are concerned;

• Indian Forest Services;

• Wildlife preservation and protection of wild birds and animals;

• Central Zoo Authority;

• Fundamental research, including co-ordination thereof and higher education in forestry;

• Padmaja Naidu Himalayan Zoological Park;

• National Assistance to Forestry Development Schemes;

• Central River Conservation Directorate;

• The National Environment Appellate Authority Act, 1997;

• Indian Plywood Industries Research and Training Institute, Bangalore;

• Forest Survey of India, Dehradun;

• National Afforestation and Eco-development Board; and

• Desert and Desertification.

The Ministry has four main wings, namely:

(a) Environment;

(b) Forests and Wildlife;

(c) National Afforestation and Eco-development Board;

(d) National River Conservation Directorate.
The Ministry has six regional offices, located at Bangalore, Bhopal, Bhubaneshvar, Lucknow, Shillong and Chandigarh and perform the functions of monitoring and evaluation of on-going forestry development projects and schemes with specific emphasis on conservation of forests and follow up of implementation of conditions and safeguards laid down by the Ministry for project activities where environmental clearance is given.

The Ministry also has the following subordinate offices:

(i) Botanical Survey of India;

(ii) Zoological Survey of India;

(iii) National Museum of Natural History;

(iv) Indira Gandhi National Forest Academy;

(v) State Forest Services and Rangers Colleges;

(vi) Forest Survey of India; and

(vii) National Zoological Park.

For the attainment of its objectives, the following autonomous/statutory bodies/registered societies have also been funded by the Ministry:

Environment and Ecology

(i) Central Pollution Control Board, Delhi.

(ii) G.B. Pant Institute of Himalayan Environment and Development Almora.

(iii) Centres of Excellence

   (a) Centre for Environment Education, Ahmedabad.

   (b) Centre for Ecological Sciences, Bangalore.
(c) Centre of Mining Environment, Dhanbad.

(d) C.P. Ramaswami Aiyar Centre for Environment Education, Madras.

(e) Salim Ali Centre of Ornithology and Natural History, Coimbatore.

(f) Centre for Environmental Management of Degraded Eco-System, Delhi University.

(g) Tropical Botanical Garden and Research Institute, Thiruvananthapuram.

**Forestry and Wildlife**

(a) Indian Council of Forestry Research and Education (ICFRE) has 8 institutes and three satellite centres spread all over the country. Each centre is attached to an institute. Following are the Institutes and Centres of ICFRE:

(i) Forest Research Institute, Dehradun.

- Centre for Social Forestry & Eco-rehabilitation, Allahabad.

(ii) Institute of Wood Science and Technology, Bangalore.

- Advanced Centre for Bio-Technology & Mangrove Forests, Hyderabad.

(iii) Institute of Forest Genetics & Tree Breeding, Coimbatore.

(iv) Tropical Forests & Research Institute, Jabalpur.

Apart from MEF being nodal agency in the administrative structure of the Central Government, it has also been designated as the nodal agency in the country for Untied Nations Environment Programme (UNEP), Nairobi, South Asia Cooperative Environment Programme (SACEP), Colombo, International Centre for Integrated Mountain Development (ICIMOD), Kathmandu, International Union for Conservation of Nature and Natural Resources (IUCN) and European Union. The Ministry also functions as the nodal agency for participation in international agreements relating to environment such as the Convention on International trade in Endangered Species, Convention on Wetlands of International Importance especially as waterfowl habitat, Convention on the Conservation of Migratory Species of Wild Animals, Vienna Convention for the protection of Ozone Layer, Montreal Protocol on Substances that Deplete the Ozone Layer, Conventions on Biological Diversity and Climate Change, the Basel Convention on Transboundary Movement of Hazardous Substances, Convention to Combat Desertification etc. The Ministry also handles bilateral cooperation, matters relating to regional bodies such as UNEP, ESCAP, SAARC, SACEP, National Environment Council, India

The Ministry also has one Public Sector Undertaking viz. Andman and Nicobar Forest Plantation Development Corporation at Port Blair.

In fact, the commitment to environment protection and improvement was further consolidated by the MEF in the 1980s and expressed on the eve of the Rio Conference in 1992 in the form of two policy statements of the governments—'National Conservation Strategy and Policy Statement on Environment and Development' (June 1992) and 'Policy Statement for Abatement of Pollution' (February 1992) (Kuik et al, 1997; 69). The former statement classifies environmental problems in India into two broad categories:

(1) those arising as negative effects of the very process of development; and,

(2) those arising from conditions of poverty and underdevelopment.

The statement expresses resolve to meet both problems squarely to achieve this objective of sustainable development, the policy statement mentions the following instruments for action:

• to carryout environmental impact assessment of all development projects right from the planning stage and integrate it with their cost-benefit considerations. Appropriate costs of environmental safeguards and regeneration would continue to form an integral part of the projects;

• to ensure that all projects above a certain size and in certain ecologically sensitive areas should require compulsory prior environmental clearances;

• to incorporate environmental safeguards protection measures in policies, planning, site selection, choice of technology and implementation of development projects like agriculture, water resource development,
industry, mineral extraction and processing, energy, forestry, transport and human settlements;

- to encourage research, development and adoption of environmentally compatible technologies and to promote application of the modern tools of science and technology for conservation, bridging of large gaps in supply and demand as well as control of monitoring of natural resources;

- to elicit and ensure participation of people in programmes for environmental improvement and for integrating the environmental concern in planning and implementation of development programmes;

- to create environmental consciousness through education and mass awareness programmes;

- to aim at moderation of process of demand unleashed by the developmental process itself by taking measures to recycle waste materials and natural resources, conserve energy, conserve use of natural resources in industrial products by measures like wood substitution and generally try to reach moderations in lifestyles consistent with sustainability and human dignity;

- to develop appropriate organisational structures and a pool of professional manpower to serve as the cadre for environmental management service; and

- to effectively implement the various environmental law and regulations for environmental protection through creation or strengthening of the requisite enforcement machinery (MEF, June 1992; 11-12).

Steps are also being initiated to introduce environmental audit of local municipal bodies, statutory bodies and public limited companies to evaluate the effect of their policies, operations and activities on the environment, particularly with respect to compliance with standards and the generation and
recycling of wastes. Besides compelling the firms and other bodies to be conscious of the environmental implications of their actions, such annual statements are expected to help in identifying and focusing attention on areas of concern and initiating appropriate action. They will also be a source of information to public (MEF, February 1992; 11). The Policy Statements of Abatement of Pollution emphasis integration of environmental considerations into decision making at all levels. It mentions that to achieve this, the following steps are necessary:

- prevent pollution at source;
- encourage, develop and apply the best available practicable technical solutions;
- ensure that the polluter pays for the pollution and control arrangements;
- focus protection on heavily polluted areas and river stretches; and
- involve the public in decision making (MEF, February 1992; 4)

India has also been actively participating in the global debate on the implementation of Agenda 21, adopted at the Rio-Conference on Environment and Development in 1992. As pointed out earlier, India has signed the Convention on Biodiversity and the UN Framework on Climate Change in 1992. Towards this end, India has strengthened its forestry programme and has reversed the earlier trend of decline in forest covers. Under an ambitious programme of afforestation, it has a target of covering over a million hectares each year, and the figure shows that these targets are actually being achieved (Annual Report, MEF, 1993-94; 66). To counter, deforestation due to pressure for biomass, India has launched an innovative programme of management of forest jointly with local people in selected areas since the early 1990s. This movement is catching up all over the country, under which local people participate in regenerating and managing forests and share their produce. The Montreal Protocol on Ozone Layer protection along with its London
amendment has become effective for India since September 1992 and India has already started the process of phasing out ozone depleting substances.

Thus, the evaluation of environmental policy, its administrative structure and its implementation have travelled a long way, particularly over the last two and a half decade.

The Legislation and The Environment

Although the Factories Act, the Insecticides Act and the Motor Vehicles Act contain provisions for the protection of environment in general and so also the Indian Penal Code, the Code of Criminal Procedure, the Police Act, the Code of Civil Procedure and the Special Relief Act (Jain, 1985; 429), the specific laws with the intention to preserve the environment in all its facets have been legislated in India too. (Appendix V) Hence it will be relevant to profile some laws, which directly or indirectly have impact on environment. Two of them passed during the British times are Indian Boilers Act, 1923 and Indian Forest Act, 1927 (Sheth, 1997; 103). In independent India, the first environmental legislation which saw the light of the day was Wildlife Protection Act, 1972. Soon after Mrs. Gandhi’s Stockholm Conference, a series of such legislations came in force. Some of them are basically enumerated here;

The Forest Act, 1927

The Act states that no forest land nor any portion thereof may be used for non-forest purposes. It provides for the constitution of an advisory committee to advice the government on cutting trees. It deals with ‘Reserved Forests’, ‘Village Forests’, ‘Protected Forests’ and ‘Forests of Private owners’.

The Forest (Conservation) Act, 1980

The Act provides for controlling deforestation, which causes ecological imbalance and subsequently environmental degradation. It also provides for putting restrictions on the use of forest land for non-forest purpose.
Wildlife (Protection) Act, 1972

The Act provides for the constitution of Wildlife Advisory Board to regulate hunting of wild animals and birds. It lays down procedures for declaring areas as sanctuaries and national park, as well as regulation of trade in wild animals, prevention of poaching etc.

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

This Act was enacted in pursuance of clause (1) of Article 252 of the Constitution of India to provide for the prevention and control of water pollution and the maintenance or restoration wholesomeness of water. The purpose of this Act is to ensure that the rivers, streams and other sources of drinking water and water for support of fish life and for use in irrigation are not allowed to be polluted by the discharge of domestic and industrial effluents. The Act envisages establishment of a Central Board for the Prevention and Control of Water Pollution and also State Boards to deal effectively with the problem of water pollution in the country and provides determent penalties for contravention of the provisions of the Act. The Act also provides for setting up of Central and State water testing laboratories to enable the Boards to assess the extent of pollution, lay down standards and establish guilt or default.

This Act was amended in 1978 to remove certain practical difficulties faced in its implementation. It was furthermore amended in 1988 renaming the boards as Central/State Pollution Control Boards so that, they may deal with both water and air pollution control. The Central Board was empowered to perform the functions of the State Board in certain situations and penal provisions were made stricter. Boards were given powers to give directions including direction for closure or stoppage of water and electricity supply and other services to the offending establishments. The amendment enabled citizens to file criminal complaint against offenders after giving 60 days notice to the Board and the Boards had to furnish all relevant information to the complaints. The courts were empowered to pass ex-parte orders to take urgent remedial action, where
circumstances so warrant. Obtaining consent of the Board was made obligatory at the time of establishing an industrial unit.

**The Water (Prevention and Control of Pollution) Cess Act, 1977**

This Act was enacted to provide for levy and collection of a cess on water consumed by persons carrying on industries and by local authorities, with a view to augmenting the resources of the Central Pollution Control Board and the State Pollution Control Boards for the prevention and control of water pollution constituted under Water (Prevention and Control of Pollution) Act, 1974.

The Water Cess is collected by the respective State Pollution Control Boards in the State and Central Pollution Control Board in the Union Territories. The amount so collected is shared between the Central and the State Governments to augment their resources for performing their, functions under the pollution control laws.

The Water Cess collected in various States under the Act is transferred to the Consolidated Fund of India. The rates of Water Cess were revised in 1991 because with the rapid expansion of industries and towns, the responsibility and workload of the Pollution Control Boards have increased considerably and the funds available with these Boards had not kept pace either with increase in costs or with the over all commitment in involving heavy financial liabilities. The Water Cess Act is being amended again so as to enhance the Water Cess rate thereby augmenting the resources of Pollution Control Boards. A bill in this regard is proposed to be introduced in the Lok Sabha soon (Annual Report, MEF, 1999-2000; 159).

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

This Act came to force in pursuance of the decision taken in Stockholm in 1972, that appropriate steps would be taken for the preservation of the natural resources of the earth, which among other things include the preservation of the
quality of air and control of air pollution. The presence in the air, beyond certain limits, of various pollutants discharged through industrial emissions and from certain human activities connected with traffic, heating, use of domestic fuel, refuse, incinerations, etc. has a detrimental effect on the health of the people as also on animal life, vegetation and property. The Act envisages an integrated approach for tackling such problems. It provides that the Central and the State Boards set up for the prevention and control of water pollution under the Water (Prevention and Control of Pollution) Act, 1974 shall perform the functions in respect of prevention, control and abatement of air pollution.

The Act was amended in 1987 to make its implementation more effective. In fact, the amendment made in this Act in 1987 were substantially incorporated in the Water (Prevention and Control of Pollution) Act in 1988 also.

In fact, these two Acts provide for a consent system for control of pollution at source before the pollutants are discharged into the environment. It is the statutory obligation of the party to obtain the consent of the Pollution Control Board in regard to the quality, quantity and location of discharge points of its effluents.

**The Environment (Protection) Act, 1986**

This is an ‘umbrella’ legislation on environmental protection which should enable coordination of activities of the various regulatory agencies, creation of an authority or authorities with adequate powers for environmental protection, regulation of discharge of environmental pollutants and handling of hazardous substances, speedy response in the event of accidents threatening environment and deterrent punishment to those who endanger human environment, safety and health. The Act empowers the Central Government to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution. The Central Government has been further empowered, in the exercise of its powers and performance of its functions
under this Act, to issue directions in writing to any person, officer or any authority, and such person, officer or authority shall be bound to comply with such directions. The Act envisages establishment/recognition of environmental laboratories and appointment/recognition of government. Analysts for the purpose of analysis of samples of air, water, soil or other substances sent for analysts to any environmental laboratory established or recognized under the Act.

The MEF has taken several measures for implementation of the provisions of this Act, including framing of rules, notification of standards and environmental laboratories, identification of agencies for hazardous chemicals management and setting up of Environmental Protection Council in States.

The Central Government has, under this Act, empowered the Central Pollution Control Board to enter any place and inspect any equipment, industrial plant, record, register, document or any other material object under sub-section (i) of section 10 and to take samples of air, water, soil or any other substance for the purpose of analysis from any factory or premises or other places under sub-section (i) of section 11 of the Act.

**The Public Liability Insurance Act, 1991**

This Act has been enacted to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and the matters connected therewith or incidental thereto. The Act came into force with effect from the April 1, 1991.

The Government has been considering to bring out a legislation on civil liability and setting up of environmental courts at national and states levels to deal with payment of compensation of all sorts. It also proposed to set up a National Environmental Tribunal (Annual Report 1991-92, MEF; 90).
The Government of India had constituted a commission on 'Review of Administrative Law' under the chairmanship of Shri P.C. Jain in 1998 (Annual Report, MEF, 1999-2000; 159) to look into the necessary amendment in the existing Acts in phased manner.

The Government has also instituted a scheme in 1991 for Labelling of Environment Friendly Products, with a view to provide accreditation and labelling for household and other consumer products which meet certain environmental criteria along with quality requirements of the Indian Standards Institutes for that product. Till date the Ministry has issued the notification on different product criteria under this ECOMARK scheme. This is a social scheme to help consumers to contribute their might in the protection of environment.

The Ministry is also implementing a project in the green-rating of the industry being executed by the CSE, New Delhi. This project has been sponsored by UNDP. Eco-rating means to recognize good environmental performance as well as improvements in performance of the unit.

The MEF is also strengthening law component for strengthening Legal Research and Education, community based environmental decisions making and dispute resolution and training in environmental law to personnel of MEF, CPCB, Industries and NGOs.

In order to protect the environment, a series of laws have been passed. But according to Tiwari Committee Report, most of the laws lack provisions for helping the enforcements machinery. Tiwari Committee, appointed in 1980, note the following shortcomings of the existing Indian environmental legislations;

(i) Many of these laws are outdated;

(ii) They lack statement of explicit policy objectives;
(iii) They are mutually inconsistent;

(iv) They lack adequate provisions for helping the implementing machinery.

(v) There is no procedure for reviewing the efficacy of the law (Leelakrishnan, 1992).

It seems that many of these laws are either quite antiquated or are updated modification of earlier laws. Their object is primarily to utilize resources for specific economic benefit without a careful strategy about their adverse impact on the environment. As a result activities permitted or pursued under the provisions of the laws have tended to reduce environmental quality. The environmental impact assessment has many times questioned correctly. Adequate safeguards for the environment need to be built in all stages of conception, planning and implementation of decisions followed by vigorous monitoring and ameliorative action.

**The Judiciary and The Environment**

It is a sheer irony that the duties which ought to be discharged by the enforcement machinery are now being discharged by the High Courts and the Supreme Court. Some of the decisions or orders given by the Higher Courts in environmental matters are quite revealing as regards the performance of the enforcement machinery (CSE, 2000; 365 & 381).

It is being felt that due to the poor bureaucratic and political commitment, lack of procedures and system, lack of awareness and poor data base and information, the enforcement agencies are unable to fulfil the statutory obligation imposed upon them. Moreover, the need for the technical expertise to handle environmental cases, lengthy delays and hence accumulation of cases in courts hamper the effective enforcement of the existing environmental laws. This is precisely where the role of an active judiciary comes in.
The beginning of this judicial response can be traced in the Ratlam Municipality Case, in which Justice Krishna Iyer highlighted the need for environmental consciousness vis-à-vis the magistrate’s power to abate public nuisance under the procedural law (AIR 1980, SC 1622) (Abraham and Abraham, 1991, 360). In this case Supreme Court rendered justice through judicial activism. It recognized the importance of pollution free environment and gave it the status of a human right.

In Doon valley (AIR 1985, SC 652) case, the Supreme Court was approached in 1985 to decide directly on environmental and ecological issues. In this case two writ petitions, brought before the Supreme Court under Article 32 of the Constitution as PIL, sought to abate pollution caused by Limestone Quarries in the Doon valley. The Court observed that ‘Preservation of the environment and to keep the ecological balance unaffected is a task not only of governments but every citizen must undertake. It is a social obligation and let us remind every Indian citizen that it is his fundamental duty as enshrined in the Article 51A(g) of the constitution (AIR, 1987, SC, 354-359).

The Andhra Pradesh high court in T.D Damodar Rao Vs Municipal Corporation of Hyderabad (74 AIR, SC, 171 (1987)) has treated Right to Pollution free environment as a part of Right to life guaranteed environment in Article 21 of the constitution of India.

The judicial attitude towards promoting a clear and pollution free environment has in fact gained momentum throughout the country. The Supreme Court delivered a landmark judgement in Delhi Oleum Gas Leakage Case (74 AIR, Sc; 1965 (1987) and laid the foundation of Indian Environmental Law. The case originated in a court petition (civil no 12739 of 1985) filed in the Supreme Court by MC Mehta as PIL. The main issue raised under this petition was for closure and relocation of Shriram Foods and Fertilizers Industry’s Caustic Chlorine and Sulphuric Acid plants located in a thickly populated area of Delhi.
In the opinion of the Supreme Court, when science and technology are increasingly employed in producing goods and services calculated to improve the quality of life, there is a certain element of hazard or risk inherent in the very use of science and technology and it is not possible to eliminate such hazard or risk altogether. The Supreme Court impressed on the Government of India to evolve a national policy for location of chemical and other industries in areas where population is scarce and there is little hazard or risk to the community and when hazardous industries are located in such areas, every care must be taken to see that large human habitation does not grow around them. Moreover, the Supreme Court further observed that the effect of permanent closing down the caustic chlorine plant would be to throw about 4000 workman out of employment and that such closure would lead to their utter impoverishment. The Supreme Court, therefore did not order the permanent closure of the plant but imposed stringent conditions for its functioning.

The Supreme Court suggested that a High Powered Authority should be set up by the Government of India in consultation with the Central Pollution Control Board for overseeing functioning of hazardous industries with a view to ensure that there is no defects or deficiencies in the design, structure or quality of their plant and machinery. The Authority would further ensure that there is no negligence in maintenance and operation of the plant and instruments are installed and are in operation and proper and adequate safety standards and procedures are strictly followed.

In this judgement, Supreme Court also felt that in most of the environmental pollution and ecological destruction cases coming up before courts, there is need for neutral scientific expertise as an essential input to inform judicial decision-making. These cases require expertise at high level of scientific and technical sophistication. The Supreme Court, found it absolutely essential that there should be an independent centre with professionally competent and public-spirited experts to provide the needed scientific and technological input. In the circumstances, the Supreme Court urged upon the Government of India
to set up on Ecological Science Research Group, consisting of independent professionally competent experts who would act as an information bank for the court and the government departments.

Lastly, the Supreme Court suggested to the Government of India to set up Environment Courts on regional basis with one professional judge and two experts drawn from the Ecological Sciences Research Group keeping in view the nature of the case and the expertise required for its adjudication. The Supreme Court favoured right of appeal to the Supreme Court from the decision of the Environmental Court.

Again in the Ganga Pollution Case (AIR 1988, SC 1115), the court ruled that 'the nuisance caused by the pollution of the river Ganga is a Public nuisance which is widespread in range and indiscriminate in its effects and it would not be reasonable to expect any particular reason to take proceedings to stop it as distinct from the community at large'.

In their judgement, E.S. Venkataramiah and K.N. Singh lamented that although Parliament and the State Legislative has enacted many laws imposing duties on the Central and State Boards and Municipalities for prevention and control of pollution of water, many of those provisions have just remained on paper without any adequate action being taken pursuant thereto, on account of failure of authorities to obey the statutory duties for several years, the water in the river Ganga at Kanpur has become so much polluted that it can no longer be used by the people either for drinking or for bathing. The Nagar Mahapalika of Kanpur has to bear the major responsibility for the pollution of the river near Kanpur city.

Given the inefficiency of the Indian executive, the judiciary has stepped in to give Indian citizens the right to lodge complaints against the despoilers of the environment. Now, an ordinary citizen can play a more interventionist role through the instrument of public interest litigation and the Supreme Court has set aside every Friday to deal with environmental matters. The Supreme Court
has ordered the establishment of authorities to take decision on environmental issues and assist the court in taking better decisions.

The judgements of Supreme Court have triggered a wave of environmental consciousness in the country. The striking features in all these cases was the courts attempt at encouraging petitioners to utilize the instrument of Public Interests Litigation (PIL) for energising the judiciary to play a more interventionist role in areas where the country's executive had failed to act. The PIL cases have four distinguishing features-democratic access, investigative procedures, wide scope of non-adversial injury and schematic remedies. In fact, PIL has created a new institution of governance where solutions are desired quickly to end the problem. In the initial phase, PIL was aimed at redressal of in human prison conditions and horrors of bounded labour. But now it relates to right to speedy trial, right to legal aid, right to livelihood, right against pollution and right to be protected from industrial hazards. Social activists/bodies have been increasingly seeking legal intervention for environmental protection. And the courts have responded favourably and entertained even a post-card, containing a complaint regarding environmental pollution, as a writ petition. Though the question of propriety of PILs hangs in the air, it must be remembered that environmental PIL has not emerged from a vacuum. Judging by the number of environmental legislation that have been enacted in the country, it is clear how the law itself has supplemented the legal interest in environment.