CHAPTER-XI

SCOPE FOR FURTHER STUDY

As a result of incessant reminder of the Supreme Court for setting environmental Court in India, a Green Tribunal Act has been passed in 2010. It is a ray of new hope for India. But the future development in science and technology will bring new problems with it. To meet the new challenges the present legal system may not be proved adequate. The new problems will pose new challenges in the field of environment. The complex environmental problem make it difficult for the people to produce evidence in court as it required technical expertise. Looking to the Indian situation, a new constitutional body like CBI (Central Bureau of Investigation) should be established which will reduce the burden of judiciary and will help in speedy disposal of environmental problems.

The suggestion given by Shyam Divan in this regard is noteworthy. He has suggested that, “There is an urgent need to create the space for a new autonomous authority that will lay an institutional foundation for our environmental security: the Environment Protector of India (EPI).

The EPI would be the Constitutional custodian of our forests, rivers, oceans and other natural resources. The agency would report to Parliament and the people on the state of the environment. It would provide a roadmap on what requires to be done to strengthen environmental security. This vision would range well beyond the remit of existing environmental regulators: Must cropping patterns change in order to conserve water? What is the optimal mix of energy sources? What design elements should be included in the master plans for our cities to make them livable, efficient and carbon neutral?

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The EPI would play the role of an ombudsman – an independent referee to decide whether a highway should slice through a national park or whether a particular region should remain inviolate from commercial inroads.

The EPI would be supported by technical personnel as well as administrators at the state and local levels. The EPI would engage government agencies, review policies and laws and require changes to align the nation on a path of sustainable, equitable development.

The EPI would recommend budgets both fiscal and personnel-related, which would enhance existing capacities. It would provide a counter-weight to business whose political clout and ability to game the system will increase in the future. The office would develop into an institution the people trust – a role being discharged by the Supreme Court in respect of our forests.

A Constitutional office elevates societal values and lifts environment to the level it belongs. Government policies and judicial pronouncements on sustainable development must be operationalized quickly and the best way ahead is a Constitutional authority that straddles the state and federal governments and which strengthens existing bureaucracies.

The Constitutional mantle will provide a model to the world as we grapple with planetary changes. A Constitutional office is consistent with our ethos and that core morality that demands the equitable enjoyment of natural resources. A fresh environmental imagination to steer the nation forward can be provided by a powerful new institution that the people trust.”

But it is a subject of further research to investigate how far it is practically viable or if it is not what can be done to make environmental justice a reality and not dream in future.