

A Review Of Climate Change And Environment Laws In India

Pooja Sangwan

LLB & LLM

H. No. 190 A, Sector-4, Rohtak (HR)

Abstract: In the past few decades, it has been widely accepted that human activities are corroding the global environment and shifting the climatic balance at a fanatic pace. The population growth is further expected to this corrosions. Therefore, it is the need of the hour to tackle this issue by harnessing the necessary technologies and framing the laws to keep the earth safe for human habitation. Throughout the world, leaders are coming together to tackle this mammoth issue which will impact humans in the years to come. Every discussion points towards the fact that if proper combination of technology and laws is not devised to fight global warming, the human race can prevail into a state of chaos. In India, may environment protection laws existed well before the Independence. However, this foundation was further solidified when the National Council for Environmental Policy and Planning was set up in 1972 just after the Stockholm summit of the UN. This council has now evolved into Ministry of Environment and Forests. The present research paper makes a review of climate change and environmental laws in India.

Keywords: Climate Change, Global Warming, Environmental Laws, Ecosystems, Pollution, NGT.

Introduction: It is a well-known fact that the Earth is warming at a rate unprecedented. The last decade was one of the warmest periods in the human history since the instrumental records began in the nineteenth century. However, the causes behind these changes are very well known and documented in the present decade. Climate change is one of the multifaceted problem facing today's generations. The intervening intricacy of the problem is attributed to its deeper global ramifications on a vast range of issues impacting the very survival of life on Earth. Understanding such a complex issue with vast and varied

dimensions and implications, assumes greater significance for all stakeholders, especially for our policy makers. There are varieties of perceptions regarding the exact size and consequences of climate change. There is now strong evidence that climate change is a reality. Today, it has been scientifically established that significant global warming is occurring. Warming of the climate system is unambiguous. There is no denying the fact that the problem exists and it is assuming alarming proportions, each passing day. Therefore, there is an imperative need to meet the emerging challenges of climate change. Climate change also is expected to affect health via various indirect pathways, including the patterns of infectious diseases; the yield of food-producing systems on land and at sea; the availability of freshwater; and, by contributing to biodiversity loss, may destabilize and weaken the ecosystem services upon which human society depends. Adaptations to the health hazard posed by global climate change can be both proactive and reactive, and can occur at the macro and micro-scales; that is, at the population, community and individual levels. Climate change represents a one-off global experiment so there will be limited opportunity to carry out preliminary evaluation of adaptation options. There is therefore a strong case for prudence, both in mitigating climate change and in adapting to its impacts. To combat global warming, laws must be framed on a global level. For instance the concept of Carbon Footprint is a good step towards this. In the Indian scenario, the Indian Prime Minister has expressed his desire to switch the country to cleaner fuel sources. Also, the initiation of International Solar Alliance by India is a key initiative towards a better environment.

Climate Change: Climate change has its implications on every facet of human life like health, energy, economy etc. Therefore, tackling this issue requires a good understanding of the economy, technology and law. Historically, the responsibility for greenhouse gas emissions increasing lies largely with the industrialized world, though the developing countries are likely to be the source of an increasing proportion of future emissions. The projected climate change under various scenarios is likely to have implications on food production, water supply, coastal settlements, forest ecosystems, health, energy security, etc. The adaptive capacity of communities likely to be impacted by climate change is low in developing countries. The efforts made by the UNFCCC and the Kyoto Protocol provisions

are clearly inadequate to address the climate change challenge. The most effective way to address climate change is to adopt a sustainable development pathway by shifting to environmentally sustainable technologies and promotion of energy efficiency, renewable energy, forest conservation, reforestation, water conservation, etc. The issue of highest importance to developing countries is reducing the vulnerability of their natural and socio-economic systems to the projected climate change. India and other developing countries will face the challenge of promoting mitigation and adaptation strategies, bearing the cost of such an effort, and its implications for economic development.

A very significant dimension of climate change pertains to the varying commitments of the developed and developing countries. The challenge to limit and cut emissions and to adapt to climate changes is upon all of us, depending on the common but differentiated responsibilities of countries to take action. The United Nations Framework Convention on Climate Change (adopted at the Rio Earth Summit in May 1992) aimed at achieving stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. However, it necessary that this level is achieved well before the time frame allotted else there is a huge danger to even the existence of humans. In this respect, the Constitution of India has been a far sighted document which has stated in its directive principles to protect the environment.

Legal Framework in India: The Government of India has been responsible to the environmental issues from time to time. There are some legal provisions in the constitution which lay down a responsibility of environment protection in the changing scenario of global warming and climate change throughout the world. Some of them are as under:

- As per the provisions of the Article-21 of the Constitution which is a fundamental right, remarks that, according to the procedure established by law no person will be deprived of his life or personal liberty.
- Article-47 of the constitution provides that, state will be in relation to increasing the level of nutrition and its people Between your primary duties as an improvement in the level of living and public health, and especially, in the state, for the sake of

intoxicating drinks and drug health, harmful Efforts will be made to tell about the prohibition of consumption, except for the medicinal purposes being done.

- Here it is the responsibility of the State regarding environmental protection has been laid down under Article 48-A of our Constitution. This article provides that State will protect and protect the environment and will try to protect the forests and wildlife of the country.
- Article 48-A of the Constitution comes under the Directive Principles of State Policy and Article 51A (G) of the Constitution falls under the fundamental duties.
- Article 51-A ensures environmental protection of our Constitution, every citizen of this country has a fundamental duty, which states that, it will be the duty of every citizen of India to protect the natural environment including forests and make corrections, be kind to the lakes, rivers and wildlife and living beings.
- The 42nd Amendment of the Constitution which was brought in the year 1976 says that, it is the responsibility of the State Government to protect and improve the environment and to improve the environment. Protect the forests and wildlife. In the latter part of the fundamental duties, it is the basic duty of every citizen to protect and improve the natural environment, including forests, lakes, rivers and wildlife, and have mercy for living beings.

Environmental Laws on Climate Change: There are some laws related to environmental protection in India as under:

The Indian Forest Act of 1927, No. 16, 21 September 1927, the laws relating to forests, the transit of forest produce and the fees payable on timber and other forest produce. Forest Conservation Act 19, 0, 6, 9 to 2 December 19 to 10, to provide protection for forests and related matters or for assistive or accidental treatment.

Prevention of Air Pollution (Prevention of Pollution) Act, No 14, 29 March 1981, for the prevention, control and eradication of air pollution. The Ozone Depleting Substances (Regulation and Control) Rules, 17 July 2000 was passed to implement the rules for regulation of ozone depleting substances.

Environment Protection (Protection) Act, 1986, relates to matters or some types of treatment for accidental treatment will not be subjected to measures or will not be done. In order to impose the following restrictions on expansion and expansion of industries, operations or processes, etc. in the aforementioned coastal regulation area, revised on the coastal regulation zone notification, 1991, 19 February 1991, 16 August 1994 and 18 April 1996.

National Environmental Appellate Authority Act, 1997, No. 22, 26 March 1997, to provide for the establishment of the National Environmental Appellate Authority, to hear appeals in relation to the restrictions of areas in which no industry, operation or process or category of industries.

The Indian Wildlife Protection Act, 1972, 1999 was amended, Number 16 of the Wildlife (Protection Act) Amendment Act, 2002, 2003, 17 January 2003, to provide protection of wild animals, birds and plants, and related help or related matters for. Or contingency treatment with the view to ensuring the ecological and environmental safety of the country

Energy Conservation Act, 2001, for the efficient utilization of energy and its conservation and for matters associated with it or the emergency conservation act of 2001, No. 52, 29 September 2001. In order to better coordinate the development of the power sector by providing a comprehensive framework for the development of the power sector by amending the Amendment Act 2003, Amendment 2007, in the Energy Conservation Act 2001, No. 28, 24 August 2010, Energy Conservation (Amendment) Act, 2010.

Biological Diversity Act, 2002, No. 18 2003, 5 February 2003, for the conservation of biological diversity, the proper use of its components and the use of biological resources linked to fair and equitable sharing of knowledge, knowledge and matters. Recycled Plastics Manufacture and Usage Rules, 1999, 2 September 1999, to define rules for the manufacture and use of recycled plastics carry bags and containers

National Green Tribunal Act, 2010, No. 19, 2 June 2010, establishment of Green Tribunal for the effective and prompt disposal of causes related to environmental protection and the

protection of forests and other natural resources including the enforcement of any law. For rights related to the environment and relief and compensation for damages to individuals or property and for matters related to medical or accidental treatment.

Government Documents: National Action Plan on Climate Change, 2008, India: Taking on Climate Change – Post Copenhagen Domestic Actions, 30 June 2010, India's 12th Five-Year Plan, October 2011, National Electricity Plan, January 2012, Integrated Energy Policy Report, 2006 India, Greenhouse Gas Emissions, 2007, National Solar Mission (consequence of National Action Plan on Climate Change), June 2010, Incentives for Wind Power, 2009, ceased March 2012, Solar Power Generation Based Incentive, 2008, Energy Conservation Building Code, 2007, Ethanol Production Incentives, 2007, Tariff Policy, 6 January 2006, amended 2011, National Electricity Policy, 3 February 2005 and National Auto Fuel Policy, 2003.

Conclusion: To conclude, it can be said that climate impact has destroyed ecosystems around the world and will continue to do so. The Indian constitutions is a remarkable documents which contains laws to tackle this issue. However, there is still a large scope for improvement. For instance, the Green Tribunals need to be given more funding and power to penalize the offenders of climate. Moreover, policy needs to be brought in to control the population of the country which in the coming years would be the highest in the world. Moreover, the implementation of these laws on ground level is a big challenge for the authorities. The menace of crop burning continues unabated which makes the Delhi air unbreathable. However, the authorities are yet to stop this issue despite knowing it for years. Moreover, recently 22 out of the 30 most polluted cities were from India. This highlights the serious impact climate change will have on the Indians in the coming years. Damaging the climate needs to be made a non-bail able crime. Moreover, there is a need to spread mass awareness in the smaller towns and cities of the country to ensure a safe future for the Indian kids.

References:

- World Bank, World Development Report, Development and the Environment, Oxford, UK, Oxford University Press, 1992.
- Guiseppe Bertola & Ricardo J. Caballero, "Irreversibility and Aggregate Investment", The Review of Economic Studies, Vol. 61(2), April 1994.
- P. J. Crutzen, & E. F. Stoermer, "The 'Anthropocene'", Global Change Newsletter Vol. 41, 2000.
- Intergovernmental Panel on Climate Change (IPCC), Climate Change 2001: Third Assessment Report, Volume-1, Cambridge, UK Cambridge University Press, 2001.
- A.J. McMichael, Human Frontiers, Environments and Disease, Cambridge, UK, Cambridge University Press, 2001.
- Victoria Jenkins. Learning from the Past: Achieving Sustainable Development in the Reform of Local Government, Public Law Spring 2002.
- Olivier Deschênes & Michael Greenstone, "The Economic Impacts of Climate Change: Evidence from Agricultural Ports and Random Fluctuations in the Weather", American Economic Review, Vol. 97(1), March 2007.
- <https://www.downtoearth.org.in/news/governance/six-environmental-laws-to-be-amended-soon-49317>.
- <http://www.mondaq.com/india/x/624836/Waste+Management/Environment+Laws+In+India>.
- <http://edugreen.teri.res.in/explore/laws.htm>.