Indian Political Policy and Environment

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Abstract: Environment policies of the Government of India includes legislations related to environment.

In the Directive Principles of State Policy, Article 48A says "the state shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country"; Article 51-A states that "it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."[1]

India is one of the parties of the Convention on Biological Diversity (CBD) treaty. Prior to the CBD, India had different laws to govern the environment. The Indian Wildlife Protection Act 1972 protected the biodiversity. It was amended later multiple times. The 1988 National Forest Policy had conservation as its fundamental principle. In addition to these acts, the government passed the Environment (Protection) Act 1986 and Foreign Trade (Development and Regulation) Act 1992 for control of biodiversity.[2]

Keywords: environment, policy, political, Indian, biodiversity.

INTRODUCTION

Since about the late 1980s, the Supreme Court of India has been pro-actively engaged in India's environmental issues. In most countries, it is the executive and the legislative branches of the government that plan, implement and address environmental issues; the Indian experience is different. The Supreme Court of India has been engaged in interpreting and introducing new changes in the environmental jurisprudence directly. The Court has laid down new principles to protect the environment, re-interpreted environmental laws, created new institutions and structures, and conferred additional powers on the existing ones through a series of directions and judgments.[3]

The Court's directions on environmental issues goes beyond the general questions of law, as is usually expected from the highest Court of a democratic country. The Supreme Court of India, in its order, includes executive actions and technical details of environmental actions to be implemented. Indeed, some critics of India's Supreme Court describe the Court as the Lords of Green Bench or Garbage Supervisor. Supporters of India's Supreme Court term these orders and the Indian bench as pioneering, both in terms of laying down new principles of law, and in delivering environmental justice.[3]

The reasons for the increasing interjection of India's Supreme Court in governance arenas are, experts claim, complex. A key factor has been the failure of government agencies and the state owned enterprises in discharging their Constitutional and Statutory duties. This has prompted civil society groups to file public interest complaints with the Courts, particularly the Supreme Court, for suitable remedies.

Public interest litigation and judicial activism on environmental issues extends beyond India's Supreme Court. It includes the High Courts of individual states.

India's judicial activism on environmental issues has, some suggest, delivered positive effects to the Indian experience. Proponents claim that the Supreme Court has, through intense judicial activism, become a symbol of hope for the people of India. As a result of judicial activism, India's Supreme Court has delivered a new normative regime of rights and insisted that the Indian state cannot act arbitrarily but must act reasonably and in public interest on pain of its action being invalidated by judicial intervention.[4]

India's judicial activism on environmental issues has, others suggest, had adverse consequences. Public interest cases are repeatedly filed to block infrastructure projects aimed at solving environmental issues in India, such as but not limiting to water works, expressways, land acquisition for projects, and electricity power generation projects. The litigation routinely delays such projects, often for years, whilst rampant pollution continues in India, and tens of thousands die from the unintended effects of pollution. Even after a stay related to an infrastructure project is vacated, or a court order gives a green light to certain project, new issues become grounds for court notices and new public interest litigation.[5][6][7]

Judicial activism in India has, in several key cases, found state-directed economic development ineffective and a failure, then interpreted laws and issued directives that encourage greater competition and free market to reduce environmental pollution. In other cases, the interpretations and directives have preserved industry protection, labour practices and highly polluting state-owned companies detrimental to environmental quality of India.[8] Proactive measures should be taken to conserve the depleting environment.[9]

The Indian government tried to stop Greenpeace freedom of expression in 2015.[10]

List of laws

Source:[2]				
Legislation	Year	Domain	Protected areas	Use of other natural resources
Indian Forest Act	1927	British India	Developed procedures for setting up and protection of reserved forests, protected forests, and village forests	Regulation of movement and transit of forest produce with duties on such produce. Special focus on timber
1st Five Year Plan	1951			
2nd Five Year Plan	1956			
3rd Five Year Plan	1961	Almost the same but with added deer conservation acts		
4th Five Year Plan	1969			
Wildlife Protection Act	1972	India except J&K	Formalisation of national parks, wildlife	Penal codes for animal poaching,

			sanctuaries, conservation reserves and community reserves. Protection to habitat and wildlife within premises of such protected areas. Development of National Board for Wildlife and State Boards for Wildlife for identification of future protected areas.	and trade in products derived from protected animals
National Wildlife Action Plan	1973			
5th Five Year Plan	1974			
6th Five Year Plan	1978			
7th Five Year Plan	1980. Forest (Conservation) Act, 1980 (with Amendments Made in 1988)	environment protection act 1986 [1] (23 May 1986) I it is a legislation which signifies the central governments determination to take effective steps to protect the environment.	stating that: No State Government or other authority shall make any order directing- ➢ (i) that any reserved forest shall cease to be reserved; ➢ (ii) that any forest land or any portion thereof may be used for any non-forest purpose; ➢ (iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government; ➢ (iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.	
Environment (Protection) Act	1986			
National Forest Policy	1988			
Foreign Trade (Development	1992			

and Regulation) Act				
8th Five Year Plan	1992			
9th Five Year Plan	1997			
10 Five Year Plan	2002	National Environmental Policy,2006		
11th Five Year Plan	2007			

DISCUSSION

The activities of a number of Hindu nationalist organisations increased in scope after Modi's appointment as prime minister, sometimes with the government's support.[254][255] These activities included a Hindu religious conversion programme, a campaign against the supposed Islamic practice of "Love Jihad" and attempts to celebrate Nathuram Godse, the assassin of Mahatma Gandhi, by members of the right-wing organisation Hindu Mahasabha.[256][257] Government officials, including the Home Minister, defended the conversion programmes.[213]

Links between the BJP and the Rashtriya Swayamsevak Sangh (RSS) grew stronger under Modi. The RSS provided organisational support to the BJP's electoral campaigns while the Modi administration appointed RSS-affiliated individuals to prominent government positions.[258] In 2014, Yellapragada Sudershan Rao, who had previously been associated with the RSS, became the chairperson of the Indian Council of Historical Research (ICHR).[38] Historians and former members of the ICHR, including those sympathetic to the BJP, questioned Rao's credentials as a historian and stated the appointment was part of an agenda of cultural nationalism.[38][259][260] During its first term, the Modi administration appointed other RSS members to lead universities and research institutions, and recruitment of faculty members favouring the RSS increased. According to scholars Nandini Sundar and Kiran Bhatty, many of these appointees did not possess the qualifications for their positions.[261] The Modi administration also made numerous changes in government-approved history textbooks that de-emphasised the role of Jawaharlal Nehru and glorified that of Modi while also portraying Indian society as harmonious, and without conflict and inequity.[261][262]

In 2019, the Modi administration passed a citizenship law that provides a route to Indian citizenship for persecuted religious minorities from Afghanistan, Bangladesh and Pakistan who are Hindus, Sikhs, Buddhists, Jains, Parsis or Christians,[263][264] but does not grant eligibility to Muslims.[265][266][267] This was first time religion had been overtly used as a criterion for citizenship under Indian law; it attracted global criticism and prompted widespread protests that were halted by the COVID-19 pandemic.[261][267][268] Counter-demonstrations against the protests developed into the 2020 Delhi riots, caused chiefly by Hindu mobs attacking Muslims.[269][270] Fifty-three people were killed in the protests, two-thirds of whom were Muslim.[271][272][273][274][275] On 5 August 2020, Modi visited Ayodhya after the Supreme Court in 2019 ordered contested land in Ayodhya to be handed to a trust to build a Hindu temple and ordered the government to give alternative 5 acres (2.0 ha) of land to the Sunni Waqf Board for the purpose of building a mosque.[276] Modi became the first PM to visit temples at Ram Janmabhoomi and Hanuman Garhi.[277]

Soon after Modi returned to power in 2019, he took three actions the RSS had long called for.[261] The practice of Triple Talaq was made illegal and became a punishable act from 1 August 2019.[278][279][280] The administration repealed Article 370 of the Indian constitution that granted autonomy to Jammu and Kashmir, and also abrogated its statehood, reorganizing it into the union territories Jammu and Kashmir, and Ladakh.[261][281] The region was placed under a

lockdown and internet services were suspended and were not completely restored until February 2021.[282] Thousands of people, including hundreds of political leaders, were detained.[283][284][285][286] The Supreme Court of India did not hear constitutional challenges to the reorganisation or the Citizenship Amendment Act. According to Bhatty and Sundar, this is an example of the subversion of the Supreme Court and other major institutions, which were filled with appointees favouring the BJP.[261]

In his first year as prime minister, Modi reduced the central government's healthcare spending.[190] In January 2015, the Modi government launched its New Health Policy (NHP), which did not increase the government's spending on healthcare but emphasised the role of private healthcare organisations. This represented a shift away from the policy of the previous Congress government, which had supported programmes to assist public health goals, including a reduction in child and maternal mortality rates.[320] The National Health Mission, which included public health programmes targeted at these indices, received nearly 20 percent less funding[321][322] in 2015 than in the previous year. The Modi administration reduced the healthcare budget by a further 15% in its second year.[323] The healthcare budget for the following year rose by 19%; private insurance providers positively viewed the budget but public health experts criticised its emphasis on the role of private healthcare providers and said it represented a shift away from public health facilities.[324] The healthcare budget rose by 11.5% in 2018; the change included an allocation of □ 20 billion(US$250 million) for a government-funded health insurance program and a decrease in the budget of the National Health Mission.[325]

Modi discussing the COVID-19 pandemic with Chief Ministers via videoconferencing in June 2020

Modi emphasised his government's efforts at sanitation as a means of ensuring good health.[320] On 2 October 2014, Modi launched the Swachh Bharat Mission ("Clean India") campaign. The campaign's stated goals included the elimination of open defecation and manual scavenging within five years.[326][327] As part of the programme, the Indian government began constructing millions of toilets in rural areas and encouraging people to use them.[328][329][330] The government also announced plans to build new sewage treatment plants,[331] and planned to construct 60 million toilets by 2019. The construction projects faced allegations of corruption and severe difficulty in getting people to use the newly constructed toilets.[327][328][329] Sanitation cover in India increased from 38.7% in October 2014 to 84.1% in May 2018 but use of the new sanitary facilities was lower than the government's targets.[332] In 2018, the World Health Organization (WHO) stated at least 180,000 diarrhoeal deaths in rural India were averted after the launch of the sanitation effort.[333]

In March 2020, in response to the COVID-19 pandemic, the Modi administration invoked the Epidemic Diseases Act, 1897 and Disaster Management Act, 2005.[334][335] The same month, all commercial domestic and international flights were suspended.[336] Modi announced a 14-hour curfew on 22 March,[337] and followed with a three-week "total lockdown" two days later.[338][339] Restrictions were gradually lifted beginning in April, and were completely revoked in November 2020.[336][340][341] A second wave of the pandemic that began in March 2021 was significantly more devastating than the first; some parts of India experienced shortages of vaccines, hospital beds, oxygen cylinders and other medical supplies.[342] In late April India reported over 400,000 cases in a 24-hour period, the first country to do so.[343] India began its vaccination programme in January 2021;[344][345] in January 2022, India announced it had administered about 1.7 billion doses of vaccines and that more than 720 million people were fully vaccinated.[346] In May 2022, the WHO estimated 4.7 million people had died of COVID-19 in India, mostly during the second wave in mid 2021—almost 10 times the Indian government's estimate. The Modi administration rejected the WHO's estimate.[24][25] India's death toll was thus the highest worldwide, accounting for more than 20% of all Covid deaths.[347]

Foreign policy played a small role in Modi's election campaign and did not feature prominently in the BJP's election manifesto.[348] Modi's foreign policy, similarly to that of the preceding Congress government, focused on improving economic ties, security and regional relations.[348] Modi continued Manmohan Singh's policy of "multi-alignment".[348] The Modi administration tried to attract foreign investment in the Indian economy from several sources, especially East Asia, with the use of slogans such as "Make in India" and "Digital India". The government also tried to improve relations with Islamic nations in the Middle East, such as Bahrain, Iran, Saudi Arabia and the United Arab Emirates, as well as with Israel.[1]

Modi meeting Myanmar's leader Aung San Suu Kyi in New Delhi in January 2018

India's relationship with the United States improved after Narendra Modi became PM.[350] During the run-up to the general election, there was wide-ranging scepticism about future of the strategic bilateral relationship under Modi's premiership; in 2005, while Chief Minister of Gujarat, Modi was denied a US visa during the presidency of George W. Bush for his poor human-rights record.[160][161] Sensing Modi's victory well before the election, US Ambassador to India Nancy Powell contacted Modi as part of greater rapprochement from the West. Following Modi's 2014 appointment as India's PM, President Obama congratulated him over the telephone and invited Modi to visit the US.[351] The Modi government enjoyed a positive relationship with the US during the presidencies of Barack Obama and his successor Donald Trump.[352][353]

During the first few months after his appointment as PM, Modi visited a number of countries in support of his policy, and attended the BRICS, ASEAN and G20 summits.[348] One of Modi's first visits as PM was to Nepal, during which he promised one billion US dollars in aid.[354] Modi also made several visits to the US;[355] this was described as an unexpected development because of the US's earlier denial of a US travel visa to Modi over his role in the 2002 Gujarat riots. The visits were expected to strengthen diplomatic and trade relations between the two countries.[355]

In 2015, the Indian parliament ratified a land-exchange deal with Bangladesh in the India–Bangladesh enclaves, which the government of Manmohan Singh had initiated.[237] Modi's administration brought renewed attention to India's "Look East Policy", which was instituted in 1991. The policy, which was renamed the "Act East Policy", involved directing Indian foreign policy towards East Asia and Southeast Asia.[356] The government signed agreements to improve land connectivity with Myanmar through the Indian state of Manipur; this represented a break with India's historic engagement with Myanmar, which prioritised border security over trade.[356] China–India relations rapidly deteriorated following the 2020 China–India skirmishes.[357] Modi pledged aid of $900 million to Afghanistan, which he visited twice and was honoured with Afghanistan's highest civilian honour in 2016.[358][359] In September 2022, Modi appeared to have developed a strong personal relationship with Russia's President Vladimir Putin.[360][361][362]

RESULTS

While naming his cabinet, Modi renamed the Ministry of Environment and Forests the "Ministry of Environment, Forests, and Climate Change", and more-than-halved its money allocation in his administration's first budget.[395] The new ministry removed or diluted a number of laws related to environmental protection, and others related to industrial activity.[240] The government also tried to reconstitute the National Board for Wildlife so it would no longer have representatives from NGOs but the Supreme Court of India blocked this move.[396] Other changes included a reduction of ministry oversight on small mining projects and ending the requirement for approval from tribal councils for projects inside forested areas. Modi also lifted a moratorium on new industrial activity in India's most-polluted areas.[396] The changes were welcomed by businesspeople but criticised by environmentalists.[397]

Speaking with Assamese students in 2014, Modi downplayed climate change, saying; "Climate has not changed. We have changed. Our habits have changed. Our habits have got spoiled. Due to that, we have destroyed our entire environment."[398] Later in his administration, however, he has called for climate action,[399][400] especially with the proliferation of clean energy.[401][402] In 2015, Modi proposed the International Solar Alliance initiative to encourage investment in solar energy.[403] Holding developed countries responsible,[404] Modi and his government have said India has had a negligible historical role in climate change. At the COP26 conference, Modi announced India would target carbon neutrality by 2070 and expand its renewable energy capacity.[405] Indian environmentalists and economists applauded the decision, describing it as bold climate action.[406] India has become the only major economy to be on track to meet its Paris Agreement goals.[407] It has achieved 10 percent of ethanol blending five months ahead of schedule.[408]

Under Modi's tenure, India has experienced democratic backsliding.[g] According to one study, "The BJP government incrementally but systemically attacked nearly all existing mechanisms that are in place to hold the political executive to account, either by ensuring that these mechanisms became subservient to the political executive or were captured by party loyalists".[29][409] The Modi government has used state power to intimidate and stifle critics in the media and academia, undermining freedom of expression and alternative sources of information.[410][30] His administration has been criticised for using a democratic mandate to undermine democratic processes, including focusing on Hindu-nationalist priorities rather than economic development. Modi's second term as PM, in particular, saw the erosion of civil rights and press freedom.[411]

CONCLUSION

Modi is a vegetarian and teetotaler,[415][416] who has a frugal lifestyle, and is a workaholic and introvert.[417] On 31 August 2012, he posted on Google Hangouts, becoming the first Indian politician to interact with citizens on a live chat.[418][419] Modi has been called a fashion icon for his signature crisply ironed, half-sleeved kurta, and for a suit with his name repeatedly embroidered in the pinstripes, which he wore during a state visit by US President Barack Obama, which drew public and media attention, and criticism.[420][421][422] Scholars and biographers have described Modi's personality as energetic, arrogant and charismatic.[37][423]

The nomination of Modi for the prime-ministership drew attention to his reputation as "one of contemporary India's most controversial and divisive politicians".[184][424][425] During the 2014 election campaign, the BJP projected an image of Modi as a strong, masculine leader who would be able to take difficult decisions.[184][204][206][210][211] Campaigns in which he has participated have focused on Modi as an individual, an unusual tactic for the BJP and RSS.[206] Modi has relied upon his reputation as a politician able to bring about economic growth and development.[426] Modi's role in the 2002 Gujarat riots continues to attract criticism and controversy.[8] Modi's hardline Hindutva philosophy and the policies adopted by his government also continue to draw criticism, and have been seen as evidence of a majoritarian and exclusionary social agenda

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