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Environmental Policy in India: A Book Review

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ABSTRACT

The Routledge Studies in Environmental Policy series has been initiated in this regard. As part of the series based on evaluating diverse aspects of common environmental challenges and their peculiar solutions across jurisdictions like The European Union etc. This book titled Environmental Policy of India (hereinafter referred to as EPI) undertakes an evolutionary analysis of policymaking in India with a historical as well as an international perspective. The book is a result of a synthesis of Indo-European academic contributions. The twelve (12) chapters encompass several key aspects of Environmental law and policy in India (hereinafter referred to as ELPI), ranging from Centre-State to India-EU relations, forest to water policy making, climate change to smart cities initiative etc. In the first chapter, the editors of the book, namely Natalia Ciecierska-Holmes, Kirsten Jorgensen, Lana Laura Ollier and D. Raghunandan, give an outline of the structure of the book. They also put forth the aims and objectives to be achieved by this book, clearly identifying the gap in the literature for a critical analysis of EPI to further understand its evolution in response to historical national and international factors, the role played by its various stakeholders and its relevance in the international environmental discourse.

I. INTRODUCTION

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| Title: Environmental Policy in India |
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The world is progressing towards an uncertain future in light of the challenges posed by climate change and destabilized ecosystems. There exists a global consensus on the need to develop a shared acumen to mitigate and adapt in response to the gathering environmental crisis. As part

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of the Routledge Studies in Environmental Policy series, this book titled Environmental Policy of India (hereinafter referred to as EPI), evaluates diverse aspects of common environmental challenges and their peculiar solutions across jurisdictions like The India, European Union etc. It is a result of a synthesis of Indo-European academic contributions, and it undertakes an evolutionary analysis of policymaking in India with a historical as well as an international perspective. The chapters are structured into three (3) parts signifying the broad themes incorporated by the book. They are as follows:

II. INSTITUTIONS AND ACTORS

The four chapters of this part analyze the nature, efficacy as well as the interplay of various institutions responsible for crafting EPI, broadly classified as the Centre, States, local bodies and civil society organizations. In the second chapter, authors Wilfried Swenden and Rekha Saxena demarcate the dynamic of interdependence in Centre-State relations. It's initiated with a reference to the post-independence era wherein the Centre dominated the policymaking sphere in India to the point of ignorance of its constituent states without whose involvement implementation to the same is inconceivable. The need for state involvement in environmental policymaking along with the key implementation role of the local governing bodies introduced by the 73rd and 74th Amendments of the Constitution of India is clearly demarcated in portraying the gradual shift in environmental policy paradigms from a top-down to a bottom-up approach. This is further elaborated by author Kirsten Jorgensen in the subsequent chapter where in the role of states in environmental policymaking is analyzed.

Quoting existing literature on the predominance of sub-national states in implementation as well as action on the climate-change front in federal nationalities, the author highlights the fundamental need of state participation in environmental policymaking which remains largely unaccomplished in India even when it moves away from the path-following top-down approach. The Indian states have increasingly followed growth-oriented development and considered environmentally sound policies as a hindrance to it. It is in this light that the author discusses the states being in a race to the bottom. Corruption has also been included as a possible impediment to coherent environmental policymaking. However, there exists a potential for environmental leapfrogging for the states as they remain pioneers in renewable energy as well as innovators in the field of environment. Therefore, states do possess a predominant role in achieving multiple environmental policy goals, provided they are extended sufficient administrative and financial independence. The third actor, besides the Centre and the States, is

the CSOs².

The opposing yet collaborative role played by various types of CSOs in influencing the conception as well as the progression of the Indian public policy governing environment is astutely elucidated by author Sunayana Ganguly in the fourth chapter of the book. In the decade 1970-80, the increasingly resource-intensive growth objectives of the state brought about the formation of various social-movement organisations that repelled the fence-and-fines approach of the state governing environmental law and policies of those times. During the next decade, the state focused on extending recognition as well as involving the CSOs in implementing its environmental policies. However, the 21st century reignited the tensions between the two bulwarks of policymaking in India as the state became increasingly market-oriented while diluting its environment protection safeguards which the CSOs fiercely protested. In essence, the author builds on the existing literature on how the state continues to possess an exceedingly technocratic character in environmental policymaking which brings it into a direct confrontation with the varied interests represented CSOs. Once the role of the actors involved in policymaking is laid out, part 2 of the book encapsulates the various environmental subsystems like forests, water, energy etc.

III. ENVIRONMENTAL POLICY SUBSYSTEMS IN INDIA

Due to the spatial limitations, the book confines itself to five core subsystems of the Environment. In the fifth chapter, author Smriti Das lay down the historical evolution of laws and policies governing forests in India from the pre-colonial resource-oriented times to the contemporary conservation-oriented times. It captures the essence of path dependence followed by India in framing its forest policies post-Independence, as to how it inherited exploitative state characteristics from the British colonisers and built upon them to the common detriment of the forests as well as its inhabitants. The conservationist approach adopted post-1970s was in marked departure from the hitherto resource extraction orientation of law and policymaking in India. The significant role played by international instrumentalities in driving the state to adopt the conservationist approach in its legal framework governing forests is elucidated by the fact that most of the laws, drafted in the persuasion of conservationist ideals, came into existence post-United Nations Convention of Environment and Development 1972. Post-forest, the sixth chapter deals with analyzing policymaking in the light of acute water scarcity, incessant water pollution as well as climate-change-induced water risks faced by India.

While dwelling on the challenges faced in water governance, authors Joyeeta Gupta and Richa

² Civil Society Organisations (hereinafter referred to as CSOs)

Tyagi, highlight the need for incorporating various factors into the toolbox of environmental policymaking. An analysis of the existing policy, as well as the legal framework, depicts that the absence of all-encompassing legislation on the subject matter of water adds to the ambiguity prevailing over its use or abuse. More specifically, the absence of a law governing the ever-depleting groundwater resource in India allows it to be abused by private property owners as historically it forms a part of the land. However, the change in policy paradigm is highlighted by the fact that there is a recognition of the right to water in the National Water Policy by the inclusion of the concept, “Water for Life”, which gives primacy to the usage of water for daily human activities over and above other national priorities. The author also highlights various water security issues facing India like the lack of climate-proof agreements of river water sharing with neighboring states, intensifying interstate river water sharing disputes and lack of decentralization in water governance. Moreover, water has a great but expensive potential to be utilized in the generation of hydropower which is an unconventional source of energy.

India, with its unique geographical placement, has great potential for unconventional sources of energy. However, it has remained stubbornly dependent on coal-based energy to fuel its development. In the seventh chapter, the authors Kaushik Ranjan Bandyopadhyay, Madhura Joshi and Rainer Quitzow list three key factors impacting energy policymaking in India namely, access, governance, and security. The GOI has initiated various initiatives to ensure increased inclusive access to energy like “24x7 Electricity for all”, Deendayal Scheme etc., as well as the PAHAL scheme and Pradhan Mantri Ujjwala Scheme for ensuring nationwide LPG penetration for clean cooking. Several mechanisms of motivating energy efficiency introduced by GOI like Perform, Achieve and Trade (PAT) in industries, Leadership in Energy and Environmental Design (LEED) for real-estate etc. and KUSUM in the agriculture sector are scrutinized for potential opportunities as well as gaps in their implementation. While a gradual move to renewable energy remains the goal on the energy front of India, the overarching focus remains climate change mitigation and adaptation. It is in this light, that Denise Fernandes, Kristen Jorgensen, and N.C. Narayanan analyze the factors that shape climate policy making in India.

The eighth chapter addresses the policy conundrum that India has been privy to since the times of its independence. Despite being one of the largest polluters in the world, India contributes minimally in terms of per capita emissions, and it is in this light that it advances the concept of common but differentiated responsibility in tackling climate change. The significant role played by Non-Governmental Organisations (hereinafter referred to as NGOs) in developing and mainstreaming third-world ideologies pertaining to climate change is noteworthy. The authors emphasize the role played by knowledge in shaping policies as he highlights the impact of

climate knowledge generated by research and advocacy organisations like IPCC³, TERI⁴ etc., that drive international as well as national policy framework. The increasing literature around the socio-economic risks posed by climate change is progressively impacting the policy making in India which suffers from peculiar challenges caused by economic intertwined with social inequalities.

As the countries brace against the catastrophic impacts of climate change, the focus has shifted to developing new and revamping existing cities with sustainability and resource efficiency at its core. It is especially of the essence in the context of India as it still has to develop three-fourths of its infrastructure in response to the accelerating rate of urbanization. Drawing from interpretations of scholars like Hollands, Parnell etc., a synergy between concepts of smart and sustainable cities is sought to formulate an ideal smart city concept for India wherein the importance of social capital and the social fabric along with resource efficiency, climate resilience and ecological balance is equally reflected. Various initiatives of the GOI, like JNNURM etc., were undertaken to mainstream urbanization but they failed to achieve the set objectives owing to twin factors of a lack of requisite authority with the local bodies responsible for implementing them well as a dearth of sufficient financial resources. Similar issues visit the SCM⁵ of the GOI. A comparative study of the development plan of three designated smart cities in India is undertaken to conclude the best approach towards developing a smart city. It depicts that the said plans are short-sighted and resource-intensive which defeats the purpose of the mission itself. However, a potential for environmental leapfrogging in India is emphasized which could be achieved by manoeuvring the built infrastructure to fit sustainability standards with a special focus on resource efficiency. It also calls for synergy between SCM and housing for all initiatives which cater to a need for inclusive urbanization along with innovative business participation.

IV. INDIA WITHIN GLOBAL ENVIRONMENTAL GOVERNANCE

The first chapter of part three deals with India's policy governing climate. Author Raghunandan quite remarkably captures the essence of the shift in India's climate policy by highlighting the fact that it has progressed from being classified as a climate denier in 2002 to being open to sharing the burden with developed nations in the following decade. The author critically analyses the Paris Agreement in the light of increasing tendencies of the developed nations to push developing countries for increased emissions reduction while not curtailing their own. This

³ Intergovernmental Panel on Climate Change (hereinafter referred to as IPCC)

⁴ The Energy and Resource Institute (hereinafter referred to as TERI)

⁵ Smart City Mission (hereinafter referred to as SCM)

forward-looking approach is in marked contrast to the most fundamental UNFCCC⁶ principle of “polluter pays” as these developed nations are historically responsible for accelerating climate change. It also criticizes INDCs as it gives primacy to power generation while overlooking the great relevance of the creation of smart grids and clean energy corridors in handling transmission and distribution-related issues, unrealistic target for production of bioethanol, lack of coherent strategy of green-proofing the real-estate industry, targets related to forest restricted only to carbon sequestration etc.

Evaluating India and EU relationship in the context of the environment in chapter 11, the author Diarmuid Torney highlights the nature of their divergence on various issues like equity, climate change mitigation and adaptation policies etc. The divergence is brought out by the fact of the EU advocating that developing countries like India and China focus on decreasing their GHG⁷ emissions as they are one of the largest polluters in the world whereas developing countries have continued to outrightly reject the mitigation policies and strongly focused on equity in their environmental policies, highlighting the historical role of developed nations in polluting the environment. The author adds to the existing scholarship that certifies the relationship between India and the EU as problematic, thus, acting as an impediment to the development of collaboration on the environmental front.

The last chapter unfolds the political trajectory of environmental policy in India as to how the changes in political dynamics were reflected in crafting the environmental policy in India. There has been a shift in national and international policy paradigms from environment-averse to environment-oriented which is evident from the amendments made to existing as well as new environmental laws governing various sub-systems. The international discourse on the environment as a whole and climate change per se has played a huge role in shaping the environmental discourse in India. From being a naysayer, India has graduated to participating equally in global environmental mitigation strategies as is evident by India’s Nationally Determined Contributions.

V. CONCLUSION

It is prudent to conclude that the book accomplishes the purpose it sets forth. However, on account of spatial limitations, the authors have restricted their respective evolutionary analysis to certain areas of environmental law and policymaking. It is imperative to highlight that the authors analyze public environmental policymaking only through historical as well as

⁶ United Nations Framework Convention on Climate Change (hereinafter referred to as UNFCCC)

⁷ Green House Gases (hereinafter referred to as GHG)

international perspectives, a more nuanced approach towards environmental policymaking in India is required which incorporates various conflicting yet significant socio-economic dynamics that are in operation in India and that have a significant impact on the entire process of policy and law making in India. The authors draw upon inter-state comparisons and how one state can act as a model for others to follow, however, the glaring disparities among the states in terms of economic capabilities, the quantum of population, social fabric as well as geography, diminishes the legitimacy as well as the consequence of any such comparison.

As the world progressively moves towards its goal of mitigating as well as adapting to the challenges posed by climate change, a sensitization exists towards its disparate effects on marginalized communities and sections of society as well as the positive environmental externalities of their upliftment. The authors, while restricting the scope of their analysis to historical and international policy-making perspectives, did not account for this aspect which is gaining much relevance in international environmental discourse and has been included in various SDGs. However, the contents of the book aid in developing a well-rounded understanding of the factors that governed as well as contributed to giving national and international environmental policy of India its present shape.
