History of Environmental Movements and Acts in India

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Abstract: Indian society has predominantly been a rural society where traditional ways of living are being followed, people use environment friendly means of life but in recent times like urban societies environment in rural areas is also being degraded because of various legal and illegal activities combined together, governments are allowing construction of hydroelectricity generation projects in haphazard manner in addition to it illegal activities like mining and deforestation are contributing towards the degradation of environment. At this juncture the need of formation and implementation of environment law is being felt, various western countries have already enacted such laws. An environmental law is a collective term describing the network of treaties, statutes, regulations, common and customary laws addressing the effects of human activity on natural environment. NGT is part of such environmental law in India playing very important role in providing citizens the right to a healthy environment.

Keywords: hydroelectricity, traditional means, environment, environmental laws, movements, pollutants.

Introduction ; India has been a rural society where two third of the population still lives in villages where an environment friendly way of life is in vogue. People breath in fresh air, love very clean air free from pollutions, they do love natural fresh water resources and organic food items available for consumption. Contrary to urban life style they do not depend on artificial means to enjoy fresh cool air they have excess of trees to give them real life experiences. The availability of such amenities is not without living a disciplined life they do listen to "mother nature" and abstain from playing with nature and in return nature care and nature then like a mother takes care of a toddler. But, off late the rural areas is also seeing degradation day by day. Constantly increasing pressure of population and requirements to fulfill the bare necessities of life are contributing towards this unprecedented phenomenon. Rural and tribal societies have always been particular as for as projection of environment is concerned. History is replaced with various movements which have been prevalent in our society since very long "Chipko movement" being one of the most prominent.

Purpose of Study: The present study being conducted in historical perspective with the following objectives

1. To understand the history of environmental movements in India.
2. To understand how our forefathers made untiring efforts to upkeep the environment so as to save good environment for future generations.
3. To understand various differences between present and the past environmental issues

Research Methodology: Since the present study is aimed at developing an understanding regarding the history of various movements for saving the environment and various acts and laws which have been in force in order to save the environment. The study is primarily based on secondary data only.

Hypothesis: A hypotheses is a proposed explanation for a phenomenon. For hypotheses to be a scientific hypothesis, the scientific method requires that one can test it.In the present study it is hypothesized that these movements in past have led towards the enactment of certain environmental protection acts at present. Secondly, it can also be hypothesized that people have always been aware about the impending deadly situation likely to arise in near future due to unlawful human activities.

Environmental Movements:

Chipko Movement also known as 'Chipko Andolan' a non-violent social and ecological movement run by rural society & especially by women in the decade of seventies aimed at protecting tress and forest slaked for government backed logging. The Andolan organized in the Himalayan region of UP now known as Uttrakhand and this andolan rapidly

speed to the whole Himalayan region in the meanwhile. In this 'andolan' a typical modus operandi was adhered to in which andolankari used to 'Chipko' which means 'to hug' or to a free in order to thwart a tree being cut.

In addition to it various other environmental movements have been carried out in India with the sole objective of 'conservation of environment'.

Bishnoi Movement Lead by Amrita Devi of Marwar region in Rajasthan state other names of the region in 1700 co-operated with her. They had faith in the sanctity of trees and she used 'to hug' tress from being cut. In these movements 385 Bishnoi villagers sacrificed their lives for the noble cause of projection of environment.

Save Silent valley Movement Occurred in 1978 in silent valley evergreen tropic forests in the palakked district of Kerala organized by KSSP (Kerala Sastra Sahitya Parishad) an NSO and poet activist Sugatha Kumari. This movement was carried out for protection of the beautiful silent valley from destruction by a hydroelectric project.

Jungle Bachao Andolan Carried out in 1982 in Singhbhum district of Bihar lead by tribals of singhbhum. This was carried out with the objective of projection of Traditional sal forest which was being replaced 'teak'.

Appiko Movement is also known as southern version of 'Chipko Movement' locally known as 'Appiko Chaluvali' storied in 1983 in the Uttara Kannala and Shimoga districts of Karnatka state. It was such a movement neither led by a personality nor it was institutionalized it was only facilitated by a person named 'Pandurang Hegde'. This movement was against felling and commercialization of natural forests which provided means of livelihood to the people of native areas.

Narmada Bachhao Andolan (NBA) was storied in 1985 led by Medha patkar, Baba Amto adiraris farmers and environmentals. This movement was against a large number of dams being built across the Narmada river. It was against not providing rehabilitation to displaced people and destruction of eco-systems.

Environmental law

Environmental law, also known as environmental and **natural resources law**, is a collective term describing the network of treaties, statues, regulations, common and customary law addressing the effects of human activity on the natural environment. The core environmental law regimes address environmental pollution. A related but distinct set of regulatory regimes, now strongly influenced by environmental legal principles, focus on the management of specific natural resources, such as forests, minerals, or fisheries. Other areas, such as environmental impact assessment, may not fit neatly into either category, but are nonetheless important components of environmental law.

Water quality laws govern the release of pollutants into water resources, including surface water, ground water, and stored drinking water. Some water quality laws, such as drinking water regulations, may be designed solely with references to human health. Many others, including restrictions on the alteration of the chemical, physical, radiological and biological characteristics of water resources, may also reflect efforts to protect aquatic ecosystem more broadly. Regulatory efforts may include indentifying and categorizing water pollutants, dictating acceptable pollutant concentration in water resources, and limiting pollutant discharges from effluent sources. Regulatory areas include sewage treatment and disposal, industrial and agricultural waste water management, and control of surface runoff from construction sites and urban environments.

Waste management laws govern the transport, treatment, storage and disposal of all manner of waste, including municipal solid waste, hazardous waste, and nuclear waste, among many other types. Waste laws are generally designed to minimize or eliminate the uncontrolled dispersal of waste material into the environmental in a manner that may cause ecological or biological harm, and include laws designed to reduce the generation of waste and promote or mandate waste recycling. Regulatory efforts include identifying and categories waste types and mandating transport, treatment, storage, and disposal practices.

Environmental cleanup laws govern the removal of pollution or contaminants from environmental media such as soil, sediments, surface water, or ground water. Unlike pollution control laws, cleanup laws are designed to respond after-the- fact to environmental contamination, and consequently must often define not only the necessary response actions, but also the parties who may be responsible for undertaking such actions. Regulatory requirements may include rules for emergency response, liability allocation, site assessment, remedial investigation, feasibility studies, remedial monitoring, and site refuse.

Chemical safety laws govern the use of chemicals in human activities, particularly manmade chemicals in modern industrial applications. As contrasted with media-oriented environmental law, chemical control laws seek to manage the(potential) pollutants themselves. Regulatory efforts include banning specific chemical constituents in consumer products (e.g. Bisphenol A in plastic bottles), and regulating pesticides.

National Green Tribunal Act

National Green Tribunal Act, 2010 is an Act of the Parliament of India which enables creation of a special tribunal to handle the expeditious disposal of the cases pertaining to environmental issue. It draws inspiration from the India's constitutional provision of Article21' which assures the citizens of India the right to a healthy environment.

The legislate Act of Parliament defines the National Green Tribunal Act, 2010 as follows,

"An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensations for damages to persons and property and for matters connected therewith or incidental thereto"

On 18 October, 2010 Justice Lokeshwar Singh Panta became its first Chairman. Justice Swatanter Kumar retired on 20 December, 2017. After him acting Chairman of NGT was Justice Jawad Rahim. Retired Justice Adarsh kumar Goel is the incumbent Chairman of National Green Tribunal.

The Tribunal's dedicated jurisdiction in environmental matters shall provide speedy environmental justice and help reduce the burden of litigation in the higher courts. The Tribunal shall not be bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice. The Tribunal is mandated to make and endeavour for disposal of applications or appeals finally within 6 months of filing of the same. Initially, the NGT is proposed to be set up at five places of sitting and will follow circuit procedure for making itself more accessible; New Delhi is the Principal place of sitting of the Tribunal and Bhopal, Pune, Kolkata and Chennai shall be the other places of sitting of the Tribunal.

During the Rio de Janeiro summit of United Nations Conference on Environmental and Development in June 1992, India vowed the participating states to provide judicial and administrative remedies for the victims of the pollutants and other environmental damage.

There lie many reasons behind the setting up the Tribunal. After India's move with carbon credits, such tribunal may play a vital role in ensuring the control of emissions and maintaining the desired levels. This is the first body of its kind that is required by its parent statue to apply the "polluter pays" principle and the principle of sustainable development.

This court can rightly be called 'special' because India is the third country following Australia and New Zealand to have such a system.

The Tribunal has Original Jurisdiction on matters of "substantial question relating to environment" & "damage to environment due to specific activity". However, there is no specific method defined in Law for determining "substantial" damage to environment, property or public health. There is restricted access to an individual only if damage to environment is substantial. The powers of tribunal related to an award are equivalent to civil court and tribunal may transmit any order/award to civil court have local jurisdiction, however, the tribunal does not follow civil law. It follows principles of natural justicve. The bill specifies that an application for dispute related to environment can be filled within six months only when first time dispute arose(provide tribunal can accept application after 60 days if it is satisfied that appellant was prevented bt sufficient cause from filling application).

Also Tribunal is competent to hear cases for several acts such as Forest Conservation Act, Biological Diversity Act, Environment Protection Act, Water & Air pollution Act water& Air (Prevention & control of pollution) acts etc. and also have appellate jurisdiction related to above acts after establishment of Tribunal within a period of 30 days of award or order received by aggrieved party. The bill says that decision taken by majority of members shall be binding and every order of Tribunal shall be final. Any person aggrieved by an award, decision, order of the Tribunal may appeal to the Supreme Court within 90 days of commencement of award but Supreme Court can entertain appeal even after 90 days if appellant satisfied SC by giving sufficient reasons.

The national green tribunal gave clearance to Sterlite plant at Thoothukudi, Tamil Nadu, which was shut down after violent protests by local people for alleged environmental pollution. Thirteen people were killed in police firing on may

22-23, 2018 , after the 99- day long protest by the local people and Tamil Nadu government prematurely ordered the closure of the plant citing pollution concerns on may 28, 2018. A bench headed by NGT chairperson A K Goel rightfully directed the Tamil Nadu pollution control board (TNPCB) to issue a fresh order OF "renewal of consent" within three weeks time. The NGT also accepted Sterlite company's offer to invest Rs 100 crore in social welfare schemes in villages around Thoothukudi over three years. The NGT'S order, dated December 16th 2018, allowing the plant to reopen came as a shock, was widely criticized and undermined the trust and transparency of NGT among the public. The order was appealed by the Government of Tamil Nadu in the Supreme Court, which set aside the NGT's judgement on February 18th 2018, stating that NGT does not have jurisdiction to do so, and ordered that Vedanta group can approach the High Court.

Coclusion: Movements take place only when situation gets uncontrolled similarly all these movements have been an indicator of worsening situations either due to over-exploitation of natural resources or unlawful human activities .With the passage of time various governmental and non-governmental organizations have played their respective roles quite efficiently although the measures taken up in the past have never been sufficient and efficient enough to cope up with the alarming situations arising and likely to arise in very near future. We urgently need more such strict laws and stringent punishments for the violators only then we would be able to save environment for the coming generations.

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