

India's Environmental Policy : A Historical Review

Shahazul Islam

Research Scholar, Department of Political Science, B.R.A. Bihar University, Muzaffarpur, India

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ABSTRACT

The development and growth of environmental policy in India can be discussed by classifying it into two phases: pre-independence and post-independence period. The pre-independence period can be further divided into: ancient period, medieval period and British period. The post-independence period environmental policy can be discussed in terms of five-year plans till today.

Keywords : Sports, School, Student, Education, Career, School Education

I. INTRODUCTION

Ancient Period

The concern regarding the protection of environment by the people in India is not a recent phenomenon. Since the ancient period, people of India have been involved in the legislation, execution and operation of the environmental policies. The countries of the modern age are now involved in the policies for the protection of environment, but in India, it has been an old phenomenon. In India, the concern for environment was expressed in ancient period encompassing all the five traditional elements of natural environment namely, land (ksiti), water (ap), radiation or energy (tejas), air (marut) and cosmic space (vyoman) and their relation with human activities. There were many ancient treaties which contain chapters dealing with sauca (purity and cleanliness) and sadacara (normal ethical behaviour).¹ Thus, our ancestors have been praising and

worshipping nature including trees and animals for many centuries. Writing of the sages, especially Vedas and Upanishads, emphasised that man and nature should live in harmony and peace; and plants and animals should be subject to limitless kindness and benevolence as they make no demands for their sustenance and instead they generously extend their product for the sustenance of humankind.² It was religion that became the source of policy for environmental protection. The fear of the unknown spirits to punish the culprit of nature led people to follow the religion, and subsequently the protection of environment. The religion of Buddhism and Jainism deplored suffering of not only man and animals, but went to the extent to protect insects.³

Kautilya's Arthashastra written between 321 and 300 B.C. is divided into 14 books out of which 2 books provide great provisions for environment. The well planned administration and drainage system,

pronounced by Kautilya, testify that the ancient rulers were keen on maintaining clean and healthy environment. The Arthashastra also recommended death penalty for the killing of elephant as elephants were important elements of armies.⁴ Kautilya discussed the management of water resources through construction of tanks and wells. The Arthashastra further discussed the use of water for the development of water works, irrigation, and transport, specifying that all water belonged to the king and that users have to pay a water tax to withdraw water for irrigation systems installed by the king. The Arthashastra states that in irrigating one's own field, no harm is to be caused to others. It prohibited the release of water from dams without a legitimate reason, the obstruction of the legitimate use of water by others, the obstruction or diversion of the watercourse, and the building of water works on the land belonging to someone else. Where damage was caused to another party as a result of overflowing waters, compensation was owed to the other party. Furthermore, the Arthashastra provides a list of damage types and the corresponding compensation or penalty due. The punishment used to vary according to the gravity of the offence committed. The Manusmriti observes that:

The violence against trees, etc., would attract appropriate punishment in different degrees, depending upon the usefulness or importance of different parts of the plant"⁵

Apart from Kautilya, there were many other social reformers and thinkers like Gautama, Vasistha, Apastamba, Paraskara, Visnu etc. who compiled various codes of conduct of environment significance. Therefore, the people in ancient period knew the significance of healthy environment and its relationship with the man. For example, the Rig Veda verse says that "Let the feeling of glorious well-being be upon us. May the whole human race be happy. Let the plant kingdom flourish upwards in great profusion.

May prosperity be with the bipeds and with the quadruped animals as well"

Likewise, there was concern for wildlife in that period in the teachings of Buddha:

"Let all creatures those who are fearful or benign, short or long, large or medium sized, small, microscopic or fat, or visible and invisible, or those living far and near, which have been born or unborn, be happy."⁶

Similarly, the concern for land was found in the hymn of Atharva-Veda- samhiti:

"O earth, whatever I dig out from you, must that have to be filled up again and restored as fast as possible. O pure one, I indeed have no intention to hit you at your heart of hearts."

In addition, there were provisions for draining out excess water from the delta to Bay of Bengal to protect inhabitants from floods during the reign of Cola King Karikala. Saka Rudradaman (c. AD 150) repaired and strengthened the Sudarsana dam, originally built by Chandragupta Maurya, whose water breached the walls and reduced the entire area to a desert.

The most popular ancient king regarding the conservation of environment was the Mauryan king Ashoka who considered the preservation of living organisms including trees, animals, and plants as part of the duties of the king. He restricted the killing and hunting of a number of animals for game and food; and advocated planting and preservation of plants and trees. The edicts of Ashoka, from the third century, in Dhauri, notes as following in translation:

"The king with charming appearance, the beloved of the gods, in his conquered territories and in the neighbouring countries, thus enjoins that: medical attendance should be made available to both man and animal; the medicinal herbs, the fruit trees, the roots and tubers, are to be transplanted in those places where they are not presently available, after being collected from those places where they usually grow;

wells should be dug and shadowy trees should be planted by the roadside for enjoyment both by man and animal."⁷

The Fifth Pillar Edict of Ashoka also tells about his concern for animals, birds and forests:

"I forbade the killing of the following species of animals, namely: parrots, mynahs, red-headed ducks.....and all quadrupeds which are of no utility and are not eaten.....Chaff which contains living things must not be set on fire. Forests must not be burned in order to kill living things or without good reason...."⁸

II. Medieval Period

During the medieval period, where Mughals played a dominant role, the concern and policy for environmental protection was very limited. However still, there were rulers involved in the protection of environment, particularly water conservation and utilisation. King Lalitaditya Muktapida (724-61 AD), during his reign arranged the distribution of water of the Vitasta at Cakradhara which were causing floods by using a series of water wheels. Also during the period of King Avantivarman, remarkable steps were taken to reduce floods and utilize water for irrigation.

The Mughals were involved more in aesthetic beauty. Their activities include the developing of gardens and orchards.

However, from 800 AD a gradual pattern of state forest control had emerged. In 1740s, the rulers were involved in plantations but for own sake of ship building and revenue rather than for nature. The Maratha rulers acquired control over large tracts of coastal forests for this reason. This trend of monopolistic control was also followed in Cochin and Travancore. And between 1770 and 1840, the Amirs of Sind carried out the most extensive programmes for afforestation and forest protection.⁹ During the fifteenth century, there was an establishment of Hindu sect, Bishnois, devoted to India-friendliness

and wildlife protection, and bond between man and nature. The Guru of the Bishnois laid down 29 commandments to be practiced by his followers. In 1730, it is believed that 360 Bishnois died hugging while trying to save the Khejdi trees from cutting at the order of Jodhpur king. On learning of the incident, the king apologised for the mistake committed by his officials and issued a royal decree prohibiting the cutting of trees and killing of wildlife in Bishnoi villages. The present Bishnois in India are also active in protecting the wildlife.¹⁰

III. British Period

The colonial period not only in India but around the world is considered to be an ecological watershed. The environment of the whole world was altered by the western imperialism, as their expansion degraded the nature, first through trade and later by colonialism. However, colonialism on the other side, led to the trend of formation of more explicit conservation policies. The Government of India Act, 1935, empowered the provinces to take decisions on water supply, irrigation, canals, drainage and embankments, water storage and hydro-power. The disputes between provinces and/or princely states were subjected to the jurisdiction of the Governor General who could appoint a commission to investigate the sufficiently important conflicts.¹¹

During the British period in India, there were large amounts of deforestation due to the need for ship-building, iron smelting and farming. Also, the revenue orientation of colonial land policy and building of railway network around 1853 added to the cause of deforestation in India. In fact, railway requirements were "the first and by far the most formidable" of the forces for thinning the Indian forests. After 1800, the problems related to sanitary and roads developed as result of rapid urbanisation in the larger towns and especially, the administrative capital of Calcutta which further led to the steps in environmental field. Also the forests were hurdles to

the movement of armies; it could easily become a base of resistance or guerillas and was also an obstacle in agricultural expansion.

As a result of the ecological degradation by colonialism, there was a rise of distinctive groups of professional naturalists and scientists who disregarded this trend. In India, the medical surgeons of the East India Company were a popular group who raised voice for environment in early 19th century. They were quick to involve in activities regarding conservation or plantations. For instance, they were involved to establish conservancies or teak plantations in Malabar, Bengal or Burma between 1805 and 1822. In early 1820s, some of these surgeons lobbied against the deforestation taking place during that time and favoured plantation programmes. They quoted the arguments of Humboldt; linking deforestation, increasing aridity and temperature. Consequently, because of the increasing pressure on the government, on 17 December 1846, the Government of India authorised the employment of an establishment for the management of the forests under the Bombay Presidency. And the Bombay Presidency on 2 March 1847, appointed Gibson as Conservator of Forests, in addition to his duties as Superintendent of the Dapoorie Botanic Garden. In 1855 Lord Dalhousie, the Governor-General issued the "Charter of the Indian Forests," outlining forest conservancy for the whole of India.¹²

In the mid-nineteenth century, there was an appointment of a person named Dietrich Brandis as Inspector-General of Forests of India, whose contribution in the forestry of India is significant. He toured and established forest management in India, arranged for the continental training and established Dehra Dun school for prospective Indian foresters.⁵⁷ His guidelines for working plans and silvi-cultural operations were devised and implemented for the whole country. His successors established regimes for protecting forests from natural and human destruction. In the same period, in 1862, the Governor-General called out for the creation of a

department for the sustainable availability of large requirements of wood for different railway companies. Consequently, in 1864, the Imperial Forest Department was created with the help of experts from Germany and in 1865, the Indian Forest Act was passed. But, on the complaint of the foresters that the Act did not give them and the state adequate amount of control over forest lands, it was modified in 1878.⁶¹ With this Act, hunters were now required to hold permits to hunt in government forests. Also, there was passing of the first British bird protection legislation and the publication of G. P. Marsh's "Man and Nature" and the publication of Dr. Hugh Cleghorn's "Forests and Gardens of South India".¹³

Based on these Acts, local rules were made. The forests were classified into three divisions: reserved, protected and village/communal. All the policies that were followed in India were borrowed from Germany and France. They were considered to be experts in this field.

Therefore, it can be said that during the British period, the environmental policies were taken only in the sector of forests. But these policies were seemingly not for the concern of ecology in India but for the sake of increase in exports, revenue and other profitable ventures.

However, in all, the policies relevant to protection of environment in the British period, besides the Criminal Code Procedure of 1893 and Indian Penal Code of 1860 are:

1. The Shore Nuisance (Bombay and Kolaba) Act, 1853.
2. The Orient Gas Company Act, 1857.
3. The Serais Act, 1857.
4. The Northern India Canal and Drainage Act, 1873.
5. The Obstruction in Fairways Act, 1881.
6. The Indian Fisheries Act, 1897.
7. The Indian Ports Act, 1901.
8. The Bengal Smoke Nuisance Act, 1905.
9. The Explosives Act, 1908.
10. The Bombay Smoke Nuisance Act, 1912.
11. The Inland Stream Vessel Act, 1917.

12. The Mysore Destructive Insects & Pests Act, 1917.
13. The Poison Act, 1919.
14. The Andhra Pradesh Agricultural, Pest & Diseases Act, 1919.
15. The Indian Boilers Act, 1923.
16. The Workmen's Compensation Act, 1923.
17. The Indian Forest Act, 1927.
18. The Motor Vehicles Act, 1939
19. The Bihar Wastelands (Reclamation, Cultivation & Improvement) Act, 1946.
20. Forest Act of Madras 1873.
21. Elephant Preservation Act, 1879.
22. The Madras River Conservancy Act, 1884.
23. Hailey National Park Act, 1936 (Now Called Corbett National Park).
24. The Petroleum Act, 1934.
25. The Easement Act, 1882.

IV. Conclusion

After the independence of India, the five year plans were formulated by the Planning Commission of India in pursuance of declared objectives of the government to promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country, increasing production and offering opportunities to all for employment in the service of the community. The Planning Commission is, thus, charged with the responsibility of making assessment of all resources of the country, augmenting deficient resources, formulating plans for the most effective and balanced utilisation of resources, determining priorities, factors which are retarding economic development and nature of the machinery, make recommendations and appraisals from time to time.

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