



Gaps in Enforcement of Green Legislations

For Prelims: Wildlife Protection Act, 1972., Forest (Conservation) Act, 1980, Environment (Protection) Act, 1986, National Green Tribunal (NGT) Act, 2010 , Coastal Regulation Zone Notification, 2011, Environment Impact Assessment (EIA), 2006

For Mains: Environmental Pollution & Degradation, Issues in Enforcement of Environmental Laws in India

Why in the News?

Between 2014 and 2019, the **Ministry of Environment, Forest and Climate Change (MoEFCC)** has granted over 11,500 environment and forest clearances.

- However, the Government's development roadmap is criticised for ignoring the [climate change](#) conservation commitments on account of weak political will and the absence of an effective compliance mechanism.

What is the Legal Framework of Environment Protection in India?

- **Constitutional Provisions:**
 - [Article 48A](#) of the Constitution specifies that the **State shall endeavour to protect and improve the environment** and to safeguard the forests and wildlife of the country.
 - [Article 51A](#) further provides that **every citizen shall protect the environment.**
- **Statutory Provisions:**
 - [Wildlife Protection Act, 1972](#)
 - [Forest \(Conservation\) Act, 1980](#)
 - [Environment \(Protection\) Act, 1986](#)
 - [National Green Tribunal \(NGT\) Act, 2010](#)
 - [Coastal Regulation Zone Notification, 2011](#)
 - [Environment Impact Assessment\(EIA\), 2006](#)

What are Issues in Enforcement of Environmental Laws in India?

- **Shortage of Personnels:** The Union Environment Ministry has **less than 80 officials for field verification under green laws**, who are expected to visit thousands of project sites at least once a year.
- **Lack of Political Will:** In 2006, a report by the [Organisation for Economic Co-operation and Development \(OECD\)](#) blamed the "absence of strong political will" for significant funding limitations faced by all environmental institutions in India.
 - This condition has remained the same more or less.
- **Dilution of Green Clearances:** Instead of strengthening the monitoring mechanism and applying effective punitive tools, successive governments have relied on **amnesty (post-facto clearance), incentives (subsidies)** or self-certification that helped cut non-compliance.
- **No Public Participation:** The Green **legislations in India are silent about the public participation** as regards environmental protection.

- There is a **need to involve the citizens in environmental protection** to check arbitrariness and raise awareness and empathy towards the environment.

What are some examples of Violations of Green Legislations in India?

▪ Ken-Betwa Link Project (KBLP):

- Ever since it was proposed in the mid-90s, **KBLP** has been considered unviable by several experts for its **immense environmental cost**.
- The **project was rejected in 2011**, only to be revived with a techno-economic clearance in 2016.
- In 2017, its forest clearance was made conditional on compensating for the diversion of **60.17 sq km** of forest land by adding an equal extent of revenue land to the **Panna tiger reserve**.

▪ Arunachal Pradesh:

- For 17 years, both the Environment ministry and the state have been **ignoring the most crucial condition imposed by the Supreme Court in 2004** for clearing the 2,000-MW **Subansiri project**
- The Ministry issued the final forest clearance to the twice-rejected 3,000-MW **Dibang multipurpose project** despite being made aware that Arunachal had not complied with the key precondition of **declaring the catchment forests as a national park**.

Way Forward

- **Separate Independent Regulation:** Independence in standard-setting, monitoring, and enforcement are important characteristics of an effective regulatory body.
 - **Setting-up of a stand-alone independent body** must precede fragmented revamping of environmental laws.
- **Second Generation Reform:** A second-generation reform for environmental regulation, which will **safeguard environment and community rights** as well as reduce time and transaction costs for the industry is the need of the hour.
- **Simplification of Laws:** It is **needed to reduce multiplicity, remove archaic laws** and streamline the regulatory procedure.

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