LexQuest Foundation

ROLE OF PUBLIC IN ENVIRONMENTAL GOVERNANCE IN INDIA

Adjudged first position at our National Environmental Law & Policy Essay Writing Competition, 2018

Written By: Lovish Sardana **Modified & Edited By: Team LQF**

LexQuest Foundation

"*What justice demands of us is that we hand over to the next generation, a world no worse than we received from the generation before us.*"-John Rawls

The resource-intensive conventional model of development has resulted in ecological degradation and environmental conflicts. The various environmental problems such as acid rain, greenhouse effect, depletion of the ozone layer, soil erosion, deforestation, air pollution, water pollution, and noise pollution cause irreversible loss to human life and long-term damage to ecosystems. Like any problem that may be social, political, or economic these environmental problems have caught the attention of all three wings i.e., legislative, executive, and the judiciary. In India, we have various laws and policies to deal with environmental issues. From the air that we inhale to the waste that we dump, for everything, there is a regulation. But the regulations and laws may not be sufficient to cure the problem. The need of the hour is active participation from every section of the society. This essay deals with the journey of environmental regulations and public participation in various measures that can be adopted to achieve the dream of a sustainable environment.

LexQuest Foundation

Background of Environmental Governance

Globally, the realization of the need for environmental regulations occurred for the first time at the Stockholm Convention, 1972. Following this recognition, India came up with the Water Act, 1974 which provided for the institutionalization of pollution control machinery called the Pollution Control Board. Thereafter the Parliament came up with the Water Cess Act and the Air Act. Then in 1984, India witnessed the nightmare of the Bhopal Gas Tragedy which raised questions on the effectiveness of the country's environmental regulations. The Bhopal Gas tragedy was an outcome of the lax policy of the factory management which was severely exposed due to a minor mistake of the workers. During the cleaning process of chemical storage containers, certain containers were not to come in contact with water. This was generally achieved by using a valve but due to the negligence of factory workers and the management staff, the said valve was not in place, and water entered into the containers full of hazardous toxic substances resulting in a chemical reaction that cost the lives of thousands of residents.

This man-made environmental calamity led to various changes in the domain of environmental regulations. In 1985, the Department of Environment became the Ministry of Environment and Forest (MOEF) and in 1986, umbrella legislation, known as Environment Protection Act, 1986 (EPA) was introduced. EPA empowered the Central Government to take measures for pollution control and environment

protection. For doing so, MOEF was designated as the apex policy-making body in the field of environment protection. MOEF also acts through the Central Pollution Control Board and State Pollution Control Board formulated under EPA. Thereon we have witnessed various pieces of legislation and policies to regulate every single issue which pollutes or impacts the environment.

LexQuest Foundation

Impact of Poor Public Participation

Public participation is a must for the successful implementation of any policy or regulation. Laws are not only formulated to punish the wrongdoer but also to create awareness among the people to distinguish right from wrong & permissible from impermissible. We witnessed incidences where negligence, lack of awareness, or lack of public participation have resulted in a massive scale of environmental degradation; as seen in the case of the smog problem in Delhi and the water contamination issue in Bangalore. These would have been avoided with awareness among and participation of the citizens in mitigation policies. Various researchers have listed out several measures to achieve the goal of a sustainable environment. Three basic but significant measures are within the scope of public participation as they can be adopted easily and will lead to increased public inclusion and awareness in achieving environmental policy goals thereby ruling out the issues related to poor environmental governance. However, the following reflects how lack of public participation on these three crucial aspects has led to severe consequences for the related environmental governance policies:

***Segregation of Waste*:** According to a news report, 52% of waste generated comprises food waste and can be recycled to produce fertilizers, compost, etc., but due to lack of segregation of waste this cannot be recycled. Dumping grounds are almost full by 80% and India will soon be out of dumping grounds. According to a

report, it is believed that annual waste generation in India will increase to 165 million tonnes by 2030. It implies that around 66,000 hectares of land are required to set up a dumping site that is 10 meters high and has a capacity of holding waste for up to 20 years. This is equivalent to the area of Bangalore city, and since this is an implausible ask, there is an urgent need to find alternatives. As India being an intensively populated country, it will be hard to locate new dumping grounds, the only feasible option is recycling and that can be done if the waste is segregated. Apart from lack of dumping spaces, there are other harmful environmental consequences of not segregating the waste For instance: Hazardous household waste like batteries react with air and water (available in wet waste) leading to massive fire in dumping grounds which pollutes the air to a great extent. In this regard, it is evident that laws are very well placed. Segregation of hazardous e-waste at the household level is regulated by the Batteries (Management and Handling) Rules, 2000 but in the end, it's all dependent on the public participation which would ensure the successful implementation of environmental policies in line with sound environmental governance.

In this context, the Brihanmumbai Municipal Corporation (BMC) in Mumbai has identified housing societies, hotels, restaurants, gymkhanas, etc., which produce 100 kg of waste daily. These buildings or structures will have to set up composting

units at their premises and will have to formulate a plan for waste segregation. In this regard, the BMC has determined 4 categories for waste segregation:

- Dry Waste
- Wet Waste
- Sanitary Waste
- Hazardous Household Waste

To strictly implement the policy of waste segregation, BMC is now refusing to collect the waste from societies that do not segregate their waste. Such policy creates an obligation for the public to participate in initiatives that will lead to sustainable and eco-friendly ways of living.

***E-Waste Management*:** All items of electrical and electronic equipment (EEE) and their parts that have been discarded by the users as waste without the intent of reuse are known as electronic waste or e-waste. There are six categories of E-Waste:

- Temperature Exchange Equipment like refrigerators, ACs, freezers, etc.
- Screens like monitors, laptops, etc.
- Lamps like LED etc.
- Large Equipment like Washing Machines, Dish Washing Machines, etc.

LexQuest Foundation

- Small Equipment like vacuum cleaners, microwave ovens, etc.
- Small IT and Telecommunication equipment like mobile phones, calculators, etc.

When a piece of electronic equipment is out of its operational period; people dump it or give it to the recycle shop. However even after an e-equipment is out of its operational period it has immense potential to pollute the environment. These contain hazardous toxic chemicals like lead and mercury which when dumped or recycled without foolproof mechanisms in place, the toxic waste enters into the ecosystem and can even enter our food chain.

As per a report, India generated nearly 2 million tonnes of electronic waste out of the 44.7 million tonnes produced globally in 2016. Delhi-National Capital Region (NCR) is likely to generate about 1, 50,000 metric tonnes (MT) of e-waste per annum by 2020 from the current level of 85,000 metric tonnes, according to industry body Assocham. There are proper E-Waste Management centers to dispose of such wastes but how much of this waste reaches those centers is a big question. The government is taking several measures to promote awareness about E-waste Management since it is an area that lacks public participation to a great extent. In May 2017, the Delhi Government had authorized 37 E-waste Management

Centers, and the National Metallurgical Laboratory (NML) organized workshops to raise awareness about properly discarding e-waste.

Laws like The E-waste Rules (2011, 2016) regulate such complex environmental hazard areas but in the end, it is not feasible for regulatory authorities to regulate the actions of 1.2 billion people at once. The administrative efforts need more active public participation to attain a sound environmental governance system in this regard.

***Use of Non-Biodegradable Products*:** This is another area that causes intense pressure for the ecosystem. There are many laws concerning the use of non-biodegradable products. Through the Plastic Waste Management Rules, 2016, and several awareness drives, the government is actively making policies to release the non-biodegradable waste pressure off the ecosystem. Some of the major milestones in this regard are:

- The use of plastic bags is completely banned in 17 States and UT
- A complete ban on the use of Kulhads in railway stations as they take more time to decompose compared to paper cups.

This is yet another example where laws are well in place and the government is actively pursuing the policy issue but lack of public participation is a major

roadblock in achieving the desired goals. Even after the ban on the use of plastic bags, India generates around 56 lakh tonnes of plastic waste annually, where Delhi alone accounts for 9,600 metric tonnes per day. India holds a share of 60% contribution of plastic waste generated globally. It is estimated that every square mile of oceans contains about 46,000 pieces of floating plastic. According to The World Economic Forum's study done on plastic pollution around the world, if plastic pollution continues to rise, oceans will have more plastic than fish by 2050.

Apart from plastic as a major contributor of non-biodegradable waste, other elements like metal cans, metal scraps, cable wire, manmade fibers like nylon, etc., contribute significantly to a large amount of non-biodegradable waste generation. Eco-friendly alternatives to all these products are now available but as lack of public participation prevails, it diminishes the impact of government efforts and leads to the accumulation of more non-recyclable waste.

LexQuest Foundation

New Approach to Improve Public Participation

It is unjustified to only blame the government for the deteriorating state of our environment. It is every individual's moral duty towards the environment to maintain the gifts of nature for our future generation. An FMCG company named "PATANJALI" generated revenue of 5000 crores, by selling the perception of eco-friendly/organic/green products to its consumers. This reflects that everyone loves to benefit from a thriving flora and fauna, inherited into their lives one way or another but most remain ignorant, lax, and apathetic towards the efforts necessary for the preservation of such natural ecosystems and biospheres around us, hence public participation in environmental protection and conservation efforts remains minimal to this day.

In a country like India, where the population is 1.2 billion but public participation is not even a fraction of that number, one cannot sit to wait for the worse. Due to the negligence of the public and institutions, the rate of climate change has been accelerated. To take control of such situations, there's only a single justified way which can help and i.e., *Precautionary Principle*.

This is an approach adopted by some government and non-government organizations to regulate activities that might be harmful to health and the environment. The principle supports and encourages policymakers to formulate

precautionary policies even before the emergence of scientific consensus on harmful impacts of human activities. The precautionary principle helps to make policies to regulate activities that may or may not turn harmful in the future. Such an approach helps organizations to take action against polluting activities before it's too late. It is high time that India inculcates this principle as the basis of penalising and mitigating the adverse spiraling effect of poor public participation in environmental governance policies of the country. This will either motivate more people to become a part of preservation and conservation efforts or deter them from completely avoiding regulations that aim at minimising the degradation of different aspects of the environment due to human action and apathy.

Concluding Remarks

As the adage goes "Rome wasn't built in a day", environment protection policies won't undo or immediately reverse the impact of generations of environmental abuse and excesses, hence it is important to tread cautiously and act in all ways possible to ensure that while working on mitigation, preservation and protection policies, the aspect of public participation is not avoided. In doing so, environmental governance policies will now have to mandate such participation, as waiting for voluntary public sensitization and eventual participation at this juncture will do the environment more harm than good which will defy the point of all efforts in the right direction.

LexQuest Foundation

References

1. Plastic Ban: What India Can Learn From Other Countries, Anisha Bhatia, NDTV
2. Mumbai, tell BMC within a week how you will segregate, process waste, Sanjana Bhalerao, Hindustan Times
3. The Global E-waste Monitor – 2017, C.P. Baldé, V. Forti, V. Gray, R. Kuehr & P. Stegmann, United Nations University (UNU), International Telecommunication Union (ITU) & International Solid Waste Association (ISWA)
4. The Global E-waste Monitor 2017: quantities, flows, and resources, United Nations University, India Environment Portal
5. Delhi-NCR to generate 1.50 lakh MT e-wastes by 2020: Assocham, The New Indian Express
6. Delhi Govt. authorises 37 e-waste collection centres to be set up across the city, Saptarshi Dutta, Sonia Bhasker, NDTV
7. Workshop focus on e-waste disposal, The Telegraph