

VII.A.2. Institutional Mechanisms for Environmental Protection - An Analysis

G. Udaya Bhaskar

Joint Director, Ministry of Environment & Forests, Kendriya Sadan, IV floor, E&F wings, 17th Main Road, II Block, Koramangala, Bangalore-560 034

India is one of the very few countries in the world which has a constitutional provision regarding protection of environment. However it is perhaps the UN Conference on Human Environment, 1972 which has given impetus to the environmental protection in the country. This has influenced the government to enact number of legal instruments directly dealing with environment and pollution control, they include water (P&C) Pollution Act 1974, Air (P&C) Pollution Act 1981 and Environment (Protection) Act 1986 followed by series of rules and guidelines. For enforcement and implementation of these rules, government has evolved different ministries, departments, boards as a machinery. The Ministry of Environment & Forests which was created in 1985 is to serve as a focal point in the administrative structure at the Central Government for Planning, Promotion and Co-ordination of environment related programmes. Similarly the same role is expected to be played by the State department of environment at the State level. The Pollution Control Boards set up under provisions of Water Act 1974 have been entrusted implementation of Air Act 1981. They have prescribed functions as listed in the respective Acts. Their role is not only statutory but also advisory in nature. In addition, several high level committees and authorities were also set up to look into the implementation of the various environmental safeguards and to assess the overall progress achieved so far. Many of these have come to existence due to the increased judicial activism and public awareness/pressure. But general impression one gets is all such measures have not yielded the desired results and practically very little is accomplished. Could this be due to bureaucratic perversity and inertia towards innovative thinking. Lack of proper co-ordination and co-operation among the administrative institutions so set up is a big loophole in the institutional mechanisms functioning. There is a tendency that environment is look as another additional sector of development in our Planning process and not dealt in an integrated manner in our developmental programmes. Because of such misperceptions and lack of understanding followed by paper initiatives, it is not surprising we are at cross roads even after 25 years of our first legal attempt to protect environment. It is essential at this stage to look into the problem more closely with reference to institutional mechanisms we have created and management of their physical as well as human resources, so that appropriate steps could be taken to correct the situation. The paper analyses these issues and provide possible solutions based on author's experience in this area.