

Institutionalizing environmental protection: an Indian perspective

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Abstract

Background/Objectives: To expose the issues that subsist as a part of the implementation of environmental protection norms embedded in instruments like the Sustainable Development Goals and the Paris Agreement. To add, this study seeks to make suggestions on steps that may be taken to ensure that the process of environmental protection becomes more structured so as to protect the interest of all stakeholders involved.

Methods/Statistical analysis: The study involves the collection of the secondary data available from the Websites of Government of India and the reports obtained from the websites of United Nations (UN) and World Health Organization (WHO). This data has further been analyzed and is being verified with respect to the adaptability of India with the Sustainable Development Agenda and how pollution stands as a major barrier in its achievement.

Findings: There are 2 fold findings that can be recorded from the abovementioned analysis:

1. India has a very high level of air pollution and the statistics indicate that the air pollution has adversely and negatively affected the mortality rate of India.
2. Indian policies, as well as global policies have no mechanisms to institutionalize the process of climate protection at the level of each stakeholder.

Improvements/Applications: The creation of a pre-legislative consultation mechanism is the need of the hour today. To curb pollution within the country, there is a vast requirement of developing innovative ideas to ensure that air pollution is controlled at the level of an institution, community and individual. Such ideas can only be put forward with the help of an innovative pre-legislative consultation mechanism in place. There is also a need to address the problems faced by the global stakeholders. The same can be done through the means of creating a global consultation process that is institutionalized as well when it comes to drafting global policy drafting.

Keywords: Paris Agreement, Industrial Pollution, World Health Organization, Mortality Rates, Pre-legislative consultation, Institutionalization.

1. Introduction

All businesses today contain a large number of stakeholders which encompasses the traditional mindset of merely serving shareholders and members of the company. The involvement of so many stakeholders requires governmental intervention to serve the needs of all these global and local stakeholders. The International and Local Governmental organizations have chosen to do this through instruments such as Paris Agreements, Sustainable Development Goals and legislations. The global temperature has risen by 2 degree Celsius above the pre industrial level. In [1] the rise in temperature is indicative of the fact that the interests of the global and local stakeholders are not being met and this problem needs to address by the Government to ensure that the interests of stakeholders remain protected and available in the future.

2. Materials and Methods

Review of research has been carried out by the analysis of the opinions of great economists' views. It has been carried out with the help of the various materials obtained from internet sources, newspapers, periodicals, journals.

2.1.2. Statistical analysis

The statistics obtained are through the resources obtained in various articles and other resources that were available in the public domain and internet sources that have been credibly tested.

3. Results and Discussion

After considering the problem has come down to two levels: i.e. a problem with the policies of local governments and a problem with the global policy making.

3.1. The local level issue

The first scale of problems pertains to the idea of the implementation of policies by the local government. In order to understand this certain specific facts needs to be taken into consideration.

Firstly, it has been pointed out by the World Statistics Organization in a report by WHO there is a clear indication that a large majority of deaths in India due to air pollution and India.

Second, the largest mortality rates with reference to the deaths caused as a result the same. In [2] to add to this statistics from the State of Global Art report clearly indicates that the rates of the air pollution have grown to 150 %. Globally there was a 60% increase in ozone-attributable deaths, with a striking 67% of this increase occurring in India this has also been highlighted by the report. In [3] to add to this a report prepared by the Green Peas Organization also indicates that a major amount of pollution has been due to the coal burning that has released extreme amounts of parts per million 184 MTOE (Million Ton Oil equivalent) in 2005 to 360 MTOE in 2014. In [4] a very relevant program that needs to be considered here is the National Air Monitoring plan CPCB which has initiated the procedure for the National Air Quality Monitoring Program (NAQM) but been unable to produce results [5, 6].

This gives rise to 3 main conclusions and these are that firstly air pollution is one of the major contributors of deaths in India; secondly, air pollution is mainly on account of burning coals and thirdly, the programs on air pollution are unable to ensure effective implementation. All these 3 problems remain evident because India has been unable to build an effective mechanism where accountability rests in the hands of every citizen and not merely with State which is bereft of the public's understanding of a policy. This is not a problem that is to be addressed just by tribunals and courts but needs the attention of the legislature as well.

3.2. The global level concept

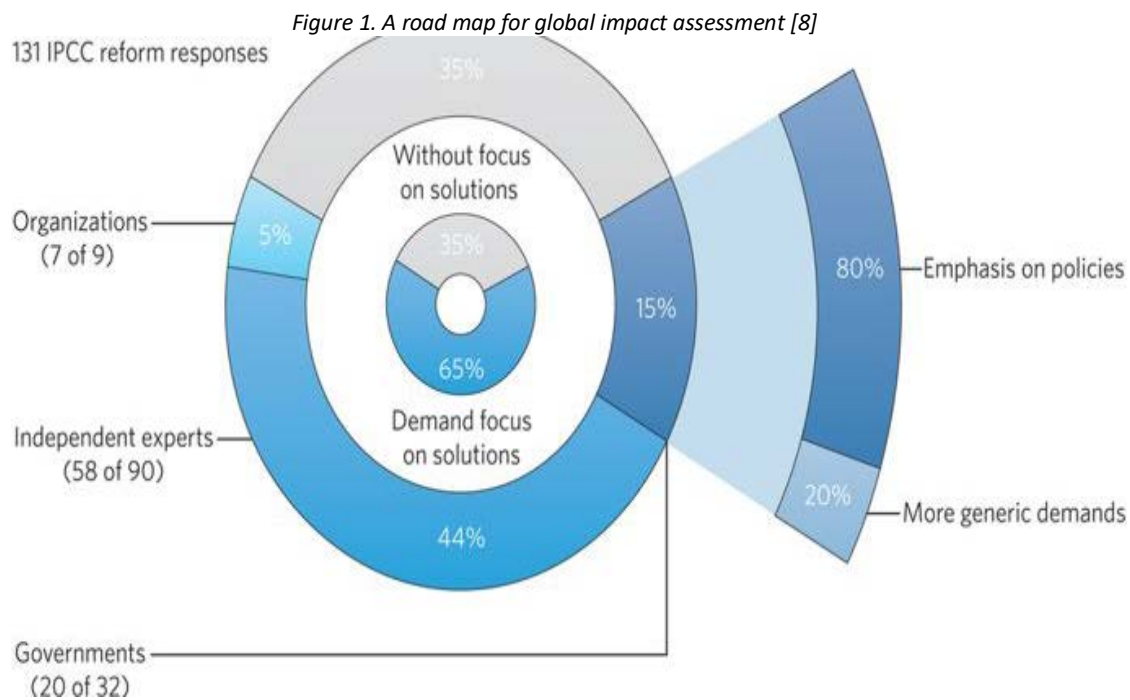
Moving on to the global level problems that exist in the protection of the environment, one of the main issues that exist is ensuring uniformity when it comes to environmental protection across the varying legal systems in the different countries. Now, this issue has been addressed on some level using the help of international instruments such as UN Resolutions, The Paris Agreement and Sustainable Development Goals. Now, these agreements while acting as a source of obligations is rarely able to ensure the voice of global stakeholders such as citizens of a particular country come to the forefront while discussing agendas so as to contribute actively in policy making. This raises concerns about the international understanding of a problem in a local community and its actions in lieu of the same. This is another problem that requires public attention when it comes to policies on environmental protection.

3.3. Suggestions

In light of the problems stated, a suggestion can be made firstly for problems at a local level and at the global level. Firstly, companies can be a part of the solution by committing to de carbonize their operations and supply chains. The step by step mechanism can include the improvement in their energy efficiency, reduction in the carbon footprints of services, product and processes and setting of emissions reduction targets that are in consonance with climate science. In [7] secondly, the schools and colleges can be used as a forum to provide innovative ideas of pollution control by individuals or communities in an area. This can include the creation of a structured institution which will vote on the practicability of the idea and discuss the implementation of the same with the government.

Thirdly, the techniques that are used to conduct environmental impact assessment also need to be refined and the policy that governs the process of and time period of environmental impact assessment must be framed after consulting local as well as global stakeholders. While these are in lieu of drafting a policy, it is also necessary to ensure that the process of judicial impact assessment happens regularly. Since one of the problems in matters involving environmental protection is the amount of litigation one has to go through in Indian Courts, the mechanism of policy drafting will also have to take into account this factor and draft policies keeping the same in mind.

Turning to the global level changes that can be made, to address the issues that exist as a part of the process. This can be through the help of 2 mechanisms. Firstly, every environmental impact assessment or policy while being drafted needs to identify the amount of stakeholder interest involved in a particular policy. Each individual has a different amount of interest and is affected differently due to the actions of the environment (Figure 1). Keeping this in mind policies need to be framed by UN in collaboration with the various countries. When it comes to identifying and protecting interests of citizens and individuals in policy making, one of the best methods is to allow for consultation on passing of an international resolution through the usage of a national law. This will allow the voice of citizens to come to the forefront to an extent even on the global level. An example of a similar idea is the process of decentralization in decision making has been presented by⁹.



4. Conclusion

The concept of environmental protection on local as well as on global level requires a lot of reform. However, the focus of this reform is not just amending specific policies but the amendment in the process involved in making such policy. Everybody today is affected by policies governing the environment. The logical conclusion is that everybody must get a chance to add to policies that govern the environment. In light of this, there is a need to involve pre-legislative consultation on the local level and the global level. In the local level, these policies can be drafted using pre-legislative consultation from three major entities, firstly private companies, secondly institutions such as schools and college, thirdly impact assessment through the judiciary and executives. In the global level these policies can be drafted by allowing national consultation in building international relations. The policies at the global level are in essence governed by international instruments and agreements.

The compliance with these agreements and instruments is one of the first steps in getting a national application of international instruments in addition to building a network of policy where all global stakeholders get a chance to weigh in on a global policy. Both set of policies will ensure that the future of the environment is protected by ensuring accountability within stakeholders by making them a part of decisions that affect the environment and its functioning.

5. References

1. Paris agreement. http://unfccc.int/paris_agreement/items/9485.php. Date accessed: 22/10/2018.
2. World Health Organization. Monitoring Health for SDG's. <http://apps.who.int/iris/handle/10665/255336>. Date accessed: 2017.
3. A special report on global exposure to air pollution. India: State of Global Art. <http://ccacoalition.org/en/resources/state-global-air-2017-special-report-global-exposure-air-pollution-and-its-disease-burden>. Date accessed: 2017.
4. Out of Sight: How coal burning advances India's Air Pollution Crisis. <https://www.greenpeace.org/india/en/issues/clean-energy/924/out-of-sight-coal-burning-india-air-pollution-crisis/>. Date accessed: 23/05/2016.
5. P.P. Bhawe. Air pollution and control legislation in India: research gate. *Journal of The Institution of Engineers (India): Series A*. 2015; 96(3), 259-265.
6. Sustainable Development Agenda 2030. <https://www.un.org/sustainabledevelopment/development-agenda/>. Date accessed: 13/07/2018.
7. UN Sustainable development goal. <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>. Date accessed: 05/09/2018.
8. A road map for global environmental assessments. <https://www.nature.com/articles/nclimate3307>. Date accessed: 31/05/2017.
9. Effective Decision Making: when to engage the team (or not)? <https://leadersyndrome.wordpress.com/2013/10/13/effective-decision-making-when-to-engage-the-team-or-not/>. Date accessed: 13/10/2013.

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