

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION NO. 531
TO BE ANSWERED ON 07.12.2023

Balance between development and environment protection laws

531. SHRI SANJEEV ARORA:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

the steps being taken by the Ministry to maintain a balance between development and strict laws to protect the environment?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ASHWINI KUMAR CHOUBEY)

The Ministry of Environment Forest & Climate Change (MoEF&CC) is the Nodal Agency in the Central Government for overseeing the implementation of India's environmental and forest policies and programmes related to the country's natural resources including lakes and rivers, its biodiversity, Coastal Regulatory Zone forest and wildlife, ensuring welfare of animals and prevention and abatement of pollution. While implementing these policies and programmes, the Ministry is guided by the principle of sustainability promoting sustainable development. The objectives of the Ministry are well supported by a set of legislative and regulatory measures, aimed at the preservation, conservation and protection of the environment and prevention, control and abatement of pollution. Several Acts have been enacted and Rules have been framed thereunder for the protection of the environment while also allowing the developmental activities in regulated manner. To maintain a balance between strict laws and development several steps have been taken by the Ministry which inter-alia include:

(i) Ministry vide S.O. 1533 (E) dated 14.09.2006 published Environment Impact Assessment (EIA) Notification, 2006 to regulate various development projects in the country based on their potential environmental impacts. To maintain a balance between the development and the environment the said notification has been amended several times.

(ii) Van (Sanrakshan Evam Samvardhan) Rules, 2023 have been promulgated solely to implement the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and it inter-alia prescribes the procedure for obtaining the approval of the Central Government under section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980) for the proposals involving the dereservation of forest land, use of forest land for non-forest purposes or for the assignment of lease.

(iii) The Wild Life (Protection) Act, 1972 has provisions for regulation of developmental projects/activities within National Parks and Sanctuaries, including for Tiger Reserves and Tiger Corridors. Further, in the exercise of the powers conferred by sub-section (1), clauses (v) and (xiv) of subsection (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 the Ministry notifies the area around the National Parks, Wildlife Sanctuaries and Tiger Reserves as Eco-Sensitive Zone, to regulate the development activities.

(iv) Further, the Central Government in exercise of the powers conferred under the Environment (Protection) Act, 1986 (29 of 1986) published Coastal Regulation Zone Notifications 2011 and 2019. Through these notifications, the Government declared certain coastal stretches as Coastal Regulation Zone and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone with a view to conserve and protect the unique environment of coastal stretches and marine areas, besides livelihood security to the fisher communities and other local communities in the coastal areas and to promote sustainable development.

(v) The Biological Diversity (Amendment) Act, 2023 was passed in the Lok Sabha on 25th July 2023 and Rajya Sabha on 1st August 2023, with the aim to reduce the pressure on wild medicinal plants by encouraging cultivation of medicinal plants; encourage Indian system of medicine; facilitate fast-tracking of research, patent application process, transfer of research results while utilizing the biological resources available in India without compromising the objectives of United Nation Convention on Biological Diversity and its Nagoya Protocol; decriminalize certain provisions; and to bring more foreign investments in the chain of biological resources, including research.

(vi) The Government through act of parliament has enacted the Water (Prevention and Control of Pollution) Act, 1974 for prevention and control of water pollution for protection of environment, Air (Prevention and Control of Pollution) Act, 1981 and the Commission for Air Quality Management in National Capital Region (NCR) and Adjoining Areas Act, 2021 for regulating air quality, prevention, control and protection of environment in (NCR) and Adjoining Areas.

(vii) Under the Environment (Protection) Act, 1986 (EPA) several rules have also been framed to manage and regulate different kind of wastes and to maintain a balance between development and environment such as Environment (Protection) Rules, 1986 (Amended in 2023); the Manufacturing, Storage and Import of Hazardous Chemical Rules, 1989 (Amended in 2022); Noise Pollution (Regulation & Control) Rules, 2000; Ozone Depletion Substances (Regulations & Control) Rules, 2000; Battery Waste Management Rules, 2002; Plastic Waste (Management) Rules, 2016 (Amended in 2022); E-Waste (Management) Rules, 2016 (Amended in 2023); Bio-Medical Waste Management Rules, 2016; Construction and Demolition Waste Management Rules, 2016; Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (Amended in 2023); Solid Waste Management Rules, 2016; Wetlands (Conservation & Management) Rules, 2017 etc. Further, the waste management rules also promote circular economy and resource efficiency and effective and efficient management of waste streams in a sustainable and environmentally sound manner.

(viii) The National Green Tribunal (NGT) has been established on 18.10.2010 for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to the environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.
