

THE INDIAN ACT IN ENVIRONMENT: A HISTORICAL PERSPECTIVE

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Abstract: *The Advancement of Civilization and Development, Environment has become affected to a Considerable extent. Environmental degradation has raised the uncomfortable questions about the concept of development itself. With Environmental degradations, a large section of people has become Marginalized and their live and livelihood has faced grave concerns. Development as expected has increased Consumerism in a small section of the society, but it has degraded and depleted natural resources simultaneously. It is a need of the hour to secure the right to save food, water, air and all other Natural ingredients in particular and Environment in general. To get rid of the emerging Environmental and Ecological problems of modern Civilized Societies, there is an increasing trend of Consciousness growing among us. There are many policies developing in many countries for Environmental protection, but they are all directly or indirectly dependent on the Traditional knowledge developed in the ancient age which teaches us the concept of the value of a simple life. We can follow the simple policies of our forefathers who probably had much better understanding of the Environment than we currently have. Detailed studies are urgently needed to extract, analyze and implement the ancient Indian Environmental and Ecological conservation policies in modern societies, so that in near future we can get a more stable, clean, and healthy Environment India is a party to most of the International conventions on Environment; hence obliged to take appropriate steps for preservation of natural resources of the earth, as well as protection and improvement of Environment. Indian Constitution makes specific reference to Environmental protection 27. The statute book in India has several laws relating to pollution control and Environmental Protection.*

Key Words: *Environmental Justice, Environmental pollution Controlling.*

1. INTRODUCTION:

As the Environment protection in India started long before from the time of Ancient India. In the early stages of human history in India, human beings considered the environment as very dominant and that was why, they worshipped different aspects like trees, forest, animals, mountains, rivers etc. All of these held a special place of reverence in Hindu Theology. Environment played an important role in the process of historical developments. The history of nations and evolution of culture and civilization have greatly been influenced by environmental features because human society, like any other living organism, tries to adopt itself to natural environments. Nature not only provided man with shelter and food but also played a significant role in the making of mankind. Ever since man emerged on the earth, there had been persistent dependency on nature. In the early stage of his emergence, man was quite helpless in nature. Environment is a broad term which encompasses all natural things that surrounds us and is essential to sustain life and environmental history is the study of human interaction with the natural world. Environmental history shares a very messy boarder with economic and social histories, history of science and technology, disease history, and even with various other disciplines. One of the biggest problems, the world is facing today. The problem of environment pollution is as old as the evolution of Homo sapiens on this planet. The environment relationship between human beings and history environment has varied from time to time. It has also been varying from place to place at a given point of time.

2. LITERATURE REVIEW:

Today we are living in nuclear arena. No one can overlook the harm caused to the environment by the nuclear bombs, dropped by airplanes belonging to the United States on the Japanese urban communities of Hiroshima and Nagasaki amid the last phases of World War II in 1945. Day to day innovation and advancement of technology, apart from development additionally expands the risk to human life. Accordingly, there arises an intense the act to keep pace with the need of the society along with individuals. So now the question of environmental protection is worldwide the need for conservation of environment and sustainable use of natural resources is reflected in the constitutional framework of India and also in the international commitments of India. The Constitution under casts a duty on every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. Further, the Constitution of India under stipulates that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. Several environment

protection legislations existed even before Independence of India. However, the true thrust for putting in force a well-developed framework came only after the UN Conference on the Human Environment.

3. MATERIALS:

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4. DISCUSSION:

Environmental during the Ancient and Medieval Periods

According to Indian philosophy, the entire universe is created out of the conglomeration of the sub-atomic particles which influence the five gross elements - earth, water, fire, air and space. All living beings, animate or inanimate, come under this classification. So, life forms are created on the backdrop of the gross elements. The five gross elements do inherently carry a link with the five human cognitive organs. The nose carries an inherent relation with the earth, the tongue with the water, the eyes with the fire, the touch with the air and finally, the ear with the space. Hence, a symbiotic relation between macro and micro level environment is ancient Indian philosophical thought.

The Vedas, Puranas, Upanishads, and other scriptures of the Hindu religion gave a detailed description of Trees, plants and wildlife and their importance to the people. The Rig Veda highlighted the potentialities of nature in controlling the climate, increasing fertility and improvement of human life emphasizing on intimate kinship with nature. Atharvana Veda considered trees as abode of various gods and goddesses. Yajur Veda Emphasized the relationship with nature and the animals should be that but of mutual respect and kindness. Lord Buddha's compassionate nature and the principle of adaptability teach us how to adjust and cope with the environment. Buddha, as an enlightened being saw the interdependence of nature and advocated that there should be a proper harmony between human beings and nature. In the Jatakas, Buddha is symbolized with different trees; therefore, trees are regarded as objects of worship in Buddhism. It appears that Buddhism adopted the concept of tree worship from the contemporary Hindu Vedic religion to represent Buddha through symbolic trees.

"Destruction of the environment and the life depending upon it is a result of ignorance, greed and disregard for the richness of all living things. This disregard is gaining great influence. If peace does not become a reality in the world, and if the destruction of the environment continues as it does today, there is no doubt that future generation will inherit a dead world"

The Mauryas were succeeded in the north India by the Sungas and Kushanas and in the south by the Satavahanas of Andhra who also gave emphasis on the preservation and protection of environment. Depiction of animal figures, trees and vegetal motifs in fact dominated the post Maurya art and sculpture. The Gupta period this is considered the golden age of the ancient Indian history. Marked significant developments in the arena of environment. Natural and ecological aspects of the Gupta period. The Allahabad Pillar Inscription mentions that Samudragupta, the mighty Gupta ruler conquered the forest states of central India furnish valuable information about various aspects of environment during this period. Kalingan emperor Kharavela, a great supporter of nature and environment extended the Canal constructed by Mahapadma Nanda three hundred years ago from Tanasulia to Kalinganagari, his capital city. Because of natural beauty and suitable Environment Kanishka established his capital at Purushapura.Lake which was in use for irrigation in the semi-arid zone of Kathiawad from the time of the Mauryas. The Satavahanas were famous for their adventurous maritime.

In medieval period, though there have been instances of establishment of nature parks, gardens, and fruit orchards by the Mughal rulers around their palaces and along banks of rivers, they did not have any definite policy to protect the forests or wildlife. Rather they were merely considered to be a good source of revenue and pleasure. The notable feature of the Mughal regime was the growth of interest in natural history. Both Babar's account of Indian flora and fauna and Jahangir's investigations in natural history are well known while Salim Ali, the celebrated ornithologist, drew attention to their contributions as naturalists long ago. Adbul Qadir Badauni lists among sins and offences, the three sins, of cutting down a shady tree, making a profession of killing animals, and selling away human beings, as heinous. Akbar's efforts in promoting a forestation in common property resources, management of water bodies, and his disapproval of killing animals are legendary.

5. ANALYSIS:

Environmental during British Era and Modern Periods

British arrived in India at 1600 with the mission of trading goods from India in the form of East India Company. But, after seeing the immense amount of natural resources and plunders of opportunity to exploit the resources present here, they changed their game plan and started applying coercion so as to complete their aim of exploiting natural resources in India. At the time when British arrived in India, India was divided into several princely states ruled by different rulers. It was quite an easy task for the British to establish itself gradually and astutely. They very cleverly implemented the policy of Divide and Rule in India and took benefit of the diversity as on the basis of different rulers as well as due to multiplicity of religion in the country. The early days of British rule in India were days of plunder of natural resources. They started exploiting the rich resources present India by employing the policy of imperialism.

By around 1860, Britain had emerged as the world leader in deforestation, devastation its own woods and the forests in Ireland, South Africa and north eastern United States to draw timber for shipbuilding, iron-smelting and farming. Upon occasion, the destruction of forests was used by the British to symbolize political victory. Thus, the early nineteenth century, and following its defeat of the Marathas, the East India Company razed to the ground teak plantation in Ratnagiri nurtured and grown by the legendary Maratha Admiral Kanhoji Angre. There was a total indifference to the needs of the forest conservancy. They caused a fierce onslaught on Indian Forests. The onslaught on the forests was primarily because of the increasing demand for military purposes, for British navy, for local construction, supply of teak and sandalwood for export trade an extension of agriculture in order to supplement revenue.

The British government started control over forest in the year 1806 when a commission was appointed to enquire into the availability of teak in Malabar and Travancore by way of appointment of Conservator of Forest. This moved failed to conserve forest as the appointed conservator plundered the forest wealth instead of conserving it. Consequently, the post of conservator of forest was abolished in the year 1823. Their early of the Indian forest also reinforces the claim that destructive energy of the British race all over the world was rapidly converting forest into desert. Until the later decades of nineteenth century, the British Raj carried out a immense onslaught on the subcontinent's forest. With the Oaks forest vanishing in England, a permanent supply of durable timber was required for the British Navy because the safety and defence of the British Empire depended primarily on its navy. In the period of fierce competition between the colonial powers, Indian teak, the most durable of shipbuilding, Ships were built in the dockyards in the Surat and the Malabar Coast, as well as in England by importing teak from India.

The revenue orientation of colonial land policy also worked towards the denudation of forests. As their removal added to the class of land assessed for revenue, forests were considered as an obstruction to agriculture and consequently a bar to the prosperity of the British Empire. The dominant thrust of agrarian policy was to extend cultivation. On 3 August 1855, Lord Dalhousie, the governor general of India, reversed previous laissez-faire policy to establish the India Forest Department and annex large areas of sparsely populated lands in India. These lands were declared protected areas.

6. FINDINGS :

The British Government declared its first Forest Policy by a resolution on the 19th October 1884. The policy Statement had the following objectives.

- Promoting the general well being of the people in the country
- Preserving climatic and physical condition in the country
- Fulfilling the need of the people

The policy also suggested a rough functional classification of forest into the following categories. Forests, the preservation of which was essential for climatic and physical grounds. Forests which offered a supply a valuable timber for commercial purposes. Minor forest which produced only the inferior sort of timber. Pastures, which were forest only in name. To implement the Forest policy of 1884, the Forest act of 1927 was enacted. Till 1935, the government of India enacted the Forest Act. In 1935, the British Parliament through the Government of India created provincial legislature and the subject of the forest as included in the provincial legislature list. Thereafter, several provinces made their own laws to regulate forest. Most of these laws were within the framework laid down in the 1927 Act.

7. RESULT:

Main Acts in the field of Environment in the British Era Acts controlling Water Pollution

- The Shore Nuisance (Bombay and Kolaba) Act, 1853
- The Orient Gas Company Act, 1857
- Indian Penal Code, 1860
- The Serais Act, 1867
- The North India Canal and Drainage Act, 1873
- The Obstruction in Fairways Act, 1881
- The Indian Easement Act, 1882

- The Indian Fisheries Act, 1897
- The Indian Ports Act, 1908
- The Indian Steam Vessels Act, 1917
- The Poison Act, 1919
- The Indian Forest Act, 1927

Acts for the Protection of the Indian Environment

- The Orient Gas Company Act, 1857
- The Serais Act, 1857
- The Northern India Canal and Drainage Act, 1873
- The Obstruction in Airways Act, 1881
- The Indian Fisheries Act, 1897
- The Indian Ports Act, 1901
- The Bengal Smoke Nuisance Act, 1905
- The Explosives Act, 1908
- The Bombay Smoke Nuisance Act, 1912
- The Inland Stream Vessel Act, 1917
- The Mysore Destructive Insects & Pests Act, 1917
- The Poison Act, 1919
- The Andhra Pradesh Agricultural, Pest & Diseases Act, 1919
- The Indian Boilers Act, 1923
- The Workmen's Compensation Act, 1923
- The Indian Forest Act, 1927
- The Motor Vehicles Act, 1939
- The Indian Fisheries Act, 1897
- The Indian Forest Act, 1927
- Criminal Procedure Code, 1893
- The Hailey National Park Act, 1936
- The Air (Prevention and control of Pollution) Act, 1981
- The Water (Prevention and control of pollution) Act, 1974
- The Environment (Protection) Act, 1986
- Air (Prevention and control of pollution union Territories) Rules, 1983
- Air (Prevention and control of pollution) Rules, 1982
- Bio-Medical Waste (Management and Handling) Rules, 1982
- Central Board for the Prevention and Control of Water Pollution Procedure for Transaction of Business) Rules, 1975
- Chemical Accident (Emergency Planning Preparedness and Response) Rules, 1996
- Hazardous Waste (Management & Handling) Rules, 1989
- Manufacture, Storage and Import of Hazardous, Chemicals Rules, 1989
- National Environment Tribunal Act, 1995
- Noise Pollution (Regulation and Control) Rules, 2000
- Recycled Plastics Manufacture and usage Rules 1999
- Water (Prevention and control of Pollution) Cess Rules, 1978
- Water (Prevention and control of Pollution) Cess Act, 1977
- Water (Prevention and control of Pollution) Rules, 1975
- The Biological Diversity Act, 2002
- Hazardous Wastes (Management and Handling) Amendment Rules, 2003
- National Green Tribunal Act, 2010
- Protection of plant Varieties and Farmers' Right Act 2001
- Order of the supreme court of India Regarding Claims under Forest Rights Act 20006, 13/2/2019.

8. CONCLUSIONS:

The new environmental policies served in turn to support British imperialism in India. Unlike the conservative French and English royal forests reserved for hunting by the privileged elite, or the later American concept of total protection in national parks, the new colonial environmentalism was intended to generate income for the imperial British

state through strict control of India's natural resources. Lord Dalhousie's new forest policies greatly expanded British authority over the land and people of India, a colonial empire that the British had procured piecemeal over the course of several centuries of mercantile and military exploitation. Thus, environmentalism and imperialism have a shared past, and the newly protected forests marked a alliance of environmental concern with expansion of state power in the Indian Environment Act.

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