



IMPLEMENTATION OF AGENDA 21 IN INDIA

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ABSTRACT

Agenda 21 was adopted in 1992 at the United Nations Conference on Environment and Development. It is a non-binding action plan aimed at creating a sustainable future and preserve environmentally healthy planet for posterity. Agenda 21 was aware of the developmental challenges in the 21st century and took into account the needs of developing countries before forming a dynamic plan to accommodate such needs. On this background, this paper will attempt to analyse India's attempt to implement the strategies laid out in Agenda 21 while explaining the urgency for it to do so. An analysis of the various programs and plans including the National Biodiversity Action Plan, 2009 and the Biodiversity Act, 2002 will be made to assess the impact of the programs made to conserve biodiversity by India under its commitment made after ratifying the Convention on Biodiversity, 1993. Recent trends in environmental law and politics such as the EIA draft of 2020 and its impact on sustainable development of India will be studied.

1. INTRODUCTION

The Agenda 21 is a non-binding action plan originating at the 1992 Earth Summit, also known as the United Nations Conference on Environment and Development. Many of the issues surrounding sustainable development, deforestation, protection of the atmosphere, industrial development, etc are talked about in international agreements such as the 1985

Vienna Convention for the Protection of the Ozone Layer, the 1992 United Nations Framework Convention on Climate Change (UNFCCC), and other international instruments. The recommendations surrounding Agenda 21 are not-binding in nature. However, they encourage governments to take additional measures in order to create a sustainable future with global developmental and environmental cooperation.

The Agenda 21 is a comprehensive action plan to achieve global sustainable development till 2030. It encourages national, regional and local implementation of sustainable principles while encouraging global cooperation on transboundary environmental issues. Agenda 21 was conscious of the global environmental challenges that the world would face in the 21st century. It focuses on taking a balanced and integrated approach to environmental and developmental questions, it is sensitive to the developmental needs of developing nations and embraces a dynamic nature accommodating the different situations, capacities and priorities of countries and regions. This principle lies in consonance with the principle of Common but Differentiated Responsibilities and Respective Capabilities enshrined in UNFCCC 1992. This meant that developing countries will take a lesser burden of sustainable development as compared to the developed countries owing to historical evidence and developmental needs of the developing countries. Agenda 21 was aware of the financial needs of the developing countries to facilitate sustainable developmental measures. It called for a substantial flow of additional financial and technological resources to developing countries as well as



international institutions in order to give fruition to this idea. Moreover, Agenda 21 also gave special consideration the turbulent social, political and economic conditions of the countries for their inability to comply with Agenda 21 principles.

Despite all these reservations, Agenda 21 envisioned strong political will among nations for a sustainable future. It realized the need for a commitment to sound economic policies and management, effective and accountable public administration, the integration of environmental concerns with developmental needs and decision-making and a progress towards democratic governments for a sustainable future.¹ Agenda 21 is a lengthy, 351-page document divided into 40 chapters and 4 sections, which are:

- **Social and Economic Dimensions:** Focuses on combating poverty, creating means of sustainable settlement, promoting health, changing consumption patterns in developing countries.
- **Conservation and Management of Resources for Development:** Limiting deforestation, atmospheric protection, protection of biological diversity, management of radioactive waste, etc.
- **Strengthening the Role of Major Groups:** The role of women, children, NGOs, local

authorities, businesses, indigenous people, etc.

- **Means of Implementation:** The role of biotechnology, science, education, international institutions, technology, etc.

India is a large developing country with the world's second largest population. It houses over 70 crore people living in rural areas directly dependent on professions which are sensitive to the environment and climate (forestry, fishery and agriculture) and natural resources such as biodiversity, water, mangroves, coastal zones, grasslands for their subsistence and livelihood. The population dependent on such resources are also short of alternative options for subsistence owing to lack of knowledge, mobility and technology. This points to the fact that climate change is likely to affect all the natural ecosystem of India directly affecting the people associated with it on a large scale. India needs to work towards a sustainable future or else it will experience a massive toll in terms the impact of climate change.²

Some of the impacts are already manifesting in the form of the alteration of the hydrological cycles. Western Maharashtra has been experiencing serious droughts since 2012, causing loss of livelihood to farmers who depend on monsoons for irrigation.³ Erratic floods have been a huge cause of concern in Assam.⁴ Agricultural patterns are

¹ United Nations Conference on Environment and Development. (1992). *Agenda 21, Rio Declaration, Forest Principles*. New York: United Nations.

² Sathaye, J., Shukla, P., & Ravindranath, N. (2006). Climate change, sustainable development and India: Global and national concerns. *Current Science*, 90(3), 314-325. Retrieved October 1, 2020, from <http://www.jstor.org/stable/24091865>

³ Dongray, A. (2016, 30 April). *The real reasons behind Maharashtra's man-made drought*. Retrieved from <https://yourstory.com/2016/04/maharashtra-drought-feature>.

⁴ ANI (2020, 21 August). *Assam floods: Death toll reaches 113, over 56.9 lakh people affected in 30 districts*. Retrieved from <https://www.timesnownews.com/india/article/assam->



expected to take a hit, deforestation, rising sea levels in coastal zones, effects on human health, desertification are all projected impacts of climate change on India which makes it imperative for her to work towards a sustainable future.

1.1 Towards Sustainable Development

Sustainable development is one of the most important gifts of human kind in the 20th century in search for harmony, peace and wellbeing. In a neo-liberal capitalist world order, material growth is seen as the pinnacle of progress and development. This model manifests itself in the want for unfettered economic growth, unregulated markets, environmental disregard, privatisation of public assets and functions, commercialisation of natural entities and the glorification of a compassionless Darwinian struggle which emphasises on consuming the weak by the strong so as to capture wealth and resources beyond reasonable need. In this scenario, all major global institutions have one aim: to maximise economic productivity at all costs; and since major global institutions enjoy considerable soft power over the common masses and economic pull over the government, the entire psyche of the population is drifted towards unrestrained economic growth coupled with a disregard for empathetic considerations. Be it for the environment, for the underprivileged, for minorities, for dissenters, etc.

This industrial society wanting to mechanise the entire planet is not healthy for the environment. Sustainable development offers a contrary initiative to counter the unreasonable need for the excessive exploitation of the planet. A growth

envisaged by sustainable development goes beyond the mere growth of material considerations. It puts into perspective human happiness, biological balance, the posterity with development to ensure judicious use of the finite resources available to us.

The concept of sustainable development is not new to India. Ancient religions such as Buddhism, Hinduism and Jainism have all emphasised on the principles of harmony with nature, and restraint on the want of material goods. Principles of sustainable development are ingrained into people's culture. Jainism emphasises on vegetarianism while Hinduism worships rivers, cows, reflecting a want of balance and interdependence on the eco-system. In the modern context, the most prominent author vouching for a sustainable growth model is Mahatma Gandhi. He too, emphasised on the principles of harmony with nature, the restraint on the want of material goods. He also advocated not to mimic the western model of development based on the reliance on machines for the development of goods; he believed manual labour is always more liberating and conscious of social needs and the environment.

However, since 1991, India has become a full-fledged capitalist country making these ideals lose their importance. However, India is signatory to the UNFCCC and working towards achieving the sustainable development goals set out by the United Nations, enshrined in Agenda 21. The challenges faced by India in terms of developing a sustainable future are important to take into context while discussing India's

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progress for a sustainable future. The low standards of health, literacy, human resource and the limited availability of natural resources and technological know-how coupled with one of the world's largest population densities pose huge problems for the government and other major groups striving towards an environmentally sustainable future.

The next section will discuss and analyse some of India's sustainability and biodiversity programs.

2. SUSTAINABILITY AND BIODIVERSITY PROGRAMS IN INDIA

India's developmental objectives have always been considerate of environmental concerns. The five-year plans since they were adopted in 1950 have always sought to strike a balance between development, social welfare and sustainable growth. Most investments in India are targeted to achieve this objective. Clearly, environmental issues are an integral part of the social and cultural ethos of India as reflected in its Constitution and its ancient philosophy. Several institutional programs to preserve biodiversity and promote sustainability in India are in place in India.

2.1 The National Conservation Strategy and Policy Statement on Environment and Development, 1992

This policy statement by the Ministry of Environment and Forests (Now Ministry of Environment, Forests and Climate Change) lays the basis for a holistic approach towards

development by integrating and internalizing sustainability concerns in the policies and programs of various sectors. This sectoral approach towards environmental consideration is the same as was envisioned by Agenda 21.⁵ Another policy statement announced by the Government was in 1992, known as the Abatement of Pollution. This reflects the short and long-term vision of the government to curb the damage caused by environmental degradation and pollution, especially on the poor. The policy emphasised upon the very reduction of pollution from its source by utilising effective and affordable technologies instead of taking end-of-the-pipe solutions.⁶ To achieve objectives like such, in a complex industrial and socio-economic environment of India, a combination of various instruments such as legislations, regulations, fiscal incentives, information campaigns and voluntary agreements are required.

2.2 Voluntary Action

Indian policy encourages voluntary action and allows individuals and entities to identify their strengths and weaknesses for them to be able to be equipped with necessary capabilities to aid their self-realization. Agenda 21 outlines participative policies, cooperation between the people and the government for the successful implementation of sustainable initiatives. Indian polity recognizes the infrastructural and fiscal needs of the major groups engaged in conservation efforts. There are thousands of local and national NGOs in India, vigorously focused on research, on-field

⁵ United Nations, *Institutional Aspects of Sustainable Development In India*. Retrieved from <https://www.un.org/esa/agenda21/natinfo/countr/india/inst.htm>.

⁶ Rajamani R. (1992, February 26). *Policy Statement for Abatement of Pollution*. Retrieved from https://www.iitr.ac.in/wfw/web_ua_water_for_welfare/environment/Pollution_Policy_Statement_1992.pdf



projects, information campaigns, upliftment, etc. Several are engaged in protecting biodiversity, reducing the carbon footprint, waste management, preservation of eco system, genetic diversity and the promotion of eco-friendly energy resources in developmental activities. These organisations pave way for cheaper mobilisation of local resources for the implementation of developmental programs. The Council for Advancement of People's Action and Rural Technology (CAPART) is the agency for financing voluntary action in the field of rural development.

2.3 India Business and Biodiversity Initiative (IBBI)

IBBI was an initiative launched in 2014 with the support German International Cooperation (GIZ). It is a platform for businesses and its stakeholders for dialogue sharing, with an end in mind to make sustainable development a mainstay in industrial development. It was made to address the critical issue of biodiversity loss. IBBI's vision is to instil an ethos of sustainable development in the philosophies of businesses and their operations in India. It also aims to make use of the resources available to such businesses to initiate biodiversity conservation efforts and information campaigns.

2.4 National Biodiversity Action Plan (NBAP)

This action plan is an initiative to further the commitment made by India in ratifying the Convention of Biodiversity (CBD) in 1993. The main objectives of the convention were based to preserve biodiversity and to arrest the indiscriminate use of natural resources by humans for the survival of the planet and inter-generational equity. The Biological

diversity Act was enacted in 2002, obligating the Central Government to "as far as practicable wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies." This was to take forward the commitment made under CBD and the first strategy made under NBAP known as the "National Biodiversity Strategy and Action Plan" (NBSAP). It was to design a national policy and a strategy on a macro-level to conserve biodiversity. Across the next few years, the NBSAP led out an extensive exercise in environmental planning, facilitated by the Ministry of Environment and Forests, in which thousands of people from all walks of life were included to create a detailed account of strategies and actions that could be used to implement the strategies included in the document. This resulted in the in the draft NBSAP known as the Final Technical Report (FTR). However, the NBAP was only released nine years after the process started, in 2009. It ignored a lot of innovate actions and strategies proposed by the FTR while focussing on the work the government has done while generally ignoring the contributions made by NGOs and communities. The final draft was to reflect the strategies suggested by the FTR, but out of the 100-odd strategies, the draft failed to include many of them. This resulted in a list of broad strategies without the methods to implement them. The draft also failed to address newer biodiversity concerns which had emerged over the years, and the same problem persists after the 2014



addendum to the NBAP.⁷ The NBAP prefers to gloss over broad biodiversity concerns and fails to suggest concrete actions to tackle the same. For example, the NBAP lays emphasis upon promoting decentralised management of biological resources and community participation. However, the NBAP fails to provide means to do so which might include amendment to laws and policies, creation and empowerment of local institutions capable of decision-making and implementation of the strategies. This makes the draft a toothless statement of intent fit only to be paraded in the international arena without having any real impact in local biodiversity conservation.⁸

2.5 Other Programs

In order to meet the 2030 Sustainable Developmental Goals, (SDGs) India has taken a holistic approach to meet its objectives. It has attempted to engage local and national entities to take affirmative action for inclusive growth to uplift vulnerable sections. The same has been reflected in the policy initiative “*Sakba Saath, Sabka Vikaas*”. The following are initiatives which further this narrative.

Sashakt Bharat – Sabal Bharat: It stands for an empowered and resilient India. It has been successful at lifting over 250 million people out of poverty through economic growth and development. The scheme aims to provide increased access to education,

sanitation, electricity, drinking water for vulnerable sections.

Other such programs include **Sampanna Bharat- Samridh Bharat, Satat Bharat – Sanatan Bharat, Samagra Bharat - Saksham Bharat** and **Swachh Bharat - Swasth Bharat** which focus on hygiene, inclusivity, health, entrepreneurship, sustainability and prosperity.⁹

The issue with these programs is that they are all centralised and more often than not are not sensitized to the needs of the local population, especially marginalised groups. An environmental or social upliftment strategy needs to be made from the ground up, since they are the people who are most affected and in need of such policies. Decentralisation of administrative functions and decision-making capabilities to local communities would make such programs to be more effective. For now, these policies seem designed to produce results sufficient to boast about for the government with no affirmative change in the ground reality.

3. THE LEGAL AND REGULATORY FRAMEWORK FOR ENVIRONMENTAL PROTECTION IN INDIA

The need to conserve the environment and work towards a sustainable future is imperative for India as was discussed above. Moreover, India is signatory to international agreements such as the Rio Declaration, the CBD and the UNFCCC. The need to conserve the environment and to sustainably use natural resources is also enshrined in the

⁷ Mathur, V.B. (2014). *National Biodiversity Action Plan (NBAP): Addendum 2014 to NBAP 2008*. Retrieved from <http://www.indiaenvironmentportal.org.in/files/file/NBAP%20Addendum%202014.pdf>

⁸ Kothari, A., & Kohli, K. (2009). *National Biodiversity Action Plan. Economic and Political*

Weekly, 44(20), 13-16. Retrieved October 1, 2020, from <http://www.jstor.org/stable/40279005>

⁹ United Nations Human Rights. (2014). *India's VNR: Voluntary National Review 2020*. Retrieved from <https://www.ohchr.org/Documents/Issues/SDGS/2020VNRCountries/INDIA.pdf>.



Constitution of India in its fourth part. They are laid out in the Directive Principles of the State Policy. They cast a duty on every citizen and government to conserve the environment and the state should endeavour to protect and improve the environment and safeguard the forests and wildlife of the country. Even though these stipulations are non-binding, they encapsulate the principle of safeguarding the environment of India.

To that effect, the Ministry of Environment and Forests (Now Ministry of Environment, Forests and Climate Change) was established in 1985 in order to protect the environment as the apex administrative body in that regard. Some of the important legislations enacted in India for the protection of environment are as follows:

3.1 The National Green Tribunal Act, 2010

The main objective of the act was to establish a tribunal, the National Green Tribunal (NGT), for the speedy redressal of environment-related grievances and violations of laws with regards to air and water pollution such as The Environment Protection Act, 1986, The Biodiversity Act, 2002 and the Air (Prevention and Control of Pollution) Act, 1981.

The tribunal has delivered judgments in various landmark cases such *Ms. Betty c. Alvares v. The State of Goa and Ors.*, *Almitra H. Patel & Ors. vs. Union of India and Ors.* and *Srinagar Bandh Aapda Sangharsh Samiti & Anr. v. Alaknanda hydro Power Co. Ltd. & Ors.*, in which it has outlined the confluence of Article 21 and environment, has talked about the no fault liability principle and protection of biodiversity.

However, the biggest criticism with regards to the tribunal remains that it is largely inaccessible for marginalised communities, most affected by the industrial development and degradation of biodiversity. The centralised nature of the NGT makes it next to impossible for local communities to address their grievances without a major influence supporting their cause.

3.2 The Air (Prevention and Control of Pollution) Act, 1981

The Air (Prevention and Control of Pollution) Act, 1981 (the "Air Act") is an act encouraging coordination between the central and state governments in order to abate the increasingly dangerous effects of air pollution. The act sets up boards on the central and state levels, which play an advisory role to the central government for strategies to improve the quality of air. The central board also works to provide technical assistance and guidance to the state boards and may plan a nation-wide strategy for the prevention and control of air pollution.

The centralised appointment to the state and central boards mean that they may well could be made to facilitate the political and developmental objectives of the state governments and the central government without much concern affected to the threat of air pollution.

3.3 The Environment Protection Act, 1986

Probably the most important act in Indian legislation geared towards determining short, and long-term solutions for sustainable development in India. The act lays down a framework for researching, planning and putting into motion solutions necessary to protect the environment and lay down a procedure for the speedy redressal of issues



pertaining to situations threatening environmental integrity.

There are other laws relating to the environment which include *The Wildlife Protection Act, 1972, The Forest Conservation Act, 1980, Public Liability Insurance Act, 1991* which are geared towards conserving wildlife, biodiversity and providing damages to victims of an accident occurring after handling of a hazardous substance.

4. CONCLUSION AND CONCERNS FOR INDIA

As we have seen above, India has a litany of frameworks, laws and regulations with regards to environmental conservation. However, ground reality shows that the priorities of the government with regards to the meaning of development are misplaced. It was iterated earlier that sustainable development shifts the focus away from mere material and economic growth considerations and brings human happiness, inter-generational equity and biodiversity conservation into perspective.

However, the Indian experience has shown that, despite our strong roots in the ideals of sustainability, we have strayed far away from showing any real progress in terms of environmental sensitivity in our polity and decision making. Over the years, environmentalists in India have criticised the government of showing disregard to the environment and focusing more on economic and industrial initiatives to further the development of the nation and lift people out of poverty. This approach goes fundamentally against the principles set out

in Agenda 21 to achieve a sustainable future. This approach has worsened owing to the ongoing Covid-19 pandemic.

The Government of India has released the shocking draft EIA (Environmental Impact Assessment) of 2020 which significantly curbs the importance of people participation in the decision-making process with regards to the environment while also giving priority to industries over environmental considerations. The EIA was first introduced in 1994 to act as a safeguard to irreversible environmental degradation. The principle followed by the concept known as the “precautionary principle”, which relies on the concept of prevention rather than cure. According to this method, initiatives which would likely cause irreversible environmental damage were prohibited, and activities potentially damaging the environment were regulated.

The 2020 draft throws these considerations out of the window, since now, several categories of industrial projects are now not required to get prior clearance before commencing operation. This post-facto clearance is also combined with centralised planning and decision-making, dilution of environment compliance reporting, public consultation requirements and the concessions given to “strategic” industrial projects in terms of exempting them from information-sharing and public consultation. Moreover, these draft regulations are only disseminated through Hindi and no other vernacular language, attempting to limit the scope of the discussions, protests and litigations expected to be attracted.¹⁰

¹⁰ Naik, A., Joisa, A. (2020, August 24). *Opinion: No climate concerns in India's draft green rules.* Retrieved from

<https://indiaclimatedialogue.net/2020/08/24/climate-considerations-missing-from-indias-green-rules/>.



This draft has also failed to adequately represent climate considerations and the need to get into the mainstream policy imperatives, environmental and climate change sensitivities. As iterated before, India is projected effect by climate change is huge, leading to huge loss of biodiversity, life and livelihood. This flawed understanding of the meaning of development and putting into a place an undemocratic and centralised approach for environmental planning completely flouts the principles set out in Agenda 21. Agenda 21 realized the importance of a localized, democratic approach towards environmental planning and sustainable development, giving prime importance to local considerations and capabilities. It also redefined the meaning of development by giving perspective to the term.

The approach of the current government towards development is a huge cause of concern. Their outlook towards the environment is short-sighted and myopic and based on outdated ideas. Major environmental groups, activists, scholars and international organisations have voiced their dissent with regards to the new EIA draft, and only such affirmative action can help us save the planet from further deterioration.¹¹

¹¹ BI India Bureau. (2020, August 10). *India's Environment Impact Assessment draft is vexing a lot of people — these are the arguments against it.* Retrieved from

<https://www.businessinsider.in/science/environment/news/what-is-draft-environment-impact-assement-eia-2020-proposing/articleshow/77462847.cms>.