

Environmental Protection through Energy Legislation in India – Challenges for Present and Future

Mr. Ashutosh Kumar

Assistant Professor Amity Law School Patna, Amity University Patna

Abstract

Entire world is grappling with effect of Climate Change which has adversely affected our environment including flora and fauna. One of the major challenges in way of environmental protection is how to achieve sustainable management of energy. As burning of fossil fuel (energy) contribute to climate change which adds high rate of carbon emission in atmosphere. In India more than 80% of energy requirement is supplied through fossil fuel non-conventional source) of energy. For developing countries like India protection of environment and energy access is major challenge due to growing population and rapid economic growth which ask for uncompromising need for energy. India has plethora of environmental legislations for protection of the environment which is still not complete unless it push our energy legislation towards sustainable clean energy source. In December 2015 Paris agreement was drafted and on 22 April it is open for ratification which promises every country to use clean and green energy. India with ambition to achieve task clean and green energy has also signed and submitted its INDC to UNFCCC which contains energy legislation and policy to achieve clean and green energy to reduce carbon emissions. This paper venture to answer the question that how energy legislation in India attempts to protect environment and how Paris agreement promises can be achieved through these legislations. It explores whether energy legislation supports environmental laws to protect environment.

This paper highlights whether the energy laws in India is in consonance with environmental laws or not? To fulfill the promise of Paris Agreement and to protect environment in order to provide clean and healthy environment to the citizens of India depends on how energy legislation can solve issue of climate change and meets energy requirement of billion people which is matter of great challenge for present and future.

Keywords: intended nationally determined contributions, paris agreement, conventional, energy conservation, greenhouse gases emission, clean energy

Introduction

Climate change due to anthropogenic emission is serious cause of concern for planet earth. Human induced activity has increased global carbon emission resulting change in season cycle pattern affecting the food security and life of flora and fauna due to bursting of flood, drought and other natural phenomenon affecting global climate. Millions of people are becoming climate refugees. One of the major cause of climate change is uncontrolled carbon emission from vehicular, industrial emission.

Countries like America, China are the biggest contributors of greenhouse gas emission. In order to deal with the issue of climate change UNFCCC started initiative to negotiate with all countries to resolve this common concern of mankind to deal with the issue of climate change. This resulted creation of conference of parties under UNFCCC to discuss annually the working commitment based on adaptation, mitigation and other principles to deal with common concern of climate change. Kyoto protocol 1997 annex I parties adopted binding target to reduce carbon emission but mandate of kyoto

protocol never met its commitment due to conflict of interest among developed and developing countries. Further carrying forward BALI 2007 COP activated the methodology of nationally appropriate mitigation action to engage voluntary developing countries to adopt mitigation effort in order to reduce the adverse effect of climate change. Several more international efforts were made in Copenhagen and Cancun COP summit to raise the collective actions to take voluntary mitigation pledge. Entire nations felt ardent need to develop strong commitment from soft action to hard binding climate change agreement in order to achieve clear target of fixing at least 2 degree Celsius mark temperature level. This finally concluded in form of Paris Agreement at COP-21 2015. This paved the strong binding move to restrict greenhouse emission based on idea of common but differentiated responsibility principle which has made all the countries to take measures in all case and cannot be evaded. The Paris Agreement has also attracted all developing and least developing countries by creating climate fund of 100 hundred Billion Dollars to facilitate the technology of green and clean energy in their economic ecosystem to reduce the carbon emission. Carrying forward the idea of WARSAW and LIMA COP the Paris agreement in order to take the stock of emission activities and plan asked all the member countries to submit action plan in form of INTENDED NATIONAL DETERMINED CONTRIBUTION, the blue print of its action plan and effort to reduce its emission and promise of restricting global temperature by 1.5 degree celsius and in no case move above 2 degree celsius in order to protect earth heat balance. Further after the expiry of Millennium Development Goals a new set of Sustainable Development Goals post 2015 to launch the global effort promised through the Agenda 21 was adopted in newly inducted 2015 SDGs.

India's effort in dealing with Environment and climate Change

India has always been the front runner and supporting the global efforts to deal with issue of climate change at international as well as domestic level. Taking into consideration India's participation and action India has adopted all the principles of adaptation, mitigation and sustainable development visible in its action and INDC submitted by India as per Paris Mandate.

India's Energy legislation/Policy in dealing with Environmental Protection and Climate Change

India is one of the few countries which has activated solar energy ambition and use of renewable energy to reduce its dependency on fossil fuel. Despite limited energy sources India is continuously making its leap to reduce its fossil fuel dependency, which is the root cause of climate change. It has launched global Solar Alliance network to achieve the target of clean and green energy in cost effective manner such that all developing as well least developing countries can achieve the target of fixed emission without compromising with economic challenges. Further India has already enacted ENERGY CONSERVATION ACT 2001 and has also established bureau of energy and petroleum conservation research association to research and innovate new practices of conserving the hydrocarbons and effectively use in judicious manner. Further our environmental protection act has emphasized on principle of sustainable development and environment impact assessment methodology to give environmental clearance to industries and establishment subject to satisfaction. India has also moved its Automobile emission policy and recently revised BHARAT STAGE VI emission norms and stopped the registration of old vehicle production and now all vehicle must follow new emission norms, this highlight the focus of implementation at ground level to deal with issue of pollution and standards of emission norms in order to deal with climate change issue.

India's INDC Dealing with climate change response

India has completely implemented its new renewable energy policy of achieving the green energy ambitious target of 175 GW renewable energy. Despite constraint in energy resources as india is 80 percent dependent on fossil fuel imported from the other countries due its limited natural resources. India's commitment to achieve the following:

1. 100GW OF SOLAR ENERGY
2. 60 GW OF WIND ENERGY
3. 10 GW OF BIOMASS ENERGY.

With emphasis on idea of sustainable development principle and climate justice. India has currently voluntarily pledged under common but differentiated responsibility to reduce 20-25% of carbon emission from its GDP by 2020. UNEP emission gap report 2014 appreciated India as achiever of the goal. India's GDP emission load reduced by 33% to 35% by 2030 with its domestic emission policy and adopting SWACCH BHARAT MISSION, Cleaning river Ganga and several grass root policy of adoption of LED and replacing old bulbs through ujala scheme has paved the way of reducing the emission. Further compulsory afforestation act has created carbon sink of 2.5 billion tonnes of carbondioxide . Launch of Green India Mission plantation nearby all highways in length and breadth following the policy of:

A. REDD PLUS

B. NATIONAL AGRO FORESTRY PLAN

C. JOINT FOREST MANAGEMENT PLAN

D. NATIONAL AFFORESTATION PLAN

India has established 350 crore National Adaptation Fund in order to effectively apply and take action against all the variables of climate change to reduce the carbon emission.

Supreme Court of India On Energy to Deal with Environment and Climate Change

Supreme Court of India has always advocated and established rule of law in terms of environmental activism through its landmark judgment and establishment of environmental jurisprudence. In CNG case supreme court of India, established clear rule of adoption of fossil fuel to be used in Delhi. Supreme court through this just paved the way for

use of CNG and clean energy use in area where air pollution is uncontrolled this verdict not only put break on toxic fuel use but also opened the gate of clean energy use in automobile which further paved the way for CNG and other other clean energy alternatives to be used in automobile industries. It shows best example where executive fails Supreme Court can fix the issue through its order in greater interest of environment and people.

Conclusion

India has made all effort to combat climate change and protects its environment through its national and international efforts. Creation of International Solar Alliance to formulation of domestic policies and scheme on idea of sustainable development India's commitment is visible in its ambitious INDC submitted under the mandate of Paris Agreement has made India a role model for the other nations to be followed. In order to gear up the economy and serve the stomach of billions of people with all its challenges of limited energy access India has acted in pragmatic approach of sustainability and resilience to keep its environment, ecology and industries alive through harmonious approach of sustainability laid down in United Nations Sustainable Development Goals. But issue of climate change is common concern of mankind. It is not dependent on action of one country in rational way but collaborative and collective approach is required by all the nations, if one nation act to reduce the emission the issue of climate change can never be addressed because it has to be done by all due to its common concern. So action by all nations has to be taken in light of all available principles of sustainable development then only we all can protect the only habitable planet in the universe.

References

Forster, P., & Ramaswamy, V. (n.d.). *Changes in Atmospheric Constituents and in Radiative Forcing*. IPCC. <https://www.ipcc.ch/site/assets/uploads/2018/02/ar4-wg1-chapter2-1.pdf>

Full NDC Synthesis Report: Some Progress, but Still a Big Concern. (2021, September 17). United Nations Climate Change. <https://unfccc.int/news/full-ndc-synthesis-report-some-progress-but-still-a-big-concern>

Gazette of India BS VI notification: <http://egazette.nic.in/WriteReadData/2016/168300.pdf>

International Institute for Sustainable Development. (n.d.). *Mapping India's Energy Policy 2022*. <https://www.iisd.org/publications/mapping-india-energy-policy-2022>

MC MEHTA VS UOI AIR 2002 SC 1696

THE ENERGY CONSERVATION ACT, 2001.

What is REDD+? (n.d.). United Nations Climate Change. <https://unfccc.int/topics/land-use/workstreams/redd/what-is-redd#:~:text=REDD%2B%20is%20a%20framework%20created,carbon%20stocks%20in%20developing%20countries>