

# A SYSTEMATIC REVIEW ON NATIONAL ENVIRONMENT POLICY

Adwitiya Prakash Tiwari, Assistant Professor, Department of Law, Galgotias University

## ABSTRACT

In India, Payments for Ecosystem Services (PES) are still in their infancy. While the concept of creating markets for ecosystem services has been theoretically recognised and tested in pilot projects, the notion has yet to be incorporated into the region's institutional and legal framework. Although India's National Environmental Policy (2006) recognises PES and effort have been made to establish it, the legislative and administrative structures necessary to effect PES remain inadequate. In this context, it is critical to recognise the prerequisites for establishing enabling institutional and legal environments conducive to the further development of PES. Numerous concerns must be resolved in order to provide the framework for adopting PES in the region, including property rights, particular legal requirements for PES, and contract law adjustments, to mention a few. The article makes an attempt to evaluate India's legal and institutional environment through the lens of enabling laws and policies, property rights issues, cross-sectoral connections, and institutional structure in order to draw lessons for developing more efficient PES mechanisms in India. This was accomplished by first assessing the current state of PES in India, followed by an examination of the intended legal structure, institutional configuration, and role of community institutions in its implementation.

**KEYWORDS:** Ecosystem, Law, Legal Structure, Review

## INTRODUCTION

Through a variety of governmental and institutional approaches, India has achieved tremendous progress in combating deforestation and expanding forest cover [1-3]. However, it continues to struggle with environmental degradation. Combating degradation and growing forest cover are inextricably related to creating favourable legal and institutional conditions that promote conservation and encourage local communities to engage in natural infrastructure [4].

Payments for Ecosystem Services (PES) is a relatively new concept in the Indian policy setting. It is a market-based instrument (MBI) applied to ecosystem services. Although it is still in its infancy, interest in PES as a tool for natural resource management continues to rise, despite significant hurdles. [5]

### Undervaluation of forest resources

In India, undervaluation of forest resources is wreaking havoc on the sector and the economy. In India, the current national accounting system understates tangible benefits and overlooks the intangible ecological services provided by forests. While the function of ecosystem services in supporting livelihoods and buffering against poverty is less well-documented than that of provisioning services, they are critical in lowering poor people's susceptibility. Markets for ecosystem services can be formed only when their

economic value has been determined. Thus, valuation is a necessary condition for the establishment of markets for ecological services. A valuation and accounting framework are required to account for the intangibles associated with forests in order to accurately reflect the forestry sector's contribution to the Indian economy. These frameworks are also critical for stimulating investment in sustainable natural resource management through a variety of PES strategies [6-8].

Numerous reasons contribute to the growth of PES programmes in India. To begin, India's natural resource management governance models range from command-and-control to more decentralised, participatory alternatives. These governance frameworks shape the capacity of institutions at the local and national levels to promote PES. Second, as a result of the region's high population density and low land ownership per household, transaction costs are significantly greater than in other locations [9]. Thirdly, a large portion of forest and agricultural land is state-controlled, with inadequate property rights for communities or individuals. As a result of these factors, India has been significantly slower to adopt PES than Central American countries with comparable economic development levels, with numerous proposed schemes but few mature initiatives. India has fallen behind other Asian countries such as the Philippines, Indonesia, and Vietnam in terms of the number of PES mechanisms [10-11].

Individuals do not bear the full costs or advantages of their actions (often referred to as negative/positive externalities) due to insufficient property rights. Property rights regulate the acquisition, use, and transformation of resources. Murtough, Aretina, and Matysek (2002) identify seven critical property rights for enabling markets for ecological services [12].

Inter-sectoral policies can create misunderstandings about the appropriate role for the government in developing and operating specific types of PES mechanisms. Coordination and simplification of policies and regulations across sectors and government domains are critical. For example, water and fertiliser policies (which are often subsidised) frequently have self-reinforcing effects and result in ecological degradation. Additionally, there have been controversies about the delivery of ecosystem services as "private goods" versus "public goods," as there is no legal definition for any of the ecosystem services to be purchased. When growing a particular PES mechanism on a broader scale, the absence of legal and institutional backing is felt. Property rights issues (such as who owns the land, who owns the natural resources, and who owns the land's ecosystem services) must be addressed if a successful PES model is to be duplicated at a larger scale. Potential PES purchasers may be hesitant because the legal status of purchases and contract enforceability are unclear under the current legal framework. Numerous laws, regulations, and programmes have an impact on natural resource management in India. However, the study examines just those that are regarded noteworthy from a PES standpoint [13-15].

In many circumstances, the laws are vague or confusing regarding the scope and character of the legal procedures and conditions necessary to enter into private/government and private/local community contracts, particularly where the contract concerns the management and use of land and natural resources. Private contracts for natural resource management on public lands are a high-risk area of the Indian Contract Act. Another major impediment to carbon PES is that A/R CDM17 Project Methodologies have

not advanced considerably in recent years. The network of forestry-related support groups can be important in creating techniques for the same. Methodologies for REDD and REDD+ procedures are similarly in their infancy and will require significant effort on the part of support groups to fulfil the dual goal of poverty alleviation and ecological sustainability [16-19].

## CONCLUSION

Due to the fact that money rewards from PES mechanisms are frequently regarded as modest, non-financial advantages must be included in the justification for communities to participate in such mechanisms. Capacity building, property rights strengthening, and social capital enhancement are only a few of the primary benefits that are deemed significant<sup>20</sup> and require strong institutional support to execute. From an ecosystem perspective, it would be preferable to reward good stewardship across the board, rather than focusing exclusively on specialised services. In the Indian context, it is advocated that four ecosystem services be prioritised, namely watershed services, biodiversity benefits, ecotourism, and carbon sequestration, due to their breadth and precision in calculating their economic value in comparison to others. Furthermore, the payout levels in the majority of PES are insufficient to completely balance opportunity costs or cover transaction costs associated with land use change. Thus, it is critical for legal rules to support the bundling and sale of several ecosystem services such as carbon sequestration, soil organic matter addition, and pollination in order to reduce transaction costs and increase the efficiency of PES.

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