Conclusions

The study of the environmental laws involved in just one State of H.P. makes it obvious that the task of achieving an integrated legal perspective is difficult, not because there are many laws, or because many departments are involved, but because there is an implicit resource use policy which people with many vested interests would be reluctant to change. Besides the possibility of making quick money by the rapid exploitation of resources, there is also a tacit assumption about what constitutes development.

The belief that development and ecological interests are opposed has been shown to be fallacious in numerous ways. A sustained development can take place only if the natural resource base is sustained, and this cannot be done without long-term ecological planning. The economics of the vested interest resource exploitation is actually developmentally counter-productive.

Also the belief that equity and development cannot go together is a groundless economic theory. No resource can be sustained on a long term basis for development use unless the local people or the concerned local State is interested and empowered to sustain it; and no local people or State will be interested in sustaining it if they do not equitably benefit from the resources. A non-equitable exploitation of resources is, therefore, a sure way of not only impoverishing the people but also of destroying natural wealth. The degree to which the local people are impoverished is also the degree to which the environment is impoverished; there is a direct causal link which is usually not taken into account in modern theories of economics and poverty.

If these issues were clear it would not be difficult to understand what is meant by an integrated legal approach to environmental management. It would, first of all, mean that all environment-related legislations must aim at achieving equity in resources usage, so that there is sustained interest of the local people and the particular State in sustaining the environment. Second, it would mean that no environmental law should propagate a short-term strategy of resource exploitation; it should allow only a sustained-yield use of resources. Third, where appropriate national policies are available, such as the National Water Policy or the National Forest Policy, the laws should truly put such policies into operation. And lastly, indvidual laws must take into account the environmental factors related to actions taking place on sites, laws concerning road and house construction must examine the possibility of landslides, and those pertaining to water projects must consider rehabilitation and environmental restoration.

The discussion in this paper relates mainly to legal policy and the general types of amendment required to achieve an integrated ecological approach in the management of the moutain environment. To make these policies operational, each of the laws will have to be studied-definition, section, and clause wise, and the appropriate amendments suggested. Where too many changes are required, such as in the forest laws, new drafts will have to be prepared. This work must be done separately for all the laws of each of the twelve Himalayan States.

This, evidently, is an enormous task, but then one must remember that the work of changing a colonial legal regime that has taken over a century to perpetuate can hardly be a simple task. What is gained in being able to bring about such a change is mightier than the Himalayas, because it will bring about a change in the fate of millions of Indians who live in the plains and whose livelihoods depend upon the rivers that the Himalayas bestow to the people and the land. It will also change the fate of future generations who will not have to suffer from mistakes made now.

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