

# COASTAL ACTION NETWORK

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## National Environment Policy – 2004 A Critique

*26<sup>th</sup> October 2004*

The draft National Environment Policy 2004 (NEP), prepared by the Union Ministry of Environment and Forest was brought out in August 2004 and is open for comments (until 31<sup>st</sup> October 2004 as per the website information). The draft Policy in many parts runs contrary to the stated objectives of the government's Common Minimum Programme. India always needed a bold and forward-looking policy on environment. Such a policy should give environment the central place it deserves in India's planning process. However this policy hardly serves the purpose. Rather than helping to safeguard the environment, the draft NEP seems to be an attempt to actually further undermine ecological sustainability (including existing policies/laws/processes), by providing a 'green face' to the current process of environmentally destructive 'development'. The actual operative part of the policy is largely economical development as usual which will hardly safeguard the interests of either wildlife or the millions of people who depend directly on the natural environment.

***There are several critical issues with regards to both the process and substance of the NEP, which have been identified by Coastal Action Network and allied groups. The critiques are as follows:***

1. There has been little meaningful consultation with environmental NGOs, and perhaps none with village communities before making the Draft NEP 2004. The fact that the draft is still only available on the internet, only in

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English, and with a very short time period (of 75 days) for public inputs, puts it out of reach of most people in India. How can the Government formulate a policy on environment without consulting with local communities who have highest direct dependency on environment? The policy to reach the common people should be in the local language and made available to all via newspapers, posters in all important government offices. So we demand that the policy should be translated in regional languages and circulated in respective states and minimum six months time should be given for discussion from the time of sending to each state.

2. The National Environment Policy focuses on environment in a development growth context. From our reading of the policy it is more a policy on growth and development as per the global market requirements. We do not consider this as an environment policy. It identifies that poverty leads to degradation of natural resources. This is false from various studies in respected journals. There is no proof of the concept that poverty leads to degradation of natural resources. It is the consumption styles and patterns of the affluent that need to be curtailed and reversed by the policy. The policy should recognise and increase the stakes of the poor in conservation and management of their resources and also advocate other measures to curb excess consumption of natural resources. Economic growth has been given prime importance in the policy.
3. On the one hand the policy says economic growth may result in excess environmental degradation through the use of natural resources, but on the other hand it also permits improvement in environmental quality by making available necessary resources for environmental investment issues. So the policy is not clear on the environmental quality and environmental investments.
4. The fact that a national policy is adopting these principles makes good sense on paper but proper guidelines and choice of instruments and methods of specific applicability in the national and sub-national context should be illustrated along with the policy. The policy talks about private–public participation, which would definitely lead to privatisation of natural, water resources, mineral resources, land resources, etc. NEP should clearly articulate the modalities for public–private partnership in environmental contexts. Inviting the participation of private sector and investors in an un-differential manner, as the policy seems to be doing, into what are essentially the resources of local communities have proved to be a disaster earlier. An example is the attempted private investment on degraded forest land, contrary to what the Forest Policy of 1988 says. This is both in terms of rapid environmental degradation as well as the adverse impact on the livelihoods of the local poor communities. Therefore, a clear understanding of where such investor participation is required, upto what extent, on what conditions and, for what reasons, should be clarified in the policy statement.
5. The Draft NEP is silent on some crucial areas like large dams, drylands and drought-prone areas which also involve a large number of the poor and marginalised communities of India.
6. On issues like groundwater and watershed, the understanding of the policy does not go far enough to ensure conservation, regeneration and conjunctive use of resources. For instance, groundwater should be treated on par with river basin systems and stopping extraction should be one of the objectives. Soil moisture conservation with appropriate technologies seems to be neglected in the policy. Tariff on ground water is not permissible as this would lead to the user end up in paying money for each and every drop of water that he uses. Right to water is considered as the basic human rights of each citizen. Conservation of biological diversity and an ensuing complacency or an approach to biodiversity conservation that looks at only “biodiversity hotspots” is not sustainable and therefore not acceptable. Biodiversity should be an integral part of livelihood security and therefore, should be seen in an in situ context. Bio-diversity bill has been brought for discussion long ago, but it still pending. This should be upheld and brought into practice .

7. There would definitely a negative impact of tourism on environment due to investment in tourism, the policy stays silent in this regard. Structures / constructions in mountain systems would adversely affect the mountain ecology as tourism and ecology can never go hand in hand.
8. Though the policy do talk about hazardous waste management but there is no clear policy framework for medical and nuclear waste management. The policy must also seriously consider the relationship between agriculture, irrigation, water resources and urban environment.
9. The draft NEP attempts to weaken the already inadequate regulatory mechanisms meant to safeguard the environment. This is clearly understood from its approach to 'simplify' or 'reduce delays' in key regulations such as the Coastal Zone Regulation Notification (with potential adverse impact on livelihoods on several million fisherfolk), and Environmental Impact Assessment notification (which are unfortunately seen as obstacles to development whereas they are strong tools for making development truly sustainable). The policy gives sanctions for the dilution of CRZ Notification 1991 further. It permits development in the Coastal Regulation Zone, which has been declared area to be protected by the CRZ Notification. This means further dilution of the Notification. The draft NEP highlights the need to 'reduce delays' in environment clearances of projects but ignores the fact that most delays are caused by inadequate, incorrect or improper fulfillment of the mandatory requirements under the Environment Protection Act or Forest Conservation Act. There is a need for a comprehensive strengthening of the Environment Impact Assessment procedures by making it mandatory from the very start of project planning stage, ensuring meaningful public participation, and making all decisions transparent to the public.
10. The draft retains an approach to wildlife conservation and in the case of protected areas implies that there will be further displacement and dispossession of people traditionally dependent on these areas. This means there will be eviction of tribal communities and other forest dwelling communities from forest areas. This goes in contradiction with the Common Minimum Programmes upheld by the Union Government.
11. The policy is very superficial with "people's participation" and provides virtually no concrete powers to people's institutions at local levels. The draft NEP does not have a coherent vision of genuine decentralisation and grassroots empowerment. The operative strategies and actions have hardly anything on how natural resource governance is to be managed by and from the level of local communities, or how current structures that centralise all powers in the hands of a small bureaucracy are to be changed.
12. The review mechanism for the draft NEP needs correction, in that it places the responsibility on the Cabinet Committee on Economic Affairs rather than on an agency with credible and independent environmental expertise. The review mechanism needs to be fully participatory, independent, and centrally involving environmentalists and communities.
13. In the context of the above weaknesses, the draft NEP actually departs significantly from the central focus of the government's Common Minimum Programme (CMP), especially its stress on giving priority to the "weaker sections of society", ensuring genuine political decentralisation, stopping evictions of tribal communities, and making the government "accountable at all times". These critical elements do not seem to have guided the drafting of the NEP.
14. The review of the policy should be done by the National Environmental Council and the National Development Council, and should not be left to an economic body like the Cabinet Committee on Economic Affairs. There should a clear division of roles and rights between the Centre and the States. Often, projects which can cause severe and several environmental disasters are visible working on the ground, due to the lack of clarity of roles, giving scope to the environmental exploiter to take advantage of. There should be proper categorisation of duties and roles of Centre and States. So that the responsibility of the States and Centre can be distinguished.

15. NEP should reaffirm constitutional principles. It should reinforce the duties of both the State and the citizens in environmental conservation and regeneration to the fullest.
16. The draft is weak from a technical and scientific perspective, missing out critical conservation priorities (such as marine areas), ignoring a number of innovative technological solutions, failing to move into integrated land and water use planning, and leading to unacceptable compromises of environmental standards. It has inadequate approach to technical solutions regarding issues like pollution.
17. The policy excludes all the communities who are directly depend on their ecological resources and have highest stakes in conserving and re-generating such natural resources. This policy is evolved without these community's participation, which is bound to run into several implemented related problems. Women had been actively involved in the conservation of environmental resources. Women's participation should be taken into consideration as they would be worst affected in case of environmental degradation.
18. The Central aspect of any environmental policy should be for the livelihood security of millions of people in the country. The NEP no where talks about the livelihood security of the people and communities as its core issue.
19. The policy do talk about "polluter pays" principle, which is a part of RIO Conference. This principle is applied only after the damage is done, so the policy should take initiative to preventive / deterrent measures rather than allowing a party to pollute and then pay some amount as compensation.
20. Environmental Redressal Forum / Court should be formed for quick compensation on the spot. Redressal should come before any industry / structure is being formed. Compensation should be given to the locals and the to be affected party before any such industry / structure is constructed. Environment reclamation, regeneration should also be taken into consideration. Sites for sand, minor mineral quarrying, water mining are any excavating site should be identified with proper scientific technologies and the maximum limit of quarrying should also be identified and made public before such quarrying comes into operation.
21. A portion of the revenue / tax should be diverted to environment reclamation and regeneration fund by both the Centre and State Government.

***Coastal Action Network urges the Government that immediate review and re-examination of NEP 2004 is necessary. A clear note on justification and objectives of the policy, including a long-term vision of the environment and analysis of its linkages to the existing policies, action plans and their success / failures need to be done. The policy should be made public in a bigger way (as website is less accessible to many parts of India) and greater review should be done extending the dead line for more feedback. The Draft Policy needs to be translated in all regional languages, circulating these versions through local institutions and holding public consultations in various parts of the country. For this we request the Government to prolong the time period for another six months from the date of the translated versions are sent to the respective States along with the suggested changes.***