

## FOREWORD

### **Wanted: A National Dialogue And The Resolve To Create Change**

In August 2004 the Ministry of Environment and Forests, Government of India, released the New Environment Policy (Draft for Discussion and Comments) 2004 (NEP) on the Internet. I received information about the same only in October and since then have attempted to kick-start a nationwide debate on the contents of the policy. Upon perusing the document, I could not help feeling that this was a draft prepared under the influence of outsiders. I am firmly convinced that we must join hands and together stop this draft from assuming its dangerous final shape. As an alternative, we are putting forward a Draft Policy that we Indians have created ourselves, one that is closer to Indian conditions and the Indian people.

Any environmental policy intended for India should be a product of the collective Indian consciousness, and must be cobbled together by members of our own society. At the very outset of this re-drafting process, it is important that we read the current MoEF Draft Policy and understand its true nature so that there is a fruitful debate on its real intentions and consequences. To this end, Tarun Bharat Sangh organised a small gathering at Rajasthan University in Jaipur on October 15, 2004 where we discussed many of the provisions of the draft. A larger meeting followed on October 24, 2004 at the same venue, where many stakeholders like farmers, students, academics, officials from the forest department, foresters and NGO-representatives participated. As a result of this meeting, the Rashtriya Paryavaran Manch was set up as a focal point for the review of the Draft Policy and also to help in the creation of a new, truly Indian policy through a participatory process. These meetings were complemented by similar proceedings in Delhi on October 26, Uttar Pradesh on October 29, Bangalore on November 1, Ranchi on November 4, Jamshedpur on November 6, and Jodhpur on November 9.

This booklet is a small attempt on our part to familiarise the reader with the provisions of the Draft Policy under scrutiny and help the reader understand the shortcomings and loopholes in the policy, and also get acquainted with the debate that this Draft Policy has provoked. It is our appeal to all the readers to not only read this booklet themselves, but also to make their friends and families read it and then to engage them in debate. Seize the initiative and start a process whereby you can contribute to the creation of a new policy that will be in our national interest.

Furthermore, this is an attempt to examine how Indian society historically viewed the natural environment, and how this vision has altered over the centuries. It questions the wisdom of the growing complexities of human life that have resulted in man and nature growing apart from one another, and throws light on who the real victims of this degradation are. The so-called 'Developed' nations of the North are the ones who are responsible for the numerous threats that our fragile planet is facing today — ozone depletion, global warming, climate change, species extinction and



rising pollution levels. Then why are the poorer countries of the South being made scapegoats? The responsibility lies elsewhere, but the imperative to find solutions has been placed on us by an international regime controlled by the Northern powers. They surreptitiously place their agendas in our domestic policies and then we pay for their follies.

The NEP is the latest such attempt to make us pay— and in more ways than one. Our own government has become a victim of this conspiracy, or perhaps even a willing co-conspirator. It appears that our own countrymen, who have been indoctrinated through Western education, are now infusing their pro-Western slant into the policies they make for the average man. These anti-national tendencies must be stopped and we can only succeed in doing so if our society is united in its opposition. This booklet is thus also meant to be an instrument to help unite us in our struggle against this new form of foreign domination.

We must learn to respect the wisdom of the ancients in giving back to the EarthEarth through their hard work, toil and sweat. We must protect ourselves from the ever-increasing tendency of self-gratification and the pursuit of superficial luxuries. The danger in becoming obsessed with such decadence is that we will irreversibly injure our social fabric, and end up mortgaging our basic requirement – food, housing, clothing and personal dignity – just to chase the dream dreamt for us by strangers. Let us dream our own beautiful dreams.

It is our aim to construct a new policy whose foundation will be built on our indigenous knowledge, ancient science and our scriptures, while also drawing from modern science and technology. It should be a policy that is tied to our traditional lifestyles, our land-use patterns, our occupational structure and our cultural ethos. Traditionally, the Indian lifestyle has given back to the EarthEarth as much as we take from it for our needs. We do not try to satisfy our greed and still respect the EarthEarth for all that it gives us. In a sense, we are fortunate to be where we are in the race towards 'Development'. It is still not too late to revert to our traditions that will safeguard us against the ills of pollution and environmental degradation. However, if we continue to blindly ape the West as we do today, we will also reach the same point of no return that the developed world has reached. In any form we can, as much as we can, wherever and whenever we can, we must all start nurturing the natural environment around us. We must do our share to restore the natural balance and safeguard the future for us and the generations to come. This booklet is a reflection of the same resolve.

The booklet also contains excerpts from the discussions among many participants in the initial meetings in Jaipur, and these are largely representative of what was repeated later in other cities. Besides these, translations of some of my write-ups that were born out of the vigorous debate that followed the release of the Draft NEP 2004. The translation of the Memorandum that the Rashtriya Paryavaran Manch sent to MoEF is also reproduced here. We request the readers to obtain their own copies of the Draft Policy (available now in both Hindi and English on the website of MoEF) so that they can understand its provisions and make an informed decision regarding its contents.

**Rajendra Singh**  
November 2004



## Memorandum On The Draft New Environment Policy 2004

The Secretary,  
Ministry of Environment and Forests,  
The Government of India,  
Paryavaran Bhawan,  
New Delhi – 110003

October 29, 2004

The Government of India released the New Environment Policy (Draft for Discussion and Comments) 2004 (NEP) through the Internet and requested that all comments and suggestions reach it by October 30, 2004. We took the initiative of organizing various gatherings in cities like Jaipur, New Delhi, Udaipur and Bangalore and Jodhpur so as to initiate a debate on the draft and its provisions. Out of the diverse views expressed in these meetings, there has emerged a consensus that we are endeavouring to communicate to you.

The broad consensus of all those whose views we heard in these forums, was that the Draft Policy needed to be completely revamped. It needs to be re-written from scratch. The new policy needs to be made through a participatory process.

In order to formulate a policy that is truly representative of society's aspirations, the natural move on part of the ministry should have been to first translate the draft into Hindi and various regional languages and publicise it through a wide spectrum of the media, including newspapers, radio and television. This would have served to make the people aware of the contents of the draft and ensured that the public response would be an informed and comprehensive one. This is, after all, an extremely significant document. It has a bearing on every aspect of an Indian citizen's life. For this reason, it is essential that before the draft reaches its final version it must incorporate the concerns of different stakeholders in various geo-physical regions and diverse ecosystems, which can only emerge after intense debate and discussion.

There are many fundamental flaws in the Draft Policy, some of which are enumerated below:

1. Since environmental issues are different at the global, national, state and local levels, the Draft Policy should address the various issues at each of these four levels, in region-specific sections. It is axiomatic that the objectives, strategies and recommendations of the policy will also change depending on which of the four levels it is addressing.
2. It appears that the central theme of the Draft Policy is not environment protection. It is an attempt to smear over the cardinal principles of environmental conservation to attract private ((especially foreign)) investment. This policy is nothing more than an attempt to clear the path for indiscriminate exploitation of natural resources by market-forces. ((For an elaboration of this point, please see attached an article by the undersigned, appended hereto as Annexure 1))

3. This Draft Policy has completely ignored all Indian values, traditions, customs and Indian consciousness. ((For an elaboration of this point, please see attached an article by the undersigned, appended hereto as Annexure 2(a) and 2(b)))
4. The draft's recommendation that pollution-related offences be converted from criminal jurisdiction to civil jurisdiction is worrisome. Affluent industrialists and companies will find it increasingly easier to pay up the requisite fines and continue unhindered in their polluting activities. Thus it is essential that these offences be retained as criminal offences and, moreover, that the existing punishments be made even more stringent.
5. The policy has not made crucial recommendations such as according capacity or *locus standi* to the average citizen to file complaints against violation of pollution-control and other environmental laws. This is crucial and will aid the cause of justice.
6. The policy does not make mention of the existing practice of public-hearings, a prerequisite for the establishment of industries or large developmental projects. This is a matter of great concern as public hearings need to continue.
7. The Draft Policy should have been drafted keeping in mind the special requirements and characteristics of various ecosystems. It is shocking that there has been a complete oversight of the desert ecosystem, which forms a major part of a number of Indian states.
8. Biodiversity is the very basis of life on our planet. Conservation and protection measures for the same have not been accorded due consideration in this policy.
9. The Draft Policy is a window of opportunity for polluting industries to be set up on forestland. This is reprehensible and must be prevented at all costs.
10. The mere payment of compensation or fines cannot suffice to keep effective checks on polluters. No laxity or leniency should be tolerated in the punishment of pollution that harms health and the environment.

The Draft NEP 2004 needs to be completely overhauled. In order to cull out a credible alternative, it is necessary that there be in-depth consultations between various stakeholders and beneficiaries, scholars and specialist experts in this discipline, as well as various organizations and associations engaged in this field. Thus, it is imperative that the deadline for responses be extended by another six months. Only then can a final version of this draft be pieced together.

Before this process reaches its conclusion, the Government of India should organise workshops in all geo-physical regions and ecosystems to gauge public opinion. This policy needs to be made from the ground upwards, taking a bottom-up approach as opposed to the flawed top-down/ trickle-down approach that is so characteristic of Indian governance. Many community-based conservation initiatives have been immensely successful and provide important lessons for any policy-making process. These should become the basis of any Indian environmental policy, and Indian traditions must also be studied as a source of information on pollution-abatement techniques.

Indian society, as a unit, will only be able to adhere to a policy which it has itself help craft. Thus it is essential that the drafting process be participatory, and incorporate views of all sections of society. It is but natural that members of society will embrace and respect a policy that reflects their own sentiments. We hope that you will consider this memorandum and its contents, and find it fit to make the necessary amendments to the Draft Policy. We also hope that your esteemed office will keep us involved in the reform process, and we promise to render any assistance that you may require in this regard.

Yours sincerely

**Siddhraj Dhadda, VD Sharma, Vijay Pratap & Rajendra Singh**  
Rashtriya Paryavaran Manch

## STATEMENT OF SHARED CONCERN

### A Policy For Indians, By Outsiders

**O**n August 21, 2004, the Ministry of Environment and Forests (MoEF) released New Environment Policy (Draft for Discussion and Comments) 2004 and invited comments. Ideally, this draft should first have been translated into all vernacular languages and published in newspapers nationwide. This would have facilitated a greater public debate and the MoEF would have benefited from the opinions of a far wider cross-section of society.

It is our belief that there *is* a need for a new environmental policy today — a policy that addresses the soul and spirit of India's conservation movement, and understands its unique biodiversity and ecology. This soul can be kept healthy only if our action and demeanour reflect the traditional Indian belief that we humans are an integral part of an ecosystem. Any approach that views mankind as separate will have a detrimental impact on the environment. The Draft Policy released by the Ministry, however, does not look into India's soul but is rather based on entirely superficial factors. Until such time that this Draft Policy does not reflect a public debate and a discussion within various sections of society, it will remain far removed from societal needs and traditional wisdom — contrary to and despite the draft's assertion that the policy is an embodiment of the Government's concern for India's present and future.

The Draft Policy enumerates the challenges faced by the nation in this field, the many objectives of the policy statement, the various issues to be addressed, the approaches to be adopted, modes of intervention and the technologies to be adopted for such intervention, as well as many guidelines for pervasive institutional change. It states that it seeks to stimulate partnerships of various stakeholders and harness their respective strengths for environmental management, thus endorsing stakeholder participation in the process, but makes no mention of the methodology to be adopted.

The objective of the New Environment Policy (NEP) 2004 is to be a roadmap of change in the field of environmental conservation, and to show the path ahead in terms of the programmes, projects and initiatives to be undertaken. It clarifies the roles of the Central, State and Local Governments and their agencies in environmental protection and encourages involvement by others such as international development partners, investment and funding agencies, etc. In essence, the Draft Policy expects that by following the guidelines set down therein, there will be an improvement on the present situation and that our natural resources will be better conserved and safeguarded.

This said, the singular objective of the Draft Policy appears to be neither resource-conservation nor sustainable use of available resources. Instead the objective appears to be to attract more resources from outside to meet these goals. It emphasises on bringing in more investment in pollution-abatement technologies and various apparatus to mitigate damage or to meet environmental standards. It appears that the Government is in a haste to create the type of policy that investors and funding agencies would be interested in. Thus, the very objectives of this policy are flawed and wholly incorrect. The objective of this Draft Policy should have been altering the attitude of both the Government and the society at large — characterised by lethargy, greed, and the pursuit of superficial wealth.

The environment has suffered due to undesirable changes in human lifestyle-patterns. It follows, that only that policy that can reform human behaviour and conduct can be deemed suitable for our present environmental problems. This wisdom is not new; the Holy Koran bestows the title of '*Paigambar*' (apostle) upon a person who improves environmental conditions or protects the environment. Similarly, the *Ishavasyopanishad* dictates, "Only he who accepts sacrifice and gives freely is a virtuous man". Yet our Draft NEP 2004 ignores this age-old spirit of giving. Today, we are collectively engaged in a competition to take as much as we can from the Earth, and not attempt to give anything back. It is unfortunate that those who exploit the Earth the most in this manner are considered successful and deserving of social status. The dangerous trend of disturbed ecological cycles is but the repercussion of a thoughtless and decadent lifestyle. But how does this policy propose to curtail this deterioration in both the environment and our lifestyles? An ideal policy would punish those who exploit the environment, and would reward those who nurture the environment through their sweat and toil. It would promote a natural lifestyle, illustrations of which can be found in our scriptures such as the *Gita* and the *Koran*. An ideal policy would, therefore, be one that realises that the need of the hour is to recall the wisdom in these ancient works and curtail the destructive changes we have caused to our environment.

Any policy that the people of India lend their approval to must accord differential treatment to those who 'give' and those who 'take'. This policy, however, alarmingly, equally treats those who enrich the Earth and those who exploit it. Farmers who till the land life-long or people who nurture the Earth life-long by greening it cannot be placed on equal footing with those who poison the Earth, or indiscriminately fell trees to run an industry. Yet the Draft NEP fails to articulate this in its objectives. The preamble to the policy too requires greater thought and deliberation. For instance, despite the fact that we are already suffering the deleterious consequences of the many environmental statutes listed therein, the preamble places reliance on these very Acts to complement the suggested policy measures.

Laws and policies *must* be based on an understanding of the interrelationship between society and the environment and should promote and preserve this bond. Those who shatter this bond should be penalised and those who strengthen it should win accolades and reap benefits. It is on the basis of this principle that one should set the parameters of all development. Furthermore, without reinventing the definition of poverty one cannot formulate a policy on environment. Today's policies merely enable the rich to get richer while fashionably chanting slogans against poverty and starvation. Those whom we identify as 'poor' take less from the environment and exploit it minimally or not at all. It is the affluent, which truly rob the Earth of its riches. This Draft Policy perpetuates this exploitation by giving greater allowance to the rich to continue their robbery – and in fact institutionalises it! The Draft Policy declares that pollution must be 'compensated' or paid for. This is a clear indication that developed countries in the West that are causing immeasurable harm in terms of pollution will be able to tender a determined sum of money and absolve themselves of liability. This is tantamount to legalising pollution and selling away our right to a clean environment to those who will bleed it dry for a small price. This should not be permitted at any cost. Since the human race does not have the power to create life, we cannot give ourselves the commensurate power to put a price on life and or the power to let pollution extinguish it.

The Draft Policy in question also addresses the issue of methodical and comprehensive changes in the existing administrative set-up and the implementation process. However, the procedural



reforms suggested stress on reducing difficulties faced by industrialists alone. The draft recommends early clearances for those very industries that destroy our forests. It underscores simplification of procedures for forest-permits and environmental clearances so that industrialists can presumably increase the burden on our already-stressed forest resources. No thought has been devoted to decreasing the pressure that these resources already face due to a variety of human activities.

There are many lofty goals that the Draft Policy aims to meet. But the technique and methodology suggested to pursue each of these goals will only benefit multinational companies, who will be able to provide the necessary apparatus or machinery. The technologies suggested are decidedly not our own. Quite evidently, this is a mode to increase the reach of financial institutions and foreign funding agencies who will 'support' us in our purchase of foreign instrumentation. The sad truth is that the environment has already suffered due to this desire for increased resources at the administrative level and a keenness for higher foreign investment in India. Yet, this Draft Policy only encourages this dangerous trend.

The Draft Policy has also ignored the relationship between the forest and forest-dwelling entities. There is no attempt in its pages to foster a harmonious relationship between the forest, forest life forms, and forest-dwelling tribes, others who depend on the forest for survival and the forest department or its officials. The draft unfortunately makes repeated reference to the very same laws and policies of the past, which have damaged this crucial relationship.

The Draft Policy ensures the continuity of programmes and projects that threaten biodiversity, traditional knowledge and biological resources by ignoring all mention of such projects. For instance, the National River Interlinking Project, which is a grave threat to biodiversity, does not find mention and the Draft Policy deliberately fails in averting this disaster. It is these very threats that need to be addressed through a comprehensive new policy. By sidestepping these sticky areas, who is the draft trying to protect? Who are we making this policy for?

The Draft Policy speaks of reducing pollution. It addresses air, water, noise and soil pollution and talks of their control and abatement. It does not, however, reflect a firm commitment on part of the Government to altering the psyche that causes pollution – the only major prerequisite for achieving any of the goals. Until such time that our mindsets change and we abhor all forms of pollution, we will continue to try and find ways to merely reduce its effects, not to stop it altogether. And, until such time that we persist in the pursuit of luxury and well being, and continue to move away from an environment-friendly lifestyle, pollution will continue to rise regardless of sporadic attempts to check it. The growing depravity and the spirit of self-gratification in human behaviour will nullify any efforts to reduce pollution, thereby resulting in the maintenance of a *status quo*.

The draft-policy speaks only of involving industry groups in the standard-setting process and in the deliberations to recognize appropriate technologies and indicators. This raises the suspicion that this partnership will result in even the most polluting industries securing pollution-control clearances! The process needs to involve those who want to fight pollution and protect themselves from it. It is only those whose lives need to be freed from the menace of pollution, which truly qualify to be partners in any standard-setting process. Thus, even before the first draft was prepared, the

discussions should have involved representatives of all bio-geographic regions or ecosystems. Even at this late stage, each of these regions should have its own forum for discussion, and organise workshops attended by the press, industrialists, businessmen, officials, self-help groups and social organisations. Without according due importance to the ecosystem-approach, this policy should not be finalised.

There is urgent need for an immediate nation-wide debate on this draft, and the resultant opinions or suggestions must be incorporated into the final policy to determine how it will be shaped. Only this can make the policy somewhat meaningful to the Indian people.

In its present form, NEP 2004 does not look like it is a policy created for India. On the contrary, it reflects Western pressures and influences. It must immediately be altered. To this end it is essential to reaffirm our traditional practices and recall our age-old wisdom on environment protection. One must look towards various sections of society for guidance and for varying perspectives, and create a truly decentralized framework to address environmental concerns. Only then can we hope to live in an improved national and global environment.

**Siddhraj Dhadda, VD Sharma, Prakash Bakre, TI Khan,  
A C Chaubey, Bansuri Taneja, Satish Shastri,  
MS Rathore, OP Kulhari, Rajendra Singh**

## Proceedings of the Preliminary Discussion on the Draft New Environment Policy 2004

### A Tarun Bharat Sangh (TBS) Initiative

- Date:** October 15, 2004
- Venue:** The Indira Gandhi Centre for Human Ecology, Environment and Population Studies, University of Rajasthan, Jaipur
- Agenda:** To evolve a response to the Draft New Environment Policy (NEP) 2004 released by the Ministry of Environment and Forests (MOEF)
- Participants:**
- VD Sharma**, Former Principle Chief Conservator of Forests and Wildlife, Rajasthan
  - Professor Prakash Bakre**, Director, Indira Gandhi Centre of Human Ecology, Environment and Population Studies, University of Rajasthan, Jaipur
  - Associate Professor TI Khan**, Indira Gandhi Centre of Human Ecology, Environment and Population Studies, University of Rajasthan, Jaipur
  - Pravin Trivedi**, Head, Department of Botany, University of Rajasthan, Jaipur
  - Narendra Pratap Singh**, Institute of Development Studies, Jaipur
  - Dr. Seth**, National Environmental Engineering Research Institute, Nagpur
  - Rajendra Singh**, Chairperson, Rashtriya Jal Biradari
- And members of the Press, as well as TBS staff and volunteers

**Rajendra Singh**

I called this meeting in order to have an open debate about the New Environment Policy 2004, whose preliminary draft has been sent to me by the Government. I received it last night, but did not think it appropriate to send them a personal opinion. I wanted to tap all of those assembled here for advise and benefit from their many years of experience.

I shall briefly explain the provisions of the Draft Policy and highlight areas that I believe are a cause for concern.

This Draft Policy is not attuned to the Indian reality. It embodies purely Western ideals, and one might be tempted to say it is World Bank or MNC-motivated. One must be vary of this policy as it uses complicated but vague terms and this 'nice-packaging' probably hides a more sinister motive. One should make an attempt to not be swayed by the superfluous language of the policy, and when one achieves this, it will become obvious that the document in question is flawed. On closer inspection, one is able to deduce the true intent of the drafters, which seems to be merely increasing foreign investment in India.

If one looks at Section 4 (v) on economic efficiency and Paragraph 6 of the preamble, it becomes clear that all our conservation programmes will now be financed and driven by external and private funding; we will lose the right to choose our own methodology and approach and, effectively, all our resources will no longer remain ours.

This policy, strangely enough, talks about the techniques and methods to remedy environmental degradation, but completely ignores the root causes of the same.

Another area of concern is why the EIAs (Environmental Impact Assessments), which the policy talks of, are not made public. The Right to Information Act provides that the public should not have access to such documents, yet this has never been implemented.

To me, this policy appears like it has been evolved by Western minds in an effort to open up this sector of India for foreign investment. They want to flood the Indian market with their goods.

This draft completely ignores our indigenous wisdom and traditional knowledge. The mindset it reflects is completely alien. This is a document whose body and soul both are not Indian. It is, therefore, meaningless.

Instead of understanding the soul of India's conservation movement and addressing itself to the '*Paryavaran*', the draft remains superficial, and thus looks only at the '*aavaran*' (or outer covering).

One is compelled to ask – what are the aims and objectives of this draft-policy? It fails to adopt a holistic view and mirrors more global issues than Indian. Why does it discard the notion of our own self-sufficiency in resources? Why does it base itself on an alien, 'economic' understanding of environment?

The very fact that it talks of ozone depletion, climate change and biodiversity loss shows that it is probably a copy of the Rio or Stockholm declarations. India need not ignore these global issues, but our national policies should not talk of biodiversity conservation without thinking of the effect on local economies and occupational structures here. India, after all, is a bio-based economy, and thus all conservation approaches should bear this in mind.

The most insidious aspect of this draft is its suggestion that 'pollution must be tolerated'. Is this not tantamount to legalising pollution? The polluter-pays principle puts a value, a price tag on pollution. By commodifying it, are we not in the danger of legitimising it?

Another area of concern are Environmental Impact Assessments (EIAs), which the policy insists must be relied on for all development projects. We know that most of the time EIAs are flawed and incomplete, so this won't solve anything.

What scares me even more is the insistence on Rapid Impact Assessment. The draft recommends that the environmental clearance process be expedited, probably as a concession to the industrial interests it represents.

The transparency and public hearing clauses are inadequate. This is also unfortunate.

A perusal of the very first objective of this draft begs the question – why is it attempting to only protect "critical ecosystems"? Aren't all ecosystems important? The environment as a whole merits attention, and cannot be subdivided into watertight components. Even this "critical ecosystems" is not defined, leaving it open to interpretation by vested interests. For whom is an ecosystem deemed 'critical'? For every individual, the environment he lives in is critical, regardless of what bureaucrats sitting in Delhi think.

Coming back to the forest-clearances, it is indeed shocking that after denying rights to the locals and forest-dwellers, we are now tripping over ourselves to sell-out to the MNCs. This policy is probably just an indicator of the imminent WTO-propelled invasion.

The only improvements envisaged by the draft-policy are pro-industry, not pro-environment. Obviously, it is not concerned with improvement of the environment, just improvement in environmental-clearances!

The Draft Policy also calls for a review of all existing environmental laws and policies. Perhaps the existing framework is not investor-friendly enough for the new regime, so they need to revamp every thing accordingly.

I do not think that this document, in which only commercial interests have prevailed, can be called an environmental policy. It would be more apt to rename it the draft new industrial policy. We have fallen prey to their (the West's) vested interests, and what's more, we waste no time in aping them over and over again.

On the face of it, the Draft Policy is not all bad. It has some wonderful, heartwarming headings and subheadings! The content, unfortunately, is missing.

It also has some laudable aims such as increasing forest cover from the existing 23 per cent of the total land area to 33 per cent total land area. While the sentiment is unarguably commendable, the Draft Policy makes itself undeserving of any approval by failing to mention any techniques to increase our forest cover. How is this rise to be achieved? And whose lands will the government now acquire to raise new plantations?

Once more I enjoin upon you to take note of the foreign threat. Foreign funding agencies and investment banks are only looking to use this Draft Policy to dump all western countries obsolete technology here.

Another aspect that drew my attention is the attention to resource-generation in this policy. Our bureaucrats are undoubtedly keen to increase the flow of monetary and fiscal resources through the 'system' – after all, they do control the system and have attained great levels of expertise in siphoning resources out of the system to aid their own private welfare.

Caution is called for, as the policy's clauses on setting standards is another threat we must be wary of. The standardisation process will include even industrial groups that pollute, and other elitist power brokers. So whom will these standards help? And will this simply mean adopting foreign standards, set or recognised by agencies in the power of developed nations?

The policy is strangely silent on the issue of execution. Who will implement it? How? By when? And, most importantly, with whose support?

While talking of regulatory reforms, the Draft Policy only seems bothered by reforms that will benefit industries and donors. Nobody wants to usher in reforms that will make life easier for our people. All the obstacles that prevent grassroots knowledge and aspirations from reaching top-level decision-makers are still in place.

How can we let this policy come into force and wreck our environment? We are one of the 12 identified biodiversity hotspots across the globe and one of the 8 largest repositories of agricultural biodiversity.

Unlike the Biodiversity Bill, which adopted a 'bottom-up' approach, and also incorporated the views and concerns of all the major ecosystems in the country at the formative stages itself, this new Draft Policy has been formulated without any community participation.

This brings us to the question of what action we should collectively take now. Should we even dignify this draft by discussing its ramifications? And what will come of giving the Ministry our views when even a secretary-level functionary can stall the entire process? It seems we are dealing with a Ministry of Environment that has no basic understanding of environmental issues. They have not even incorporated any lessons from the water-policy debates. They only talk of mitigation-measures, not prevention, thus reflecting the interests of manufacturers and the West.

The saddest thing of all is the policy's suggestion that we need to now import clean technologies for pollution-control. This implies that we do not have existing indigenous knowledge, nor locally developed technologies despite the fact that these have proved effective and even better than many foreign technologies.

At this stage, let us again mull over our future course of action. Should civil society criticise the policy but risk sounding like we are on the whole amenable to the policy if a few amendments are made? Or should we fight tooth and nail against it? Discard it in toto and put forward an alternative policy?

## **Conclusion**

The participants by-and-large agreed that it would be unwise to determine the response at this preliminary stage. It was decided that more time was required for a complete reading of the policy and a clause-by-clause analysis. It was decided that everyone present would prepare comments on the policy as a whole, but also emphasise on their respective areas of expertise. The date for this comprehensive critical-evaluation was agreed upon as October 24, 2004 at the same venue. ■

## Proceedings of the Second Discussion on the Draft New Environment Policy 2004

### A Tarun Bharat Sangh (TBS) Initiative

- Date:** October 24, 2004
- Venue:** The Indira Gandhi Centre for Human Ecology, Environment and Population Studies, University of Rajasthan, Jaipur
- Agenda:** To evolve a response to the Draft New Environment Policy (NEP) 2004 released by the Ministry of Environment and Forests (MOEF)
- Participants:** **Siddhraj Dhadda**, Freedom fighter and Sarvodaya leader  
**VD Sharma**, Former Principle Chief Conservator of Forests and Wildlife, Rajasthan  
**Professor Prakash Bakre**, Director, Indira Gandhi Centre of Human Ecology, Environment and Population Studies, University of Rajasthan, Jaipur  
**Associate Professor TI Khan**, Indira Gandhi Centre of Human Ecology, Environment and Population Studies, University of Rajasthan, Jaipur  
**A C Chaubey**, Chief Conservator of Forests, Rajasthan  
**Bansuri Taneja**, Kalpavriksh Foundation, New Delhi  
**Professor Satish Shastri**, Department of Environmental Law, University Law College, University of Rajasthan  
**Professor MS Rathore**, Institute of Development Studies, Jaipur  
**Dr OP Kulhari**, CULP, Jaipur  
**Vijay Raj**, Coffee planter, Karnataka  
**KN Joshi**, Institute of Development Studies, Jaipur  
**Prithvi Raj Singh**, Jal Bhagirathi Foundation, Jaipur  
**Rajendra Singh**, Chairperson, Rashtriya Jal Biradari  
And members of the Press, student body, TBS staff and volunteers

## MORNING SESSION (10 am – 1 pm)

Chairperson **Prakash Bakre**

Inaugural Address

**TI Khan**

Good morning, Ladies and Gentlemen. I welcome all of you to the Indira Gandhi Centre for Human Ecology, and at the very outset convey my deepest apologies for this delay.

About a week ago, Shri Rajendra Singh had convened a meeting to chalk out a plan to analyse and discuss the Draft NEP 2004 released by the Ministry of Environment and Forests (MoEF) on August 21, 2004. The draft was officially released on the MoEF website and is available in English. One copy of the same had been sent to Shri Rajendra Singh for his comments and he felt that his response to the ministry should reflect a wider opinion from experts as well as the people of Rajasthan. Thus, after initial discussions on October 15, 2004, we decided to call this present meeting for a detailed analysis of the document.

I now call upon Professor Bakre to make some introductory comments.

Introductory Address

**Prakash Bakre**

Honourable members on the dais, respected members of the audience and friends. It is indeed my privilege to address this gathering here, and I am overwhelmed at this response to the meeting. I shall summarily acquaint you with the broad provisions of the Draft Policy and explain what we hope the outcome of this meeting will be.

The MoEF released this Draft Policy on August 21, 2004 and it provided a mere two months for the public to give back a response. The last date for receipt of all such responses is October 30, 2004. Having familiarised ourselves with the Draft Policy over the course of the last week, we have arranged this meeting to elicit response from as many people as possible and to decide what posture we will collectively take on this important issue. Without further ado, I invite Shri Rajendra Singh to give you an overview of this Draft Policy.

Overview

**Rajendra Singh**

Respected panel members, fellow speakers, honourable members of the house and friends. I received this Draft Policy almost 10 days ago, just as I returned from my travels. That very evening I thought it necessary to consult some of the eminent and highly experienced gentlemen who are among us today. I took the liberty of asking them to meet the very next day to discuss the matter, and it was my good fortune and their generosity that they obliged me. I shall briefly tell you what our preliminary observations were on that day.

We were all terribly disappointed with this Draft Policy and felt that it must be condemned as long as it remains in the present form. It seems to be motivated by some ulterior purpose completely divorced from the aim of environmental conservation. Forgive me for saying so, but I believe that not only is the language and outer covering of this draft American, so is the very spirit.

India is fully capable of evolving its own policy, but sadly its aspirations and consciousness have been ignored in favour of this foreign model. It lacks our Indian vision, our forest traditions, our culture, and ancient wisdom. It is just a hollow document. It has been written for some other culture, some other environment.

I read through the draft completely after the last meeting, and despite the fact that I set off on my travels that very day again I studied the portions on water, forests, energy and biodiversity quite deeply. I am disheartened and angered by what I read in this very alien text.

India has numerous traditions that reflect our love for nature — for example, the custom of *Gotra* symbols and the wonderful *Dharadi* tradition. I would have understood the Draft NEP 2004 abandoning our rich culture and copying the conservation approaches of others if our ancient customs and traditions were actually the cause of environmental degradation. But, in the light of the fact that Indian traditions have always protected the natural world and it is, in fact, 'modern', Western lifestyle that is responsible for the sorry state of affairs, I find this abandonment unjustified and reprehensible.

This draft embodies precisely *that* which it should have sought to combat. Today, in the era of global governance, we are losing the authority to govern ourselves. It is sad that instead of evolving holistic principles, the Draft NEP reflects only the dark side of globalisation – America.

**Chairperson**

Thank you for that illuminating address, Shri Rajendra Singh ji. I now invite Ms Bansuri, of the NGO Kalpavriksh, to tell us about the initiatives in other parts of the country to oppose this Draft Policy.

**Bansuri Taneja**

This document was released on August 21, 2004 and MoEF requested that all responses reach it by October 31, 2004. It is curious that instead of the Ministry of Environment taking the initiative to create this policy, it was the Cabinet Economic Affairs Committee that asked MoEF to evolve this new policy. The motivation behind it, therefore, is obvious.

Only a few bureaucrats sat down and drafted it, completely excluding public participation. The NGO movement across the country is united in the opinion that this draft promotes industry and American interests. Civil

society believes that it would be wrong to dignify this draft by responding to each and every clause individually. We will convey our opposition by rejecting it in totality. We must ask for it to be rewritten from scratch and with 'Indianness' in both letter *and* spirit. Also, this time around, it must be a participatory process and involve those who truly depend on the environment for their day-to-day survival.

Many NGOs have made an appeal to the Cabinet Advisory Council to request the PMO to make the MoEF extend the deadline so that we have time to piece together a concrete alternative and more clearly articulated opposition. We hope this request is granted.

**Chairperson**

Thank you for that most informative speech, Ms Bansuri. I now request Shri VD Sharma to give us a clause-by-clause evaluation of the Draft NEP 2004.

**VD Sharma**

I agree with the speakers before me that this Draft NEP lacks an Indian spirit. But that is not all; this 'environmental' document lacks environmental content too! It is purely a document that reflects an industry-driven agenda and is not concerned with environmental protection.

It does have some exemplary provisions such as the one that says that forest cover will be raised from the present 23 per cent to 33 per cent by 2012 AD. But this goal is not new. In my official capacity I have been hearing this oft-repeated chant for many decades. We borrowed it from the Rio Declaration in 1992 and placed it in our National Forest Policy 1998, and have now recycled it here. Considering we haven't achieved this lofty goal in so many years, we are even less likely to realise it now with this new fallacious policy.

I concur that this NEP appears to promote industrial interests, market instruments and fiscal regimes. It is also an attempt to dilute the existing legal framework. It only promotes certain vested interests at the cost of the environment, and is likely to further displace and disenfranchise forest-based or forest-dependent communities.

It is a wonder how the Cabinet will lend its approval to this document as it even deviates from the Government's own Common Minimum Programme, whose only real advocate seems to be the Left Front. It is not democratic despite claims of being so, and it is decidedly not participatory.

It is sad that even the Internet version (which itself is very difficult to download) is only in English. In my opinion, creating this language barrier is a deliberate attempt to curb participation by the general populace. Now I shall delve into the provisions of this Draft NEP 2004 with greater depth.

I have some fundamental objections to the objectives of this Draft Policy. For instance, **it speaks of protecting not all environments, but only 'critical' environments. Yet it fails to define the parameters of the term 'critical', leaving it open to interpretation.** While I appreciate the draft's attempt to speak to intergenerational and intra-generational equity, I must point out that we have merely copied these terms from elsewhere, instead of using indigenous terminology. Looking at the way the objectives are worded, I feel that the NEP has made human beings the centre of all concern and has made the environment subordinate.

**Another point I have opposition to is the manner in which the draft seeks to evaluate the appropriateness of conservation methods, i.e., by checking their cost-effectiveness.** Meaning that if in the narrow opinion of some assessor, if a measure is not 'profitable', it will not be implemented. I condemn the Draft NEP's economic evaluation of everything. How can all natural phenomena or beings be valued as a 'good' or 'service'? Especially since we are yet to understand the true importance and role of most things in the natural world. For instance, the import and establishment of Union Carbide's plant at Bhopal was considered cost-effective at the time. Yet the real costs are still being counted. What if another Chernobyl happens only because preventive measures were not considered cost-effective? This draft has sadly put a price upon the environment, and even on man.

**The draft suggests a review of all existing legislations or policies.** This would ordinarily not be a bad thing, but for the hidden intent in changing these instruments to suit certain needs. It is an attempt to dilute the existing framework.

**Another worrying provision is one that suggests that the law emphasise on treating environmental violations as Civil wrongs rather than Criminal offences.** It seems the Govindarajan Committee found that many developmental projects are delayed because of environmental and forest clearances. This has been seized upon by the drafters of this policy as an excuse to hasten all clearances and cut short the period required for permits. It is symptomatic of their myopia that they only looked at the delay caused in waiting for permits and not the root causes of the delay, for example the lack of information, uncooperative officials, etc.

I will narrate an anecdote from my personal experience. The former Chief Minister of Rajasthan wanted to set up a thermal power plant in Dholpur Sanctuary near the Chambal river. This area is a nesting zone for a rare species of *Ghariyal* (Alligator), and the laying of these eggs here was invaluable, beyond all economic value. This area had also been known for sighting of the Gangetic Dolphin, an endangered species. Thus I refused the clearances, knowing the damage that would be caused by the hot water and the construction. I did this despite being under tremendous

pressure from the then CM (now the Honourable Vice President of India). Yet not many forest officials can withstand such pressure and they often cave in to the demands from the top. **Thus the Draft NEP 2004 wants to make an already-brittle system even more easy for industrialists to obtain a meal-ticket.**

This Government is engaged in an attempt to dilute our existing laws which are already struggling to protect the environment. This is probably because vested interests want to build hotels, resorts, want a cut from the electricity suppliers, plantation owners, etc.

I am also very concerned about the financial aspect of this Draft Policy. **It proposes that the money for increasing the forest cover and for raising plantations come from investors. The policy subtly inserts this new and dangerous 'stakeholder' into the game.** Of course, it is of no concern to MoEF that investors will be concerned solely for their investment and about recovering costs and profits. They will not be bothered poor forest-dwellers or the environment *per se*. This quiet subterfuge of the Draft NEP is unacceptable.

I do not understand how the current administration can claim it is committed to raising forest-cover and increasing the protected area network. The last sanctuary in Rajasthan was only declared at Basi, many years ago. But now the zeal to extend such areas has been revived by some ulterior motive. In itself, the idea of Protected Areas is a fallacy, as a very large proportion of rare and endangered species of wildlife, flora and fauna exists outside the demarcated zones. And it does so in coexistence with man. This itself shows that it is possible to have biodiversity conservation through a participatory approach, instead of throwing communities out of their homes and displacing them.

Strangely, in this policy the Government admits that in the past it had been wrong to expel people from their homes and remove groups from their traditional environments. It even goes to the extent of saying it will try to recognise and restore those rights, but stops short of saying *how* it plans to do that.

**The most glaring lapse is the complete omission of the desert ecosystem from the policy.** Is this not critical to its people or to the country's environmental make-up? Maybe now it doesn't deserve protection as a 'critical' ecosystem (despite being home to many endangered species) because oil and natural gas reserves have been discovered here? Perhaps these deposits are 'critical' to certain other, private interests.

The drafters obviously have no confidence in themselves or they realise, perhaps, the unsound nature of the draft as they have provided that it

needs to be reviewed once every 3 years. Yet who will assess the adequacy or performance of the policy in these 3 years? Will they be their own judges, in defiance of natural justice principles, or will they hopefully have an evaluation done by an impartial outside agency? There must be more clarity on this point.

**Chairperson**

Thank you Mr. Sharma. I now request Shri Chaubey, Chief Conservator of Forests, to share his views with us.

**AC Chaubey**

Good Morning. It is regrettable that this policy has neglected even the forest department and forest officers, not taking their opinions into account. I request the Ministry to extend the deadline, such that even the forest departments in various states are able to respond adequately. I support the general opinion of the House today that a clause-by-clause reading of this draft is necessary and the whole policy needs to be redrafted to suit the Indian mindset and our culture.

I regret that I was able to get my hands on a copy of the draft only yesterday. I did read through it, and felt that only an economic interest dominated the draft. Humans have been made the centre of this policy, with a bias towards industry and investment, instead of the environment.

I noticed that in most of the policy's clauses, it has at least spoken of having action-plans. But in a crucial area called 'private change' the drafters don't have such a promise. They merely talk of a vague and undefined approach. Another important area where the draft does not mention an action-plan is Eco-Tourism, which – if allowed unfettered – could become Eco-Terrorism.

This entire policy is merely a copy of various plans and programmes already in existence, such as the 1998 National Forest Policy. Yet it calls for a review of all these. This is incomprehensible.

As it was, we did not have the manpower or resources to meet the goals of any of the previous policies, I wonder how this draft's objectives would be met. Of course, it has made the task easier for itself by courting foreign investment at a hitherto-unknown level.

**OP Kulhari**

Good Morning. Thank you for inviting me here and giving me the opportunity to speak to you. Shri Rajendra Singh correctly said that Indian culture and Indian sentiments have been ignored by this Draft NEP 2004. I also share the worry regarding the term 'critical ecosystem', especially since the law has been known to use deliberately vague terms to further its own interests.

The other dangerous tendency I have noted is one that calculates the economic value of the environment. I believe that the environment's value

is incalculable. For example, how can they possibly calculate the loss of value due to the cutting of trees for the National Highway Project?

There is a complete absence of Gandhian philosophy in this draft. It goes against the deepest tenets of Gandhian ecological ethos, actually encouraging greed, as opposed to need. The entire policy appears to serve the interests of development projects, power plants, etc. I did note with dismay that the clearance mechanism has been hastened. Earlier the period of delay used to give the public a chance to investigate or study the problem and start a campaign if required, but now even that window of opportunity has been shut.

The methodology adopted by the Biodiversity Bill was truly participatory and appropriate. Instead of approving that wholeheartedly, this Draft NEP merely says that it will take a look at that approach 'in case' it has any merit.

This policy before us is flawed, and motivated by some externalities. It has not endorsed what it should have. And thus, we should not endorse *it*.

**KN Joshi**

This policy completely lacks an Indian soul. It was made for only one of the Earth's millions of species – man – ignoring all other creatures that inhabit this planet. The drafters have adopted an anthropocentric view, which has come under great criticism the world over. So who will now defend those whom this draft ignores, and whose voices the NEP 2004 has muffled? And who even gave us this right to play God?

I condemn the tendency of the policy to value all environmental resources and components. Despite nature being invaluable, it has now been straitjacketed within the narrow confines of a price tag. How can we possibly assign a value to the environment when, in many situations, we cannot even recreate it or bring back lost creatures and ecosystems? This draft is nothing but pure dishonesty and should not be permitted to decimate our environment.

The draft once again upholds the much-maligned polluter-pays principle, despite it clearly being a failure in the past such as at Bhopal, and in the Oleum gas case. All it means is that the rich and prosperous will be able to buy up the environment and then do as they please.

Policies are always merely empty words and promises. For instance, Rajasthan has made two quarrying and mining policies in the recent past. Despite this, there has not been any reforestation in even one single quarry. No matter how many plans and policies one makes and no matter how many times the Supreme Court has intervened, the minute one permits certain vested interests to buy up resources at a certain price, one effectively sells off any possible right to environmental protection.

Did any of you know that in order to avoid the Supreme Court's ban on marble quarrying in the Aravalis, the Government of Rajasthan has stealthily amended the law to mean that the first 100 meters of the already low-lying Aravalis do not constitute 'Aravalis'! In effect, one can quarry and mine the very base and foundation of each hill, yet it is still not 'the Aravalis' as per the definition, because only the top halves of the hills qualify for protection under the present law!

This sort of trend just cannot be countenanced.

**Vijay Raj**

It appears that the drafters of this instrument never saw sanctuaries or rural environments. So cut off are they in their air-conditioned chambers in New Delhi, that they are completely ignorant of ground realities. They talk of increasing forest cover and the Protected Area Network (PAN); what about protecting the existing areas? Do they realise how short-staffed and overburdened the forest guards are? Or how they don't even have a functioning torch or appropriate footwear?

While it is true that the Government has failed, it must also be recognised that we as citizens have failed in our national duty. We have not been able to inculcate a love of nature in our children, or teach them the value of resources. How can we expect the next generation to conserve the environment when they do not even know how many trees have to be felled to make one tiny sheet of paper? Would it be right to always blame America, then?

We are ignorant, therefore it is easy to mislead us as a nation, and time after time our stupidity and ignorance makes us easy prey for foreign interests.

The need of the hour is that people understand how the natural world affects them and is important to them. Maybe a selfish motive needs to motivate people. Only then will a revolution truly begin.

The shortsightedness of the policy-makers needs to be opposed. For example, the plantations all over Karnataka now are either just Acacia or Eucalyptus. Does MoEF really think it can replace the biodiversity of old-growth multi-species forests with monoculture plantations? Their natural effects are so different.

As much as we oppose development we must realise that it is unavoidable. Our own people push for it. But the needs of the environment and development must be balanced in a sustainable manner.

Interjection by  
**VD Sharma**

That seems about enough, Sir. I don't think this House is interested in abstractions. If we have anything concrete to discuss, let us proceed.

**Vijay Raj**

Yes Sir. Thank You. That's all then.

**TI Khan**

The policy states that we should invite investment and proceeds to lay down the groundwork for inviting this investment. Perhaps the reason for this urgent need to invite foreign investment in the field of environment, and the need to speed up clearances, is the exodus of big companies from the United States.

The US citizenry is so aware of the threats to their environment that they put up stiff opposition to any unsavoury practice and put immense pressure on the government to curb such practices. We, however, are a poor and ignorant Third World country and very easy to relocate to, as our regulations are not so strict.

The Supreme Court has often come to our rescue. In fact, it has even tried to combat exploitation and our ignorance by insisting that environmental education be made an integral part of our education system at all levels. But it is true, as pointed out just now, that we cannot only talk in generalities. We must address ourselves to the policy itself.

Why should this policy address an issue like global warming with such passion, despite the fact that we produce merely 1 per cent of the entire world's CFCs and the USA alone produces 30 per cent, while the G-7 countries produce 70 per cent collectively? Still, we are the ones who are made to suffer and will now have to import 'green' technologies. We cannot accept any policy that encourages such a trend.

**Satish Shastri**

I would like to talk about the absence of environmental ethics in this Draft NEP 2004. These ethics can be traced to our ancient scriptures and form the basis of Indian environmental consciousness.

The famous Citizen's Charter talks of environmental ethics. But we needn't even look that far. All our laws today are written on the basis of the Vedas, for example, Section 5 of the Hindu Marriage Act. Even our Water, Air pollution Acts, Wildlife Protection Acts, etc.

Our ancient traditions are actually more accurate than modern scientific principles of environment protection. We just used to follow these principles in the name of religion, but that does not change their sound content. We worship the cow because of the medicinal properties of its milk and its importance to our rural animal husbandry-based sustenance, but tradition has converted this into the common sentiment that the Cow is holy to us.

Our *Dharadi* tradition of planting *Neem*, *Tulsi*, *Peepal*, etc. is actually recognition of their medicinal properties. But this ancient way of life is perishing.

Do you believe that the Indian people really needed Articles 48A and 51 A(g) of the Directive Principles of State Policy to teach us about environment protection? No, we have always had these tenets in our *Vedas*, *Upanishads*, and *Manusmriti*. Sadly, we only accept knowledge nowadays when it has been recycled and repackaged by the West.

The politically correct language of the Draft NEP 2004, sufficiently vague and circuitous, has been copied from the Brundtland Commission Report – ‘Our Common Future’. Even the Supreme Court keeps copying this language in most of its judgments. This is not altogether a bad thing, as terms like intergenerational and intragenerational equity are good, even if we already knew this in our own traditions.

This policy is highly inadequate from the drafting perspective. It has used many vague terms but never defined them. One example of this is the term polluter-pays principle. Unfortunately, we know that the real definition of Polluter-Pays is ‘Consumer Pays’. Like any tax, the burden of any payment or compensation is merely passed on to the ultimate consumer. Why should we be made to pay for pollution that anyway harms us?

**The law must find a better way to penalise these persons who wreck our environment.** Sadly, people in high places tend to get away with murder. For example, the Kamal Nath Case (*Span Motels Ltd. Case*) where he had to pay only Rs 10 lakh as fine instead of the original stipulated amount of Rs 40 lakh. Thus it is essential that the polluter-pays principle be reformulated.

**One provision that needs to be opposed vehemently is the provision for Civil Liability.** Despite the fact that the Public Liability Insurance Act of 1991 already provides for absolute liability (no fault liability), this Draft Policy takes a step back to strict liability (which is much harder to prove). Shockingly, the Draft Policy even tries to divert criminal responsibility towards civil liability. But, in the end, it comes back to the Indian Penal Code (IPC) for the punishment clauses. Why? Because the punishments in the IPC are a measly Rs 200 -500 fine — peanuts for the big industrial houses.

The Indian Penal Code, despite being enacted in the year 1860 by Lord Macaulay, is one of the best penal codes in the world. It has provisions for water pollution, air pollution and public nuisance, which cover almost all residuary environment crimes. Yet this Draft Policy chooses to ignore it in favour of Civil Offences, except to take advantage of the meagre penalties. The draft also makes mention of public nuisance as under the Code of Criminal Procedure (CrPC). This is a woefully inadequate provision as it is too narrowly defined and provides only for a conditional order by a sub-divisional magistrate to ‘remove’ the nuisance, but not do much else.

The Draft Policy says that one should give the responsibility to ‘appropriate authorities’ to implement aspects of the policy, but most of these authorities are motivated by *mala fide*. For instance, the Environment Protection Act provides that for a case to be filed under it, one requires the permission of the Pollution Control Board in the concerned state. Is it not strange that in all these years not *one* litigation has begun under the EPA? This is due to the uncooperative authorities like the Pollution Control Boards.

What we humans are doing to our natural environment is a tragedy of great proportions. In the case *Nature Lovers vs The State of Kerala*, the majority called this ‘committing matricide’. Indeed it is nothing else. The judgment in the *Sacchidanand Pandey vs Union of India* quotes beautiful lines from a Native American (Red Indian) Chief’s dialogue with the English colonials, where the Indians decline to sell their lands, as it would be tantamount to selling their mother.

While these lines are telling, I do wonder why the Honourable Supreme Court needed to quote from an alien text. Our own *Vedas, Puranas, Upanishads* are replete with similar exchanges.

In our traditional way of life, we had a sense of belonging to the Earth. We were tied to it by our very souls and it was considered a sin to harm the environment. India continued this association with the environment even into modern times. At the 1972 Stockholm Conference, only two Heads of State considered the environment critical enough to personally attend. One of these was our then Prime Minister Indira Gandhi. She showed amazing vision when she declared that the biggest threats to global environment were the 3 Ps – Poverty, Population and Pollution. She was correct. Even today our policy-makers need to adopt an integrated approach to solve all our problems effectively.

**Chairperson**

I thank Shri Shastri for his words. I am certain that we all learnt much from his illuminating speech. I would now request Shri Rajendra Singh ji to give us his opinion.

**Rajendra Singh**

We have all spoken in different voices today, but have essentially said the same thing: fundamentally, we oppose this shortsighted, soulless policy. We are all traversing the same road together, and I see us chalking out a clear path as we proceed. Before we go on, however, some points need to be elucidated.

One, the appeal to extend the deadline must be made once again and MoEF has to accept a postponement of the responses. However, we cannot rely on the sound judgment of those who have the power to extend the deadline. If they fail to see sense, then we must be prepared to act now and make a pre-emptive strike. Thus the need of the hour is to prepare a response. A clause-by-clause critique must be sent to the Ministry.

Two, we have to convey, in the strongest possible terms, a blanket NO to this policy from all of Civil Society.

Thirds, we are aware that it is irresponsible to reject something outright without providing an alternative. We need to create an alternative that embodies the Indian psyche, the Indian soul, and the people's spirit. It must be, in contrast to the document we discussed today, an *Indian* policy. It must adopt the wisdom in the *Vedas*, the *Guru Granth Sahib*, the *Koran*, the holy texts of the Jains and all other religions. Every single clause must reflect our own aspirations and traditions.

The Draft NEP cannot be accepted. We were faced with the question of whether at all we should devote any time to responding to this irrelevant draft in great detail. I believe that this is essential. Does the House agree with me? Yes. Very well.

As members of what is known as civil society, we have the responsibility of creating awareness. We must make our citizenry more conscious of these issues. We must mobilise people in every agro-climatic zone. Just as we did with the Biodiversity Bill, we need a mechanism whereby every single ecosystem and geographical region prepares the provisions relevant to it.

We shall take the issue to the national level after that. A comprehensive, all-encompassing framework can be put together by people like Vandana Shiva, Sunita Narain, Medha Patkar, Ashish Kothari, Anil Gupta, etc.

Every small village and town must start its own debate and then see its aspirations reflected in the final draft. This is essential because our foundations and our base must be strong. If the base is strong, our superstructure will be relatively easy to assemble, and a lot of people will themselves come forward to assist in the later stages. Once the Government knows that it is faced by the wishes of millions of people, it cannot afford to turn a blind eye towards the movement. As my conversation with Shri Atal Behari Vajpayee demonstrated, it is impossible to ignore work of this scale.

A new movement, indeed a new environmental revolution, must be started. And all of us here – civil society, journalists, government officials, teachers and most importantly students – must give an impetus to this revolution.

We must carefully think about the most fundamental question in this policy, which is – the role of man. Should we adopt this anthropocentric approach reflected in the current draft? Should we make man our priority? Or should we see the ecosystem as a whole and treat each of its many components as equal?

Thus, we have determined our immediate course of action. We will systematically demolish each and every point in the draft, and also put forward a tangible alternative. We will facilitate a rebirth of this stillborn Draft Policy. And all this must be complemented by a long-term, ongoing campaign.

### **Chairperson**

It is true. We need to create a new India. Or at least bring back the glory of the old India. This said, it would still be immature to ignore the forces of globalisation that affect us even without our knowing. The policy we set out to draft must embody the spirit and mindset of India. But it should also not be handicapped when seen at the global level. It should be relevant even internationally. Only by addressing certain global concerns and studying such phenomena will we truly comprehend the threat to us in the form of the invasion of investment. We are in an era where more and more investment will definitely enter India, thus we must also equip ourselves to deal with globalisation.

I reject the proposition that human beings are at the centre of the environment. I also reject the proposition that the environment is like a hurdle in the path of rapid development.

I am concerned by the utter lack of definitional clarity in the Draft Policy. It bravely declares that we all have the right to 'development', but does not define development at all. I agree with some of the speakers that our own culture is also based on science. We need to recognise these scientific principles and articulate them once again.

Present in this room today are many activists and true environmental warriors. They must also join us in the coming battles and even lead the way. It is, after all, they who have the clearest and most real understanding of our environment.

Any standards that are set under the Draft NEP 2004 must involve the experiences and knowledge of these people who truly live in harmony with the environment. Else, all standards will be meaningless.

The campaign to create awareness that we proposed today must also take shape before we reach a stage where we are totally divorced from the natural world, and our lifestyles do not stay in tandem with the environment any longer. In a way, I think it is a blessing in disguise that we are less 'developed'. We still have the opportunity to prevent much damage before it starts. When we lag behind in the race for development, we can look at the runners ahead and avoid the pitfalls where they stumble, and alter our course accordingly.

Now I think we should hear from the real warriors in the room.

**Laxman Singh**  
GVNML, Laporiya

Thank you for inviting me to share my views with you. I think that it is going to be a long struggle before us now, but we will have small victories along the way, just as we have had before. We must recall the lessons of our previous Sariska and Water campaigns, and adopt here the most successful of those techniques.

People suggested that this Draft Policy is anthropocentric and in the interests of man. But I believe that just as the term 'Civil Lines' is anything *but* (*i.e.*, it is not civilians who live behind Civil Lines) so is this policy not in man's interest. Even if the drafters felt that they were promoting the interests of man, they are not. This is because man needs the environment to survive and prosper. He cannot do so alone.

It is tragic that this Draft Policy ignores the many successful grassroots movements in India. These efforts have even won international acclaim. Yet this draft does not take them into account. It seems that those who drafted this policy think they know it all and believe that they have a right to impose their education upon all of India. This draft has no meaning for us. This approach might not have seemed out of place in colonial times or, or under monarchical rule, but in a so-called democracy this disregard for people's will is shameful. I support the House in its decision to follow a more democratic, decentralised approach.

**Kirorilal**  
Dept of Sociology,  
University of Rajasthan

It seems to me, our discussion can be summed up by paraphrasing a popular saying: "Man is born ignorant, and made stupid by education". At least the education of those who drafted this policy exemplifies this.

I support the belief that we can legitimise and accept only those laws that reflect our culture. Today most governance is far removed from this. The need of the hour is a revivalist approach, but one that blends the best of our past with the best on offer in contemporary times. We cannot afford to turn a blind eye to our changing world. Thus we may be able to reach an intelligent compromise with the forces of globalisation by giving a little, taking a little and being more pragmatic.

The best way to combat insidious cultural imperialism is to nurture and strengthen our own, so that it is capable of withstanding any attack.

**TI Khan**

To sum up the morning's proceedings, we have displayed unity in diversity at its very best. All of us have different backgrounds and distinctive views, but all these opinions have converged successfully at one focal point. It is true that we cannot fall into the trap of being neo-luddites. But we can ask for a brand of modernisation that is not synonymous with Westernisation, and on our own terms.

POST-LUNCH/AFTERNOON SESSION (1:30 – 3:30 pm)

(Chaired by VD Sharma, the session opened with a rendition of the song 'Vande Mataram' by a student of Rajasthan University)

**Chairperson** We will devote this session to hearing some of the opinions from all those sitting in the audience.

**Ambuj**

Rajiv Gandhi

Foundation, New Delhi

It is wise that we have made our plans to campaign in the next few days, since we cannot be sure that the deadline of the 30<sup>th</sup> will be postponed. We must all recall the lessons of the water policy campaign. From the 'Jal Niti' campaign it has become obvious to us that the process of consultations that the Ministry claims is a participatory process is a mere sham. As sad as it may be, it is true that most policies end up even in their final form without people's participation.

We have to do the opposite in the alternative that we create. We have to incorporate people's views and also consolidate the movement into a unified force. Our role should not end only in the drafting of the new policy.

This would be akin to a mother abandoning a newborn child she carried in her womb for 9 months. If we create a people's policy, it must also be implemented by people. We have to do the follow-up work and also carry the message back to the people. We must create mechanisms to implement our policy.

The Government will try to talk us into a never-ending process of consultations. We must not let it end here. So we must pressurise the Government to put its actions where its mouth is.

**Niranjan Singh,**

Jal Biradari, Jhunjhunu

It is not too late to evolve a policy with an Indian soul and spirit. We must not mourn; we are not yet too far removed from our roots. Even our existing customary laws and traditions are capable of making some difference. The existing framework of traditional, formal laws is inadequate, but the situation would not be so bad if even these were implemented properly.

I hope our views and the people's views are absorbed into a new policy, but policies come and policies go, and they are hardly ever implemented. When we evolve our own alternative, we must also set up a simultaneous network to see that it is implemented.



**Kedar Prasad Shrimal,**  
Gramodaya Samajik  
Sanstha Chaksu,  
Jaipur

Whenever a law or policy is made, one must ensure that the policy truly represents the aspirations of the people. It is the strength of people that can make any policy truly effective, and thus consultations are a must at the formative stage.

This Draft NEP 2004 needs to be opposed and discarded. After giving the MoEF a suitable response, we also must create a new one that can empower society and bring about pervasive social change.

**Vimlaben,**  
Mahila Hastshilp  
Samiti, Bikaner

I have been associated with TBS for over 15 years now and am part of the movement to harvest rainwater in Bikaner through traditional methods. I have seen the phenomenal success of local initiatives and am disappointed that the MoEF has ignored these. In our proposed campaign, we must apply the methods that have been successful tools till date, for example *yatras*, village-level committees, community meetings, etc. We must return to our roots to find strength. We must live naturally once more.

As a woman, I request those sitting here to involve as many women as possible. When women decide to bring about changes, they do so more effectively than men. This is an important lesson, not to be forgotten.

**Rajesh Dhabhai,**  
CRTC, Chaksu, Jaipur

Any new revolution requires the involvement of a large chunk of population. It requires grit and determination rather than high qualifications or educational degrees. All the best diplomas falter before years of real experience. Only those who know the land are truly qualified to frame policies on it. Yet it is sad that even today the Government ignores these voices. We have decided to frame a new policy and send it to the Ministry. This is not enough. We cannot expect the Government to go to each and every village and every individual to ask their opinion, even if this is most desirable. Thus, at any given opportunity, we must go to them and convey our own demands to them. Perhaps each village in each region could elect a representative and entrust them with shaping the policies of the future.

**Shravya K Reddy,**  
National University  
Of Juridical Sciences,  
Calcutta

It is true that the law is ineffective if divorced from people's own aspirations and their culture. The reason so many of our laws remain relics in the statute books is precisely this gulf between the drafters or policy-makers and their target-audience.

People's voices must be heard and the law must only take shape after incorporating lessons from people's experiences and traditional knowledge.

The opposition of this House to the draft environment policy is natural, and correct. I have read it, and I too detect an economic bent that is far more concerned with private investment than necessary.

People's movements have great power. One might believe that laws ultimately take shape regardless of what society wants, as the law is just the 'will of the sovereign'. But at law school we have learnt that this is not true. Often the law *has* to bow down to popular sentiment. We have learnt that civil society has the power to alter laws. For example, the recent Protection of Plant Varieties and Farmers' Rights Act was rewritten from scratch due to NGO opposition, and a large part of its content ultimately was a response (or a surrender!) to NGO demands. Thus, you must believe that you *do* have the power to influence decision-making processes.

**Siddharaj Dhadra,**  
Gandhian philosopher  
And Sarvodaya  
Movement leader

I have heard of the morning's discussions, which have just been recounted to me. I gather that this Draft NEP 2004 is merely a copy of some alien document and reflects the ulterior motives of certain vested interests.

Today we call ourselves educated. But this doesn't mean we have gained any knowledge. It merely means we have been given that knowledge or that those who want us to believe what we read in books have fed it to us systematically. We are programmed by our Western education, and this is probably the cause of the drafters' inadequacy. They too have been indoctrinated, and their minds no longer belong to them. Our entire system is filled with those whom Macaulay called the "Brown Colonials" or "Brown Englishmen". All our activities these days are tailored towards one thing only – profit making. We have started attributing a value to everything, as if man is the buyer and seller of all of God's creations. We forget that man is only one part of nature. All creatures, great and small, including man, are equal.

Today we have also moved very far away from the concept of earning our income the right way – with our work. Our ancient tradition teaches us that unless we repay the Earth with our labour and physical toil, we have no right to live off the Earth's riches.

Unfortunately we now want the easy way out by sitting in plush chairs and letting our minds do imaginary work. We want comforts, we want amenities, but we want them without giving back to the environment the way our forefathers did.

It is sad that policies are now decided at the whim and fancy of men who sit in offices and think they know what's best for fields and rivers and mountains, but the voices of farmers like Ramprasad and warriors like Vimlaben go unheard.

This policy doesn't try to protect the environment by placing curbs on human greed. Instead, it deliberately encourages human greed. What a terribly flawed draft!

We must also adopt an integrated approach to save the environment from the growing population-pressure. The answers to this are also in our scriptures. For example, Lord Rama had only 2 children, Luv and Kush. We must also find ways to address root causes of droughts and floods, and epidemics, as these also have a bearing on the environment.

It appears that this policy is wrongly motivated. It pushes the agenda of the WTO or World Bank and the IMF. Its soul is not Indian – it emanates either from Geneva or Washington DC.

This opposition that has been created here is good. The minutes of this meeting and the alternative that we create must be sent to the Ministry. You should start a vigorous campaign or a petition.

Who are they (the drafters) to take decisions that amount to selling away our lands? Who are they to come between the Earth and its people? We must fight back. Satyagraha is the weapon with which you must fight the encroachers and those who act as middlemen, pawning away the environment.

At the close of the session, the gathering resolved to form the *Rashtriya Paryavaran Manch*, a platform from which to oppose the current Draft Policy, and it also elected various sub-committees to draft an alternative policy. ■

## Analysis Of The Draft New Environment Policy 2004

### A Tarun Bharat Sangh (TBS) Initiative

**Date:** October 29, 2004

**Venue:** Kumarappa Gramswarajya Sansthan, Jaipur

**Speaker:** Prof MS Rathore, Institute of Development Studies, Jaipur

It is praiseworthy that the Central Government thought of inviting comments on a very important policy document concerning each and every person in the country. As a next step what is needed is organising discussion and debate on the policy document at various levels by different stakeholders in different agro-climatic regions. The document is quite comprehensive dealing with almost all the issues concerning the environment in our country. However, my personal opinion is that given a chance the whole policy document should be written in a different way so as to reflect the present and future environmental problems/concerns and policy-prescriptions to overcome those. In the preamble section several debatable issues are discussed and key environmental challenges are listed. What is missing are the following:

**The perspective and perception of environmental problems** — It is well known that environmental issues can be classified into 4 broad levels (i) Global or International Issues, (ii) National Issues, (iii) Inter-state or Regional Issues and (iv) State-level and local issues. As the nature of the problems and the solutions vary across these 4 levels, there is a need to clearly demarcate the policy issues, objectives and prescriptions accordingly. Therefore, in the preamble the draft should highlight the major environmental issues for all these 4 levels. After identifying the problems, it will also become necessary to identify the constraints in redressing these based on existing research and practical experiences of management.

**It is necessary to mention in the preamble the paradigm that development is to be viewed in.** In the context of natural resources, for example, when the Draft Policy mentions sustainable development concerns for the enhancement of human well being (in *Footnote 2*), it should always be qualified with the statement that the resources available on the globe or within the nation should not be treated as the property of mankind. These natural resources are the property of all living

beings in the cosmos, and belong to the Earth. Thus the preferable attitude that should be promoted by the Draft Policy is that all living beings have equal rights to natural resources and that these should be used according to one's need not one's greed.

**The debate related to the nexus of environmental degradation with poverty needs careful examination with a much more holistic perspective,** keeping in mind that poverty is a socially constructed phenomenon and that the poor also have a right to live a dignified life. All people have an equal share in the resources available. The poverty-environment debate needs to be spelt out clearly so that the Draft Policy can address these issues with the right perspective.

The other significant issue that is either misrepresented or misunderstood is the growth of urban-rural population and their contribution to environmental degradation. Blame and counter-blame such as that which developed countries engage in, also need careful examination. Since this Draft Policy is supposed to represent India's stand on environmental issues even at a global level, the Government should take a stand on what the Indian position will be.

**Institutional and policy failures listed in the preamble need to be further discussed,** stating whether it was the lack of long-term vision or the self-interest of some of the stakeholders which accounted for the failure. The systematic neglect of natural resource management across the country despite growing global and national awareness is a serious cause of concern.

Now I shall examine the objectives of the NEP 2004. If one agrees with my basic premise that environmental issues and problems vary across the 4 levels that I have mentioned above, then **the objectives of the Environment Policy need a complete overhaul and must be re-written so that the objectives are level-specific.** The problems to be redressed need to be prioritised on the basis of their level of seriousness in the long run and short run. The most serious problems, and those that are the root causes of all the others, should be dealt with first by putting all resources (human, technological, economic) into finding the appropriate solutions.

The very first objective in the document should be (a) To ensure that there should be no further depletion of natural resources, (ii) To regenerate the health and productivity of natural resources, (iii) To review all sectoral policies, particularly land-use policy, water resource policy, forest policy, biomass regeneration policy, mining and quarrying policy, etc. We must ensure an integrated, multi-sectoral approach to deal with the environmental consequences of all these policies.

Most importantly, the Draft Policy must recognise that the root cause of all environmental problems in this country is the fast-growing population and the increasing greed of the human race. Thus the most important objective should be to arrest the growth in human population in our country.

I suggest many fundamental changes in the Environment Policy. **The first pages should highlight the major environmental concerns that India is faced with, and divide them on a regional or state-wise basis.** At each level, there should be cross-cutting themes such as intergenerational equity or intragenerational equity, gender issues, economic aspects of environmental conservation etc. Then, either the Draft Policy should look into the environmental impact of all existing laws and policies one by one, or make its policy-prescriptions in a resource-wise manner, *i.e.*, first address land, then water, then forests, etc. The policy must have a clear perspective on how India will deal with problems that are of a global nature (including climate change, ozone depletion, etc.).

We must also devote special attention to protection of endangered species. In my opinion, the most important aspect of any policy would be to stress on mass awareness campaigns to make each and every citizen environment-sensitive. Environment education should be made compulsory at all levels of school.

The next section of the Draft Policy contains the principles to be followed in implementing this policy. While the drafters have listed numerous principles, it is important that these be studied once again, and it should be examined whether these principles are truly environment-friendly or not. **The precautionary approach needs to be stressed more than the polluter-pays principle.**

I have serious objection to the principle of 'Economic Efficiency' that is enumerated as Principle 4(v). While the drafters have tried to provide a definition of the same in *Footnote 8*, it remains as vague and ambiguous as ever. The degree to which the definition is incomprehensible makes me feel that either the drafters are wholly ignorant of the terms they are using, or there is a deliberate attempt to confuse the readers so that the interested parties can make any interpretation that suits their interests and they cannot be stopped by the people who have no idea what this principle actually means. Thus, a more practical definition is required.

**The polluter-pays principle in itself needs to be re-examined in the Indian context.** Given that the present administration is filled with corrupt officials, it is quite likely that the polluter will get away by paying a minimal amount and will bribe their way out of the system. While discussing the polluter-pays principle, it must be clearly reiterated that pollution is a serious criminal offence, and that all laws should continue to support this position. Also, industries should be made fully operational after all pollution-control measures are complete, and all industrial units are compliant with the strictest of norms. The policy should not view the polluter-pays principle as one sided. It should even reward those industries that do not pollute or contaminate the environment, thereby setting up an incentive-based system. To ensure the success of the 'polluter-pays principle, there must be heightened public awareness to such a level that the minute an industry is deemed to be polluting, or non eco-friendly, consumers should boycott that industry's products en-masse.

Principle 10 talks of decentralisation. In my opinion, this is misplaced here. It should have been in the objectives of this policy. This is also true of Principles 13 (Preventive Action) and 14 (Environmental Offsetting).

It is good that in the section entitled 'Strategies and Actions', the Draft Policy speaks of regulatory reforms. This is important, and must be stressed upon. I also feel that Clause 5.1.1, which speaks of revisiting the legislative framework, is very important.

There are some dangerous provisions on the process-related reforms. There is a suggestion in Clause 5.1.2 (ii) that environmental offences be decriminalised and converted into civil offences. This is an attempt to dilute the existing framework, and needs careful rethinking.

When it comes to substantive reforms, I see another problem-area. **In the name of industrial promotion and wasteland development, a subtle land-grabbing movement is underway. Those with a command on substantial resources can easily buy up large tracts of agricultural land and push the poor towards starvation.** This sort of activity can easily find a way through

Clause 5.1.3 (1)(b) of the draft, thus its dangers must be recognised. Even wasteland and land currently classified as grazing lands on the revenue records are often used for subsistence farming by local populations. Before these are sold away without clearances, it must be ascertained whose rights are being adversely affected. In the same clause, point (d) talks of diversion of forestland for non-forest uses if it is a project of vital national interest. But this vital national interest is never defined, thus creating possibilities of misuse.

Clause 5.1.3 (3) speaks of Living Modified Organisms. These are being recognised the world over as a possible threat to human health and also to the environment. **But in India the opposition to LMOs does not seem to have reached the ears of the policy-makers.** Before incorporating such a critical issue into the policy, they should ensure that the appropriate agencies conduct a comprehensive risk-assessment, and that other related policies like the national biotechnology policy also be studied to determine what impact they have on the environment vis-à-vis LMOs. The short and long-term risks need to be assessed before making policies on these.

In the clause regarding monitoring and enforcement, the drafters have suggested a system of public-private partnerships. While this is a laudable step, I do not feel that the private sector in India has reached a level of maturity where it can be handed this responsibility. It will always be concerned about profits, and cannot yet think unselfishly of social welfare.

In my opinion, one of the most critical clauses of the Draft Policy is 5.1.3 (vi), which is 'the use of economic principles in environmental decision-making'. In order for our population (both at the policy-making level and the various beneficiaries or stakeholders) to truly comprehend the economics involved in environmental decision-making, we require a great deal of capacity building. Professional and administrators need to be educated in environmental subjects, specifically environmental economics.

I was pleased to read the next section where the drafters have stated that there is a lack of awareness of the causes and effects of environmental degradation, and how this can be prevented, amongst policy-makers and administrators themselves. This needs to be redressed. The drafters must be commended for this honesty and the sentiment they have expressed is indeed good, as long as they actually do something about it.

While talking about environmental conservation and the fast-depleting resources, I feel that the policy should approach this in two sections, one separate for urban issues and one for rural issues.

Others have suggested this before me and I reiterate this observation: **the drafters have completely omitted mention of the community-based campaigns and forest management by local groups.** These have been found to be very successful in many regions, and the Draft Policy should certainly incorporate these lessons. While making provisions for social fencing in the forests, there must be clear guidelines regarding the division of rights between the forest-community and the state. It would be ideal if the ownership rights of the forest land were transferred along with the management rights, usufructuary rights and monitoring responsibilities. Thus, there must be as much decentralisation in forest-management as possible. Examples like the Bhaonta-Kolyala People's Wildlife Sanctuary in Sariska's buffer zone should be studied and followed.

The next clause that needs restructuring is Clause 5.2.4, which talks about freshwater resources. It is essential to mention right at the start of the section that freshwater is a limited resource, as most people do not understand the gravity of the freshwater scarcity, which we face. People believe that the Earth is covered with water, not realising that only a tiny fraction of this is freshwater, insufficient to support the growing population and increasing human needs.

While the next section on river systems does talk about the causes of pollution and contamination in our rivers, I feel that this should have been right at the beginning of the policy, *i.e.* in the objectives, to bring back the quality of aquatic ecosystems, their flora and fauna. The solutions of river pollution lie mainly in urban water management. It is not the villages that are responsible for destroying the rivers; it is the hundreds of large and small cities along the banks of our rivers that are the culprits. They empty their untreated municipal sewage into the rivers, their bio-medical waste and do not even have adequate treatment plants. Legal provisions should be explored to ensure that municipalities are held liable by the common man for discharging their untreated waste into the rivers.

I have a few suggestions that the drafters may consider in the context of river conservation. (1) There should be demand-side management of industrial and agricultural as well as domestic water use. (2) Release of industrial wastewater into rivers must be checked through strict regulation and community monitoring. (3) Natural as well as artificial means of recharge should be implemented all across the country and (4) Surface water bodies must be given special attention. It is shocking that in the entire policy surface water-bodies have not been mentioned even once.

Finally, I would like to speak about mountain ecosystems, as I have had more than a decade of experience of living in such areas. My recommendations for this ecosystem are that cultivation should be restricted on the mountain slopes. High altitude and marginal lands are very fragile, and continuous cultivation is very dangerous for such areas. The cropping patterns should also be changed. There should be crop rotation, and whenever one finds that there is great demand for a certain crop, it should be manufactured in commercial plantations, instead of depleting the resources of the same plant in the hills. Community-based afforestation programmes must be encouraged. A very significant problem in mountainous regions is the near-extinction of medicinal plants. Overexploitation of this by pharmaceutical companies should be stopped. Whenever a plant is recognised as having medicinal value, it should be cultivated especially in non-mountainous lands, the way it is done with Ginseng in China.

To conclude, I would just like to reiterate that **the entire approach of the Draft Policy needs to be amended. It should not talk in broad and vague terms, but should be divided into four major sections, each one devoted to addressing global, national, state level and local issues, respectively.** At each level, the position should be spelt out clearly, and the concerns of that particular division or unit must be accorded priority according to the level of seriousness of the environmental threat. ■

## NEP 2004 Clears The Path For Unfettered Exploitation of Natural Resources

**T**he New Environment Policy (Draft for Discussion and Comments) 2004 is not a policy document intended for India. This is evident from the fact that its formulation did not include any public debate on the subject, and that it does not incorporate real societal aspirations. It is a document whose genesis can be traced to the Ministry of Finance, but which hides behind the cloak of phrases like 'environmental conservation' and 'restoring natural balance'.

Just as an international policy document talks about the role of nations, developed and less developed, a national policy should talk of the role of different states. Yet NEP 2004 makes no mention of how the policy is supposed to affect various states and lacks clarity regarding the distinction between the national and international perspectives that it embodies.

It enables private investors to have a greater stake in our environment. It suggests that pollution can be paid off and that one can virtually buy oneself the right to pollute. It makes an insidious attempt to shift environmental offence from the present category of criminal to the milder, ineffectual category of civil offence. It makes a commitment towards granting permits and clearances to industries desiring to operate on forestland and other protected areas. In one fell blow it does away with the requirement for public hearings prior to starting large-scale development projects.

Most of the phrases and concerns articulated in the Draft Policy bear no relation to our culture, our lifestyles and our unique occupational structure. It emphasises on issues, such as ozone depletion and global warming, that India is not liable for. The international community already recognises 'Common But Differentiated Responsibility', acknowledging the fact that the countries that bear greater responsibility for creating such conditions should also have greater liability. These issues are decidedly not of India's making and are not a direct result of Indian lifestyles and land-use. These problems are the consequence of policies pursued by America and Europe over the last few centuries, and it follows that the primary responsibility for remedying the same must also fall on their shoulders.

The Draft Policy enumerates a host of measures that it believes are necessary to curb the current rate of environmental degradation, yet all these are clearly measures that are designed to mitigate the damage of purely western habits. Instead of condemning western consumer goods for increasing the burden on the natural environment, this Draft Policy almost seems to encourage the use of appliances like air conditioners. What else can one make of the benign attitude adopted towards such destructive consumer goods and the pro-industry stance that is apparent through the length and breadth of the policy? While conventional wisdom says that industrial growth and environmental conservation are mutually exclusive, this policy welcomes all possible industrial proliferation and investment. It virtually lays down a red carpet for foreign multinationals to come invest in India, and ensures that all obstacles in their path such as environmental and forest clearances disappear.

The Draft Policy creates a great deal of confusion and generates many misconceptions in the reader's mind. While the draft is ostensibly an attempt to highlight progressive practices and policies to be adopted towards conservation, and to showcase well-established principles of environmental protection, the provisions enshrined therein belie a completely different story. The draft veils its true intentions cleverly by mouthing a few reassuring lines. For instance, it speaks of giving legal rights to forest-dwelling tribes to continue living in the forest and also of awarding them conservation rights that would entitle them to plant new trees and become extensively involved in all future conservation efforts in their region. In addition, it expresses a commitment to increase our forest cover from the current 23 per cent of total land area to the critical, globally approved 33 per cent land area by the year 2012. But before one starts giving the drafters credit for their noble vision, it is pertinent to point out that this target of 33 per cent forest cover was first set in 1972, when our forest cover was still 27 per cent. Since then, despite successive governments pledging to raise new plantations, the overall area under forest cover has fallen sharply. **The reasons for degradation of the existing forest area have not been identified and no remedial action has been proposed** Thus, merely saying that this is one of the Draft Policy's aims is never going to be enough. Most significantly, the lack of real commitment to increasing forest cover is apparent from other provisions of the policy that speak of establishing industries on existing forestland. Thus the provisions of the Draft Policy itself are self-contradictory.

The procedural reforms suggested by the Draft Policy are all directed towards simplifying the process of setting up large-scale projects and industries. It actually makes recommendations that the concerned officials hasten the entire process and conduct environmental impact assessments only in the initial stages of any project, regardless of consequences that make themselves known later on. Of course, all this is made to sound appropriate by stating obvious truths alongside, such as the fact that there must be decentralisation of environmental authorities, that all bodies in this field should operate with due foresight and that there must be more accountability.

**The Draft Policy recommends that all existing environmental laws and policies be reviewed, perhaps in an attempt to ensure that they also metamorphose into equally pro-investor, pro-consultancy instruments after the necessary amendments.** The Draft Policy suggests that forests, presently a Concurrent subject, should be made a State subject. Who knows which Chief Minister dances to the tune of what large industrial group or MNC? After all, every state government comes to power with the promise of promoting industry and investment. This is dangerous, as there will be no uniformity in future conservation efforts and also raises the fear that forest conservation will become hostage to the whims and fancies of various Chief Ministers and their subordinates at the state level. **It should not be forgotten that the Forest Conservation Act 1980 was enacted by GOI to check the whims of chief ministers and environment ministers.** In the current scenario at least the Centre can monitor or regulate conservation projects and is an equal partner in most initiatives. But if the proposed changes take effect then every inch of the Earth will be an open playground for industries, mines and quarries.

The Draft Policy reflects no concern whatsoever to protect our immense biodiversity and the 84 lakh species of animals and birds that India is home to. It implies that all these belong to man and man can do as he pleases with all other living beings in his domain for his benefit. **The basic premise of this document is that man is the owner of all things in his natural environment and that he must safeguard his proprietary interests by denying the rights of others who are dependent**

**on the forest for survival, including animals and even forest-dwelling tribes.** The Policy makes no mention of wildlife sanctuaries, national parks, or even previous conservation campaigns like Project Tiger.

We are an inherently nature-loving society. In trying to imitate the lifestyle and behaviour of Western countries like America, however, we have hurt the fragile natural balance that have existed in our country for millennia. **Even in most hostile climatic condition we have shared our precious resources like water and food with the birds and animals around us.** Countries like the United States have destroyed all their natural richness in the pursuit of 'development', to such an extent that there is no clean, unpolluted water available there anymore. Even the bottled water sold in the markets contains pollutants like industrial effluents and chemicals contaminants. Studies have often shown the presence of contaminants in bottled water in America and this has been the subject of many campaigns by vociferous environmental groups. Tragically, we now seem to have followed their path and face similar problems at home. Today, ironically, America is preaching sermons on environment protection to a nation where the inhabitants traditionally recite prayers to seek permission from Mother Earth even before they lay one single step on her soil.

One of the most clearly articulated objectives of the Draft Policy is the polluter-pays principle. This provides for a scenario where industries, investors and developers can probably even pay up lump sums in advance and purchase indemnity for all the pollution and resource-destruction that they will set out to do. Decriminalising the offence of pollution and making it a civil offence further encourages pollution. This will not stop polluting industries from functioning, and the products they manufacture will sell just as prolifically as before. One could be forgiven for believing that the goal of this policy is to create conditions where the common man, the labourer, the menial worker and other 'insignificant' inhabitants of this country succumb to pollution-related diseases and perish, while the rich industrialists thrive.

Financial principles dominate the Draft NEP 2004. For example, it suggests that in order to stem the rapid loss or extinction of species, natural resources must not be made available free of cost and that there be a price paid for utilisation of the same. In effect, the draft aims to convert our environment into a marketplace, and price these resources out of the reach of the common man who has long been dependent on such resources for his subsistence. This exemplifies the dichotomy that runs through the entire text of the document, *i.e.*, while the provisions appear well meaning, they are actually motivated by *mala fide* – an intention to promote commercial interests over environmental interests.

India is one of the very few nations where the Constitution itself mentions the need for environmental protection and has provisions to promote conservation. India also has a surfeit of environmental legislations and policies, with more than 200 such laws, regulations, notifications and orders at the Central and State levels. This begs the question of why the Government felt the need for a new policy.

Back in 1962, an expert committee constituted by the Ministry of Health recommended that laws be enacted to curb water pollution at the Centre and in all States. Drafts of the proposed Bill were

sent to State Governments in 1963, and by 1969 the Bill was introduced in the Rajya Sabha. Finally passed in 1972, this Act was later complemented by the Wildlife Protection Act of 1972 and the Environment Protection Act of 1986. In 1972, the Forty-Second Amendment to the Constitution inserted Article 48A into the Directive Principles of State Policy, and brought environmental protection into the national consciousness. In 1980 we had the Forest Conservation Act, and in 1981 the Air Pollution Control Act. In the year 1981 the Ministry of Environment and Forests began issuing an 'Ecomark' on those products whose manufacture had no adverse effect on the environment. The passage of all these Acts heralded a new era in environmental protection in India, but sadly these laws remained on the statute books and have not had any effect at the ground level. It must be asked, why are all these laws not effective? And what can this toothless policy do that these laws and regulations have been unable to?

India is a natural habitat for thousands on species of unique plants and animals. It is also one of the 'Biodiversity Hotspots' identified globally for the protection of biological resources. But humankind's urge to accumulate wealth has put this diversity at risk. Forests have been wantonly cleared, animals indiscriminately poached and there has been over-exploitation of our natural resources. The Ministry of Petroleum and Mining estimated in its 1996 report that India's exhaustible natural resources are fast dwindling. Natural gas reserves will be finished in another 23 years, crude oil in 15, coal in 213, copper in 64, gold in 47, iron in 135 and manganese in 36 years. One cannot be encouraged by the recent discoveries of natural gas and oil deposits as these will not be sufficient buttresses if the present rate of exhaustion continues, as it likely will.

It is interesting to note that it was the cabinet Economic Reforms Committee, and not the Ministry of Environment and Forests (MoEF), which initiated the preparation of this draft. The intention behind this is apparent on closer inspection. For instance, while the Policy commits itself to increasing the forest cover from 23 per cent to 33 per cent by the year 2012 – a task that costs an estimated Rs 80,000 crore annually – the Government's Budget only allocated Rs 16,000 crore. This is a clear indication that the policy intends foreign aid to make up this deficit and thus control our conservation programmes.

Even our future pollution-abatement or monitoring technology will have to be purchased in foreign markets, if this policy comes into force. Everything that the world market wants from India has been carefully provided for by this draft. It will enable globalisation of our industrial sector at a never-before rate and also increase the fiscal power at the Centre. Small-scale and cottage industries that are far more environment-friendly will be wiped out. This has a clear precedent in the way our water policy drastically altered the nature of our domestic water market and turned water into a commodity. The so called 'international standards' that have been set for all drinks and beverages are deliberately so stringent that only big players like Coke and Pepsi will be able to satisfy them, and the smaller players will be forced out of the market. Another example of how our market-oriented policies have hurt domestic industries is the manner in which local mustard oil traders failed to compete with the labelling and packaging requirements imposed on them.

This Draft Policy is all set to convert the environment into a tradable commodity. Its very foundations are flawed, as it does not consider humankind only as an integral part of an ecosystem. This is

a fatal error as man is made up of no more than the five elements themselves. The provisions of the draft view man only as an outsider to an ecosystem, contrary to traditional Indian wisdom, and thus set the stage for exploitation by individuals and multinational companies. For this reason, we cannot stand by and accept this Draft Policy as being our own policy.

To sum up, it is the fundamental dangerous market-orientation of our Draft New Environment Policy 2004 that will irretrievably damage our social fabric and spell doom for our natural resource base. India can boast of a highly community-based approach to environment protection, and also of a culture that has made us a nature-loving society. Our lifestyles are closer to nature than most other nations. Yet all this faces an uncertain future. To safeguard our rights we must oppose this policy. We will put forward a credible alternative – a policy that has been put together by the Indian society and various sections of this vast country; a policy that truly reflects our aspirations and traditions and one whose roots are based in the consciousness of the Indian peoples. This policy will be a product of vigorous debate in every bio-geographic ecosystem. The Indian Government must accept and adopt such a people's policy, and of course it will find automatic approval from the citizens of India, whose voice it represents. ■

## ANNEXURE II

### Indian Ethos Must Be The Basis of Our Environment Policy

**T**he foundations of the Indian Environment Policy must, unarguably, be the Indian consciousness. It is only on the basis of our age-old national consciousness that we will be able to truly protect and safeguard the natural environment. This consciousness is reflected in our customs, beliefs, rites and rituals and even our traditional lifestyle. It is also evidenced by our rich history, which tells us that the Indian civilisation has always believed in the supremacy of nature. The same cannot be said about other 'modern', 'popular' cultures like that of the United States of America. The perils of that type of lifestyle are obvious to us today, as the US has unwittingly become a study in what *not* to do on the road to development. Yet our policymakers continue to repeat the same mistakes. The Draft New Environment Policy 2004 is also a product of the same blind bureaucratic imitation of the West.

This Draft Policy views India as a great playground for world powers and tries to sow the seeds of the same self-gratifying consumer-culture in our hinterland. It does so in ignorance of ancient Indian traditions that reject such lifestyles out of reverence for the natural environment. Our traditions, which have survived millennia, will make it impossible for any new, decadent lifestyle to realistically survive in our country. We are a nation that upholds virtues like respect for other living beings, human dignity, a balanced lifestyle and the attainment of higher levels of consciousness through industry and commitment.

The Indian practice of Yoga, or the adherence to deep spiritual principles in one's daily life, is an indicator of our reverence for nature. It is this consciousness that has been the basis of Indian society for millennia, but now we are in danger of losing this to cultural imperialism by the West. The Draft NEP 2004 is an attempt to make us abandon our roots and fight this age-old consciousness; we must change it before it changes us. Today, in order to uphold the supremacy of nature once more, we must launch a struggle against the supremacy of certain world powers.

We must create a new policy that is based on a purely Indian vision, and which views nature and man as having equal roles. It must understand the interdependence between the two, and recognise that the future of humankind is secure only when viewed as part of a far more complex ecosystem. The new policy must be an attempt to make India the self-sufficient and nature-loving nation it historically was. Unlike the present Draft Policy, the alternative policy should be a product of a national debate, and it must represent the views of the vast majority of Indians in their own language, in a terminology that the average man and woman understands. Only by respecting the diversity in all our biophysical regions and ecosystems can we possibly respect the tremendous diversity in nature.

We can find a lesson in how to restore the nature balance and maintain natural cycles in the words of our own nature-loving Lord Krishna, who stated, "The cycle of nature is endless and eternal. No man must break this cosmic cycle and must devote his life to keeping it alive"<sup>1</sup>. Similar wisdom is contained in the *Rig Veda*, which says that human health and environmental health are co-

dependent. All elements in the cosmos are one – “The Fire is Him, the Sun is Him, the Wind is Him, the Moon is Him, Light is Him, Darkness is Him, and Water is also Him”<sup>2</sup>. Thus ancient Indian wisdom dictates that we should never create rifts between nature and man. We have always recognised the Earth’s own rights and those of all other living beings. Yet the recently released Draft NEP 2004 ignores this age-old bond and talks not of environmental rights but the right to ‘development’. The environment has thus been made subservient to the race for ‘development’.

Traditionally, Indians have always given back to the Earth what we have taken from it. The *Bhagwad Gita* endorses this spirit of give-and-take by stating that those who take from the Earth without giving back are thieves. In fact, all natural resources that help man meet his needs are considered a manifestation of God, as our very survival depends on these.

The Draft NEP 2004 does not recognise this dependence and instead sees the environment as a source of enjoyment for man. The Draft Policy wants to reduce pollution levels not because this is dangerous for our planet, but because it causes harm to human health and well-being. Any policy that is truly in keeping with our customary reverence for nature would definitely have been biocentric. Unfortunately, the Draft NEP falls short of this standard, it is anthropocentric. The need of the hour is to create a fresh policy that curtails the exploitation of the environment, and this can only be done if our Indian cultural consciousness is tapped and made the basis of the new policy.

If one examines Indian customs, oral and written traditions, scriptures, holy texts and various rites and rituals prevalent across the nation, it is evident that we have a rich heritage of environment protection. One finds these lessons in our *Vedas*, *Upanishads*, the *Puranas*, the *Gita*, the *Koran*, the *Mahabharata*, the *Ramayana*, the *Ayuro*, the *Granth Sahib* and all other scriptures. A real Indian environment policy will be one that reflects the same mandate that these texts embody. In contrast, today’s laws and policies mislead us and push us off this virtuous path. We must now reaffirm our old beliefs; the roots which tie us eternally to the forests, deserts, rivers and streams, farms, cattle and other creations of nature that colour our landscape.

The contemporary world is caught in a web of conveniences and consumer goods. Without question, these commodities make man’s daily life somewhat more comfortable, but their hidden danger lies in the fact that they create a rift between man and nature. By making life easier, they also create a debilitating dependence in man and widen the distance between our traditional lifestyle and the modern one.

Conveniences and comforts encourage an inherently dangerous culture: each one conditions the consumer into looking for more comfort, and propagates the purchase of yet another amenity. With the purchase of the second, newer commodity the first one becomes obsolete, and the market continues to grow, thereby perpetuating this growing obsolescence. All bargaining power is based on one single variable – the quantum of finances that one commands. In a world driven purely by monetary consideration, man’s own value is piling in insignificance. The little value that is still attached to human resources is also on the decline.

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<sup>1</sup> The Gita, Chapter 3

<sup>2</sup> The Yajur Veda, Verse 32.1

<sup>3</sup> The Gita, Chapter 3

We are facing dual crises today. On the one hand, we are turning into lifeless, soulless cripples as a result of our dependence on modern conveniences, on the other hand, we enslave ourselves to markets, whereby we diminish humanity's own value instead of adding to it. In one sense, this loss of value is also causing a loss of *values*. In other words, human values and principles are under attack from this new lifestyle. The loss of values like compassion, kindness, peace and non-violence is increasingly making us hollow beings. This is unarguably the biggest crisis our culture faces today – a crisis of morals, and indeed of our very identity. This cultural crisis has even put our environment at threat. Thus, our society is facing two daunting challenges – to rekindle man's capacity for industry and initiative and to safeguard our fragile environment. It is on the strength of our roots that we must search for the panacea, and build the foundations of a new era.

### **Policy Must Be A Reflection Of Indian Social Mores**

*Samudra vasane devi parvatah stana mandale  
Vishnupatni namastubhyam padasparshakshamasva mein*

(O Mother Earth, the lofty mountain peaks, that we seek  
nourishment from, are your glorious breasts.  
Please forgive us for we walk on this body of yours.)

— *Ancient Indian prayer*

**I**t is matters of great sorrow that the same nation now unthinkingly tears open her womb to extract all the riches inside to fulfil greed. The Draft NEP 2004 embodies the very same greed in each and every one of its provisions. For instance, it makes an attempt to clear the path for unfettered mining and quarrying in forestland, and also puts a price tag on pollution. Upon careful reading, it becomes clear that this is actually an industrial and mining policy masquerading as an environment policy. The extent to which conservation and environment protection have been ignored in this 'environment' policy would almost be amusing, were it not such a grave threat to our society.

We Indians do not need a policy document to teach us how to safeguard the environment. We know that we have to rid our rivers, soil and air of pollution. We know that we must undertake afforestation and preserve the existing forest-cover to keep a check on global warming. We know that we have to create stricter vehicular pollution norms and also cut down on serious noise pollution. The Draft Policy addresses these concerns, but provides curious solutions. It appears to place global warming and ozone depletion above other issues that are of more immediate concern to our society. Decidedly, India needs to play a role in mitigating these disasters, but is our role primary to those developed nations that have created these problems in the first place? The Draft NEP lacks clarity in attributing differentiated liability for these problems.

Most importantly, it ignores the relationship between man and his environment. It has no understanding of the relationship between forests and forest-dwellers, as is evidenced by its provisions that give forest-dwellers the permission to cut trees. Instead of nurturing the old harmonious relationship between forest tribes and their habitat, this policy instigates them to turn against the very source of their livelihood! Shockingly, the policy actually advocates that they destroy their own homes. How could the drafters even envisage a situation where forest-dwellers would become so self-destructive? Obviously, the men and women behind this document, sitting in their offices in Delhi, have no understanding of the psyche of forest-dwellers. If this policy ever gets implemented, it will spell

doom for all of us. After all, forests are the lungs of this planet. If forests are destroyed, then there will be certain catastrophe. Biodiversity will be lost forever. All natural cycles will be broken. Human life will face its biggest threat.

A policy that is based on an understanding of India's needs would have talked about many other issues. For instance, subsistence farming. Subsistence farming is the foundation on which all rural societies are built. Unlike commercial farming, it does not over-exploit the Earth and also provides benefits like increased employment. Subsistence farming uses less water and also less electricity. Yet the advantages of this traditional occupation are ignored in favour of new technologies. The Draft NEP mentions that its objective is to make human life easier and increase well being, yet all its provisions are geared in the opposite direction, *i.e.* towards making the poor man's life harder than it already is.

The present Government claims it is the Government of the poor. Yet the Draft Policy reflects neither the needs nor the psyche of the poor. There is no room in this Draft Policy for their traditions, customs, their experience and their innate wisdom, without which we will fail in our task of saving the environment. The poor are not envisaged as the saviours in this policy, or as the beneficiaries. How, then, can we call it pro-poor? The environment is akin to one common roof under which we all reside as co-habitants, and we have equal rights to water, air, food and other resources. Then why does this policy attempt to create disparity between us all? The superficial concern for the poor and the Draft Policy's accent on poverty alleviation is a mere sham, as it does not devote any thought to what the environment means to the poor and how they are connected to it. Instead, this draft uses the environment to create poverty.

Today, our nation is still beset by problems of hunger, disease, malnutrition, poverty and exploitation. Over 80 per cent of our population still does not know where the next meal would come from. In a nation where food security has not been achieved, does it make any sense to talk about pollution control through cutting-edge technologies? Environment-protection and pollution-control have to be inextricably linked to the average man's lifestyle, only then will these any conservation efforts bear fruit. Before we talk of clean air, we must speak of hunger, thirst, clothing and shelter. The Draft NEP makes the fatal error of viewing the environment as completely divorced from human life.

It appears that the drafters of this policy either have no basic understanding of environment protection, or they have deliberately ignored those tenets in order to create a policy that is beneficial to a few and will help these chosen few fill their own stomachs while the vast majority of this nation starves. My language and theirs differs so completely that I wonder if they use their own special lexicon, making certain that no one but they understand the contents. The language that they choose to ignore, however, is the language of India. It is these ideas that are the foundations of Indian society.

If this had been a truly Indian policy, it would have stated in its objectives that it seeks to re-establish our natural way of living so that we can nurture the Earth by giving back to it what we take. It would have made an attempt to show Indian society the right direction. Our society must not accept a policy that seems more familiar with a Western mindset than an Indian one. We must not accept a policy that is written by vested interests and is being implemented by a Government that seems to have sold its soul to foreign investors. Governments across the globe are guilty of

stealthily creating laws and policies and then inflicting these on an unsuspecting public. But we must stop this trend now that we recognise the dangers of the Draft NEP 2004.

The Draft NEP 2004 is completely out of place in a democracy like ours. It is alien, and goes against the people's mandate. It is market oriented, not people oriented. Its only goal appears to be making India a profitable market for foreign pollution control machinery. It achieves this with dexterity. On the one hand, it encourages the same decadent lifestyles that lead to greater pollution and, on the other, it ushers in foreign made technologies that 'clean up' the pollution. The Draft reflects the agenda of the WTO and the World Bank, promoting the interests of trade and industry, to the exclusion of agriculture and animal husbandry. In doing so, it fails to meet the needs of a developing nation like ours and, instead, propels us towards dependence on the industrialised West. The world powers seem to have recognised that the surest way of controlling India is to control the natural environment upon which the majority of her population depends, and this realisation is apparent throughout the text of the Draft NEP. It is sad that our Government has become an abettor in this insidious plot, which will spell doom for our own natural diversity.

It is difficult to determine why our Government is under the influence of the world powers. Since when have its policies and laws become subject to foreign influences? It is even more difficult to gauge the dangers in the path that this Draft NEP intends to take us down. It is not that only the Government is to blame. At some level, we are all responsible for this state of affairs. It is we who have voluntarily surrendered our sovereignty to this new form of foreign domination by embracing their culture and lifestyles, and giving up our traditional disciplined, restrained, ecosystem-specific natural lifestyles.

One is reminded of old business practices prevalent in India, which would serve as lessons in sustainability even today. For instance, it was believed that it was auspicious to earn only 2 per cent profit on any sale. While the belief may have originated in theology, it became the basis of a culture where the market ensured the interests of both the consumer and the trader. This principle of 2 per cent gain gradually found its way into all inter-personal dealings, and even the construction of social-welfare projects like tanks, wells, *johads* and canals were constructed on the basis of this simple calculus. It is a stellar example of how society benefits and the environment is also enriched when human beings curb their greed and live in moderation.

The Draft Policy needs to address the root causes of environmental degradation, not merely provide invitation to sophisticated remedial techniques from abroad. Social reconstruction is important even today. It is only when there is increased social welfare that we can reasonably expect the environment to thrive. Thus any environment policy that desires an impact must think of ways to improve social cohesion and prosperity. This will give society the opportunity of devoting more of their energies towards environment protection. Members of the community will be better placed to understand their responsibility towards their natural surroundings. This is not to say, however, that such an understanding is lacking at present. While there may be miles to go, there is already a storehouse of traditional wisdom regarding environmental conservation. This traditional knowledge, and age-old wisdom must be tapped by involving the common man in the process of creating the environment policy. A policy that reflects our cultural ethos and lifestyle will find automatic acceptance and will have a far greater chance of succeeding in its objectives than a short sighted, unrepresentative policy such as the Draft NEP 2004. ■