

Stop the dismantling of environmental rules

The government has a social obligation to protect the environment; it must withdraw the Draft EIA 2020 Notification

Sonia Gandhi

The Sanskrit words, 'Prakriti Rakshati Rakshita', greet visitors at the Indira Paryavaran Bhawan, the home of the Ministry of Environment, Forest and Climate Change, (MoEF&CC). They mean 'nature protects, if she is protected'. This ancient Indic wisdom inspired Indira Gandhi throughout her life, as referenced in many of her letters and files. She shared a deep kinship with nature. She was also cognisant that the environment cannot be protected without eradicating poverty. The origins and spread of the global novel coronavirus pandemic and its catastrophic impact are a warning to the entire world. The protection of the environment must go hand in hand with promoting public health and access to dignified livelihoods for all.

Erosion of the framework

India with its rich biodiversity and widespread inequality must especially pay heed now. Our nation has all too often sacrificed the environment and the rights of our people while chasing the chimera of unbridled economic growth. Of course, progress requires trade-offs, but there must always be boundaries that cannot be transgressed. But over the past six years, the government has thoughtlessly — or worse, with intent — eroded our environmental protection framework. The biennial global Environmental Performance Index report has consistently put India at the bottom of its rankings. We were an alarming 177th out of 180 countries in 2018, faring badly on virtually all indicators — environmental health policy, biodiversity and habitat, air and water pollution and climate change.

The pandemic should have made the government reflect and reconsider its environmental and public health governance. Instead, the Ministry is handing out clearances during the lockdown without proper public consultations. The announcement of coal auctions by the Prime Minister in previously declared 'no go' areas, signals that the government is in no mood to course-correct. The disastrous Draft Environmental Impact Assessment (EIA), 2020 Notification, which among other provisions, gives a clean chit to polluters violating environmental regulations through ex-post facto approvals, will unleash unprecedented devastation on our environment.

Opaque reviews

It was apparent that a Narendra Modi-led Bharatiya Janata Party government would be destructive to India's environment going by Mr. Modi's track record in Gujarat as Chief Minister. During the 2014 election campaign, Mr. Modi slandered the United Progressive Alliance (UPA) government and the Environment Ministry for being an impediment to the nation's growth. From the very start, the government has desperately sought to project an image of 'Ease of Doing Business' to the world, mindless of consequences. It formed multiple committees, diluted laws and regulations across the board, and opened up vast tracts of forest land to a select few in the private sector.

In 2014, the T.S.R. Subramanian Committee was set up to review six major environmental laws. Another committee was formed to amend the Coastal Regulation Zone (CRZ), 2011 Notification. Both faced immense criticism for opacity and not consulting a wide range of stakeholders. The TSR Committee Report was never released, but some of its recommendations were surreptitiously implemented. On similar lines, the 2018 CRZ Notification was rejected by the National Fishworkers Forum and other stakeholders, for threatening the livelihoods of fishing communities and destroying coastal ecology along India's 7,500-km long coastline. These communities contribute more than ₹50,000 crore annually to the Indian economy. They are severely impacted by climate change and natural disasters and are left to fend for themselves by the government. Likewise, the National Board for Wildlife, the Forest Advisory Committee and Expert Appraisal Committees are approving projects in and around protected wildlife areas without following due process.

The North Indian plains and the National Capital Region are engulfed in a debilitating smog year after year. According to a study in the British journal, *The Lancet*, 12.4 lakh deaths i.e. 12.5% of all deaths in India in 2017, could be attributed to air pollution. Yet, there has been no concerted action to address this public health emergency. Instead of stringent measures to control emissions from thermal power plants, the government extended deadlines for compliance and has made a U-turn on clean coal.

Attack on Adivasis

The government's greatest assault has been reserved for the land and the rights of Adivasis and other traditional forest dwellers. The historic Forest Rights Act (FRA), 2006 was passed by the UPA government to undo centuries of injustice. Our deep cultural traditions as well as experience from all over the world have demonstrated that well-defined land rights to forest dwellers are beneficial for both marginalised populations and the environment. The twisted interpretation and shoddy implementation of the

FRA, 2006, has led to Adivasis and forest-dwelling communities being harassed by the Forest Department. Their legal claims to land are buried in bureaucracy. The FRA link to project approvals has been abandoned in practice, and the curtailment or elimination of public hearings means that civil society and independent or concerned voices are muzzled.

Indira Gandhi had once said that forest development corporations had become forest destruction corporations. The veracity of her observation is borne out by several proposals or actions that militate against the interests of forest dwellers. For example, there is a proposal to overhaul the colonial Indian Forest Act, 1927 to give enhanced policing and quasi-judicial powers of the forest officials. It gives forest officials powers to use firearms with unjustified levels of immunity from prosecution. Earlier, the Compensatory Afforestation Fund Act, 2016 was passed by the government in both Houses of Parliament, ignoring the Opposition which pointed out that it bypasses the FRA, 2006, and disempowers Adivasis, forest dwellers and gram sabhas.

Promote public health

In the name of reforms, the government rolled out the red carpet for crony capitalists, systematically disenfranchised the marginalised and vulnerable populations, and abandoned its responsibility to both domestic and international commitments on climate change and environmental protection. This is a completely wrong way to go about things.

The government should recognise it has a social obligation to protect the environment and promote public health. India's environmental protection framework is not a regulatory burden and the government must incentivise industry to shift its mindset from clearances to compliance. The Micro, Small and Medium Enterprises (MSME) sector must be subsidised to follow green norms. Nobody denies that India needs a modern EIA framework. But it must be based on best available scientific knowledge, enhanced public participation and regular social audits. The concept of cumulative impacts of projects in a region or ecology — on the Ganga, for example, must be adopted. You cannot have 'Nirmal Ganga' without 'Aviral Ganga'.

India as a green hub

Simply put, the government must stop dismantling India's environmental regulations. An essential first step is to withdraw the Draft EIA 2020 Notification. What is essential is widespread public consultation to shape a national agenda that will place India at the forefront of the battle against global warming and pandemics. We have an incredible opportunity to reset our economy and demonstrate leadership to the world with a growth strategy that transforms India into a green manufacturing hub. The erstwhile Planning

Commission's expert group report on low carbon growth strategy and the many suggestions in the 2019 Congress Manifesto can be a starting point. In times of mass reverse migration, environment protection through public works programmes including afforestation and watershed development, can be turned into a grass-roots movement involving youth, women, communities, gram sabhas and non-governmental organisations. Indira Gandhi was the first major world leader to recognise the environmental crisis confronting the world in Stockholm in June 1972. Can India once again rise to the greatest challenges of the 21st century?

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