

India 2006 National Environment Policy

Not a Paradigm Shift



#1/2009

According to the Environmental Performance Index report 2008 published by Yale University in the US, India ranks 120 among 149 nations with a paltry score of 60.3 on a scale of 100¹. The index rates the objective environmental health of the country at 62.6 and ecosystem vitality at 58.0. India has performed poorly in comparison to other developing nations like Vietnam (rank-76), Indonesia (rank-102), Tunisia (rank-60), Gabon (rank-64) and China (rank-105). This is despite of a new environmental policy, "India 2006 National Environment Policy", which has been in operation since the last two years. The National Environment Policy (NEP), however appears to have done little to the cause of environmental protection.

India NEP 2006

The challenges of environmental protection are intrinsically connected with the state of environment resources such as land, water, air, and flora and fauna. Research reports emanating from various sources indicate that environmental factors are responsible in some cases for 20 percent of diseases in India. Besides, a number of environment-related factors (malnutrition, lack of access to clean energy and water) are closely linked with various dimensions of poverty in the country.

The NEP 2006, designed by experts at the national level with extensive cooperation from a number of non-governmental agencies, encompasses an integrated approach to reduce the impact of environmental degradation on human life by taking pro-active measures at various fronts. These include regulatory reforms, process related reforms, substantive reforms, enhancing and conserving environmental resources, prevention of land degradation, desert ecosystem, and also various other factors that influence the environment.

The NEP 2006 is built on the premises of existing policies which include National Forest Policy 1988; National Conservation Strategy and Policy

Statement on Environment and Development 1992; and the Policy Statement on Abatement of Pollution 1992; National Agriculture Policy 2000; National Population Policy 2000; and National Water Policy 2002 among others.

Major Objectives of India NEP 2006

According to the NEP 2006 report, the proximate drivers of environmental degradation are population growth, inappropriate technology, consumption choice and poverty. **The policy focuses on ensuring that people who are dependent on natural resources for securing their livelihoods from the act of degradation should realise that a greater purpose will be served from the conservation of these resources.** The policy also seeks to stimulate partnerships of different stakeholders, inclusive of public agencies, local communities, academic and scientific institutions, the investment community, and international development partners, in harnessing their respective resources and strengths for environmental management. The major objectives of the NEP 2006 include:

- Conservation of critical environment resources
- Livelihood security for the poor
- Integration of environmental concerns in economic and social development

¹ **Environmental Performance Index** is a biennial index that tracks the environment of 149 countries based on the parameters of environmental health, air pollution, water resources, biodiversity and habitat, production of natural resources and climate change.

- Maintaining efficiency in environment resource use
- Seeking good governance in management and use of environmental resources
- Enhancement of resources for environmental conservation

Provisions of India NEP 2006

- The revised NEP seeks the extension of the Protected Area Network². It also seeks to expand the control of wild life conservators in other areas where endangered species exist. At the same time, it also chooses to transform the role of the Indian State in the direction of facilitating market forces to self-regulate their activities for environmental concerns and largely confining its own direct interventions to the application of price and taxation instruments.
- Institutionalising of a holistic and integrated approach to the management of environment and natural resources through review and consultation in line with the NEP.
- Identification of emerging areas for new legislation in line with the NEP. It also seeks to review existing legislation in view of developing synergies among relevant statutes and regulations.
- Taking steps to institutionalise techniques for environmental assessment of sector policies and programmes to address potential adverse impacts. The policy also intends to ensure accountability from concerned government departments in undertaking necessary changes in a defined time frame.

Besides these, in order to make the clearance procedures more effective, the following steps have been contemplated for action:

- Encouraging regulatory authorities to institutionalise regional and cumulative environment impact assessment to ensure environmental concerns are identified and addressed. Clustering of industrial activities to facilitate setting up of environment management infrastructure along with enforcing industrial compliances have also been emphasised.
- Emphasis on post project monitoring and implementation of environmental management plans through participatory processes. Additionally, the policy document restricts the diversion of dense forests for non-forest purposes.
- The policy clearly provides for formulation and periodic updation of codes of good practices for environmental management for different categories of related activities, in addition to ensuring environmental restoration after decommissioning of industries.

Drawbacks of India NEP 2006

- The NEP 2006 has made itself more meaningful to the industrial sector, attempting to protect the economy instead of the environment.
- The empowerment of *panchayats* and Urban Local Bodies (ULB) in terms of functions, functionaries, funds and corresponding capacities have been reduced to provisions for building capacity.
- Fails to integrate forest-dependent communities and forests in terms of their livelihood requirements. There is still no attempt to undo the alienation that many such communities face in accessing forests, as development plans do not integrate them.
- Ignores the issue of elimination of unsustainable practices of production and consumption of non-renewable resources by the corporate sector and affluent classes.

² **Protected Area Network** consists of 54 national parks covering 21,003 skm and 372 sanctuaries covering 88,649 skm giving a combined coverage of 3.34 percent of the country's geographical area. This network has grown steadily and in 2002 India has a total of 578 wildlife protected areas covering 154,572.80 skm or 4.70 percent of the country's geographical area.

- The NEP recognises deepening of water tables and increasing capital cost involved in sourcing ground water. However, the policy suggests only promotional measures, such as intensive water and moisture conservation, enhancing and expanding green cover, and reviewing the agronomic practices and promoting agricultural practices and varieties. It remains silent on the types of institutional forms and rights that need to be created to facilitate access and to ownership of natural resource dependent people in a sustainable way.
- Fails to suggest any pro-active measure for de-clogging of rivers from waste materials, such as polythene bags and other toxins.
- The NEP emphasised the need for universalisation of joint forest management (JFM). But it has been observed that even in those areas where JFM is already in practice the forest dependent people have been gradually marginalised on account of the lack of co-evolved institutional structures for the promotion and regulation of markets in non-timber forest produce trade.
- In terms of noise pollution (arising from loudspeakers, automobiles horns, fireworks, etc.) the NEP provides for formulation of noise pollution norms to ensure that exposure to third party is limited to a prescribed limit. It fails to realise that noise pollution is harmful for the society as a whole.
- Fails to make a clear commitment towards the making the Environmental Impact Assessment (EIA) statements open and public, and subjecting it to evaluation and contestation by affected parties.
- Makes no effort to control the penetration of the private corporate world into sectors that are critical to the ecological and livelihood security of a majority of people.
- Provides full support to the damaging changes in EIA rules to ease the laws for big businesses.
- Places the entire blame for environmental degradation on either population growth or on institutional and market failures.
- Neither targets nor provides any definite plan of action for fringe area development which is necessary both for the conservation of ecologically sensitive areas as well as for the livelihood security of agricultural labourers and small farmers.
- The revised policy talks of capacity building for the implementation of environmental management principles, but the marginalised groups are not an explicit target of the efforts to be made by the government.
- Ignores the systemic aspect of the management of environmental change. It also appears to be oblivious to the fact that the processes of environmental change ask for more focused and attentive system level policy instruments.
- The NEP 2006 welcomes the patent regime, which provides for formulation and adoption of an internationally recognised system of legally enforceable sui-generis intellectual property rights. The sole objective of such a move is to facilitate access to and exploitation of biological resources through legislation mandated for biodiversity conservation.

Need for an Inclusive Approach

An environmental protection mechanism, to be effective, needs to be inclusive of all factors that impact environment directly or indirectly. The mechanism must encompass issues emanating from climate change, conservation, dams, energy, genetic engineering, intensive farming, land degradation (including soil conservation, soil contamination, soil salination), land use, nanotechnology, nuclear issues, overpopulation, ozone depletion, pollution (including water and air pollution), resource depletion (due to consumerism, fishing, logging, mining), toxins and wastes.

Sensing the gravity of the problem, the Indian government approved at the beginning of 2009, a proposal for an Agreement between India and the United Nations Environment Programme (UNEP)

for capacity building in the field of protection and conservation of the environment. The agreement will provide a framework of cooperation in capacity building, training and spreading awareness on environmental issues.

Time to Act Now

The unanswered and ignored issues in NEP 2006 call for immediate attention, as the risk of global warming emerging from increased levels of industrialisation and deforestation is growing and acquiring centre stage. This calls for urgent attention and bold initiatives from Indian policy makers. India has no less responsibility in the emerging context of global warming and climate change.

The development and implementation of effective national policies and laws relating to environment protection will depend on decision makers having access to relevant and definitive information from different stakeholders. Any strategic approach should, therefore, undertake and support timely, participatory expertise, knowledge, data and indicators.

The approach towards environmental protection now needs to be more focused, integrated and inclusive. It must take into account all stakeholders – directly or indirectly involved with the system. In addition, the approach should also take into consideration the drawbacks outlined above. Initiatives taken on an ad-hoc basis can perhaps create more questions than answers to environmental issues.

UNEP's Initiatives towards Environmental Protection

UNEP launched in December 2008 a major initiative to promote the 'greening' of the global economy through increased investments in areas such as clean sources, sound chemical and waste management, biodiversity-based products, and environmental infrastructure. The overall objective is to enable environmental and other policy makers to recognise the contribution of environmental investment to economic growth, job creation and their policy responses to the prevailing economic crisis and beyond.

The initiative hopes to focus public investments towards areas that have the potential to create large numbers of jobs, sustain existing environmental assets and reduce the risk of environmental catastrophes.

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