



Published on *Down To Earth* (<http://downtoearth.org.in>)

Watchdog needed to monitor government agencies

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Issue Date:

2006-7-31

An independent environmental commission has to monitor government agencies



-- Environment governance is dead in India. The central agency created for safeguarding ecological security of the country, the Union Ministry of environment and forests (moef), has become a green rubber stamp for all kinds of destructive 'development' projects. The ministry has also systematically reduced ngo participation in all its committees and processes.

Redressal mechanisms against faulty environmental decision-making are stillborn, and state pollution boards rarely work. No-objection certificates are easy pickings for most industries, which then flout environmental norms with impunity. Moreover, coastal regulation zone authorities, set up in coastal states, are usually toothless. The courts are the only recourse against environmental damage, but then how many victims can take this way out? And how many cases can the courts take up meaningfully? In any case, who will carry out court directions if the agencies meant to implement environmental norms are defunct?

The failures have become even more glaring in view of the toll taken by globalisation. Orissa, Chhattisgarh, Jharkhand, and northeast India, all regions with very fragile and unique ecological and cultural conditions, are being opened up for mining, industries, ports, expressways and other activities that benefit far-away elites but only dispossess local communities'. Waterways are being privatised, the government is acquiring *adivasi* lands to handover to private corporations, and forest and pollution laws are being sidestepped to provide "single-window" clearances. special economic zones that require no environmental clearance are being set up in various states. All in the name of "progress". Resistance by local people is met with violence by the state, as witnessed in the last few months at Kalinganagar in Orissa and Gangavaram in Andhra Pradesh.

In such situation, we need a National Environment Commission (nec), a constitutional authority like the Chief Election Commission, independent of government pulls and pressures. The body should comprise a chair and members with a proven environmental record. It should

have sub-commissions that consist of or can call upon the country's best environmental experts and activists. There should be state-level units to carry out functions at that level. The nec would examine whether the central and state governments are actually carrying out their environmental responsibilities as laid out in law and policy. In case of inaction or wrongful action, the authority should have powers to initiate action against the errant authorities. It could direct and advise governments on various environmental matters including harmonising the plethora of laws and policies we have. It could provide guidance to community and local-level institutions, and directly link with them to bring their voices into national decision-making. It could also facilitate the periodic production of an authoritative environmental status report for the country, incorporating information and perspectives of various actors within and outside government. It should, however, *not* take over the government's executive functions.

A rough parallel is the commissioner of the Environment and Sustainable Development of Canada. Placed within the office of the Auditor General, the commissioner assesses the achievement of sustainable development strategies of the federal government, monitors governmental responses to citizens' complaints, and provides an annual report on sustainable development to the parliament. But this is only an example. Our nec has to be suited to our own unique political and cultural conditions -- in particular our community level institutions. Of course, even this agency could be ineffective, but if carefully crafted, it would have the potential to be as effective as the Election Commission has been in recent times.

Creating the nec will require a constitutional amendment. Environmental groups will have to undertake effective campaigns to ensure political mobilisation in favour of the commission. There will of course be strong resistance from environmental agencies, and even more from their industry/commerce/finance counterparts, who will see this as a threat, just as political parties see the Election Commission as an irritant.

Finally, let me hasten to add that I am not advancing an argument for further centralisation of environmental powers. Such development has to happen only within a context of increasing the powers and capacities of local community institutions. A powerful potential was created by the 73rd and 74th amendments, for much greater citizens' involvement in decision-making in villages and cities. Unfortunately, most states have diluted these enactments while implementing them.

However, even when communities are empowered, we need state and national level institutions for facilitation, for actions at larger levels, for policy and law formulation, and for international relations.

A nec could plug a crucial gap in the current institutional framework at these levels.

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