

# Article I. DRAFT NATIONAL ENVIRONMENT POLICY 2004: A CRITIQUE

A bold, forward-looking policy dealing with India's environmental crisis, is an urgent necessity. The Government of India is to be commended for initiating the process. The draft NEP makes an attempt to tackle what is undoubtedly a complex subject, for environmental destruction and conservation are intricately linked to economic, social, and political aspects of life in India.

Unfortunately, though it provides a fair diagnosis of the crisis we face, **the draft NEP falls seriously short of pointing to the fundamental changes needed in development and economic planning, and governance or decision-making regarding natural resources, that would put India onto a path of sensitive, sustainable development. This is perhaps not entirely surprising, given that it has been formulated in an essentially non-participatory manner, failing to involve the most important sections of Indian society that depend on natural resources for their direct life and livelihood.**

## *Article II. General comments*

1. **The draft NEP contains a number of strong points**, including the following:
  - (i) Its diagnosis of environmental problems in India contains a fair assessment of the institutional, policy, and other failings that have brought about these problems. For instance, it rightly points to the fact that the government has been responsible for the alienation of tribal and other communities from their common lands, thereby undermining the sophisticated traditional systems of resource management that these communities practiced. It points also to macro-economic policies, such as subsidies on chemicals, that cause ecological damage. Some aspects are missing from this diagnosis (e.g. the dominance of powerful urban and industrial sections in decision-making, and the increasing role of wasteful consumerism by the rich in cities and villages), but overall, it goes beyond most previous governmental statements on the subject.
  - (ii) It points to the need for a flexible, evolving environment policy, with periodic reviews of its implementation as also of its basic structure.
  - (iii) It lays out a number of critical principles for dealing with the environment, including: integrating environmental thinking into all sectors of development, using the Precautionary Principle to take action even in the absence of conclusive scientific proof of environmental damage, the need for equity in the way benefits are derived from natural resources, the imperative of decentralised, participatory processes, and the doctrine of Public Trust by which the government is not the absolute owner of natural resources but is holding it in trust for public good.
  - (iv) Several important strategies are laid out, including review of economic policies that underlie environmental destruction, stronger regulatory mechanisms, partnerships between communities, official agencies, NGOs, and private parties, safeguarding ecosystems and species that are considered to be of "incomparable value", promoting organic farming, using economic instruments to reign in polluting and destructive activities, integrating the economic value of natural resources into budgets and plans, and others.
2. **A number of serious basic flaws, however, plague the draft.** These flaws will undermine the ability of the government, or other actors, in actually getting to the roots of the problem,

and in moving towards sustainable solutions. A national level policy on environment should contain the following key elements:

- (i) **A fundamental vision that could form the overall context for the specific parts of the NEP:** What is our view of where we want to be, say 25 years from now? Do we want a world in which everyone has a right to and easy access to fresh water, fresh air, healthy food, productive lives, and so on? Do we envisage moving towards a governance model in which people who are living amidst natural resources have a central say in deciding about these resources? Do we respect the right of other species to survive? We need a bold vision for the future, in a national document of this sort.
- (ii) **An alternative model (or models) of development, that puts the natural environment and people at the centre:** The draft NEP does not challenge the fundamental nature of the current model of ‘development’, even though it is now widely recognised that this model is at the heart of environmental destruction. This model makes a holy cow of unlimited ‘economic growth’ (instead of more holistic human welfare and well-being), and in the process treats nature (and people) as a commodity, does not recognise nature as the basis of all human activities, and relies on essentially technological solutions to problems that are more fundamentally social or political in nature (e.g. increasing food production through artificial inputs when the real problem is not quantum of food produced but the unequal control over its production and distribution). The draft does talk about ‘mainstreaming’ environment into economic planning, but without fundamentally challenging the model of development (including in its “globalisation” form, and of the wasteful consumerism that it perpetuates), this would amount to some minor tinkering. What is needed is at least a vision that puts nature and *overall* human well-being (cultural, spiritual, material, intellectual) at the centre of a process of development, and from which would emanate the core principles and strategies for ecologically sustainable development models.
- (iii) **A national (and local/state) land/water use plan:** An overall long-term plan for the use of India’s land and water resources, has been a dire necessity for decades. Many governments have promised it, but none has yet been bold enough to develop one. With a new government with a fresh mandate in place, this is a great opportunity to move towards a long-term policy and plan for how we look at the country’s land and water resources in an integrated manner. This would include mapping out, from local to national levels, areas that for ecological and cultural/social reasons should be off-limits to any kind of land use change (the draft NEP does talk about areas of “incomparable value”, but does not place such areas into an overall land/water use plan).
- (iv) **A model for governance of natural resources:** At various places the draft NEP implies that the current way of governing our natural resources has failed. But it does not, from this diagnosis, come out with a bold new alternative. At various places it talks of decentralisation, of “partnerships” amongst various parts of society, and of specific elements like public access to information. But what is needed is an overall vision of how natural resources will be governed, who at what stage should be taking the decisions, how will current institutions of governance change. As mentioned above, the draft asserts the doctrine of “Public Trust” in which the state does not *own* the resources, but holds them in trust for the public. Unfortunately, this bold principle is not followed up to its logical conclusion, which would be to vest far greater powers in village and urban communities, and to work out a decision-making structure that emanates from this basic ground-level of governance.

- (v) **A holistic view of our relationship with nature and natural resources, which includes ethical, cultural, spiritual, and material dimensions:** Other than the material, all other dimensions are missing from the draft NEP. This is strange, given that these dimensions have been such an integral part of all Indian traditions, such a core part of how we have related to nature. The draft displays an extremely human-centred, materialist view of the environment, which is seriously inappropriate for the Indian context.
- (vi) **Assertion of the fundamental human right to a healthy environment:** The draft NEP lays emphasis on the critical role of the natural environment in human economic activity. It does not, however, assert that a healthy environment (including access to fresh air, clean water, healthy food, and natural surrounds) is or should be a fundamental human right. Such a right is increasingly being recognised in many countries, and in international circles, and India too should be at the forefront of asserting it.

The fact that the above are all missing, or extremely weakly dealt with, in the draft NEP, means that the NEP is likely to be only very partially effective in tackling the environmental crisis the country is faced with.

3. **The process of developing the NEP is flawed:** The draft NEP claims to have been “prepared through a process of extensive consultation with experts, as well as diverse stakeholders, and this process is also documented”. This claim is highly disputable. Recently nearly 70 prominent environmentalists and environmental groups in the country signed an Open Letter to the Ministry of Environment and Forests, in which they asserted that the draft NEP has been developed in an extremely non-participatory manner. The fact that most well-known environmental groups of the country had not been involved in any significant manner in the drafting of the NEP, puts a huge question mark on the MoEF’s claim. Even more serious, the process of developing the draft has not involved any village communities, which is strange given that these communities have a far greater direct stake in the natural environment than those sitting in urban offices making these policies! And finally, even the draft NEP that has now been opened for public comments, is available only on a website, and only in English...which essentially means that local communities and most community-based NGOs continue to remain outside of the consultation process. A document that has far-reaching consequences for all of India’s people, and in particular for its ecosystem-dependent communities, has to be developed in a far more participatory and transparent manner.

Unfortunately, the draft NEP also has not taken on board the lessons and results of one of the most participatory exercises that MoEF itself facilitated, the National Biodiversity Strategy and Action Plan process. Four years of extensive consultation across the country yielded a detailed report, a draft NBSAP, which the MoEF has been sitting on for almost a year now. **All the flaws pointed out above, and many of the specific points made below, are dealt with in the draft NBSAP, but MoEF has just ignored them!** This is a classic case of one hand of MoEF not knowing, or rather ignoring, what the other hand has done! Why spend Rs. 4 crore, and invest the time and energy of thousands of people, if the results are only going to be ignored?

### *Section 2.01 Specific (section-wise) comments*

#### **(a) Objectives**

1. The objectives of the NEP are all generally acceptable. However, they are fundamentally human-centred, and are not prefaced or tempered by a more ethics-based approach which

would put conservation of nature as an objective in its own right, regardless of the value of nature for humans. This also relates to the point made below in the comments on **Principles**.

2. While it is good that the principle of “Environmental Governance” (3.vi) is given here, the rest of the document does not contain a clear statement of how this is to be achieved; see general comment regarding governance.

#### **(b) Principles**

1. Again, the principles given here are generally acceptable, but are all very anthropocentric. The right of nature and all species to exist/survive, their right to a share of this earth, are ethical principles that are ancient in India, and need to be stated upfront in such a document.
2. The Right to Development (4.ii) is basic, but even more basic is the right to human well-being and welfare, which is not to be equated to ‘development’. Indeed humans can be happy and well without necessarily being subject to constant ‘development’, especially when (as in this draft), ‘development’ is seen primarily in terms of material growth. More broadly speaking, all humans should have a right to wellbeing, not to ‘development’, which is only one tool (not even necessarily the most appropriate one in all circumstances) towards achieving this well-being.
3. It is commendable that the Precautionary Principle (4.iv) and principle of Equity (4.vii) have been stressed here. As stated below, however, there is not enough reflection of these in the actual strategies and actions.
4. While it is good to stress that environmental services be valued in economic terms as equivalent to economic values of other goods/services (4.v), it must also be stressed that many/most environmental services are related to intangible, or non-quantifiable benefits. There are indeed economic tools to value many of these, but these tools remain very imperfect, subject to serious distortions and manipulation, and incapable of reflecting the true and full value of nature’s benefits to humanity. A policy that primarily stresses the economic value of the environment, is starting off on a wrong footing; equally basic are the cultural, survival, ethical, intellectual, spiritual values. Surely this has to be a strong part of any statement of principles.
5. The distortions that a predominant focus on ‘economic’ value of the environment can bring in, are shown by the rather alarming statement that “the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment” (4.v(a)). It is amazing that basic environmental values are being subjugated to trade and investment, whereas any sound environmental policy should in fact stress that trade and investment (and all other economic activities) should be subsidiary to environmental sustainability!
6. The principle of endowing some ‘entities’ with ‘incomparable value’ (4.vi), is very sound. This partly (but only partly) off-sets the otherwise predominant economistic approach to the environment that pervades the draft NEP. However, even this is somewhat diluted by the examples given in the footnote 10 (e.g. “charismatic species as the Tiger”...surely it is not the tiger’s charisma that should endow it with such a value, it is its uniqueness...and this would then in fact imply that all species, as a *species (and not necessarily each of its individuals)*, has such an ‘incomparable’ value, for there is nothing else that can replace a species....it is unique in itself. This principle needs to be worked on much more, and by people with sensitivity and scientific insight, not by those who would look at nature from mostly an economics perspective.
7. The “Public Trust” principle (4.ix) is very important, and it is commendable that it has been stated in the NEP. However, the rest of the NEP does not really reflect this principle (see general comment above on governance).
8. Similarly, it is good that the “Decentralisation” principle (4.x) is included here. However, the concept of decentralisation needs to be refined, to go beyond even “local authorities” (such as

panchayats) to a participatory democracy form, in which all citizens are able to participate in decision-making of relevance to them. The gram sabha, or equivalent village or town assembly, needs to be the basic unit of decision-making, not only the ‘authorities’ that are elected by such assemblies.

**(c) Strategies and Actions**

1. Regulatory reforms (5.1) are indeed very necessary. The draft NEP should however have acknowledged and built on the many analyses that have already been carried out on what kind of reforms are needed, including in the National Biodiversity Strategy and Action Plan (NBSAP) process in which a thematic working group went into this aspect in great detail. Key recommendations on this are contained in the draft NBSAP national plan (which has been with the MoEF since late 2003).
2. Perhaps the biggest “Process related reform” (5.1.2) needed is much greater *locus standi* to the public, in all laws and policies. There should be institutionalised space for citizens to participate at all levels of decision-making regarding the environment (and development processes that impact on the environment). Unfortunately there is not much in the NEP towards this, which weakens its initial principle of decentralisation and people’s participation.
3. On the contrary, there is an alarming emphasis on “reviewing existing procedures for granting clearances and other approvals”, especially to “reduce delays and levels of decision-making” (5.1.2(i)). In the past few years, most such moves to “review” procedures have resulted in *dilution* of environmental standards (as many as 30 dilutions of the CRZ and EIA notifications under the Environment Protection Act, for instance), rather than their strengthening. The logic has always been that environment is standing in the way of development, rather than that stringent application of environmental standards and processes is one effective tool towards ensuring sustainable development. The draft NEP cites the Govindarajan Committee as having identified environment and forest clearances as being the “largest source of delays in development projects”...it is astounding that the NEP takes this as gospel truth, completely ignoring the fact that (a) ‘development’ projects are in fact the *largest source of environmental destruction*, and that (b) a considerable part of the delays are caused because project proponents simply do not furnish adequate or timely information that would allow systematic decision-making.
4. Related to the above, the NEP’s section on “Substantive reforms” (5.1.3) takes the welcome step of including impact on lands including agricultural land as part of the clearance procedure. But it could have at the same time also stressed that impacts on agricultural (crop, livestock) biodiversity would also be considered as part of the EIAs. This is completely missing from EIA procedures so far (as identified by the NBSAP draft document mentioned above), even though development projects often have a serious negative impact on such biodiversity.
5. Also related to the above, the NEP should have stressed (as part of section 5.1.3(i) on “Substantive reforms”) that (a) the clearance procedure would apply to *all* projects and processes with a potential negative impact on the environment (there is no justification for leaving out any projects, such as minor ports that are left out at the moment even though they have huge environmental impacts); (b) economic sectors as a whole would also be subjected to EIAs (e.g. to look at potential impacts of new agricultural schemes, or the power or infrastructure sector as a whole rather than only at specific projects); and (c) all dilutions that have been made in the last few years to the EIA and clearance procedures, would be rolled back.
6. While decentralisation of clearance procedures (5.1.3(ii)(b)) with regard to coastal areas, or with regard to projects in general, is desirable, this has to be accompanied by clear reforms to ensure public participation (including participation by independent experts), transparency, and openness to ensure that clearance procedures are robust and publicly visible. Without

this, decentralisation from central to state or local authorities (all of whom are subject to distortions) may not result in any significant improvement, and could in fact worsen the situation in many areas.

7. In the case of “Living Modified Organisms” (5.1.3(iii)), the NEP could actually have made a plea for a LMO/GMO free India, but perhaps could not have given that India’s policy is already to accept such organisms on a case to case basis. But at the very least it should stress the need for (a) long term studies on all kinds of potential impacts of LMOs, and (b) public transparency and participation in such studies, and in any decision-making regarding this. Current decision-making on GMOs is secretive and non-participatory, and usually based on short-term studies.
8. The recommendation for communities to carry out monitoring of environmental compliance, and report violations to concerned authorities (5.1.3(v)), is very commendable, for such participation could significantly enhance the chances of violations being detected. However, a bigger issue is, what is the guarantee that action will be taken on such reports? Already there is considerable evidence of such violations being reported by the regional offices of MoEF to the headquarters, only to be ignored. The NEP provides no assurance or guarantee on reporting by communities being acted upon.
9. Section 5.2 rightly stresses the need for a review of macro-economic and sectoral policies, laws, and institutions. In the case of land degradation (5.2.1), for instance, it suggests a review of perverse incentives such as subsidies on agricultural chemicals and power. It stresses that all such policies and fiscal regimes should integrate environmental concerns. This is commendable, as is the stress on adopting both science-based and “traditional sustainable” land use practices.
10. A bit more problematic is the recommendation that ‘wasteland and degraded forestland’ be reclaimed through partnerships of “land owning agency, local communities, and investors” (5.2.1(b))...are the investors being referred to here industries, who for years have been seeking common lands for captive raw material plantations? Strong people’s protest has so far successfully kept away proposals to lease out such lands to companies, but this recommendation in the NEP could be a backdoor entry...at any rate the NEP needs to clearly specify that there would be no transfer or leasing of common lands to industries.
11. The sections on specific ecosystems (5.2.2 onwards) contain a mixed bag of strategies. Firstly, the divisions are not particularly scientific: there are “forests and wildlife”, “freshwater resources”, “mountain ecosystems” and “coastal resources”. This seems to indicate that “wildlife” is found only related to forests, that mountains cannot have forests and wetlands, and so on. Moreover, *grasslands, deserts, and marine ecosystems are completely missing from this draft*. Surely MoEF’s scientists (did anyone listen to them?) would have informed the drafters of the NEP that wildlife exists in all ecosystems, and that ecosystems could be divided into forests, wetlands (freshwater and saltwater), marine/coastal areas, grasslands, deserts, and such ecologically distinct categories.
12. In the “Forest and Wildlife” section (5.2.2(i)), the draft NEP contains the very important recommendation to provide “legal recognition of the traditional rights of forest-dwelling tribes”. If the MoEF were to follow up on this one recommendation in right earnest, it would indeed be undoing serious injustices done in the past (as it recognises in a preambular paragraph to this strategy). However, it also needs to include within the purview of this recommendation, traditional communities other than “forest-dwelling tribes”, including forest-dwelling or dependent non-tribal communities, fisherfolk, pastoralists, and small peasants. These communities are as dependent on natural ecosystems, and have long-lasting traditional links with them...and have, like forest-dwelling tribes, been alienated from such ecosystems by colonial and post-colonial policies. Secondly, the NEP needs to include a clear definition of “traditional rights”, to both include non-recorded customary rights (most such rights are not written down, recorded in government documents, or accompanied by

documentary proof), as also to exclude new vested interests who claim to have traditional rights.

13. The NEP repeats the National Agriculture Commission's goal of covering 33% of the country's land with forests (5.2.2(i)(a)). It has often been pointed out that there is no scientific basis for this figure. What is needed is to ensure that as much of India as possible is covered by *natural ecosystems*, which could be forests, but could also be grasslands, wetlands, deserts, etc. Indeed the blind 33% target has in the past meant enormous damage to these other ecosystems, e.g. when the Forest Department has converted natural grasslands into tree plantations over thousands of hectares in the Western Ghats or elsewhere (the NBSAP document mentioned above goes into this in detail, providing actual studies and data). Surely the MoEF should have access to better scientific advice than whoever is repeating the tired old figure of 33% forest cover?
14. The same section (5.2.2(i)(b)), recommends the "universalization of the Joint Forestry Management (JFM) system throughout the country". This approach to thrusting one homogenous solution to the entire nation, is fraught with many dangers. For one thing, JFM has had mixed success in India with some spectacular successes and some equally dismal failures. Lessons from these are necessary before recommending its spread. Secondly, JFM still remains largely a top-down affair, with little power-sharing between the Forest Department and local communities. Third, it has in many places created the ecological problems mentioned above (of covering non-forest lands also with trees), as also reduced access of underprivileged sections of the community to vital common lands. These aspects need to be tackled, through much clearer policies and scheme guidelines, and through a slow empowerment of village communities, before making such recommendations. Unfortunately the NEP does not provide such a perspective.
15. The section on "Wildlife" (5.2.2(ii)), suffers from similar problems, and is perhaps one of the NEP's weakest sections. Firstly, its diagnosis rightly identifies "non-involvement of relevant stakeholders in identification and delineation of PAs" as one source of human-wildlife conflicts. But in its prescriptions, it does not promote such involvement of people within national parks and sanctuaries, it only recommends "ecodevelopment programmes" in "fringe areas of PAs". MoEF's propensity to sweep under the carpet the issue of over 3 million people who live *inside* national parks and sanctuaries, continues in the draft NEP. Surely there has to be recognition of this issue, and a bold vision to resolve the conflicts that have been created by an exclusionary policy that simply denies the customary rights and needs of these people, and hopes that somehow the problem will just vanish on its own?
16. Secondly, this section puts all its emphasis on protecting wildlife within protected areas. However much it may be expanded, the PA network in India will never cover more than a fraction of the land and water, and will leave out the majority of wildlife (especially if one takes wildlife to include the entire range of wild plants and animals). Even the National Wildlife Action Plan, prepared in 2002, goes much beyond such a vision in stressing on the need for wildlife conservation across landscapes outside PAs also.
17. Third, the NEP stresses "multistakeholder partnerships" in the case of the two new categories of PAs in the Wild Life (Protection) Act, Conservation Reserves and Community Reserves. On paper this sounds good, but a serious analysis of these categories by NGOs has shown that they have extremely limited applicability, and that the Community Reserve category may actually undermine ongoing community initiatives towards conservation. This analysis by Kalpavriksh and other groups has been available with MoEF, but obviously has not informed the NEP drafting.
18. Fourth, other than the above recommendation regarding Community Reserves, the NEP completely ignores the very many ongoing initiatives that communities have taken, to conserve wildlife and biodiversity. These include several hundred sites where forests, wetlands, coastal/marine areas, grasslands, etc. are being conserved, or populations of

wildlife species that are being protected by communities. A draft Directory of such areas produced by Kalpavriksh (funded by MoEF!) has been available with MoEF for over a year, and indeed there is stress on this even in the National Wildlife Action Plan (not to mention the draft NBSAP). Such initiatives require support of various kinds, including legal, technical, administrative, social, and financial...and not only declaration as Community Reserves which in any case is problematic.

19. On “Biodiversity, Traditional Knowledge, and Natural Heritage” (5.2.3), the NEP is shockingly shallow. The myriad ecological, cultural, livelihood, economic, scientific, and other values of biodiversity are reduced to a few sentences on how it is useful for “improved crop varieties...new pharma products, etc, apart from ensuring the resilience of ecosystems”. Worse, traditional knowledge is acknowledged only in its value as “potentially an important means of unlocking the value of genetic diversity through reduction in search costs”! India’s most important resources (other than perhaps water) are reduced to a few economic benefits! The importance of biodiversity and traditional knowledge for the sheer survival, livelihood security, and cultural sustenance of tens of millions of people is ignored. This section needs a drastic overhaul to point to the basic values of biodiversity, the importance of traditional knowledge first and foremost to local people themselves, the links with culture and livelihoods, and so on.
20. Then NEP’s treatment of the National Biodiversity Strategy and Action Plan (NBSAP) is deplorable. In total violation of the spirit with which it facilitated India’s most participatory planning exercise ever (from 2000 to 2003), the NEP calls the final draft NBSAP as only “inputs” towards a national plan. It further states that this draft will be “reviewed in terms of the Objectives and Principles of the NEP, scientific validity, financial and administrative feasibility, and legal aspects”. Why a four year old process, which has already gone through several rounds of reviews commissioned by the MoEF itself, needs to be in line with the NEP, is not made clear. This is also supremely ironic given the largely non-participatory nature of the NEP draft’s formulation! If anything, if MoEF had been true to its own earlier stand, it should have taken on board the final recommendations of the NBSAP process (available to it since late 2003) in the drafting of the NEP...but as pointed out repeatedly in this critique, it has chosen to ignore them.
21. And then, in a complete contradiction to its stand, the NEP lays out some recommendations on biodiversity (5.2.3(a)), with no indication on the basis of how these have been arrived at! It is not then surprising that these are seriously problematic. For instance, it assumes that in protecting areas of “high endemics of genetic resources” alternative livelihoods will have to be provided to local communities...ignoring the fact that in many of such areas local livelihoods could well be integrated within the conservation objectives, and indeed may be one critical stake in facilitating the local people themselves to conserve. In promoting “ex-situ conservation of genetic resources in designated gene banks”, it ignores the enormous potential of community-level gene banks (especially for crop and livestock varieties). In promoting “sui generis intellectual property rights for ethno-biology knowledge, to enable local communities to realize significant financial benefits”, it does not ask the question: is this what communities want? During the NBSAP exercise in which hundreds of village communities participated, it became clear that traditional or ecosystem-based knowledge is valued firstly as a means of survival and household livelihood security, as a cultural resource, and so on...and of course often also as a means of earning income, but largely within this broader context. Community level IPRs need to take these issues into account, and be determined by communities themselves, rather than be framed in the dominant financial world-view of the current patent regimes.
22. In the case of “River Systems” (5.2.4(i)), the NEP should include the current discussion on extending a CRZ like legal protection to riverine ecosystems also. This could, for instance, help to regulate development in the vicinity and banks of rivers.

23. Critical parts of river systems need also to be protected from destructive development, and should be listed under the category of areas with 'incomparable value'.
24. The section on "Wetlands" (5.2.4(iii)) (and indeed all ecosystem-related sections), ought to have included a historical analysis of the alienation of local communities, as has been done for forests. Such an analysis would have led to the recommendation, similar to that for forest-dwelling tribes, that the customary rights of fisher and other wetland-based communities be restituted to redress a historical wrong, and to ensure a stake in conservation and sustainable use. As it stands, this vital component of wetland management is missing from the NEP. (The same would apply for sections on marine areas, grasslands, etc, were the NEP to include such sections).
25. In the "Mountain ecosystems" section (5.2.5), there is repeated emphasis on "sustainable tourism". Such tourism is not clearly defined, and appears as being one of the favourite strategies for generating local livelihoods. Certainly carefully regulated, ecologically and socially sensitive tourism could be beneficial, but India has hardly any long-term examples of this, on the contrary most of what today passes off as 'ecotourism' is destructive and unsustainable. All the more reason that the NEP needs to be extremely cautious while promoting this as a strategy.
26. The NEP justifiably and commendably points to "deeper causes" of coastal degradation, such as "inadequate ... participation of local communities in formulation and implementation of coastal management plans". In the action recommendations that immediately follow, however, there is nothing about how to ensure such participation!
27. Under "Pollution" (5.2.7), the serious upcoming problem of electronic waste, needs to be proactively tackled. It is currently missing from the draft.
28. The section on "Environmental Awareness, Education, and Information" (5.5), needs to emphasise locale-specific education curricula and awareness programmes.
29. This section also mentions the need for public to access information (5.5); however in its recommendations it only mentions access to information regarding pollution (5.5(c)). The full right of the public to all information regarding the environment is missing from the draft.
30. The NEP ends with sections recommending a regular review of the implementation of the Policy, and of the Policy itself. This is commendable. However, it needs to build in clear indicators for such review and evaluation, and to ensure that the evaluation itself is carried out by an independent body. The draft proposes that the Cabinet Committee on Economic Affairs carry out the review of implementation and then make the results public; what is needed is (a) either an environmental commission or some other equivalent body to carry out this review, since the CCEA is hardly the competent body to look into environmental issues; and (b) the involvement of the public in the review process itself (as is recommended for the review of the Policy). This process of review would also have to be fully transparent and open to public scrutiny.

**Section 2.02 Ashish Kothari**  
Kalpavriksh, Pune, 15.10 2004