

A Hundred Days Closer to Ecological and Social Suicide

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The first 100 days of the Narendra Modi government which have been celebrated by the mainstream media saw what can only be called a widespread and large-scale assault on rules, laws and institutions meant to protect the environment, and more is on the cards. Side by side, the central as also state governments of various hues have moved against non-governmental organisations raising social and environmental issues. But resistance to corporate-driven growth continues and alternatives continue to be explored.

This is one prediction I did not want to come true. In April this year I wrote an article called “Could Modi Be a Development Disaster?” in which I said:

The UPA’s record is not particularly positive, with nearly 2.5 lakh hectares of forest land having been diverted in just a decade...and continued forcible acquisition of lands resulting in dispossession of farmers, adivasis, fisherfolk and others. Communities, people’s movements, and NGOs are up in arms over the rapidity with which the Union Environment minister, Mr Moily, has given environmental and forest clearances to mining, industrial and infrastructural projects. But even this vast scale of social and ecological disruption could be overshadowed if Modinomics is given free rein.... Modi ...will instruct the Ministry of Environment and Forests to carry on Mr Moily’s good work of clearing every project that comes its way; and if some of the environmental laws that people fought to get in the 1980s and 1990s seem to be in the way, he will initiate measures to dilute them....

Across India, many of the struggles for rights-based laws, such as the Right to Information Act, have been of citizens’ asking for greater voice and more direct democracy. If Gujarat’s record is an indication, it is likely that such struggles will be dealt with harshly by Modi as PM....

In all the above, particularly the model of globalised ‘development’, Modi and the BJP are no different from other mainstream political leaders and parties. They continue a longer history of appropriation and centralized control of land and natural resources (with the biggest thrust during colonial times), and build on the blind adoption of the western model of development by our leaders after Independence. But Modi’s combination of undemocratic functioning, megalomania, faith in big private corporations, and social divisiveness could take the destructive model to new heights.

Regressive Actions Already Taken

Every one of these fears is, unfortunately, coming true, even in the short time span that the Bharatiya Janata Party (BJP)-led government has been in office. Let us look at some of its actions:

(1) In its first budget, the allocation for 2014-15 to what has now been renamed as

the Ministry of Environment, Forests and Climate Change (MOEFCC) was slashed by over 50% compared to the previous year. Union Minister of State for Environment, Forests and Climate Change Prakash Javadekar has charge of two other important ministries as well. Given the way in which the MOEF has been diluting environmental laws and procedures since then, perhaps it is on its way to becoming a “lean” (lightweight) and “mean” (to the environment) agency?

(2) In his first budget speech, Union Finance Minister Arun Jaitley did not utter the following words even once: sustainable development, forests, wildlife, biodiversity, ecology. The word “investment” was mentioned 34 times, and “growth” 31 times (Kothari 2014b).

(3) Amongst the first of Javadekar’s pronouncements was that he would make clearances quicker and smoother. He has lived up to this promise by clearing 240 projects in three months, a time period that simply cannot be adequate to undertake proper environmental impact studies, public hearings at local sites, and other mandated procedures (*Hindustan Times* 2014).

(4) Because he cannot keep doing this without seriously violating various environmental laws or norms, Javadekar has also initiated a spate of changes that dilute these. Several people have written about these, so here I will only summarise them (Mazoomdaar 2014b; Warriar 2014; Banerjee 2014; Menon 2014):

- Delinking forest clearance from the green signal that is given by the National Board for Wildlife (NBWL), to projects around tiger reserves, national parks and sanctuaries. Previously forest clearance could only be given after the NBWL approval.

- Reducing the need for NBWL approvals for projects within 10 km around protected areas to only 5 km.

- Relaxing procedures under the Forest Conservation Act, which requires central approval of diversion of forestlands, for linear projects through forest areas, projects in forests and eco-sensitive areas along international borders and in “Naxal-affected” areas. For linear projects

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tree-felling can apparently now begin even before clearance to the project, as long as money for compensatory afforestation is given in.

- Doing away with the need for public hearings for coal mines of less than 16 million tonnes per annum (mtpa) capacity (from the earlier 8), and allowing one-time expansion of mines up to 6 mtpa if they are already of 20 mtpa size.

- Exempting irrigation projects affecting less than 2,000 hectares from needing environmental clearance, and allowing state governments to clear those affecting 10,000 hectares.

(5) As if the above actions reducing the powers of the NBWL were not enough, one of the government's most brazen attempts at weakening environmental governance was to constitute a NBWL with almost no non-governmental organisation (NGO) presence. This was such a clear violation of the Wildlife (Protection) Act that the Supreme Court issued a stay on the actions of this NBWL almost immediately after a petition was filed before it. The MOEFCC's response has been to constitute a full NBWL as legally required, but packed with former forest officers, and for the most part weak NGOs (barring one or two) that will simply provide a rubber stamp to its decisions.

(6) For a prime minister who has declared that cleanliness is his highest priority, it is ironical that a moratorium on new industries or expansion of existing industries that MOEFCC had issued for 43 of India's most "critically polluted clusters" has been lifted in the case of eight of these clusters. This includes Vapi in Gujarat, which has repeatedly broken the record for being one of the most polluted sites in India.

Regressive Actions Coming Up

It is not clear if each of the above actions are under direction from the prime minister; some or several may be the environment minister's own initiative.

But the fact that the prime minister and his office are in general pushing such "reforms" is clear from the minutes of meetings that the principal secretary to the prime minister has convened with all relevant ministries, including the latest on 17 September where clear instructions

were given to ease up norms for environmental and forest clearances.

Much more along the same lines as the above is to come. Let us see what is on the anvil:

(1) One of the biggest thorns in the government's flesh is the National Green Tribunal (NGT). Since it was set up in 2010, it has repeatedly shown itself to be independent of its parent body, the MOEFCC. It has even pulled up the ministry for poor decision-making or judgment, and it has become much sought-after by civil society when it wants relief from environmentally irresponsible actions of the State. According to some observers, the government would rather that it be a body fully under the ministry's thumb, much like the earlier National Environment Appellate Authority. Changes to the NGT Act are accordingly being considered.

(2) Another flagship legislation of the United Progressive Alliance (UPA) government, the Forest Rights Act, has increasingly been seen as a hurdle for quick clearances of projects. Where communities have been able to get the FRA implemented (though this is not yet widespread), they are using it as a tool to oppose forest diversion. The government is considering doing away with the process of obtaining consent from gram sabhas for forestland diversion; it has already provided such exemption for minerals' prospecting.

(3) Amongst the first announcements of the NDA government was that it intended to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCLARR), 2013. After over a century of uninterrupted service to the proponents of coercive land acquisition in the name of "national interest" (and increasingly in use for the benefit of private corporate sector's desire to take over land), the colonial Land Acquisition Act was finally amended by the UPA, introducing a few progressive clauses such as 80% of affected farmers having to give consent, compulsory social impact assessment, and defining "affected" as including not only landowner but also those working/dependent on it. Though still far from effective in achieving a fair and just method of dealing with land use, even this amended version is now slated for

modifications, especially removing or weakening the progressive provisions introduced in 2013.

(4) A committee has been set up to review five environmental laws (Environment (Protection) Act, Wildlife (Protection) Act, Forest (Conservation) Act, and Water and Air Pollution Prevention and Control Acts). The committee has been given all of two months in which to review the implementation of these Acts so far, and suggest amendments "so as to bring them in line with current requirements to meet objectives". There is no clear mandate that the amendments need to be such as to strengthen environmental governance and regulation; indeed could the words "current requirements" be a covert way of saying that the laws need to be made more "investor-friendly"? There are no civil society members on the committee, and no known environmental law experts. And public submissions to the committees are supposed to be restricted to 2,000 characters! Yes, characters, not words. The Modi government is carrying its love for "social networking" to new heights. And interestingly, there is no sign of reviewing the Indian Forest Act, which has remained more or less the same since its colonial birth, still lending itself to top-down, centralised forest governance.

Note that I am here not mentioning changes brought in or proposed in other sectors, which have a bearing on environment and ecosystem-dependent people, such as labour "reforms" and appointments to the judiciary. The interplay between economic, environmental, social, legal and other aspects of our lives, and how government decisions are affecting them, needs separate treatment.

Apart from what is already proposed, I suspect there will be a number of other moves to dilute laws, or disempower the institutions of environmental governance. For instance, the UPA government had already begun weakening the various environmental appraisal committees that examine development projects and advise the MOEFCC on whether to approve or reject them. It did this by appointing as members and chairpersons, people who were "convenient" to have, such as former government officials who have

little expertise on the matters under their jurisdiction (this trend was successfully challenged by Kalpavriksh and Goa Foundation in the NGT). The BJP will most likely take this process further; I would not be surprised if some of these institutions remain mere rubber stamps, or are abolished altogether.

Democracy in Decline

An ambitious growth-at-all-costs agenda does not have only the environment and ecosystem-dependent communities as its casualties. An equally worrying aspect is the impact on democracy. Those resisting or opposing displacement, dispossession, and ecological damage that it entails can be tolerated up to a point, but when they get large or widespread enough to start hurting the interests of industry and the state, that toleration dissolves. No political party is able to resist the temptation to hit back, as evidenced by governmental crackdowns on dissent in Chhattisgarh, West Bengal, Odisha, Gujarat, Assam and Madhya Pradesh, all controlled by different parties. Nor was the UPA averse to try intimidation tactics every once in a while, e.g., by labelling activists as “Maoists” or “Naxalites”.

But there are indications that Modi's government may take this further than anyone before this, barring what Indira Gandhi did during the Emergency in 1975-77. Enormous powers have been centred in the prime minister's office, such that ministers can hardly take decisions without the prime minister's approval (Noorani 2014). Civil society is being targeted, as witnessed for instance in the Intelligence Bureau's (IB) “leaked” secret reports naming several groups as being responsible to slowing down India's development, and being hand-in-glove with foreign interests. As of the time of writing, Greenpeace India is under severe pressure, its contributions from Greenpeace International having been blocked (before being partially freed by a court order), a full inspection of all its records is under way, and attempts are being made to squeeze the tax exemptions it now enjoys. Though the IB report appears to have been initiated in the UPA's time, it is surely not a coincidence that they were released only after BJP came to power, and even contains

a para that picks up directly from a Modi speech referring to the unaccountability of foreign-funded NGOs (Mazoomdaar 2014a). Several other international and local groups are believed to be under the scanner, a process that may come to a head when, next year, the Foreign Contributions Regulations Act registration of thousands of NGOs comes up for renewal. The Ministry of Home Affairs will find one “reason” or the other to deny or delay renewal of registration to many of them.

Whether or not it finally acts to shut down troublesome civil society groups, the signals going out from the central government are already being picked up by others. Corporates are producing the IB reports in court to ask for injunctions against movements or NGOs who are opposing their activities; Essar tried this against Greenpeace India, because the latter is helping villages in Mahan, Singrauli (MP) to mobilise against displacement by coal mining. The Karnataka government has issued notice to NGOs who get foreign funding, to report on their participation in agitations over the last five years, and their involvement in issues like women's protection, the forest department, wildlife board, evacuation/rehabilitation of tribals, devadasi children and Bangalore-based IT companies generating e-waste.

Yet another way in which democratic spaces will be reduced is to remove independent voices from critical institutions of environmental and social governance. As mentioned above, the UPA's moves to weaken the environmental appraisal committees of MOEFCC will be taken further by the BJP, and this will happen in all other such institutions. NBWL has already been a victim of this process. If the NGT also goes, the courts may be the only last resort left for citizens and even that is threatened if the government uses the National Judicial Appointments Commission Act 2014, to appoint pliant judges.

Misplaced Faith in Growth

One of the most powerful justifications for all these actions is that rapid economic growth will bring prosperity and wealth to all Indians, removing poverty, hunger and injustice. And that such growth can most effectively be delivered by the

private sector; therefore the need for an “investment-friendly” environment (indeed the word environment is used more in this sense by the government, than in the sense of our biophysical surrounds!). Here is what the BJP's manifesto said:

...take all steps, like removing red-tapism involved in approvals, to make it easy to do business, invest in logistics infrastructure, ensure power supply and undertake labour reforms, besides other steps to create a conducive environment for investors.

That high growth rates can make India a land of milk and honey is a myth. Detailed analysis presented in a book by Aseem Shrivastava and myself (2012) shows that over 70% of India remains deprived of basic needs of one kind or the other, employment in the formal sector has hardly grown, undernourishment and malnourishment are at an all-time high, India ranks amongst the worst in social indicators of various kinds, inequalities between the rich and poor are growing significantly, and ecological unsustainability has already set in. The more we go for large-scale, technology-intensive, capitalist investments, these problems will only get exacerbated. Modi's “Make in India” slogan is more of the same wine; he may as well state the full form, “Make Money in India”.

Another myth that the government is dishing out is that environmental damage can easily be repaired. Javadekar is reported to have said that forest diversion actually leads to ecological improvement, as twice the amount of land is afforested. Such a view shows extreme ecological ignorance; clearly no one has told him, or he is ignoring, the fact that a million-year forest cannot be possibly replaced by a new plantation, even if you plant 10 times what you are losing. And has his prime minister told him why he did not manage to clean up Vapi's horrifying pollution, even after so many years of being chief minister?

The Only Hope

There are silver linings to this abysmal situation. First, resistance to land acquisition, forest takeover, water privatisation, labour displacement, and so on, is growing. On 17 September, thousands of adivasis

demonstrated in Gajapati, Odisha, against the proposal to dilute the Forest Rights Act. Dozens of movements around the country are countering the might of the state and of corporations, some successfully for many years, some not strong enough to succeed yet still providing lessons to others.

Simultaneously, there are hundreds, possibly thousands of initiatives at finding alternative ways to meet human needs and aspirations in ways that are ecologically sustainable and socially equitable. Sustainable agriculture, decentralised water harvesting and renewable energy, community-centred decision-making, struggles for equity and justice, accessible ecofriendly housing, zero waste colonies, producer companies and other forms of economic democracy, alternative media and arts, and many others, are showing that collectively we can construct a different

future (see the web site www.vikalpsangam.org).

Civil society's greatest contribution in these dire times would be to understand, document, spread, support, and help network these resistance and reconstruction movements. If the juggernaut of economic growth-led development model has to be stopped, and alternative pathways to human well-being found, this is our most important task.

REFERENCES

- Banerjee, Sreetha (2014): "NDA Government Further Eases Environment Clearances for Projects", *Down to Earth*, 4 August, <http://www.downtoearth.org.in/content/nda-government-further-eases-environment-clearances-projects>
- Hindustan Times* (2014): "Prakash Javadekar Clears 240 Projects in 3 Months", 11 September, <http://www.hindustantimes.com/india-news/prakash-javadekar-clears-240-projects-in-3-months/article1-1262676.aspx>

Kothari, Ashish (2014a): "Could Modi Be a Development Disaster?", *India Together*, 4 April.

– (2014b): "The Budget's Ecological Bankruptcy", *The Hindu*, 14 July, <http://www.thehindu.com/opinion/lead/the-budgets-ecological-bankruptcy/article6231209.ece>

Mazoomdaar, Jay (2014a): "IB's NGO-scare Report to Modi Plagiarises from Old Modi Speech", *The Indian Express*, 13 June, <http://indianexpress.com/article/india/politics/ibs-ngo-scare-report-to-modi-plagiarises-from-old-modi-speech/#sthash.qy9PpQP3.dpuf>

– (2014b): "11 Environmental Disasters Narendra Modi Blessed in His First 100 Days" *Quartz* (<http://qz.com/255772/the-11-environmental-disasters-narendra-modi-blessed-in-his-first-100-days/>).

Menon, Meena (2014): "Clearance without Compliance", *The Hindu*, 9 September, <http://www.thehindu.com/opinion/op-ed/comment-article-clearance-without-compliance/article6391834.ece>

Noorani, A D (2014): "Modifying Democracy", *Frontline*, 25 June.

Shrivastava, Aseem and Ashish Kothari (2012): *Churning the Earth: The Making of Global India*, Viking/Penguin.

Warrier, Gopi Krishna (2014): "Clearance Mela", *Frontline*, 19 September, <http://www.frontline.in/environment/clearance-mela/article6364785.ece?homepa>