



Environmental Social  
**Justice**  
&  
**Governance Initiatives**

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1572, 36<sup>th</sup> Cross, 100 Feet Ring Road,  
Banashankari II Stage,  
Bangalore 560070. INDIA  
Tel: 91-80-26713559-3561  
Voice/ Fax: 91-80-26713316  
Email: [esg@esgindia.org](mailto:esg@esgindia.org)  
Web: [www.esgindia.org](http://www.esgindia.org)

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Reg.: Request that you reject regressive Environmental Reforms promoted by the Union Ministry of Environment, Forests and Climate Change based on recommendations of the TSR Subramanian Committee Report

**Respected Chief Ministers, Environment Ministers, Environment Secretaries and Chairpersons and Member Secretaries of Pollution Control Boards in various States of India:**

We write seeking your immediate attention to certain proposals of the Union Ministry of Environment, Forests & Climate Change to reform environmental decision making in India. We consider these "reforms" to be highly regressive and would cause irreversible damage to environment and human rights.

As you are aware the Environment Ministry accepted the recommendations of the highly controversial "*Report of High Level Committee to review Acts administered by Ministry of Environment, Forests & Climate Change*" (also known as the T S R Subramanian Committee report). The Committee's recommendations are oriented towards promoting unprecedented access to land, water and other natural resources to large corporate bodies and to pave the way for mega infrastructure, industrial and urban projects. Keen on ensuring that all State Governments support the Ministry's "reforms" agenda, the Union Environment Minister Mr. Prakash Javadekar has called for a conclave of State Environment Ministers, Environment Secretaries and Chairpersons of Pollution Control Boards in Delhi, 6-8 April, 2015, which will be addressed by Prime Minister Mr. Narendra Modi.

The Subramanian Committee was one of the first major policy initiatives of the National Democratic Alliance government headed by Prime Minister Modi. The purpose of the Committee was to draft "specific amendments needed in each of these Acts so as to bring them in line with current requirements to meet objectives". Neither the Government nor the Committee cared to explain or clarify what this phrase meant. While preparing its report, the Committee held secretive consultations with corporate bodies and lobby groups, some state governments (*not all*), and held public consultations in a few cities which can best be described as tokenistic. The Committee submitted its report to the Prime Minister on 27th November 2014, barely 3 months after it had been constituted.

The Committee proposes sweeping changes to environmental, forest and biodiversity protection laws of India, proposes new laws to manage old laws, and promotes the establishment of a slew of new bureaucracies and the dismantling of decades-old regulatory institutions such as the Pollution Control Boards. The Committee shockingly proposes that industries must be allowed to self-regulate on a self-certification model based on "utmost good faith", completely ignoring the disastrous experience India has had, most painfully being experienced by the people of Bhopal. The Subramanian Committee recommendations are not supported by any empirical evidence and appear to have been largely an outcome of opinions held by the Committee members and those



they met with. And in stark contrast with well established norms for functioning of such High Level Committees, the Subramanian Committee has, admittedly, not kept any documentation of its process, who it met with, or even minuted its proceedings and the costs incurred.

### **Implications of the Subramanian Committee Report:**

If the Subramanian Committee recommendations are accepted by the Centre and the States, prevailing environmental decision making norms and regulations will be grossly diluted, made extremely undemocratic, in-transparent and highly centralised. The very pillars on which India's environmental jurisprudence stands today will be shaken as is evident from Section 3 of the new Environmental Laws Management Act proposed which seeks to make redundant various progressive judgments of the Supreme Court, High Court and National Green Tribunal advancing environmental and social justice.

The Committee also proposes that critical safeguards now available to natural resource dependent and forest dwelling communities and other vulnerable project impacted communities, such as the statutory requirement to involve them and seek their consent in environmental decision making and diversion of forest land, would be sidestepped so that investors could secure "speedy" environmental and forest clearances. In effect, the Committee's focus has been to make environmental and social justice considerations subsidiary to business and investment priorities.

Such "reforms" would result in colossal and irreplaceable loss of biodiversity and associated traditional knowledge, destruction of sensitive ecosystems (with an emphasis on protecting only forests with over 70% canopy cover), increase the rate of species extinction, and threaten, disrupt, dislocate and displace pastoral, farming, coastal and other natural resource dependent communities. Floodgates for reckless exploitation of natural resources would be opened as clearances to projects would be accorded largely based on investment criteria. Extensive violation of human rights are thus likely to become the norm.

Centre-State relationships will also be adversely affected as the Union Environment Minister has accepted the Subramanian Committee proposals to establish National and State Environmental Management Agencies the configuration and management of which will be decided by the Centre. The critical role of Local Governments in environmental management and conservation has been comprehensively ignored, disregarding Constitutional mandates (in particular Articles 243 ZD, ZE and the 11th and 12th Schedules of the Constitution) which require the tier of governance closest to the people must be integrally involved in decisions about environment and natural resources.

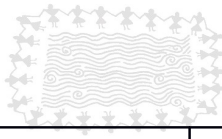
While reforms are indeed required for environmental decision making in India, the objective has to be to safeguard public interest and the quality of our environment, and not, as is now proposed, to promote economic growth causing irreversible damage to ecological security of present and future generations. In the forthcoming Conclave, we urge you to impress upon the Government of India that environmental reforms must be an outcome of deeply democratic nation-wide debates and discussions, in which all agencies of Local, State and Central governments can meaningfully participate, and where the voices of peoples from all over the country, especially those who live in environmentally sensitive and stressful areas, and from all sectors, are heard, documented and rationally considered.

With that in mind, we urge you to reject the "reforms" proposed by the Union Government on the basis of the recommendations of the Subramanian Committee.

Thank you for your cooperation and support.



Sl No.	Name	Title	Affiliation	Place
1.	Leo F. Saldanha	Coordinator/Trustee	Environment Support Group	Bangalore
2.	Bhargavi S. Rao	Coordinator (Edu)/Trustee	Environment Support Group	Bangalore
3.	Jai Prakash Alva	Board Member	Board Member Karnataka State Pollution Control Board	Karnataka, India
4.	Dr Claude Alvares	Director	The Goa Foundation	
5.	Prof J G Krishnayya	Professor	Dire, Systems Research Institute	Pune, India
6.	Wilfred D'costa		Indian Social Action Forum - INSAF	New Delhi, India
7.	Souparna Lahiri, Soumitra Ghosh, et al		All India Forum of Forest Movements	India
8.	Roger Moody		Nostromo Research	London, UK
9.	Don Anton	Professor of International Law & Adjunct Professor of Law	Griffith Law School, Griffith University & The Australian National University College of Law	Queensland, Australia
10.	Juli Cariappa		Krishi Pandit	Mysore, India
11.	Soumya Dutta		Bharat Jan Vigyan Jatha / Beyond Copenhagen collective / India Climate Justice	
12.	Laishram Malem Mangal	Assistant Professor	Royal Academy of Law	Manipur, India
13.	M K Ramesh	Professor	National Law School of India University	Bangalore
14.	M K Mathew	Professor	Laboratory of Membrane Biophysics National Centre for Biological Sciences, TIFR	Bangalore, India



15.	Anuradha Mittal	Executive Director	Oakland Institute	California, USA
16.	Aruna Chandrasekhar	Researcher, Business and Human Rights	Amnesty International India.	Bangalore/Mumbai, India
17.	Rebecca Kurian	Retired teacher		Bangalore, India
18.	Narasimha Reddy Donthi, Ph.D	Advisor	Cotton Advisory Board	Hyderabad
19.	Jayalakshmi K		Journalist	Bangalore
20.	Biswajit K. Bora		☐ University of New Delhi	New Delhi, India
21.	Dr Santanu Ghosh MD	Assistant Professor, Dept of Community Medicine	Bankura Sammilani Medical College	Bankura West Bengal
22.	Neela Jayaraman	Master of Social Work Candidate 2016	Boston College	
23.	Nitin Gujran			Massachusetts, USA
24.	Madhusree Mukerjee			Frankfurt, Germany
25.	Dr Rukmini Rao	Executive Director	Gramya Resource Centre for Women	Secunderabad, India
26.	N. Jayaram	Independent Journalist and Translator		Bangalore, India
27.	Xavier Dias	Editor	Khan Kaneej Aur ADHIKAR (Mines minerals & RIGHTS)	Mumbai, India
28.	Nityanand Jayaraman	Writer and social activist		Chennai, India



29.	Syed Tanveeruddin	Green/Environmental, RTI, Human Rights and Social Activist		Mysore, India
30.	Iqbal Ahmed	Dy. Director, Acharya Institutes, Bangalore Former Chairman, Computer Society of India Former Advisory Committee Member, Cyber Security, Dept. of IT, BT, S & T, Govt. of Karnataka.		Bangalore
31.	Vinay K Sreenivasa		Alternative Law Forum	Bangalore, India
32.	Dhritiman Chaterji			Chennai, India
33.	Ritu Khanna	Freelance translator		New Delhi, India
34.	Dr Adithya Pradyumna		MBBS, MPH (London), PGDip (Environment) Research and Training Assistant Society for Community Health Awareness Research and Action (SOCHARA)	Bangalore, India
35.	Dr. Prashanth N S			BR Hills, India
36.	Vivek Cariappa		Krishi Pandit	Mysore, India
37.	Pradeep Esteves		Context India	Bangalore, India
38.	Simpreet Singh		Right to the City Campaign-India	Mumbai, India



39.	S.S.Rajani	Consultant		Bangalore, India
40.	Koodali Thazhathveetil Jaidip	Shipping professional		Bangalore, India
41.	M.Venkatesh			Bangalore, India
42.	Dr. Debal Deb		Basudha	Kolkata, India
43.	P SRINIVAS		SOIL & SOW AGAINST GMOs	Bangalore, India
44.	Feroza Saran	Member	Pune Tree Watch	
45.	Arnab Sen	Anthropologist		New Delhi/Kolkata, India
46.	Vijay Pratap		South Asian Dialogues on Ecological Democracy	
47.	R.Selvam,	Co-ordinator	Tamil Nadu Organic Farmers Federation	Erode, India
48.	R. Ashok Kumar	Negentropist	Bombay Sarvodaya Mandal	Mumbai, India
49.	Ramit Basu	Independent Development Consultant		
50.	Sridhar			Bangalore, India
51.	L.Mohana Rengan	Individual		Tumkur, India
52.	Santosh Shintre			Pune, India
53.	Dhyan Appachu		Private Individual	Bangalore, India
54.	Lingaraj Dinni	Resident association Jt secretary		Bangalore, India



55.	Col S Thomas			Bangalore, India
56.	Madhusudan. S			Bangalore, India
57.	Siddhartha P Sarma			Bangalore, India
58.	Ajoy Chawla			Bangalore, India
59.	P R Ramesh	Association for Democratic Reforms		Bangalore, India
60.	T. V. Jagadisan			
61.	Raghuram RP			
62.	Ramdas Rao		Peoples Union of Civil Liberties	Bangalore, India
63.	Ranitendranath Tagore			
64.	Joseph Mattam			
65.	Ashok Rao			
66.	Asha Shivaram		Self-help	
67.	Sunder Muthanna		Advertising Professional	Bangalore
68.	K. S. Parthasarathy			
69.	Dr. P. B. M. Basaiawmoit	Consultant	North East Dialogue Forum (NEDF)	
70.	Nagarajan			
71.	Kumaran A	Microsoft Research Lab		Bangalore
72.	Dominique Garrel			France
73.	G C Mathur	Convenor- Trustee Treasurer	Binty- Consumer Organisation	Delhi
74.	Deba Ranjan	Writer and Film Maker		Bhubaneswar, Orissa
75.	Gautam Sonti	Documentary Film Maker		Bangalore



76.	Sujit Patwardhan	Trustee	Parisar	Pune
77.	Lyla Mehta	Professor	Institute of Development Studies, University of Sussex	Brighton, UK
78.	Suresh P.Verma President, Science For Society, Bihar	President	Science for Society	Bihar
79.	Vipul Veera			
80.	Harsh Vardan	Conservationist		Jaipur
81.	Samar Bagchi	Former Director, Birla Industrial & Technological Museum, Kolkata looking after 5 science museums of Eastern India under National Council of Science Museums, an educational, environmental & social activist.		Kolkata
82.	M.Venkatesh			Bangalore
83.	Sridhar Raman		Mapunity	Bangalore