

# Report of The Access Initiative (TAI) - India Workshop/Public Launch

October 31 – November 3, 2004  
Fireflies Ashram, Bangalore



Organised by  
Environment Support Group, Bangalore

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# Foreword

Several Indian organizations from the voluntary and movement sectors came together at Fireflies Ashram in Bangalore between Oct 31, 2005 and Nov. 3, 2004, to build an Indian coalition and join the international network of The Access Initiative (TAI).

TAI envisages assessing the state of environmental governance in a country around the Three Access Principles of public access to information, participation and justice in environmental decision-making. TAI is based on a methodology of examining a diverse set of key indicators of environmental governance within a country, and comparing them with the obligatory standards set by Principle 10 of the Rio Declaration.

Such an exercise requires the cooperation and participation of government, corporate, non-governmental, academic and media agencies, and the expected result is to progressively encourage reforms in environmental decision making per the Access Principles. Periodic in-country and international comparative efforts help in developing a set of indicators that would bring forward the main issues and challenges to environmental governance, and provide a road map for change.

Over 35 representatives from a wide range of groups across India and a representative from the World Resources Institute were present at this workshop. The discussions focused on the current status of environmental governance in India, the TAI methodology, whether it can be usefully deployed in India, how should it be adapted to India, the need and benefits of a TAI-India coalition, how to build the coalition, and what assessments are to be performed by the Coalition.

In a public launch of TAI on November 2<sup>nd</sup> 2004, Karnataka's Industry and Infrastructure Minister, Mr. P. G. R. Sindhia, released the CD containing software on TAI assessment methodology and made some very candid remarks on the state of affairs. Mr. L. C. Jain, former Member of the Indian Planning Commission, delivered the keynote address, in which he challenged the very direction Indian groups and movements (including TAI-India) have adopted in securing access to governance systems.

What follows is a report of the discussions in the workshop and launch. The report identifies conversational threads around important issues and has arranged them into narratives to provide a sense of the collective understanding on issues amongst the participants. This way, the report provides an overview of TAI, the context within which it has to operate in India, the need for a coalition, the structure of a coalition, and future plans of action of the TAI-India coalition. It is hoped that this format will make the report more useful in taking forward the deliberations of the workshop.

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We have first deposited control over our life resources in government, and you are the petitioners now to get access to that information. That is what I call perversity.

Shri L.C.Jain, Magsaysay Awardee and former Member, Indian Planning Commission

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We have people power. They have political power. They have reports. We have understanding.

Navroj Mody, HLL Workers Union, Kodaikanal

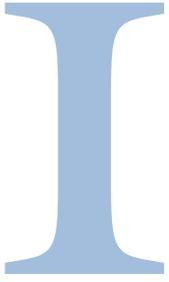
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Do we need more complex processes that at one level confront, but at another level also engage in dialogue?

Siddartha, Pipal Tree, Bangalore

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## Introduction

Between October 31 – November 3, 2004, several Indian organizations from the voluntary and movement sectors came together at a workshop to discuss the state of environmental decision-making in India, learn more about The Access Initiative (TAI), understand its relevance and potential to improving public access in environmental decision making, and to form and launch a coalition around the TAI methodology.

This report begins with a discussion of the political and socioeconomic context of India as well as the current state of environmental decision making in India. While a lot can be written on this topic, this report focuses on the workshop discussions. The later parts of the report present the potential and relevance of TAI to India and how it could be adapted to be more relevant.

### TAI-India: Background

National coalitions have been formed in several countries to perform national assessments using the TAI methodology and toolkit. In India, since January 2004, various groups, individuals and organisations met and interacted with WRI representatives to understand the details of The Access Initiative. These discussions built on a pilot test of the TAI methodology conducted during 2001-2002, by Participatory Research in Action and IDMA Foundation, Chandigarh.

Several meetings and discussions over email took place to examine the role of TAI in India and how it should be shaped here. In these discussions, it was recognised that, for TAI-India to succeed:

- A coalition of active institutions and individuals from across India must be developed to constantly review the performance of public institutions in the local, regional and national levels, and produce analysis and reports to build pressure for change.
- This coalition would essentially work on enhancing the possibilities of local and regional collaborations to utilise and popularise the methodology of review developed.
- Highly influential and strategic interventions would be made, especially with the support of the media, to project the need for immediate delivery on the Access Principles.
- Keeping the above in view, an influential Advisory Panel would be raised to advise on strategies of intervention and action, and to review the draft findings and analysis.

With a view to building the TAI-India coalition and taking the initiative forward in India, Environment Support Group (ESG) organized a workshop between Oct 31 and Nov 3, 2004 at Fireflies, Bangalore. ESG was assisted in this task by constant advise and guidance from a core group consisting of representatives of Delhi Forum, Development Alternatives, IDMA Foundation and World Resources Institute.

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Parliamentarians have been made to feel that they are completely irrelevant. Technocrats make them look like buffoons. There is an active process of assault and delegitimization of the institution of Parliament.

Jai Sen, Independent Researcher

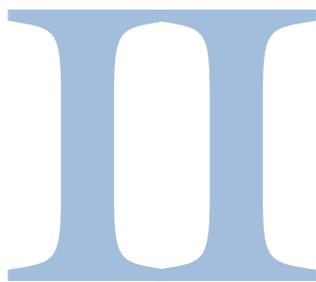
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Today, the context is where almost all nation states are subsidiaries of global capital ... today, decisions are no longer made by nation states alone ... if nation states cannot give you information, it might be perhaps that they don't have the needed info!

Navroj Mody, HLL Workers Union, Kodaikanal

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## Review of Issues and Challenges

In order to better understand the discussion around the relevance and potential of The Access Initiative (TAI) and how it needs to be adapted to Indian conditions, it is helpful to examine the prevalent social, political, and economic contexts, as well as the current state of environmental governance in India in relation to TAI's principles.

### Undermining of the role of the United Nations

One of the chief goals of TAI is to get governments to implement Principle 10 of the Rio Declaration, ratified by 178 countries as part of the United Nation's Conference on Environment and Development, also known as the Earth Summit, held in 1992 at Rio de Janeiro, Brazil.

Such emphasis on an UN-centric declaration may seem misplaced (or even irrelevant) considering that we now live in a context where the role of the United Nations has been considerably undermined what with the United States unilaterally deciding to wage wars, on its own terms, and in abject violation of the UN Charter. This raises doubts whether commitments made at an UN forum will at all be respected any more by national governments. This issue was addressed at the outset in the workshop.

Firstly, it was observed that the Rio commitments have been renewed at several successive global forums such as the World Summit on Sustainable Development in 2002, and regional forums like the Aarhus Convention of Europe. Secondly, and more broadly, it was also observed that during the staunch opposition from the community of nations to the leading roles of the United States and the United Kingdom in invading Iraq, a crucial demand was to make the United Nations central to resolving such disputes. The workshop interpreted such a movement as an agency towards upholding and strengthening the acceptance of the multi-pronged and influential nature of United Nations, its doctrines and principles as applicable to many areas of governance, both international and national.

Specific to India, energetic and consistent efforts by the Indian government to secure a place in the UN Security Council is a clear enough indicator of the importance of the UN to India. It follows then that such resolve to be part of the UN system should necessarily require compliance with UN mandates and treaties. India was amongst the community of nations that took a progressive view of the UNCED (Rio) Declaration, and an indicator of this is its subsequent efforts in fundamentally altering several environmental legislations to comply with commitments made therein. Significant amongst them was the legislative effort guaranteeing and enhancing the quality of systematic access to environmental decision-making, by introducing the Environmental Impact Assessment Notification as part of the Environment Protection Act. The acute national interest in UN affairs and India's post-Rio legislative changes are indicators that TAI-India could leverage in its efforts enhancement of the quality and degree of access to environmental decision making in India. The TAI-India coalition also becomes a setting to debate and discuss integration of a variety of international efforts in this direction, in particular the PP10 process<sup>1</sup>.

<sup>1</sup> The Partnership for Principle 10 (PP10) is committed to translating these principles into action by promoting transparent, inclusive, and accountable decision-making at the national level. The Partnership provides a venue for governments, international organisations, and civil society groups to work together to implement practical solutions that provide the public with access to information, participation, and justice for environmentally sustainable decisions.

The Bangalore workshop did not address this initiative, although the broad contours of PP10's efforts and its intersections with TAI were highlighted. Many participants present in the workshop were in principal opposition to the involvement of the World Bank, as it was essentially an undemocratic and unaccountable institution, unlike governments, and further, had not substantially altered its non-transparent administrative approach despite widespread demands and protests.

## The Access Initiative

The Access Initiative (TAI) is a global coalition of civil society organisations collaborating to promote national implementation of commitments to access to information, participation, and justice in decision-making that affects the environment.

TAI is coordinated by six organizations: Corporación PARTICIPA (Chile), Thailand Environment Institute (Thailand), World Resources Institute (United States), Environmental Management and Law Association (Hungary), IA- Mexico (Mexico), and Advocates Coalition for Development and Environment (Uganda).

The network is growing in many parts of the world and the formation of TAI-India Coalition marks a significant step forward in this process.

## Goals of The Access Initiative

1. To strengthen the capacity of public interest groups to track progress toward and build a global constituency for national level implementation of a set of common participation and access standards.
2. To raise the awareness and commitment of governments toward building national access and public participation systems to implement Principle 10 of the Rio Declaration and public participation provisions of Agenda 21.

In this context, the workshop undertook a survey of key issues across the country that presented opportunities for engaging the TAI methodology in improving access to environmental decision-making, and thereby appreciating the impact of ongoing changes on life and environment. Liberalization, privatization, and globalization and its impacts on livelihood; the encroachment of parliamentary processes of decision making by entrenched bureaucracies; the turbulent political scenario in the North East; turmoil of indigenous people's whose rights are increasingly threatened; grand proposals to interlink rivers, but without sufficiently addressing the environmental and social consequences; the quickly evolving reforms in environmental governance propelled by ongoing investment reforms; are some of the areas that merit attention in appreciating the importance of the Access Principles. The workshop addressed these concerns in some detail, and particular emphasis was laid on highlighting the North-Eastern situation and indigenous people's issues as they usually do not receive the attention they deserve.

## Liberalization, privatisation and globalization

Since 1991, liberalization of India's economic policies, privatisation of its public services and access to natural resources, and globalization of the nation's economy has been a relentless process. This has resulted in a climate where the government is making tremendous efforts to portray India as an investment friendly country. This, in turn, has led to projects being planned, approved, and carried out without paying much attention to their adverse impacts on people, communities, resources, and the environment. The country's national policies, decision-making processes, impact assessment processes, are being modified to ensure smooth implementation of projects. In that regard, environmental clearances, impact assessments and remediation measures are seen as hurdles on the path of development, national progress, and what is considered much-needed foreign investment. A good indicator is the Govindarajan Committee on Investment Reforms, which particularly highlighted the present procedures of environmental clearance as a major impediment for global investments, and called for immediate reforms to clear the way.



Subgroup discussion at the workshop

In the present scheme of things, the demands of business, corporations, and capital take precedence over all other considerations. In an extremely candid speech at the public launch of TAI-India on November 2, 2004, Mr. P.G.R Sindhia, Industries Minister of Karnataka, said as much. In earlier days, he said, Ministers and Chief Ministers were hesitant to meet with Indian businessmen, in order to maintain propriety of office and avoid insinuations and controversies. But now, he confessed, they rarely hesitate in rushing to airports with red carpets to welcome investors. He added with much concern, that globalization is proceeding at such a fast pace that issues like environmental impacts are hardly considered in the process. He emphasised how little political debate preceded such important and fundamental shifts, and noted with dismay that Ministers rarely had a say in such important matters - almost always working on the advise of bureaucrats, who by and large pushed the globalization agenda.

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**Today in Karnataka, lots of people come for investment not because Karnataka people are good, secular, this and that. Because they get good water, because they get lot of minerals, and nobody bothers about the environmental aspect as such.**

**P.G.R.Sindhia, Industries Minister, Karnataka**

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Such challenges were addressed in the workshop. It was highlighted that TAI provided opportunities to systematically and vigorously address such concerns. In the process, it could aid and feed into ongoing efforts that aimed at imparting a modicum of balance to the present reckless pace of development.

### **Delegitimization of parliamentary processes**

In addressing broad issues of governance, it was noted with significant and wide concern that the parliamentary process of decision making, the bedrock of Indian democracy, is being increasingly de-legitimized in the prevalent climate that encouraged governance reforms, mainly from the point of building investor confidence. It was highlighted how corporations influence bureaucrats by various means, who then draft policies that are vetted almost always and without debate by Parliamentarians.

The increasing emphasis on government getting out of the way of business, and making it friendly for investment, has been liberally interpreted to bypass parliamentary processes. Mr. Sindhia endorsed this position and highlighted how in the climate of globalization, political leadership and political parties have become very weak and are not in a position to guide the executive wing of the government, as should be the case.

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Since 1958, the Armed Forces Special Powers Act is in place in the North East under which any action can be taken by an official on mere suspicion and the person doing so is immune from any penal action. The state protects that person. The civil governance structure has been over shadowed by the Army. Large developmental projects having social impacts are coming up and public urge to legitimately question is seen as anti-national. Even peaceful demonstrations are described as terrorism.

Roy Laifungbaum, Centre for Organisation Research & Education (CORE), Manipur

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How this scenario plays against TAI objectives was addressed at considerable length in the workshop. It was accepted that since TAI aims to engage the government systematically, it also provides an opportunity to re-invigorate and affirm the parliamentary process of decision making (while keeping in view the importance of representation as a key element to public access and participation in decision making). Admittedly, the specific operational modalities of doing so aren't very obvious, but clearly there is a significant role in this for the TAI coalition. An emergent need for such engagement was the recent release of the Draft National Environmental Policy, which, besides the glaring fault of being disseminated in a large and diverse country only in English and through a mere announcement on the Ministry of Environment and Forests' website in August 2004, was also a document that no Parliamentary committee ever addressed in its drafting.

### Political scenario of the North East

The North Eastern region of India, consisting of seven Border States ensconced between China, Burma and Bangladesh, usually receives very little attention from the rest of the country. At the workshop, participants from the North Eastern region presented the political scenario within which they operate.

The North East is a region of low-intensity conflicts mostly revolving around the issue of self-determination. There is a strong military presence in this region and civil governance structures have been largely overshadowed by this military presence. This became amply clear to the workshop participants when they saw videos of recent civil protests demanding repeal of the Armed Forces Special Powers Act in Manipur – one video showed a student leader committing self-immolation, and another video showed women, naked, protesting the Army heavy-handedness and its rape of Manorama, a young Manipuri activist. It takes little imagination to quickly realize that these are quite extraordinary forms of protest and reveals the fragile situation in the North East, and the extent to which people have been pushed.

This is a region that the rest of the country has largely ignored and where the military has unquestionable powers to tackle any form of civil action, and not merely civil or armed efforts for self-determination. And when the country does pay attention, it is in the form of large projects with widespread and adverse social and environmental impacts. Recently, the region has become a focus of investment in several large hydroelectric dam projects, which indigenous groups perceive as threats to their way of living, their livelihoods and their environment. Any work in this regard, be they by NGOs or movements, are closely monitored by the military and as many as 19 state departments. Any public initiative questioning these projects is without hesitation perceived as an anti-national activity.



Naked Manipuri women protesting army heavy-handedness and rape of Manorama (photo: SIFY News)

Questions of access to information, participation and justice take on an entirely different meaning in the North East when compared with other regions of the country. Getting any information about projects in the North East is extremely difficult, a difficulty deepened by the heavy hand of the military in governance. This has resulted in a peculiar situation where people outside the North East have relatively easier access to information about projects in the region. For TAI to be relevant to the North East, this context needs to be taken into account. In that context, it was identified that the TAI kind of effort would be an excellent measure of the extent of deprivation and denial of access for the people of this region.

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**The whole North-East is heavily stuffed with military ... We are closely watched ... roughly 19 departments keep an eye on you in the North-East where we work.**

**Rabindranath, Brahmaputra Barak Rivers Watch, Assam**

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### Indigenous People's issues

Indigenous people's issues also deserve special consideration from TAI. They are amongst the most exploited and marginalized communities not just in India, but the world over. The regions inhabited by them are usually rich in natural resources; governments and businesses specially target these areas for various projects – mining, construction of dams, setting up of sanctuaries, etc. These areas are targeted not merely because of the rich diversity of natural resources, but also due to low population densities, the latter particularly making it easier for development of infrastructure and industrial projects.

A crucial element determining such developments is that indigenous peoples rarely resist actions of the State. Consequently, the lack of respect for the culture and ways of living of the indigenous people is deepened in administrative behaviour resulting in uncritical assumptions by the State that its efforts are one of modernizing them, bringing them into the mainstream, and showering them with fruits of development and progress.

Most of the projects planned in tribal/advansi<sup>2</sup> areas threaten the lives and livelihoods of the people living in these areas. They are usually displaced – like the adivasis of the Narmada Valley to make way for a series of large dams, or as in the case of the forest areas of Western Ghats, for mining, or in developing National Parks and Sanctuaries. If not displaced, the adverse impacts of developments proposed is so severe that their habitats are severely degraded making living conditions hazardous, like in Jaduguda due to uranium mining. In almost all cases, they are invariably exploited.

In such a scenario, indigenous peoples and their organizations have taken a variety of approaches in fighting for their Rights; in some cases, their struggles have found resonance in the Naxalite<sup>3</sup> movements.

In their struggles, indigenous people have staked out strong positions. In Jharkhand, for example, they have taken the position that they are the owners of their minerals and not just stakeholders, as is usually portrayed. They have also resisted eviction from forests and takeover of their lands (as in Kudremukh of Karnataka or Wynad region of Kerala), usually in the face of brutal repression, often resulting in killings of many. They have argued that measures to conserve wildlife and forests, normally assumed to be a good thing, particularly involve violence against indigenous communities. Their presence is contested and their livelihood activities interpreted as destructive of natural resources. Consequently, harsh measures are employed to remove them from such wildlife sanctuaries. It is argued that such a position has developed because of the unnatural nature of ongoing development, which conquers nature, and thus fails to appreciate the special relationship of indigenous communities with nature. The same agency that rushes to protect nature, by even pushing forest dependent communities out, does not hesitate to destroy large habitats for a variety of developments. In view of all this, indigenous community organizations have taken a very strong position against conservation centric organizations, particularly those that advocate removal of indigenous people from such protected areas.



Jaduguda's Children: Many deformed children are being born in villages close to the Jaduguda Uranium Mine. The Government denies the mine produces elevated levels of radiation (photo courtesy JOAR).

<sup>2</sup>Adivasi means Ancient Inhabitants, and is commonly used in India. The term is loosely and interchangeably used to refer to indigenous communities, tribal groups, etc.

The TAI methodology and the TAI-India coalition will have to consider these issues specially. Access to justice is usually the most overriding concern of these communities because of the widespread injustice meted out to them. Needless to state, there is very little access to information, leave alone involving them in the decision-making process.

### State of environmental decision-making

Over the past decade, India has at once moved to (i) guarantee access to environmental decision-making, and (ii) provide uncontested reach to the administrative machinery in denial of such access. The processes of public consultation in decision-making (be they about projects or policies) are increasingly being reduced to farcical and superficial attempts. It is central to TAI efforts, that this dichotomy and irony is recognized, so that efforts to enable progressive reform aren't merely couched in hope but also measured by a degree of pragmatism.

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**We can say with confidence that decision-making for many bio-diversity projects is based on incorrect information; sometimes, even the process is off - information and studies are sought post-approval!**

**Manju Menon, Kalpavriksh, Pune**

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A most vivid example of this is the recent effort of the Ministry of Environment and Forests in developing a National Environmental Policy, which it developed with little or no consultation across the country, neglecting even its administrative and regulatory machinery in the process. A document, claimed to be comprehensive appraisal of environmental issues and challenges in India, was drafted secretly by the Ministry and only in English and making negligible effort in publicizing it for wider consultation.

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**There is a law passed that unless tribal panchayat approves, land under its control cannot be taken for mining. But police come forcibly with notices from bureaucrats ..They forcibly get papers signed by the Panchayat leader and take the land (by bribing with food, etc.) .. Even though the land is common land.**

**Bidulatha Huiku, Ankuran, Orissa**

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Regulatory provisions in law, such as the Environment Impact Assessment (EIA) and Environmental Clearance processes, provide very limited and inconsistent arrangements for public engagements. Admittedly, the Public Hearing mechanism in the EIA process is the only opportunity available to the public at large, especially the affected population, in appreciating the nature of project impact or its ability to affect decisions made. Experience across the country has revealed that the Environmental Public Hearing mechanism has been reduced to a sham in most cases. Ongoing reform mechanisms are proceeding to close even these minimally existing spaces.

The workshop participants expressed several frustrations with the EIA process. There is no clear methodology on how EIAs need to be done, who can do the EIAs, the protocol

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<sup>3</sup> Naxalite broadly refers to an ultra-left wing position that advocates the use of violence for socioeconomic reform, normally against exploiting feudal classes and the State for supporting exploitation of the poor, in particular those disadvantaged by caste and class prejudice.

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**We were trying to access info from mining department ... we were shocked to find that the information they had was more to help with obtaining mining leases ... they consider those who are not trying to obtain mining leases to be trouble makers.**

**Rana Sengupta, Mine Labour Protection Campaign, Jodhpur, Rajasthan**

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to be followed, etc. A systemic absurdity that fuels this frustration is that project proponents are allowed to hire consultants for preparing EIAs, as if these consultants would propose anything that would jeopardize the project. Most EIAs, thereby, are undertaken with a view of making the project feasible, no matter what the cost. Further, the regulatory system of checks and balances, even if it exists, rarely kicks in to contain fraud and misrepresentation of facts in an EIA. Consequently, India is an exception where completely plagiarized EIAs can also be the basis for decision making, highlighting clearly, that the entire process is blind to quality and quantum of impact.

Most EIAs ignore impacts on bio-diversity - where bio-diversity related information is present, it is either incomplete, incorrect, or produced after decisions have already been made and the project is in process.

Broadly, the effort of consultants is to produce tomes that have little value in information terms, while rarely analysing impacts – meant to be the core objective of the exercise. Description, often dishonest, has replaced informed analysis being the main imperative for enabling EIA based decision-making and prescribing solutions. Consequently, the EIA system in India has fallen to a procedural requirement that investors fill to secure a clearance, and not necessarily because they care for environment or human rights.

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**Companies hire consultants to do EIAs, and no consultant in their right mind would say anything against the project. The idea of having companies produce EIAs is laughable.**

**Dr.T.Patanjali Sastry, Centre for Environment, Rajahmundry, Andhra Pradesh**

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In view of these frustrations, there was the sentiment expressed that NGOs should produce alternative EIAs and make them available widely, as a pressure tactic and also as a tool for embarrassing the present process of decision-making. It is to be recognized that such a proposal is a result of the frustrations resulting from the present system and quality of EIAs. It was argued that while this might be a strategy that could be adopted in some cases, the real solution is to overhaul the entire EIA process.

In addition, compromises made in the public notice period, the lack of genuine consultation with the public, post clearance failures, etc. could also be systematically and emphatically highlighted, thus creating a context to demand change in approach and administrative behaviour. This may eventually enable roles for integrity and independence in decision-making, while also ensuring that systemic accountability becomes a more public process.

In this context, there was substantial discussion on the implications of the enactment of Right to Information legislations in many States, and the imminent enactment of the Freedom of Information Act by the Centre. Mr. L. C. Jain was particularly critical of the current approach of the movement demanding Right to Information. He argued this struggle as a travesty of constitutional guarantees. The Right existed, he said, and thus one need not demand that Right. Instead it was required of movements and groups to mobilize the use of this Right and demand accountability of institutions. The present movement has reduced the position of public to that of mere applicants, when it should have been to demand from the government compliance with its duty to furnish information and grant access freely to decision making.

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**Information about pulse polio programs reach people even where there are no roads. But, information about rights cannot. We are asked why we tell people about their rights.**

**Seerat, BIRSA, Ranchi**

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An interesting debate that arose in this context was what role activists and NGOs play in engaging with the decision-making system. It was argued that they should not consider themselves the general public as far as information access is concerned. This is because they happen to be more persistent and trudge on despite frustrations in order to gain access. This has methodological implications to the TAI effort as access would have to be measured by the ease with which someone other than an NGO or a social activist can get information that is needed.

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**For marginalized and indigenous people, who have suffered injustices over generations, access to justice is the topmost priority!**

**Roy Laifungbaum, Centre for Organisation Research & Education (CORE), Manipur**

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In all this, it was felt, the final objective was about securing justice. There may be many reasons why justice was being denied. For TAI, it was important to identify what indicators it would use to highlight this malady. Would it be the increasingly powerful role of corporates in defining the nature of development? Was it true that Access to Justice in courts was correlated to capital investment in the project – greater the investment, more likely that court will go with the investment. This when the burden of proving adverse impacts in courts seems to rest with a public that has limited or no access to project information.

## Public Hearings: The Reality

Public hearings could potentially help identify problems with a project by involving those who would be adversely impacted by the project. For a public hearing to serve its purpose, announcements of the hearing should be made widely and well in advance. In addition, information about the project, including the EIA should be made available. All this information should be available not just in English, but also in the local language of the region where the project is planned to be situated. Finally, the report of the public hearing should also be made widely available to ensure that the deliberations of a public hearing are both widely known as well as acted upon.

The reality of how public hearings are conducted in India is quite different. Most public hearings tend to be conducted more with a view of fulfilling formalities rather than to get public input. There are problems both with the public hearing process as defined, as well as with ensuring compliance what is defined. The stipulations for public hearing announcements vary from state to state. In West Bengal, for instance, it is sufficient if the regulatory agency makes a press release, which is often reflected as a small and often unnoticeable report in papers. In contrast, companies announcing project investments run full-page ads. In Tamil Nadu, it is required that the hearing announcements must be made widely and prominently. The reality, however, is that the announcements are made in newspapers that are not read by people of the affected region.

### Most public hearings are “bakwaas”

**Mahesh Pandya, Centre for Social Justice/Janvikas,  
Ahmedabad**

Meaningful public participation at a public hearing requires access to project-related information – many groups find it hard to access a copy of the EIA. Even where it is available, it is many a time incomplete, not what is needed, or fraudulent. Often, information is available only in English, not in regional languages. More problematically, sometimes, the reports produced in regional languages tend to be different from those produced in English – with the intent of fooling the local people. Sometimes, there is very limited time (2-3 days) to avail of the entire process which makes it hard for those who might be affected to adequately provide their input.

Public hearings often tend to be hijacked by “vested interests”. Communities cannot easily put forward their fears, concerns, or suggestions. The prevalent atmosphere seems to be one of ensuring that the projects gets through rather than utilizing the space for

what it is meant to be – a space where concerns about a project, and its social and environmental impacts are highlighted, discussed, and addressed.

Finally, reports of public hearings are not released publicly which makes it hard in judging what concerns were recorded, and what kind of follow-up is taking place.



Rapid Action Force was brought in by District Commissioner, Bangalore Urban District to violently remove any participant insisting that project information be made available before conducting the Environmental Public Hearing on the Bangalore-Mysore Infrastructure Corridor Project at Bangalore in July 2000.

# III

## TAI and India

For TAI-India to be effective in terms of holding the government accountable to its commitments, it is important to understand how and why TAI is relevant to India, what is its potential, what is its methodological framework, and how the framework can be adapted.

### TAI: Its relevance to India

In the prevailing context, the obvious question is: in what way can TAI help NGOs, social movements, researches and activists who are already tackling issues relating to accessing information, ensuring participation and securing justice? In other words, how is TAI useful in leveraging these efforts in India? And why would the government pay attention if TAI is employed by groups, when it is currently systematically ignoring all these concerns.

Over the years, NGOs, social movements, and individuals have used a range of techniques and strategies in dealing with environmental issues – protests and rallies, civil disobedience, satyagraha, petitions, lobbying, media pressure, public interest litigations, and so on. The government, in particular the bureaucracy, are also becoming proficient in tackling this language of response and have learnt to handle these strategies adeptly. In this context, TAI could assume importance as a new language for engaging the government and presenting a framework for collaborative efforts between civil society and government to improve transparency and accountability and increase access to governance. It is at once an assessment methodology and a reformative process. But the main strength of TAI is in its methodology. The rigour of approach determines the quality of use of TAI and its impact on environmental decision-making systems.

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**TAI is an opportunity to look into our own work and describe it in a way that touches the nature of information and its impact on decision making.**

**TAI offers us the possibility of developing a common language to understand the mechanics of environmental decision making.**

**Leo Saldanha, Environment Support Group, Bangalore**

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When performing any assessment, the methodology specifies a number of questions that need to be asked, many ways to approach the issue at hand and collate the results to provide a framework for analysis. Inherent to this process is the need for a coalition – sans a coalition, the methodology fails. A coalition is imperative for TAI as it requires information across sectors, across regions, and across organizational efforts. It brings in a diversity of perspectives to the assessment and strengthens it. While the coalition is directly and immediately effective in the TAI assessments, the benefits of the coalition can carry over much broadly in the work carried out by member groups.

## TAI: Its potential in India

In order to understand the potential of India, and how coalitions work, it helps to understand how this has worked in other countries. For example, the TAI coalitions in Chile and Mexico have created a whole new set of advocacy material that goes out to citizens & government officials. Due to this, their governments have now been proactively conducting outreach sessions.



Subgroup discussion  
at the workshop

In terms of impacts and potential of the TAI methodology, the pilot testing of TAI in India during 2001, and its consequent release by IDMA Foundation to various sectoral representatives, produced immediate results. The Chandigarh Pollution Control Board, for instance, began to produce regular reports and in an instance of improved response, granted greater public access to information about air quality. A couple of other Pollution Control boards also began the process of bringing out publications and regularly.

As an immediate instance of the relevance of TAI, the Karnataka State Pollution Control Board (KSPCB) called the day after the public launch to enquire if their officials could also be trained in the TAI methodology and software. Such was their interest in the process that on the 4th of November, Nathalie Eddy of WRI and Leo Saldanha of ESG were invited to introduce the TAI methodology and software to KSPCB officials. During the discussion, KSPCB wanted to be involved in the use of methodology so it could use it as a tool to improve its functioning. In addition, the Board was also willing to commit resources to an assessment.

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**The important point is decentralization. To bring down information to the level of common people.**

**Siddhartha, Pipal Tree, Bangalore**

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While such responses should not be overemphasized, they are nevertheless encouraging and point to the potential of the TAI methodology in engaging the government and affecting positive changes.

# IV

## The TAI methodology

As part of the methodology, several indicators have been made available for evaluating legislation, laws, policies, etc., keeping in view Access Principles – this evaluation based in part on asking questions about how these laws and policies translate to real access. There is also an accompanying toolkit that helps with the process of evaluation and analysis.

The framework breaks the three Access Principles into discrete parts, categories, and measurable characteristics, and is in turn organized into four primary categories:

1. access to information;
2. participation in decision-making affecting the environment;
3. access to justice; and
4. capacity-building efforts for informed participation.

Each of these four parts is further divided into sub-categories. For each category, there are several questions that measure specific characteristics in law and practice. Assessment for each question is undertaken by assigning a value from a range of values.

The questions are designed to generate indicators to assess the status of law and practice in relation with the Access Principles. For example, a set of questions might collectively evaluate indicators such as:

- Constitutional guarantees to access to information
- Access to environmental information provisions
- Right to Information acts or equivalent legislation

These indicators assess the legal framework in place that determines public access to information. Another set of questions might be to collectively evaluate indicators such as:

- Collection and reporting amounts of emissions/waste
- Availability of performance and compliance data (E.g.. Air and Water quality standards)

These and other indicators are used to assess the quality and public accessibility of information about environmental performance of industrial facilities. The above are examples of some indicators that are used to assess public access to quality information. Similarly, there are several indicators to assess public access to participation and justice in environmental decision making.

The results of the TAI Pilot Test in nine countries (including India) are described in much greater depth and detail in the report produced by WRI titled: *“Closing the Gap: Information, Participation, and Justice in Decision-making for the Environment”*. Detailed explanations of the framework and guidance for conducting an assessment are provided in the *“TAI: How To Guide”*. An accompanying software helps record and analyse the answers to the various research questions as part of assessments. Closing the Gap also provides the results of pilot studies performed earlier in 9 countries, as well as presents the strengths and weaknesses of the TAI methodology. In the context of India, the weakness that is most pertinent and critical is that the framework, as it exists today, is relatively weak on measuring Access to Justice<sup>4</sup>. However, there is ongoing work to address this weakness and release a strong set of indicators that measures Access to Justice. Based on the strong interest expressed by participants at the Bangalore Workshop, India would be an important country to contribute to the ongoing review of the draft Access to Justice indicators. Participants were to contribute towards shaping these indicators.

<sup>4</sup> Access to justice indicators have been available for pilot testing since Oct 2004 and will be included in Version 2.0 of the TAI methodology (currently under development)

## The Access Principles

1. **Access to Information** is defined as the ability of citizens to obtain environmental information in the possession of public authorities. “Environmental information” includes information about air and water quality, for example, and information about whether any hazardous chemicals are stored at a nearby factory.
2. **Access to Participation** is defined as the opportunity for citizens to provide informed, timely and meaningful input and influence decisions on general policies, strategies and plans at various levels and on individual projects that have environmental impacts. Individuals may, for example, engage in electoral processes, testify at hearings and meetings, serve on advisory committees, have direct contact with public officials, express views and opinions through the media, or engage in some form of protest action.
3. **Access to Justice** is defined as the ability of citizens to turn to impartial arbiters to resolve disputes over access to information and participation in decisions that affect the environment. Such impartial arbiters include mediators, administrative courts, and formal courts of law, among others.

## TAI Toolkit

As a part of TAI, a toolkit has been developed to enable civil society organizations to generate national-level indicators and monitor government performance on the Access Principles. These indicators help NGOs and governments identify ways to improve public access to information, participation and justice. The toolkit is produced on a CD-ROM entitled *Access to Information, Participation, and Justice: A Guide* and helps assess the following:

1. Comprehensiveness and quality of the General Legal Framework for access to information, participation, and justice
2. Degree of available access to selected types of Information about the Environment
3. Degree of Public Participation in decision-making processes
4. The accessibility of Justice, or Redress and Remedy; and
5. Comprehensiveness and quality of Capacity Building efforts to encourage informed and meaningful public participation.

**This toolkit may be downloaded free from: [www.accessinitiative.org](http://www.accessinitiative.org)**

## TAI Strategy

1. Establish common guidelines for national-level access to information, public participation, and justice in decision-making affecting the environment.
2. Develop and promote the uses of a common methodology and a toolkit to quantify and assess the performance of government institutions.
3. Build capacity of civil society groups to engage government agencies in using national assessments to examine the performance and develop national action plans.

While the methodological framework seems useful in performing national assessments to analyse the state of access, there nevertheless exist several methodological concerns which are highlighted in the following section.

### Methodological concerns specific to the Indian context

Several methodological concerns were raised and discussed during the workshop which merit discussion in this report, and need to be addressed by the TAI-India coalition while proceeding on the task. A listing of these includes:

- Can the indicators be modified to suit Indian conditions?
- Can the software be modified to incorporate new and modified indicators?
- Will the software be available in local languages?
- Will the methodology and software be accessible to everyone including government and corporations, and if so, can it be used by them to counter TAI coalition's assessments?
- Should the assessments be released as reports or should they be used for advocacy by TAI itself?
- What happens with the data generated by the coalition - should it be made public, and part of the global TAI database?

Not all questions have answers at this time. It was accepted that many answers would emerge as the coalition engages with these issues, attains greater familiarity with the methodology and the associated toolkit, and undertakes case studies. It was also highlighted that many of these questions are also being considered by other national TAI coalitions of the global TAI network. The international networking would thus be constantly addressing the need for reform and improvement in the methodology and software, thereby making it a constantly interactive and interrelated process. Such engagements could potentially have many outputs of collaboration, beyond the TAI effort itself.

While the TAI-guided assessments and case studies can generate a lot of data and reports, if they are to be used effectively, it is important to ensure the soundness of the generated data and analysis. The government, especially the bureaucracy, is likely to challenge everything that is presented in analysis. In this context, for the assessments to be credible, it becomes very important to have a thorough understanding of the methodology and to understand the specific details of the statistical analysis done by the TAI software. The workshop participants felt the need to study the statistical analysis done by the software – which requires WRI to make this information available.

Another issue of focus was that the value-based analysis is located on predetermined sets of values that is integrated into the software and assigned by the development team. There is the likelihood that such values could be interpreted as subjective, in turn raising questions on the accurateness of outputs. A means of avoiding this would be to clarify the process by which values are rated, a technical matter, which WRI is presently addressing. It is possible that all future releases of the TAI software could include a manual describing the process of assigning values and the basis for the same.

Another methodological problem in assigning values to indicators is based on a subjective interpretation of the researcher. This was identified as a challenge for developing rigorous appreciation of use of the tool, thus limiting gross variance in interpretation, particularly across regions, while assigning values.

### **Should the TAI methodology and software be publicly available?**

One potential concern with making the methodology and software public is that they could be used by governments, corporations, and others to come up with their own assessments, with the express purpose of countering those produced by TAI coalitions<sup>5</sup>. However, while this is a valid concern, it is not easy for just about anyone to undertake case studies and perform assessments. The methodology is very demanding in the commitment and resources required. Someone cannot undertake this work in his or her spare time – the methodology requires fieldwork, interviews, and surveys to be conducted. In addition, if someone wants to use the methodology, they have to ask very specific questions that are part of the methodology and this reduces the scope for producing really divergent assessments. Perhaps, governments and corporations could perform their own assessments, but it is very likely that the assessments performed would force them to take corrective steps. In any case, because even governments and corporations would use the same methodology, their results and analysis can be challenged on very specific detailed elements that cannot be easily countered or wished away.

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**Should the raw data, results, and analysis be public or private? I think it is important to have an open working culture – the methodology and data should be made available publicly.**

**Jai Sen, Independent Researcher**

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An additional advantage of making the methodology and software public, is that it could attract wider criticism leading to strengthening of the results and analysis. Since anyone can examine the methodology and software, scrutinize and audit them, and examine the results in the light of the public methodology, the credibility of the analysis is also enhanced. Anyone using the methodology for making assessments will have to stand up to this public scrutiny.

### **Who does the assessment, matters.**

An additional observation made is that while anyone could use the methodology and software to do the assessments, the real credibility for an assessment comes from the credibility of those conducting the assessment. In the case of TAI-India, the assessments undertaken from this coalition obtain their strength and credibility from the coalition, the individual reputations/credibility of the members of the coalition, and the choices the coalition makes in terms of case selection and overall approach to conducting the TAI assessment. Thus, the methodology should not be seen apart from the coalition – the two go hand-in-hand. Given that, the coalition should not be greatly concerned about who else is using the methodology.

One potential concern in making public the raw data and results is that this could be misused. For example, an industrialist could use the information from a region to learn about the positions taken by various civil society actors, and devise strategies to counter their efforts, if, for instance, they were in opposition or critical of the investment. But it was widely felt that while abuse could be a feature of such open working, it is likely to have positive impact given the maturity and robustness of a coalition to counter such misuse.

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<sup>5</sup>TAI methodology and software are already public – the software is available for free on the TAI website. To date, no abuse has been reported. The TAI Core Team continues to explore the need for future safeguards to maintain the integrity of the software.

A collective understanding emerged at the workshop that it is important for the coalition to make its data public, particularly because almost all members are involved in advocating/lobbying for public access to information, and this could be an example to set. The participants were informed that in other countries, only the national and state based reports that highlight the findings and key recommendations are made public, but the primary raw data is kept private.

A related question to be addressed is: what happens when the data is recorded in the TAI software, and perhaps put into more global databases. In producing quantitative report cards, would the information from individual case studies get lost? In the process of producing statistical averages, would the relevance of individual case studies disappear? These are important questions and it was felt that it is best to leave them as research problems related to methodology, to be tackled by both national and international coalition.



Nathalie Eddy of the World Resources Institute provided participants with hands-on trial of TAI software

### Applicability of methodology at various levels

At the workshop, participants debated the utility of the methodology and the software at local levels – is the methodology only useful in performing higher-level (state-level, regional-level, national-level) assessments, or can it be usefully deployed in local settings. While strong opinions were expressed on both sides of the question, it was felt that perhaps experience in using the methodology will settle this question. It might result with widespread use and impact of TAI that its methodology could develop local government comparative applications.

### Adapting the methodology and software to India

Given that the indicators and corresponding indicator values have been mostly developed outside India (Ver. 1.0, in part, is based on India pilot test experience – along with input of 8 other TAI pilot test countries), and that the software and methodology has been developed in English, it is important to take a closer look at the methodology and adapt it to Indian conditions. It is also important for TAI-India to undertake efforts to make them friendly to non-English-speaking and non-computer-savvy groups.

There are several concerns that arise from trying to use the TAI software in India. What is the process of modifying the access indicators to make them more suitable for local conditions? In places where there is no internet/computer access, how can this methodology be used? Can the methodology be translated to other regional languages? These concerns are especially important given the diversity of languages, and the lack of computer and internet access outside of urban centres. If the methodology is to be used widely, these concerns need to be addressed at the outset

In this context, Nathalie Eddy, the WRI representation shared with participants that in Latin America, the entire methodology had been translated into their local languages. Similarly, the Indian coalition will have to take up the task of translation into regional languages. In the past, in countries where internet access or computer access is not available, the evaluation has been carried out by collecting information on paper. This information is then entered into the TAI database elsewhere where there is computer access. This, once again, highlights the need for a coalition to enable this kind of analysis in the absence of computing resources. It is, of course, also possible to do the data analysis manually.

With respect to modifying existing indicators or adding new ones, this should be done carefully, and only after the existing indicators are studied well and understood. In the interests of collaborative working, it becomes important for the coalition to negotiate any necessary methodological modifications before beginning any serious assessments.

In summary, while there are several methodological concerns, greater familiarity and understanding of the methodology will be necessary to address them. It was accepted with enthusiasm that engaging with the TAI process progressively across regions and sectors would be the real test for addressing many of these questions.



## TAI-India: Coalition Building

One of the goals of the workshop was to address the formation of a coalition to support TAI efforts. During the workshop, several questions were discussed in this context – why is a coalition required, what should be the structure and organization of the coalition, whether the coalition should only perform assessments or whether it should also undertake advocacy.

### Need for a coalition

The TAI methodology requires a coalition for it to be effectively deployed for performing national assessments. Specifically, during the hands-on session organized to get acquainted with the TAI software, coordinated by Nathalie Eddy of WRI, it became clear that the software demands information at a coalition level, and from a wide range of case studies. In other participating countries, TAI coalitions are made up of 3-5 organizations bringing a diverse set of skills and expertise. For example, a mix of advocacy, research, and environmental law organizations might form a national TAI coalition.

While the TAI Indicators can be used for diverse fields and case studies by individual organizations, a coalition can use the indicators and methodology comparatively and thus much more effectively, to advocate cross sector issues on a national platform. This enables a broad based approach in undertaking assessments and avoids the redundancy of being restricted to a few issues. Individual members and organizations of the coalition can always use the methodology for assessment where they have expertise to come up with results, and feed this into the overall effort of the coalition. Since part of the integrity and credibility of the assessment is based on the diversity of the coalition, a single organization might weaken the results if it performed the assessment unilaterally. In that sense, the importance of a coalition to TAI cannot be overstated.

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**Coalition is not about the methodology, it is about holding the government accountable. The idea is that this methodology has a specific strength and that it leverages the Rio-10 declaration that governments have committed to.**

**Jai Sen, Independent Researcher**

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In addition, international and trans-border initiatives are also a possibility since TAI brings with it the momentum of an international process, and coalitions are better placed to engage with these processes. Notwithstanding the fact that TAI indicators currently only apply to national/state levels, international comparisons could prove to be difficult on equivalency principles.

Considering that the end goal ultimately is to hold the government accountable, improve the state of environmental decision-making, and to improve public access to information, participation, and justice – the coalition is not being built just to cater to the needs of the methodology. By coming together on these objectives, the coalition provides an arena where the three Access Principles can be looked at as a whole, and functionally, rather than being studied in isolation. In addition, from a practical viewpoint, working in a coalition might be more effective as the assessments come from diverse sets of experiences and hence, enhances credibility with the government. Another important benefit of working in a coalition is that it enables different members to use their expertise to examine studies/reports produced by other members to identify weaknesses, and augment those studies by adding information/analyses that derive from their strengths. In this sense,

collaboration would produce a better assessment. Beyond the national coalition, each TAI partner is also a member of the global TAI coalition – chance to share experiences & improve performance of government and methodology together thereby exist.

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**We engage with several groups that are struggling. Their struggles we find are essentially about the three TAI principles. They don't have information. They don't have process to participate . And of course, justice is never there**

**Souparno Lahiri, Delhi Forum, Delhi**

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### **How will the coalition work and what will it work on?**

Since the methodology is new to the Indian coalition, the coalition members may need to gradually build their capacities to use it to assess sectors and cases they work on. It is important to understand the commitments required, time available and how being a part of the coalition helps an organisation in the work it is already doing.

The coalition would need to work towards a concrete and specific output as soon as possible so that it comes together to advocate a common set of indicators/issues on many sectors. This is necessary to give the coalition an identity among the members and as well as other constituencies.

### **Role of TAI-India**

Several questions arise as to the role of TAI-India: should TAI-India perform assessments, produce reports, and let traditional groupings/NGOs/networks to undertake advocacy? Or should advocacy also be part of what TAI-India does?

One strong view that seemed to emerge out of the workshop was that the TAI-India coalition should not usurp spaces of individuals, organizations, and movements. This is especially so because TAI-India is an outgrowth of existing processes, and so should see itself as complementary to existing processes, organizations, and movements. It is a coalition that has formed around holding the government accountable to its commitments in the Rio-10 declaration, and will work within the framework of TAI methodology. In this sense, TAI-India is present to fill in the gaps – in analysis, understanding, and even advocacy to fulfil this objective. The coalition can also help movements who cannot invest time and resources in assessing the impacts of their actions on the decision-making process. Where the TAI-India coalition sees movements not doing advocacy in a particular sector (or to rephrase, where it sees an advocacy gap), it could take up the issue for advocacy. Thus, flexibility and openness in approach is important for the TAI-India coalition to be effective in India.

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**Our job is not to suggest alternatives, it is to make sure proper process is followed, that consultation happens.**

**Navroz Modi, HLL Workers Union, Kodaikanal, Tamil Nadu**

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## Structure and Organisational Issues

Several questions arise regarding the TAI-India coalition: who could be part of the coalition, who will constitute the core group, will there be an advisory panel, should there be a TAI secretariat, and if so, what will be its role, how will resources be mobilized for undertaking assessments, what case studies will be taken up, and who will conduct the case studies?

### Who can be part of the coalition?

One crucial question that was raised at the workshop was whether research organizations and academic institutions could be a part of TAI-India? The concern was that research organisations could be guided by vested interests that may not be conducive to the interests of the coalition. It was explained that in all other member countries of TAI, only NGO's (including research institutes) and local communities were a part of the coalition – neither governments nor the private sector could join the coalition. Their participation was enabled in Expert Review Panels. But, this is an issue that the TAI-India coalition members would have to resolve. In general, it should be recognized that TAI provides an opportunity and a method to help engage with different kinds of agencies - government, media, financial institutions, and corporations. However, at the same time, such engagement generally occurs by including at least some of these agencies within the TAI Expert Review Panel.

It was decided that the coalition should develop norms for who should be invited onto the platform and accepted, if approached. A working group was proposed to be set up to come up with some such norms even as it built on the current TAI global norms.



A group photograph of some of the participants at the TAI workshop at Fireflies Ashram, Bangalore

### Core Group

At the workshop, a common sentiment was that the coalition needs a core group to monitor regular processes and work. Some of the participants wanted to know the parameters of core groups in the other member countries to get a sense of how coalitions functioned there. This, they felt, would help them effectively fashion the core group in India. The Latin American experience was shared in this context.

In Chile, Participa, an organisation focused on environmental governance along with other advocacy and environmental law organisations formed a coalition. Participa maintains relationships with the government in a transparent manner and reports back to other members of the coalition. They constituted the core group that has remained unchanged so far.

In Mexico, an organisation working on energy and climate issues joined the Access Initiative because they saw value in it, recruited community groups and engaged a few other environmental advocacy groups and formed a coalition. In this initial phase, they served as the coordinator, but eventually this role of the coordinator shifted to another group.

As these examples illustrate, the dynamics of coalitions keep on changing, and are specific to the history of the formation, as well as the member constituents. These two coalitions in Chile and Mexico have created in Latin America a whole set of advocacy material that went out to citizens and government officials. Their governments have been pro-actively conducting outreach sessions. Subsequently, the coalition has expanded to include seven other countries in Latin America.

It was decided that the core group in India would ideally be constituted with a few point people who would track the entire process and then disseminate the proceedings or communicate any other relevant developments of TAI to the rest of the coalition members. The core group would perform the function of a coordinator rather than that of a decision maker. The decision making process would be accomplished by the coalition as a whole. As several of the groups needed to consult their organisations to confirm their participation in TAI, it was decided that the present core group would continue to perform the role of the coordinator. This ad hoc core group would be required additionally to coordinate with those members of the coalition who would like to be a part of the core group, ascertain the resources these organisations could contribute to the cause and delegate their responsibilities as core group members.

### **Secretariat and Advisory Panel**

Another structural concern that emerged from the discussions was if there is a need for a secretariat. It was recommended that the core group could be rotating depending on the specific focus of the assessment at any point of time and hence there was no requirement for a secretariat. However, some of the core group members felt that in order for TAI to achieve desirable results, a systematic way of functioning had to be in place and therefore a secretariat needs to be set up. Additionally, one of the members proposed that an advisory council could also be constituted to review the work done by the core group to highlight the lacunae and also to see that indigenous people's concerns have been addressed adequately. This is one of the issues that the coalition needs to address and confirm.

# V

## Outcomes and future plan of action

Several decisions were made at the workshop on moving ahead with the coalition building and assessment processes. The primary decision was regarding moving ahead with performing assessments collectively. This would also require formalizing the coalition structure, as well as mobilizing resources for the assessments.

### Duration of assessment

The group discussed that the TAI coalition would have a clear plan of action only for the coming 6 months while developing a perspective plan for the next three years. This is mainly because:

- The coalition would need to work towards a concrete and specific output as soon as possible so that it comes together to advocate a common set of indicators/issues. This is necessary to give the coalition an identity among the members and well as other constituencies.
- Resources available at the moment are limited due to which a long-term plan may not be workable now.
- The methodology is new to TAI India coalition members and the coalition members may need to gradually build their capacities to use it to assess sectors and cases they work on. This initial period could be used for coalition partners to learn through the use of the methodology on a select number of sectors/cases. This learning period would also help to identify the strengths and weaknesses of the methodology (e.g.: sensitivity to intellectual property concerns) which will help the future effective use of the methodology in a wider selection of sectors and levels (national, trans-boundary, regional).

### Case Studies

The group that participated in the workshop identified forests, industry and hydroelectricity and as three priority sectors that could be assessed. A smaller group discussed the criteria for selection of case studies and put together an indicative list of case studies that could be assessed by the coalition members.

The criteria for selection of case studies are:

- Those that need to be addressed urgently
- Those that are being actively worked on by groups/members of the coalition
- Those for which extensive documentation has already been done
- Cases which demonstrate the lack of government interest/action

A consideration that underlined the discussion was that the sectors/case studies chosen to be worked on in this initial period need to be as inclusive of the varied interests of coalition members so that all/maximum members participate actively in the assessment and preparation of the report. This would also help to bind the coalition strongly in the initial phase.

An indicative list of case studies and members who could lead the assessments:

1. Controversies resulting from the declaration of Kudremukh National Park. (To be led by ESG)
2. Recent proposal to build large dams in Northeast India. (To be led by CCDD/BBW/Kalpavriksh)
3. Mining by Sterlite in Orissa. (To be led by Sreedhar on behalf of AME or MMP)
4. Mercury dumping in Palani Hills. (To be led by Navroz and Meenakshi)

At the discussion, the following case studies were also debated for their potential to be included in the assessment:

- Tourism project of Sahara in the Sunderbans
- The Ganga Action Plan
- Interlinking of rivers
- Draft National Environment Policy

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**We use community as a homogenous term.  
We need to critically examine such use. Addressing  
issues of participation, we need to ask of whom in  
the community? How do you decide this?**

**Bahar Dutt, Wildlife Trust of India**

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### **Resources**

An apprehension voiced by most participants was with regard to the mobilisation of resources. Resources would be required right from the stage of conducting assessments in the form of human resource to interacting with the government, dissemination, outreach activities, constituting the advisory panel and finally the review process.

The coalition members would also need to figure out whether and how some of the activities can be supported by the members.

# VII

## Conclusion

Social and environmental justice groups and networks have worked on a variety of strategies to ensure greater access to information, participation and justice. Many successes have been secured based on well-organised and intense struggles against an administration that is given to resist the notion of participation in decision-making. Over the past decade, with globalization forces sweeping across the world, such attitudes have begun to include the interests of corporate investments, with governments aggressively promoting paradigms of development based on economic growth at any cost.

The United Nations which is the most effective reflection of the community of nations coming together with common purpose, has developed a range of initiatives that are oriented to upholding the UN Charter. In the greatest gathering of Heads of State ever held in Rio de Janeiro in 1992, 178 governments vouched to protect our living planet and the peoples of the world by a declaration that has come to be recognised as the Earth Charter. Nothing signifies the importance of this document more than the fact that should governments fail to honour their commitment to this charter, the very existence of life on earth is threatened.

In recent times, there is widespread scientific acceptance that climate change is taking place at a planetary scale and that the consequences are devastating for millions of people and ecosystems everywhere. This has conclusively put to rest earlier arguments which contested the possibility of such planetary changes occurring due to human action, and relied on political rhetoric and weak institutional commitments to reform our common ways. Many international treaties have brought agreement of nations on issues as diverse as protecting biological diversity and protection of the ozone layer, but when it came to fundamentally arresting the pattern of our growth, in particular economic growth based on the use of fossil fuel, considered to be the main cause for climate change, there has been systemic roadblocks: the Kyoto Protocol on which significant hope rests, is as yet a document without much value without the US acceding to it.

Wars engaged over control of oil are coloured as a pursuit of fundamental freedoms, an exercise that has not been effectively checked within existing democratic frameworks. This begs the question if the problem is in the system of governance, as it seems to reward actions that can fuel a process threatening the very survival of large populations, or if this is a problem that occurs despite systems that are geared for the greater common good. The answer to this is not simple.

The Access Initiative is a process that rests heavily on the hope that with greater access to information, participation and justice in governance systems, the world will be a better place. In many cases, such universal and democratic aspirations are in question, either because of hegemonic control of political power or due to cultural practices. It must be recognised however, that today more than any time in the past, there is a far greater agreement amongst the community of nations of the absoluteness of these principles in ensuring a better quality of life to people. A critical issue is if the pursuit of these principles will support a movement towards retaining the delicate balance in supporting all life based on a system of our living that also ensures the stability of our environmental systems.

When assessing the extent of access to information, participation and justice relating to environmental decision-making, it may seem that we are not paying sufficient attention to the critical issue of better quality of life for all people while maintaining the stability of our ecosystems. But the reward for the efforts of The Access Initiative is indeed in ensuring our society operates in a way that has the greatest respect for the ways of the

planet and of our coexistence with all species. To not remember this is to miss the whole point of the exercise.

In Bangalore, as we deliberated on the many issues that brought us together, and the purpose at hand -- of building a TAI-India Coalition and of conducting assessments using the TAI methodology -- the immediate concern was to demand accountability of our government, based on measures that we collectively and perceptively evolve. Much rests, therefore, on how we chisel out our approach to sustain this initiative, in collaboration with the government and various other sectors, reflecting the interdependence principle, of institutions, as it is in ecosystems.

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**Is participation the last step? Where do you go from there? What is the action that participation seeks?**

**Vidya Ranjan, EQUATIONS, Bangalore**

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# Annexure 1

## Bangalore Declaration on Access to Information, Participation and Justice in Environmental Governance

A gathering of people from all over India having met in Bangalore from 31st October – 3rd November 2004, towards evolving The Access Initiative coalition for ensuring effective environmental governance and social justice, affirm that -

Environmental governance has impacts on ecological integrity, community health, food and water security, shelter, education, livelihoods and other fundamental rights. In order to secure these rights and participate effectively in shaping policies that impact national development, environmental governance should be based on democratic processes as articulated in Principle 10 of the Rio Declaration, which states that,

*Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.*

The nature and scale of adverse impact on global climate, bio-diversity, oceans and natural resources has seriously compromised the future of life on earth.

In this context, the failure of the government to live up to these principles is evident in various recent national policies including the draft National Environment Policy 2004 formulated by a process that has not been inclusive or comprehensive in content.

These failures are reflective of the selective compliance by the Indian government, which makes a particular point in upholding constitutional and international obligations with regard to trade and industry, while paying mere lip service to environmental and social commitments.

The current processes determining environmental policy, regulation and monitoring have alienated the public at large by servicing destructive development that particularly advances global financial and corporate interests, while subjugating landscapes and peoples to being dispensable objects.

The integrity of our natural resource base must never be subservient to the demands of corporate and financial interests, which seek to commodify natural resources for profit.

Ensuring environmental justice requires a climate that enables effective participation. This is only possible when information on government, corporate and financial activity concerning livelihoods and ecological security is available in the public domain.

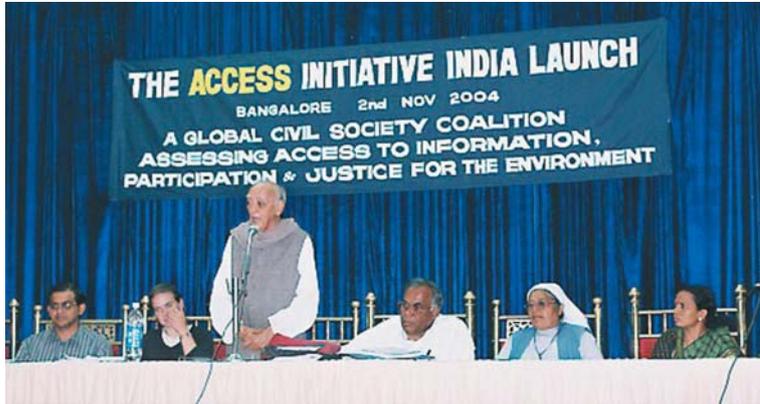
All activities, operations, processes and projects that jeopardize environment, human health and livelihoods of people must be held liable for environmental and social damages. This will be an effective deterrent against further environmental destruction arising out of noncompliance with established law, principles and norms.

The inherent rights of communities, especially indigenous and tribal, must be affirmed to safeguard dignity, cultural identities, livelihoods and ways of life.

2nd November 2004  
Bangalore

## Annexure 2

### Speech of Shri L C Jain at the Public Launch of The Access Initiative in India on November 2, 2004



I am happy to be here and also rather sad. Because it is a perversity. Government has a place in our lives. But it ought to know its place. Environmental resources – that is what it is. It is not environment which can be bottled up and kept under a ministry. Before the government was born, people had been living at the courtesy of environmental resources and they have been nursing those resources because their life has come out of that. And you are now saying we want access to information. We have first deposited control over our life resources in government and you are the petitioners now to get access to that information. That is what I call perversity. It should not have occurred.

Just now I was introduced to a new friend who came — the chairman of the pollution control board. Now, why should a pollution control board be an entity of the government? There should be a trust. It should be under the control of the community and government should enable it and help it. I am just giving an illustration — step-by-step. You might meet at Rio, you pass resolutions. We ourselves had 4 years spent on BIODAP (?) the national bio-diversity action plan. Govt. spent about 4 cores of rupees. That apart, there were wide consultations with the people. It is one activity where there was very active — this word used is participative — however through mutual consultation that plan was developed. That plan has been buried. It is not coming out of the ministry of environment. But what has come out is the national environment policy 2004. And major groups interested, involved, active in the environment field have not been even consulted; even all those who are consulted when they evolved the bio-diversity national plan action are nowhere in the picture, are nowhere in the picture. So what is it? It is not only perverse, it is regressive. You are saying 10 years after Rio, but you are really taking us 10 years before Rio.

You see, nothing has been learnt. Are we knowledge-proof? I can't understand. We make mistakes. We learn. We are entitled to make mistakes but we are duty-bound to learn and proceed. And this country particularly which does not tire of any occasion for its leaders — it is Gandhiji's birthday, Gandhiji's death day have to be celebrated. They all have to go Rajghat — they have to be televised when they are throwing .. putting flowers, they are such in a hurry now, they don't have time to put flowers, they just throw and go to the next one. It doesn't hurt Gandhi. He is already buried under those marble stones. But what is more tragic is that his words, his advice is buried deeper than his body.

It was in 1928, more than 70 years ago, nearly 75 years ago, he was the only person in the entire world who was not called an economist, but he wrote what is called the economic

constitution of India. And while he wrote that — because he travelled all over India when he came from South Africa — those who have seen the picture Gandhi would have seen that how he travelled. And he saw poverty. And poverty for him is not a — a working group set up by the planning commission to define what is poverty. He saw poverty — people not having food. And therefore, he felt that this stomach is a biological tyranny. It demands food twice a day, if not thrice a day. So, if the economic system has to have any rationale, any purpose, any priority, it has to reorder itself in a way that hunger can be met. The demand for food is there — the supply has to be arranged. But it has to be arranged in such a way that it is available to the stomach twice a day or thrice a day. We can't say wagons are coming from Punjab to the dry areas of Andhra or Karnataka or Kerala to meet your hunger. If the wagons are held up, the stomach sir does not agree that it will wait for it. It wants it now and it makes you into a monster if food is not put into the stomach. It was in this background that Gandhi constructed the economic constitution of India. Now what does it say? Allow me to read it to you. Gandhi wrote in his magazine — paper called Young India, 15<sup>th</sup> November 1928. He says:

According to me, the economic constitution of India, and for the matter of that, of the whole world, should be such that no one under it should suffer from want of food and clothing. In other words, everybody should be able to get sufficient work to enable him to make the two ends meet. And this ideal can be universally realized only if the means of production or the elementary necessities of life remain in the control of the masses, (not the government — in the control of the masses), these should be freely available to all as god's air and water are, or ought to be. They should not be made a vehicle of traffic for the exploitation of others. Their monopolization by any country, nation, or group of persons would be unjust. The neglect of this single principle is the cause of the destitution that we witness today, not only in this unhappy land, but in other parts of the world.

Now, this is to remember that all that what he has said has been reversed. Whether it is land, it is water or even air — now it is controlled by government and licensed. The very people who said government should not do licensing and all that, but if it licenses them in favour of the private corporations, then that licensing is good. It can do so. There is no consistency, there is no principle governing the presence of government in this particular day. So I would say that — all your Bangalore declaration, even for that matter the Rio declaration — I am not saying that I have any disrespect for it. I don't recognize it. I don't want to read it. I don't want to hold it. It robs people of what their right is, and then say, I need access to it. After you have stolen my clothes, I want access to my shirt from your own hands. You must realize that this is sinister. It cannot be. So, in certain ways, by giving legitimacy to it, we participate in the evil.

We should look fundamentally, from the first principles that Gandhi laid — control of the masses. We can say our government is representing the masses, it is a elected government, it is a democratic government. The fact that some crimes are committed within government — there are 1 crore 20 lakhs worth of non-performing assets — that is government banks have provided money which is not coming back to them. Whom they have provided? Why it is not coming back? If its record was as clean as Lord Krishna's, I can understand. I will put my head there and say, sir, thy will be done. But this is not what we are facing. The people accused of crimes, murders, but they say we must serve you, represent you and sit in the government. We have got nothing against the government. But government is doing everything to make itself unacceptable. At least its credibility — its credibility

has become very doubtful. Therefore, when there are reports, rumours lets say, that deals are being made about public goods, privatization of water. When water was public, drinking water was not provided. They say now it will be provided only if it is privatized. But, ask the people. No. It is a democratic government, it will not ask, it is afraid of the people. The moment the ballot box is closed, the people don't matter because they have already cast their vote.

Even in terms of “democracy”, we are only having a little foothold of it. It is meant to be a majestic, wholesome system of governance in which people don't cease to matter, whether there is an election or no election — their will prevails. The first line of the Constitution of India is: “we the people of India”. But even after that Constitution was signed, we the people have been kept out. It has become we the government. Constitution also is an instrument in the hands of the government. Alright, if it is, there is a chapter on directive principles of state policy. Our government, our state is not an absolute monarch. It is a creature of the Constitution of India. It has only that much power as the constitution has given to it. Therefore the founding fathers laid out directive principles. It is called directive principles state policy — which is that whatever action you take: legislative, administrative, fiscal; has to be within the four corners consistent with the directive principles. But, I am sorry to say, many of those who sit in chairs to govern us, they have not read the directive principles. And if they once read them, they don't remember them. And if they remember it, they don't want to invoke it where it is required that before they put their signature they read (?) it once.

We use the word just. You say this should be just. We should have been just in the very first place. A just equitable social order is what article 38 enjoined upon us. Our policies have not moved in that direction. So we are petitioners — whether it is my good friend Aruna Roy who is admired and appreciated for working on the right to information. I told Aruna there is only one error in that — it should be the duty of the authorities to provide information. Under that Act, I have to apply — I become an applicant. A population of 100 crores is reduced to being applicants. Then they say, this form is not properly filled, this information cannot be supplied; this thing has gone up for orders; this thing has gone this side for orders (?). What is this? You say: standard of living. Is there a standard in this? Can there be a living extracted out of these kind of conditions? No.

So, I am rather uncomfortable with your resolutions because the perspective that lies behind that is to apply, to plead, request, provide you access — your very title access — it didn't go well with me and it is not likely that in the few years of my life that are left, it will go well with me. So don't even hope that I will rectify tomorrow. No. Lakhs of people who gave their life to obtain the freedom for this country. The fundamental premises were that once the British leave our shores, the political power will vest in the hands of people. Your generation many would not know, the 9<sup>th</sup> August 1942 Quit India Resolution which called upon the British to leave — that was one part of it. Other part of it was addressed to us — do or die. It didn't say die before doing. Do, in the process if necessary die, but see that India is free. What was the last para of that resolution? That when we attain freedom and the British leave, power will reside in all the people. Now, can we say after 55 years that our condition qualifies to say that the power resides in us? And Prof. Ranga had warned the Constituent Assembly that what you have drawn up is a centre-ridden Constitution. He is talking in 1948, his soul be blessed, but then he proceeded to say: do you want to know what is centre-ridden? That the Chief Ministers of our states will be coming to Delhi and they will be waiting on joint secretaries and secretaries for appointment to push their case to be heard — he is referring to chief ministers of states. They will not be men of dignity representing the population of their state self-respecting. They will be reduced to this stature in the corridors of power. And that is what he meant: it is a centre-ridden proposition that we have.

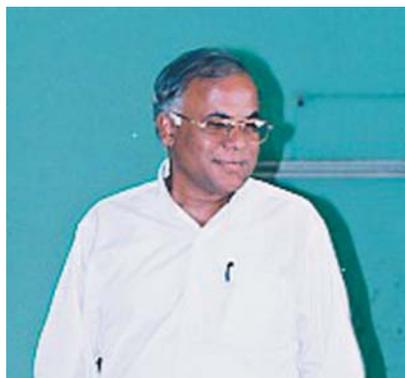
It may have been centre-ridden in the language, in the construction, but do we really have to make it, make the rest of the states into bedridden? In the sense they can't think for themselves, they can't act for themselves? You will appoint a Governor on them without consulting them. You will decide policy and say you have to do it. Why? Because we give the money to you. It comes from the centre. The centre is for central schemes, for plan allocation. The only money that comes to them respectfully and respectably is what the finance commissioner awards to them which is constitutional. The rest of the schema is very different, so no wonder all of us feel it is legitimate for the government to have power and it is our duty to be an applicant, a supplicant.

It does not behoove the citizens of a country which is free, independent, and particularly citizens of that country which got its freedom through the sacrifice of lakhs of its own men and women who happily walked into the gallows to get this freedom. We have to honour that. Our mother India can't take it and don't subject her to this indignity.

I don't know how you think that my statement is relevant to your proceedings. But it seems to me that you have to think of the larger perspective if India, it is not the environment has to survive, the people have to survive, and only then the country survives. And so it is in that belief that I have taken the liberty to say all this to you. And, particularly, I requested my friend Sindhia to speak first in case he has to go, he said: no he wanted to listen to me. At that time, he didn't know what I was going to say, but I can't fully say that also because he knows exactly what I would say. Thank you.

## Annexure 3

Speech of Shri P G R Sindhia, Industries Minister, Government of Karnataka, at the Public Launch of The Access Initiative in India on November 2, 2004



Respected Shri L.C.Jainji, the living Gandhian with us, and Mr. Leo Saldanha, other dignitaries on the stage, representatives of nearly 40 non-governmental organizations representing various parts of the country, my friends from the media, ladies and gentlemen, and the dignitaries from other countries also.

I appreciate the initiative taken by the access India to organize this NGOs meeting for 3 days. On the other day, Mr. Leo Saldanha came to me and he said I must be present here for some time, I must hear you, I must learn what you say, and I must try to implement them in the Governments. Mr. L C Jain has been my fatherly figure. Of course, I do not have the moral courage to say, though I have been knowing him for the last 30 years, I have not been following his principles and it is very difficult to follow. It is a very hard path. We have heard him. He is a true Gandhian. He has given his life for the sake of the country and the people. He has been associating with many non-governmental organizations concerning not only with governance, but with the environment and the economics, and particularly about the decentralization. He is one man among our tall leaders of the country today who has understood the life of our rural people. He and his wife — they are a dedicated couple who have really been a very moral strength to many of us. Mr. Jain Sahab has advised, was advising our Government in Karnataka — our leader Mr. Ramakrishna Hegde when he was the Chief Minister. I also know he was in the Planning Commission and he did his best to bring reforms and in Karnataka, if Karnataka today, Karnataka government says something about decentralization, and our leader the former chief minister of Karnataka Mr. Ramakrishna Hegde is supposed to be the pioneer in introducing reforms in the administration particularly about decentralization, part of the credit should go to Mr. Jain. This is what I know as true.

Coming to the globalization, first of all, according to my little understanding, I have been in the governments from 1982, either I have been sitting on the treasury benches or I have been sitting on the opposition benches, either this side or that side, I have been participating in the governments. We were not prepared in 1991 when our Union Government entered into the treaty of the World Trade Organization. I think we were not prepared. Our bureaucracy was not made to understand what is globalization, what is privatization, what is going to happen. Our workers were not informed, and the least, the political leadership as such, we were not knowing what are the implications. Today, after 15 years, after losing all our public sector companies and after making several lakhs of people unemployed, now we have reached in a situation wherein we cannot think of remaining as a isolated country. This is what the situation is. I remember in 1991,

though I was not a Congress Party man, people used to admire Mrs. Gandhi. She gave a slogan to this country about *garibi hatao*, about bank nationalization, etc. But the same Congress Government after 20 years — that was in 1991— and even today, it is Congress Government and today, they talk of the privatization. And today, that is the order of the day. Whether we like or don't like it, it is the order of the day. And you know, at that time I know the chief ministers were hesitant to meet even our own Indian business people. But today, our chief ministers and many of our ministers of any state government or any union government for that matter, we go to the airports with red carpet to welcoming the investors and there is a competition from state to state today about foreign direct investments. This is the situation. We also think of having investors meet, we have investors meets, we do follow-up actions. Such a change has taken place.

It is the bureaucrats basically. It is the bureaucrats. I do not want to blame them, but it is the system because the political leadership, the political parties have become so weak, they are not in a position to guide the bureaucrats today. This has become the order of the day. Most of the orders, except saying the minister agrees with the secretaries, I have never seen people disagreeing with their secretaries. This is one side — most of the cases. I do not know whether they do it out of ignorance of law or ignorance of things or competition within ourselves for the investors and other people. Globalization is taking in such a fast way, I don't think issues like environment — let me be very frank with you, these issues are not taken care. Today in Karnataka, lot of people come for investment because, not because Karnataka people are good, secular, this and that. Because they get good water, because they get lot of minerals, and nobody bothers about the environmental aspect as such. This is the reality. So what is the solution for that?

If the transparency has to deliver transparency act even in Karnataka, but under the garb of the transparency act only, what was happening in the earlier stage before the transparency act, same thing is continuing also. So there is always a escape route. So I strongly feel even today, if we could improve upon the system by further decentralizing the things, and making a building up a strong public opinion in all these aspects. So, that is where I found, I have faith in the people. That is my strong faith. Jain Sahab, you remember, I don't know whether you had come there as a friend of Hegde in 1983 to my constituency when he had contested the by-election. People are very good in this country. That is my firm belief. You know, I belong to a microscopic minority community in my constituency as per the caste is concerned, but people have been reposing (of my constituency) immense faith in me – not once, twice, thrice, six times, I have been elected to the Assembly. Because my approach has towards them ... has been good, has been secular and it is straightforward, and they know, they are convinced I am working for them. So, people of this country, by and large, according to me, are good. But they need continuous education, they need continuous information. If they know about it, if there is a strong public opinion could be built up, I think that is the best solution for all these problems, whether it is environment that is concerned, transparency in the governance is concerned, and access to the information of the governance is concerned, this is what I feel, a strong public opinion — it has to be moulded. That can be done only through the NGOs. It can be only through the non-governmental bodies that we can do it — that is ultimately the people's participation.

When in the year 1973-74, when I started my public career, I was inspired by, I belong to a school of thought, I had belonged to a school of thought in my student days. I changed ideologically in the year 1973-74 getting the inspiration from Lok Nayak Jaya Prakash Narayan, because Jaya Prakash Narayan is one man after Mahatma Gandhi who believed in the people's power. He always said people's power is the strongest weapon. And, it is because of that, you know he thought of a total revolution, a change in the

country — whether it is economic field or social field or education field, all walks of life — he initiated the change. It was through J P Narayan's movement which inspired me to come into the public life. So, I still feel that I have not lost hope.

I am very confident, in spite of the globalization, in spite of the developing countries, you know having their own interests, naturally they will have their own interests, ours being a developing country, I am still confident that ultimately the people of this country, you know, they will prevail and they will succeed, and it is there we have to play a very very pro-active role, all of us, and I think that will help more, and such kind of resolutions and such kind of pressures from the government whether it is on bureaucratic leadership or political leadership or on the government or on the people in the political parties. Certainly, every human being will have a sense of shame. So, this kind of a resolution, this kind of initiatives will definitely kindle that kind of a thing and ultimately, the people's power will succeed. So, in order to have a better quality of life, that is the only solution which I am of the opinion of that.

I thank you Mr. Saldanha for inviting me. Since I have to go for some other meeting, I won't be in a position to attend your deliberations. But I assure you whatever resolutions you make here, it is not a number which is more important, it is the cause and the concern you represent which is more important for me. I assure you. Though I know I am in-charge minister for industries, infrastructure development, and so many other things, our government representative, who is the right person, the chairman of the pollution control board is here. And, about the various activities going on in Karnataka and various revolutions which they have made to government orders, but ultimately it is only, it can only control the damage to some extent. But it is ultimately the public opinion which has to prevail upon for which this kind of seminar will definitely succeed.

I am glad that Mr. L C Jain who has been there. He has always been a source of inspiration to many of us, and in spite of his age, he comes, he attends, he inspires many of us. I congratulate you Sir, for this. And, you said: "in the remaining few years of my life". I sincerely feel, like Dr. Visweswaraiiah, like Nijalingappaji, you should live for 100 years. And you are a strength, you are a moral strength to many of us. The moment L C Jain comes, it makes me to come early to the function. That is the moral fear I have in you, and not only me, and many of us. And, my young friend Mr. Saldanha and other people here: you all represent a school of thought, a opinion which lakhs and crores of people represent. Thank you for giving me this occasion to be with you. Thank you very much.

## Annexure 4

### List of Participants at the TAI Workshop/Launch, Bangalore, 31st Oct to 3rd Nov 2004

Mr. Bhaskar	Pasumai Thayagam, Chennai, Tamil Nadu
Ms. Bahar Dutt	Wildlife Trust of India, New Delhi
Ms. Bidulata Huika	Ankuran, Orissa
Mr. C.G.Madhusoodhanan	Chalaky Puzha Samrakshana Samithi, Trissur, Kerala
Dr. T. Patanjali Sastry	Centre for Environment, Rajahmundry, Andhra Pradesh
Mr. Jai Sen	Independent Researcher, New Delhi
Mr. Joseph H'mar	Citizens Concern for Dams and Development, Manipur
Mr. Mahesh Pandya	Centre for Social Justice/Janvikas, Ahmedabad, Gujarat
Ms. Manju Menon	Kalpavriksh, Pune, Maharashtra
Ms. Meenakshi Subramanian	HLL Workers Union, Kodaikanal, Tamil Nadu
Mr. M. Pushparayan	East Coast Research and Development, Thoothukkudi, Tamil Nadu
Mr. Narasimha Reddy	Centre for Resource Education, Secunderabad, Andhra Pradesh
Ms. Nathalie Eddy	World Resources Institute, Washington D.C., U.S.A.
Mr. Navroj Mody	HLL Workers Union, Kodaikanal, Tamil Nadu
Mr. Rajesh Rangarajan	Toxics Link, Chennai, Tamil Nadu
Mr. Rakesh Jaiswal	Eco Friends, Kanpur, Uttar Pradesh
Mr. Randeep Saini	IDMA Foundation, Chandigarh
Mr. Rana Sengupta	Mine Labour Protection Campaign (MLPC), Jodhpur, Rajasthan
Mr. Siddartha	Pipal Tree, Bangalore, Karnataka
Mr. Rabindranath	Brahmaputra Barak Rivers Watch, Assam
Mr. Roy David	Coorg Organisation for Rural Development, Karnataka
Mr. Roy Laifungbaum	Centre for Organisation Research & Education (CORE), Manipur
Mr. Sanjay Chittora	Mine Labour Protection Campaign (MLPC), Jodhpur, Rajasthan
Mr. Souparna Lahiri	Delhi Forum, New Delhi
Mr. Surya N. R. Addoor	Lecturer/Wildlife Biologist, Karnataka
Ms. Vidya Ranjan	Equations, Bangalore, Karnataka
Mr. Seerat Ketchup	BIRSA, Ranchi, Jharkhand
Mr. Y.G. Muralidharan	CREAT, Bangalore, Karnataka
Mr. Shibu Nair	Kerala
Mr. Ritwick Dutta	Lawyer, Supreme Court, New Delhi.
Mr. Sreedhar Ramamoorthy	Academy for Mountain Environics, Uttaranchal
Ms. Preeti	Development Alternatives, Bangalore, Karnataka
Mr. Sasanka	DISHA, Kolkata, West Bengal
Mr. Hari	Advocate, Thiruvananthapuram, Kerala

## Organising Team

### Environment Support Group, Bangalore, Karnataka

Leo F. Saldanha  
 K. R. Mallesha  
 Bhargavi S. Rao  
 Rajmohan Pillai  
 Harminder Kaur  
 Gitanjali Mahanti  
 Kedar U.  
 Priya  
 Subramanya Sastry  
 Rohan

## People interested but could not attend

Debi Goenka	Bombay Environmental Action Group, Mumbai, Maharashtra
Dr. K. K. Upadhyaya	Navrachna, Himachal Pradesh
Shripad Dharmadhikari	Manthan Adhyana Kendra, Madhya Pradesh
Ravi Rebapragada	Samatha, Hyderabad, Andhra Pradesh
Aarthi Sridhar	ATREE, Bangalore, Karnataka
R. Doraiswamy	Pragathi - Farmer's Society for Rural Studies and Development, Bangalore, Karnataka
C. Jayakumar	Thanal, Thiruvananthapuram, Kerala
Dr. Rajagopalan	Centre for Indigenous Knowledge Studies, Trichur, Kerala
Bhanwar Singh Chadana	Society for Promotion of Wastelands Development, Udaipur, Rajasthan
Himanshu Thakkar	South Asia Network on Dams, Rivers and People, New Delhi
Madhu Sarin	Independent Researcher on Forestry Issues, Chandigarh, Haryana
Vijayalakshmi	Development Alternatives, New Delhi
Achyut Das	Agramee, Orissa
Darryl D'Monte	President, International Forum of Environmental Journalists
Frederick Noronha	Forum of Environmental Journalists
Michael Mazgaonkar	Paryavaran Suraksha Samithi, Gujarat
Shekar Singh	Centre for Equity Studies, New Delhi
C. R. Bijoy	Indigenous Peoples' Rights Campaigner, Coimbatore, Tamil Nadu
Harekrishna Debnath	National Fishworkers Forum, Kolkata, West Bengal
Shivani Chaudhury	Housing and Land Rights Network
Sowmya	Mazdoor Kisan Sangharsh Samithi, Rajasthan

# Annexure 5

## Agenda of TAI Workshop/Public Launch

### 31 October, Day 1

9 am: Welcome. Introductions.

11 am: *The Access Initiative: Its Relevance in India*. Leo Saldanha and Souparna Lahiri present the process by which TAI workshop/launch has been organised, the importance of this initiative to environmental governance in India and broadly describe the challenges and opportunities of making TAI - India Coalition work.

12.00 pm: *The Access Initiative: International Coalition*. Nathalie Eddy of World Resources Institute describes the process by which TAI has evolved internationally and highlights the main features of this initiative.

12.45 pm: Discussing the Workshop agenda for Changes, if any. (or understanding the process of the workshop)

2.30 pm: *Experiences in Engaging with Environmental Decision Making in India*. A discussion moderated by Jai Sen, Independent Researcher.

5.30 pm: *The Access Initiative Indicators Toolkit*. A computer based interactive introductory session by Nathalie Eddy.

Post Dinner: Informal discussions on The Access Initiative Coalition Building Process.

### 1 November, Day 2

9 am through to lunch: *Developing an agenda for reform of environmental governance in India: But what do we focus on? Interactions, Intersections and Interventions*. Anchored by Jai Sen.

2.30 pm through to dinner: *How do we use The Access Indicators to assess Environmental Governance in India*. An interactive computer based training session by Nathalie Eddy

Post Dinner: More informal discussions and documentary viewing.

### 2 November, Day 3

9 am to 11 am: *Developing a focus to building The Access Initiative - India coalition: What it takes?* Group discussions, regional sub group discussions.

11 am: Departure to Bangalore city, for participation in Launch. Lunch at the Venue.

1.30 pm to 6.30 pm: Public Launch. Detailed Programme Enclosed

8 pm: Return to Fireflies.

### 3 November, Day 4

9 am: *Pilot Assessment of The Access Initiative in India*. A presentation by Randeep Saini of IDMA Foundation, Chandigarh

11 am: *Detailing tasks to conduct The Access Initiative assessment*. Session coordinated by Nathalie Eddy.

12 pm: *Formalising The Access Initiative Coalition in India: Discussing strategies, nature of relationships and making commitments*.

2.30 pm: Discussion continues on *Formalising the Access Initiative Coalition*.

3.30 pm: Summarising the Process, Jai Sen

4.30 pm: Tea, Goodbyes and Departure.

*"Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided."*

Principle 10 of Agenda 21: RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT 1992

RSVP

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 Web: [www.esgindia.org](http://www.esgindia.org)

# The Access Initiative

On behalf of The Access Initiative – India Coalition, we cordially invite you to the launch of

**The Access Initiative**  
*a global civil society coalition promoting Access to Information, Participation and Justice for the Environment*

**Tuesday 2<sup>nd</sup> November 2004**  
**1.30 pm to 6.00 pm**

Venue: NGO Hall (Behind Karnataka Secretariat Club), Cubbon Park Bangalore

The Access Initiative is a global coalition of civil society organizations collaborating to promote national implementation of commitments to access information, participation, and justice in decision making that affects the environment. For more details on The Access Initiative, please visit: [www.accessinitiative.org](http://www.accessinitiative.org)

# Principles

# Programme

**Access to Information:** is defined as the ability of citizens to obtain environmental information in the possession of public authorities. "Environmental information" includes information about air and water quality, for example, and information about whether any hazardous chemicals are stored at a nearby factory.

**Access to Participation:** is defined as the opportunity for citizens to provide informed, timely and meaningful input and influence decisions on general policies, strategies and plans at various levels and on individual projects that have environmental impacts. Individuals may, for example, engage in electoral processes, testify at hearings and meetings, serve on advisory committees, have direct contact with public officials, express views and opinions through the media or engage in some form of protest action.

**Access to Justice:** is defined as the ability of citizens to turn to impartial arbiters to resolve disputes over access to information and participation in decisions that affect the environment. Such impartial arbiters include mediators, administrative courts, and formal courts of law, among others.

1:30 pm	- Registration
2:00 pm	- Welcome
2:10 pm	- <i>Relevance of The Access Initiative in India</i> Shri Leo Saldanha, Coordinator, Environment Support Group
2:20 pm	- <i>The Access Initiative – International Experience and Development of Indicators</i> Smt. Nathalie Eddy, Associate, Access Initiative, Institutions and Governance Program, World Resources Institute
2:40 pm	- <b>Inaugural Presentation</b> <i>Deepening Public Participation in Environmental Decision Making in India</i> Shri. L. C. Jain, Former Member of Planning Commission of India, Ramon Magsaysay Awardee and Vice Chairman of the World Commission on Dams
3:05 pm	- <b>Release of CD and Inaugural Address</b> <i>Consequences of Liberalisation to Environmental Governance in India</i> Shri. P. G. R. Sindhia, Minister for Industries and Infrastructure, Govt. of Karnataka
3:30 pm	- Q & A with the minister followed by tea
4:00 pm	- <b>Panel Discussion</b> <i>Making The Access Initiative Work in India.</i> Moderator: Shri. Jai Sen, Independent Researcher and Editor of "World Social Forum: Challenging Empires"  Panelists: Shri. L. C. Jain; Shri. Shanth Kumar, Editor, Deccan Herald; Shri N. Bhoomananda Manay, Chairman, Karnataka State Pollution Control Board; Representative of Dept. of Forests, Ecology and Environment, Govt. of Karnataka; Representative of Confederation of Indian Industry; TAI India Coalition Representative.
5:30 pm	- <b>Summary and Closing Remarks</b> Shri. Souparna Lahiri, Coordinator, Delhi Forum
5:45 pm	- <b>Vote of Thanks</b>

## Annexure 6

### Press Coverage of TAI-India launch

#### **A campaign to press for right to information**

The Hindu, Nov 3, 2004

A large gathering of non-governmental organisations (NGOs) actively involved with environmental issues and access to information about related governmental policies was almost going unnoticed. What made it remarkable was that the NGO representatives had come from places such as Assam and Tamil Nadu. The Minister for Industries and infrastructure, P. G. R. Sindhia, launched a CD-ROM which would take forward the work of the NGOs which had come together under the umbrella, the Access Initiative, an international movement. Speaking on the impact of globalization on environmental policy, he referred to how many in the government and those in bureaucracy were caught unawares when the economy was opened up in 1991. In the competition between the state governments for foreign direct investment, the environmental impact of the industries to be set up in India was almost overlooked. Former planning commission member L.C. Jain felt it reflected badly on the state of our free democracy on the state of our free democracy that a citizens' movement was necessary for the right to access information which concerned their future and those of generation to come. "It is sinister how people are being robbed of their rights. After independence, power was to reside in the people and this has not happened," he said. The National Biotechnology Action plan had shrunk to the draft national Environment Policy, whose makers had not involved civil society groups in the exercise. Nathalie Eddy of the Washington D.C. based World Resources Institute explained that the Access Initiative carried forward the decisions of the 1992 Rio Summit and the 2002 World Summit on Sustainable development. Access was a global coalition with India as an early member.

#### **Pollution Control Boards should be made public trusts: L C Jain**

Vijay Times, Nov 3, 2004

Organisations such as the pollution control board should be public trusts rather than government bodies, former planning commission member L.C. Jain said on Tuesday. "As public trusts, these bodies would work more efficiently and have better transparency," he said speaking at the seminar on access to information, participation and justice in Environmental governance. Delivering the inaugural address, industries Minister P G R Sindhia said "in the era of globalization, issues related to environment and ecology have been neglected by governments." Sindhia admitted that nothing was being done in the name of environmental conservation. Emphasising on the importance of environment and the need to preserve it, Sindhia said, "Even in Karnataka, investment has been pouring in only because the state is rich in resources. He also blamed the central government for its liberalisation policy. "The congress government, in 1991, did not consult the workers or even the opposition before signing the world trade and today we are in a situation where we can't pull back and remain isolated in the world." He said. However, he expressed happiness that transparency in governance has increased following decentralisation of the administration. He added public should be educated about transparency and participation in environment governance "We can improve upon this with further decentralisation and we should have an education programme on the act to information," he said.

### **Gov'ts trudge blind on FDI path, says Sindhia**

Deccan Herald, Nov 3, 2004

The Industries Minister said politicians and bureaucrats find a way so that no process would be transparent.

BANGALORE, DHNS:

Garnering investment from different parts of the world has become the cause of competition between Governments of different States in the country — so much, so that Governments which bag foreign direct investment now don't care to see what adverse environmental impact such an investment can cause.

This candid confession came from none other than Industries Minister P G R Sindhia, while participating in a seminar on improved public participation in governance, at the launch of the 'Access Initiative.'

The Access Initiative is a global movement of civic groups to promote the people's access to their rights to information on public affairs, participation in governance and decision-making and access to justice. The city-based Environmental Support Group, which launched the initiative, has been taking up key causes relating to environmental degradation in different parts of the country.

The focus of such Access Initiative is guaranteed with right to information, to monitor and promote transparency and accountability in government functioning.

Mr. Sindhia, giving a talk on 'Consequences of Liberalisation to Environmental Governance in India,' felt that though Karnataka has a Transparency Act, bureaucrats and politicians find a way around this so that no process is transparent and the public do not have access to information.

He said he firmly believed that only public participation can ensure transparency, and public participation can be brought about through non-Governmental organisations (NGOs) not the government bodies.

"Neither elected representatives nor bureaucrats realised the full impact of globalization before signing the World Trade Organisation agreements. Fifteen years hence, after the public sector units have shut down and lakhs are unemployed, we are so caught up withdrawing investment now. Once upon a time, Chief Ministers of States were hesitant to talk to industry heads of their own State, but CMs today will go to airports to welcome investors from other countries with red carpets. All the concentration is on getting more investment, Governments don't bother with environmental concerns," he rued.

### **'Criminals governing us'**

Former Planning Commission member L C Jain, who delivered a talk on 'Deepening Public Participation in Environmental Decision Making in India,' lamented the fact that "those who have committed murders insist on governing us."

"We the people have nothing against the Government but the Government is doing everything that makes itself unacceptable. The moment the ballot box is closed, the people are forgotten. Many of those who govern us have not read the Directive Principles laid down in the Constitution, when they themselves are the upholders of the Constitution," he said.



Sri. N. Bhoomananda Manay,  
Chairman, Karnataka State  
Pollution Control Board at the  
public launch of TAI



A section of the gathering at the  
public launch of TAI

## Annexure 7

Copy of the letter issued by the Union Minister of Environment and Forests, Shri. A. Raja, endorsing Government support for The Access Initiative in India



**DR. AKILAN RAMNATHAN**

Tele. : 24361727 & 24363958  
Fax. : 24362222

अतिरिक्त निजी सचिव  
पर्यावरण एवं वन मंत्री  
भारत सरकार  
पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स  
नई दिल्ली-110003  
ADDITIONAL PRIVATE SECRETARY TO  
MINISTER OF ENVIRONMENT & FORESTS  
GOVERNMENT OF INDIA  
PARYAVARAN BHAWAN, C.G.O. COMPLEX  
NEW DELHI-110003

D. O. NO. 30/Ad/195 L1 MEF/2004

Dated the 28th October, 2004.

*Dear Shri Saldanha*

Kindly refer to your letter dated 21.10.2004 inviting the Hon'ble Minister of Environment & Forests Shri A. Raja to the launch of The Access Initiative to be held on 3rd November, .2004 at Bangalore.

Due to prior engagements, Hon'ble Minister is not able to attend the launch of The Access Initiative. However, he would like to convey his best wishes or the successful launch.

With regards,

Yours sincerely,

  
(Dr. Akilan Ramnathan)

**Thiru Leo. F. Saldanha**  
Coordinator  
Environment Support Group  
S-3, Rajashree Apartments,  
18/57, 1st Main Road,  
S.R.K. Gardens, Jayanagar,  
Bannerghatta Road,  
Bangalore -560 041.

## Annexure 8

Copy of the letter issued by the Secretary to Government, Environment and Ecology, Government of Karnataka, extending support to TAI.

**I.M.VITTALA MURTHY, IAS**  
Secretary to Government  
(Environment and Ecology)  
Department of Forest  
Environment and Ecology



TelePhone : 22254377  
22092445  
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Karnataka Government Secretariat-II  
7th Floor, 4th Stage,  
Multistoreyed Building  
Dr. B. R. Ambedkar Veedhi  
Bangalore - 560 001

D.O. No. FEE Secy (E&E) 2004

Dated :

27-9-2004.

Dear Sri Saldanha,

Sub: Participation in the Launch of The Access Initiative  
In Bangalore - 3<sup>rd</sup> November 2004 .

Ref: Your letter dated 17<sup>th</sup> September 2004, to Principal Secretary,  
DFEE.

- - -

In response to your request on telephone on 25-9-2004, I wish to confirm my participation in the Public Launch/Seminar of The Access Initiative in Bangalore on 3<sup>rd</sup> November 2004.

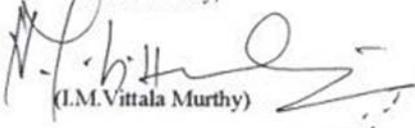
I am pleased to note that the event is likely to be inaugurated by Sri A Raja, Hon'ble Union Minister for Environment and Forests.

I extend support and cooperation for a successful seminar and post seminar activities.

By way of this letter, we also encourage all our related agencies to extend their fullest cooperation in this regard.

With regards,

Yours sincerely,

  
(I.M. Vittala Murthy)  
27/9/09

Sri Leo F.Saldanha,  
Coordinator,  
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