CSO CASE STUDY 11

Title: Contending paradigms for contested public spaces: role of CSOs in shaping Delhi's transport policy
Country: India
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Introduction to the case

From the late 80s, due to industrialisation, and burgeoning vehicle population, air pollution in Delhi reached alarming proportions. The rising air pollution led to a protracted legal case, *M.C. Metha vs. Union of India*[4]*,* filed by M.C. Mehta, an environmental activist lawyer. The case initially demanded the stoppage of stone crushing in the vicinity of Delhi. But as the case progressed many civil society organisations as well as front organisations for commercial entities impleaded themselves as interested parties and its main focus became vehicular air pollution.

Previous to the filing of the case, pollution in the country was seen only as an industrial problem and the laws and norms dealt predominantly with solid and liquid waste. Air pollution, particularly vehicular pollution, was neglected. Vehicular transport was governed by the Motor Vehicle Act 1989 which had very little focus on emission standards. Even when interim judgments to M.C. Mehta's case came from 1986 onwards by way of phasing out of vehicles fifteen-year-old or more, and the provision of hybrid fuels and bio-fuels, the state (both executive and legislature) did very little by way of policy or execution. It was only due to a sustained campaign by CSOs and threat of imprisonment for contempt of court by the judges that changes were eventually achieved.

In this struggle many civil society organisations attempted to shape public opinion and influence public policymaking. The most prominent ones are the Energy Research Institute (www.teri.org), Hazards Centre (www.hazardscentre.org), the Transportation Research and Injury Prevention Programme of Indian Institute of Technology (TRIPPS-IIT) and the Centre for Science and Environment (CSE). This case attempts to examine the way in which CSE was able to generate, sustain, and coordinate public opinion with respect to vehicular air pollution as the main cause of public health problems as well as playing an important role in convincing the public and judiciary that CNG (Compressed Natural Gas) constituted an ideal solution to the problem, especially in the face of strong opposing forces.

The type and extent of policy change

In the state of Delhi over a period of little under two years from 2001 to 2003 the Government of Delhi (GoD), in collaboration with the Government of India (GoI) undertook the complete conversion of Delhi's public transport fleet into CNG mode. The emission norms announced by GoI were also advanced by four years for the state of Delhi. The GoI had established explicit and binding emission norms for vehicles, and committed to a timeframe for its implementation all over the country. These norms were modeled along

[4] The case was filed in 1984 also went on to examine which began as one of pollution due to stone crushing went on to examine a whole lot of issues like, air pollution, slums, industrial relocation, fuel policy, pollution norms etc. With respect to the CNG issue, verdicts dated 28th July 1998, as well as 1st march 2001 were of crucial importance.

the lines of Euro norms and by 2010 the whole of India would adhere to Euro Level –IV norms. In addition to this, the GoI also announced a national fuel policy, formulated by a committee under the chairmanship of R.A.Mashelkar (Secretary, Department of Scientific and Industrial Research, GoI). Urban planning too, as reflected in the Delhi's master plan, came to acknowledge vehicular pollution and speaks about measures to reduce the same.

Some thoughts on the explanation of the policy change

a) The political context

A few hypotheses could be advanced about the nature and content of the change. One is that due to the liberalisation process, quality of life issues have begun to dominate public discourse though an upper class bias is distinctly visible. An increasing number of internationally connected civil society organizations, powered by competing claims based on science, have been successful in forcing changes in national level policy making. Yet anther factor is that civil society got increasingly engaged due to the explosion of electronic media which brought about a sense of immediacy to remote problems into the public domain, involving citizens in a manner which the state was not able to foresee and hence was forced to be reactive. Trade-offs with respect to pollution, industrialisation, development and exclusions normally would have been negotiated in the political space. But increased complexities due to higher technological content, this negotiation happens at the level of experts and the state as well as the citizen becomes an active but incapable participant who just ends up implementing the verdict of the expert. As the experts seldom tend to agree, CSOs play a decisive role in shaping the public through imaginative use of electronic media.

b) The ways CSOs tried to affect policy change (strategy and activities)

The major strategy used by all the CSOs involved in the issue was to publish their findings in the form of reports, leaflets and press releases and use the media to sensitise the public and policy makers. Some CSOs also attempted to engage the public by way of public hearings and interactive sessions with the experts (a practice introduced by CSE in this case). Petitioning and corresponding with state authorities was another preferred mode of activity. Impleading themselves as interested parties in the Public Interest Litigation by way of filing interlocutory applications was yet another effective means of intervention.

c) The nature of research-based evidence, if relevant

All CSOs involved in the transport policy debate, have used their own research based findings aided and supported by previously conducted international research findings to influence policymaking. CSE commissioned a comparative study of pollution levels generated by both modes of fuels (CNG and diesel), and claimed that CNG has lower pollution levels (A claim contested by TERI and IIT_ TRIPPS, but which failed to convince the courts). TERI published a series of articles and reports based on its long-standing experience in energy and fuel studies about the effectiveness of ultra low sulphur diesel (This claim led CSE to brand TERI as a front for the diesel lobby). TERI essentially argued for a fuel neutral emission control policy, in which the state had to set vehicular emission levels while fuel choice has to be left to market forces. Both TRIPS and the Hazards Centre advocated a larger solution of multi-model transportation with public transport at its core.

d) Mechanisms used to get the evidence into the policy process[5]

Having identified the right cause (respiratory health problems), which is an emotional issue and linked it scientifically to increased pollution, CSE mounted an intensive, campaign (It even used emotion by publicising the deteriorating health of its charismatic founder Anil Agarwal. He was afflicted with cancer and died in early 2002). CSE launched its campaign with the publication of 'Slow Murder'[6], a booklet highlighting the increase in deaths due to respiratory problems. This was followed by a signatures' campaign against diesel buses, which culminated in the submission of a public appeal to the GoD signed by leading Physicians of the country. It also co-ordinated a series of public meetings during mid 1999 which led to a rise in public opinion, especially among the middle classes, in favour of the abolition of diesel buses[7]. This, coupled with a series of articles in the centre's magazine, Down to Earth, kept the pressure up. The centre's advertisements in leading newspaper as well as well articulated television appearances led to a significant mobilization of media in favor of CSE's positions[8].

While it attempted to keep up the pressure, by effectively using media and middle class citizenry, CSE ensured that its message also echoed in key government and court appointed committees thus influencing policy changes from within the state structure. When the GoI, under the direction of the Hon' Supreme Court of India, constituted a committee named the Environmental Pollution (prevention and control) Authority[9], Anil Agarwal was an active member of the committee. It was this committee, which recommended CNG as a clean fuel. Even in the second committee on national fuel policy, CSE made critical submissions. Thus one could see that CSE has made use of all the existing platforms to get into the policy making processes and even used new forms like televised debates to promote favourable policy positions.

e) Any international factors

All the actors involved in the CNG case used international influences or references. The World Bank studies on transportation in Mexico City and Santiago (1992) as well as data from the Expert Reference Group Study in Australia conducted in 1998 with a more recent study undertaken by the Australian Government's Council for Scientific and Industrial Research Organization were freely used. CSE in particular commissioned two

[5] This section is based on a series of discussions with a number of activists at CSE, including its Director. Special thanks are due to T.V. Jayan, the science editor of Down to Earth, the magazine of CSE.

[6] Slow murder- the CSE compilation on diesel buses was launched on 1st November 1996. It argued that more than 10000 people have died in Delhi in Delhi between 1992 and 1996 due to pollution related problems and went on to identify vehicular pollution as the most important reason.

[7] Tough there were many mobilizations at the local level, CSE highlights three major events namely the massive public meeting to bring out the petition signed by leading doctors of Delhi in Jun/July 1998, and the Right to clean air exhibition at the auto expo in 2000.

[8] The advertisement series attractively captioned ' Roll down the windows of your bulletproof car Mr. Prime Minister' were a major hit with the English speaking middle class population of Delhi.

[9] It is popularly known as Bhure lal committee, since it was chaired by Mr. Bhure lal. The committee was vested with the responsibility of suggesting ways and means of reducing pollution in Delhi. One of the conclusions it came up with is that of using CNG as a fuel.

independent studies by international experts[10] to examine and assert the effectiveness of CNG as a solution.

Conclusions and lessons learned

The case shows how policy making in the current context is irrevocably susceptible to public intervention. Care should however be exercised to clearly define what constitutes public, since society is constituted with people of varied class interests. Contending claims by contesting players (all of them claiming to be scientific) leads us to conclude that civil society needs to be conscious of the values, which underlie these interventions. Effective utilization of the media is crucial for the success of any public policy interventions. Judicial intervention in policy making could some times result in 'technological fix' since they normally address an immediate injustice. CSOs have a major role in educating and involving the public in what is emerging to be technology dominated risk society.

References

www.supremecourtonline.com www.cse.org www.teri.org, www.hazardscentre.org www.iit-tripps.org along with newspaper, magazines clipping all archived on the net and accessible.

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[10] The first one was in 2001 and was prepared by Frank Dursbeck, Lennart Erlandsson and Christopher Weaver and the second one was by Lennart Erlandsson and Christopher Weaver in 2002. Both the reports focussed on how Delhi, is meeting the challenge of large-scale deployment of a new technology