



Environmental Decision Making-Access to Information and Public Participation

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In the absence of relevant information, it is impossible to make environmentally responsible choices, which are an absolute need for attaining sustainable development. Therefore, information on the environment is of the utmost significance. In 1982, in information to the growing recognition of the significance of environmental information, the “Ministry of Environment and Forests” established an “Environmental Information System (ENVIS) intending to disseminate data to decision-makers, policy planners, scientists, and other relevant individuals throughout the country.” The distribution of information to users is the most important aspect of the whole system to ensure user satisfaction.

Activities

The ENVIS Network has, since its start, accumulated a pretty solid information basis. This base has been built up in the form of publications, reports, bibliographies, abstract databases, and other important environmental statistics, among other types of information. ENVIS offers a wide variety of services, which are as follows:

1. Query Answer Service

The ENVIS Network responds to many requests for information on a wide variety of topics pertaining to the environment that user groups make on a national and worldwide scale. In response to any queries of this kind, we provide substantive information in the form of bibliographies, photocopies of reprints/reports, and other similar materials.

2. Referral Services

In situations where ENVIS Network cannot supply its users with information of a substantive nature, ENVIS Focal Point offers referral services to such users.

3. Abstracting Service

The Focal Point publishes a journal called “Paryavaran Abstracts,” which is updated every quarter and contains information on environmental research conducted in an Indian setting. In order to compile relevant abstracts to include in this book, more than 300 environmental

periodicals, both domestic and international, have been read and scanned. Approximately 3,000 copies of the Journal are distributed across the world.

Responsibilities of the ENVIS

The ENVIS, in its capacity as a “National Focal Point and Regional Service Centre of the INFOTERRA Network,” is responsible for the following responsibilities:

- Establishing and sustaining a national environment of environmental information sources.
- Determining the extent to which each source can supply information and registering those sources that meet the criteria in INFOTERRA
- Making INFOTERRA services available to users on a national scale.
- Assisting in the flow of environmental data and information to and from their community of sources and users and monitoring it.
- Actively publicizing INFOTERRA and the services it provides.
- Creating and maintaining lines of communication at all INFOTERRA Network levels
- Taking an active role in the planning, assessment, and development of INFOTERRA.

ENVIS keeps a close liaison with several national information systems, such as the “National Information System of Science and Technology (NISSAT)” and the “Biotechnology Information System (BTIS),” as well as several other networks that function comparably, to exchange information pertaining to the environment and preventing the unnecessary duplication of efforts in the environmental fields. In addition to this, ENVIS makes use of a vast number of computerized databases that were created by various scientific institutes located all across the United States. ENVIS has developed a website, which can be accessed at <http://www.nic.in/envfor/envis>, to facilitate searches conducted on the many databases available both domestically and globally.

ENVIS Focal Point

The UNDP’s Sustainable Development Networking Program will be implemented by the Ministry (SDNP). The program’s goal is to make it easier for academic and research institutions, non-governmental organizations (NGOs), government bodies, and private companies to communicate with one another in an organized manner to share information, thereby facilitating sustainable development. The sub-objectives described below have been set in order to achieve this goal:

- (a) **Establish and operate a distributed clearinghouse:** To provide answers to questions on sustainable development and to direct them.
- (b) **Organize a SONP Association:** This Association will be open to people as well as institutions who are interested in the dissemination of knowledge on sustainable development.

Essential systems will be established in addition to them, such as an inventory of information providers; information reduction (both manually and automatically); collecting, storing, and

retrieving information in a usable format; record of inquiries, and so on.

If someone wants to access the information already available in the field in question, you may explore all of the ENVIS centers established as part of the ENVIS system at the URL <http://www.nic.in/envfor/kmb>. Nearly all of the ENVIS Centers are now in the process of being networked with the Focal Point, which will allow for the provision of online information

In the following review, Geographical Information Systems (GIS), a popular technology widely used in Environmental Information Systems, will be demonstrated to store the bulk of environmental data in computerized information systems. This will demonstrate why this is so (EIS). As a result of the growing desire for the general public to have access to this information, there is a growing need for open-access Environmental Information Systems (PEIS). According to a review of the most current environmental impact statement and preliminary economic impact statement, a set of six arguments seem to underpin current practice:

- a) Making informed decisions about the decision requires having vital knowledge, access to trustworthy information, and environmental and correct data.
- b) Within sustainable development, the participation of all relevant stakeholders in the decision-making processes should be encouraged. This has directly led to calls for more engagement from the general people in the decision of making decisions about environmental issues.
- c) Geographic information systems are well suited to handle environmental data (and vice versa). The development of geographic information systems (GIS) is intimately connected to advances in environmental research, and the output of GIS is seen as having a great deal of value in comprehending and interpreting environmental data.
- d) (Consistent with A and B) The general public must have access to environmental information, data, and knowledge in order for public participation in environmental decision-making to be possible.
- e) (As determined by A and C) Effective environmental decision-making requires the use of GIS tools and output.
- f) (Based on all the others) GIS technologies should be the foundation of public environmental information systems. These types of systems are vital for guaranteeing public participation in environmental decision-making.

Public Participation

Public participation may be considered a continuum of involvement between the government and the public, ranging from informing and listening on one end to adopting agreed-upon solutions collectively, with the conversation, discussion, and analysis in between. In order to produce better laws, the public should be invited to participate in all stages of the process, including the planning, drafting, adoption, implementation, and assessment stages. Because there are many stages in the process of making laws, the level of participation and the shape it takes will change

depending on the stage of the process.

The following degrees of participation are recognized both by international treaties and by regulations particular to individual countries:

1. **Access to information:** A participant's first, most fundamental, and most vital right is access to the information relevant to the participation process as a whole. It emphasizes the public's right to have access to all information (including draughts, comments, and rationale) at all stages of the process, as well as the government's process to notify the public about its intentions and the types of papers it wants to adopt at the fact. The right to access information is a legal notion enshrined in various statutes. Even though a significant level of contact between the government and the public is not required at this stage, the government should not take any steps to prevent the public from getting information critical to the process.
2. **Consultation:** During the consultation process, which is participation employed by the government, the public is encouraged to voice its opinion, comments, views, and feedback on a specific document. The government decides the issues on which the public is consulted; however, the public should be given a chance to voice their opinions on other issues of the draught during the process. A larger number of persons from the general public might be invited to participate in the consultation. The public gets engaged because the government asks them to do so, which is a kind of participation considered reactive. On the other hand, this does not mean that members of the public can't make a request to be consulted. It should take action and bring to the attention of the governing bodies the need to solicit their feedback on legislation that will impact them.
3. **Active engagement through dialogue and partnership:** Active collaboration, also known as a partnership, in the legislative process entails working together and sharing duties throughout every phase of the decision-making procedure (agenda setting, issue identification, drafting, decision, and implementation). It is the most active kind of participation. One way to conceptualize it is as a circumstance in which representatives of the public sit down alongside representatives of the government at a discussion table. Both parties have an opportunity to take the initiative. Those members of the public who are involved in the process should be able to keep their autonomy and continue to advocate and campaign for the solutions to the problem that they believe should be implemented, even though there ought to be a consensus regarding the common objectives of the procedure. Participation may also take the shape of active dialogue. Indeed, dialogue is essential to the development of collaborative relationships. It is vital to have two-way communication predicated on mutual interests and potentially shared aims in order to ensure a continual flow of ideas. The dialogue is a collaboration that develops around a specific issue of interest and should result in results widely accepted by all parties concerned.

The various forms of public participation that may be used are based on the degree to which the public may be expected to have an impact on a decision. These forms include the following:

- Giving information to the public in order to assist them in comprehending the issues,

- possibilities, and solutions;
- Consult with the public to gather their input on various decision-making options or alternatives.
 - Involving the Public to Ensure Their Concerns Are Considered Throughout the Decision-Making Process
 - Working together with the general public to establish decision criteria and options, as well as to zero in on the most optimal solution
 - Giving the general public more power by putting the ability to make ultimate decisions in their laps.

Formal participation

When it comes to public participation beyond voting, public authorities often conduct official and traditional participation techniques, such as public meetings, citizen assemblies, and other consultative procedures.

The governmental sectors often use the “participatory democracy” strategy to provide invitations to the general government to discuss their worries and points of view and to participate in the decision-making process about environmental opinions. The administrative process is remodeled into one that emphasizes group work and consensus with the help of this engaging method. In some circumstances, the environmental public’s participation is required in making decisions on the environment. For instance, it is required that the public and other relevant stakeholders be included in environmental impact assessments, urban land use planning, and other similar processes and that their opinions be collected.

The more sophisticated method of formal participation involves a process of information sharing and deliberative deliberation that goes by the name “deliberative democracy.” To put it another way, the relevant authorities or social groups convene a meeting of concerned individuals or stakeholders in order to discuss environmental issues and arrive at reasonable conclusions. The deliberative process allows for sharing and co-creation, both of which establish the groundwork for mutual understanding and make it easier to find solutions to problems. It goes beyond simple communication in just one direction. Criticisms of discussion include the success that for it to be successful, participants need to have an open mind, and that marginalized people continue to be at a disadvantage, deepening existing inequities.

Informal Participation

In the way of its potential use, informal participation may also be able to make up for some shortcomings of formal participation. Participation outside the purview of institutionalized authority broadens the options for citizens to take part in decision-making. The conventional methods, which include community forums, seminars, and events, are able to provide decision-makers with feedback and input. Even if the participants, in most cases, will not directly impact the choices that are ultimately made, these methods nonetheless provide citizens with a greater scale of awareness, better-informed information, clearer attitudes, and confidence before formal participation. Including citizens of the public in decision-making boosts their agency when they

are included in the conversation.

On the other hand, both formal and informal participation are often intertwined. To accomplish this goal, a collaboration between public authorities and members of civil society is required. By using the power of their power networks, mostly via more informal forms of participation, civil society organizations are able to make room for public participation. According to the findings of several studies, the participants' preferences, two-way or dialogue-based communication, and multilevel governance all have a major role in determining the environmental outcomes. To successfully create an environment that is both livable and sustainable, all facets of society, at all levels, need to be involved in the process. As a result, encouraging public participation is the most important instrument for fostering collaboration with environmental stakeholders and citizens and producing environmentally relevant results.

Benefits of Public Participation

Participation from the general public will result in two significant benefits:

- The sponsoring organizations will be able to come to better judgments, which will be easier to put into action, represent the interests and values of the public, and be better understood by the public.
- Communities build the ability to solve and manage difficult social issues over the long term, frequently overcoming long-standing disagreements and misconceptions.

How does public participation result in better decisions?

The fact that decision-makers bring a more comprehensive set of information to bear on the decision-making process, which comes in the shape of extra facts, values, and perspectives received via public input, is based on the contribution of public participation to the formulation of better decisions. They'll be able to mix the most beneficial information and expertise from all stakeholders involved. Decisions are more readily implemented and more likely to be sustainable because they take into consideration the needs and interests of all stakeholders, particularly vulnerable and marginalized groups, and because stakeholders better understand and are more involved in the outcomes.

As a result, decisions reached via methods involving public participation are seen as more legitimate and less likely to be disputed. Decision-makers who thoroughly decide all stakeholders' interests are also better communicators. They can explain decisions and the rationale behind them in terms that stakeholders can comprehend and in ways relevant to stakeholders' values and concerns.

References

R. Picolotti and D.Taillant (Ed.), Linking Human Rights and the Environment, (Tucson, AR: University of Arizona Press,2003) 50.

D.Hunter, Using the World Bank Inspection Panel to defend the interests of Project-affected people, Chicago Journal of International Law 4, 2003, 201-11.

Shyam Diwan and Armin Rosencranz, Environmental Law and Policy in India – Cases, Materials and Statutes (2nd ed., 2001)

C. Shashtri, Environmental Law in India, Eastern Book Company, Lucknow. (2015)

P. Leelakrishnan, Environmental Law in India (2nd ed., 2005)

Gurdip Singh, Environmental Law in India (2005)

Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.

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