



USAID
FROM THE AMERICAN PEOPLE

India Air Quality Reforms

Activity: India Air Quality Reforms
Program Area: Urban Energy
Implementer: Advanced Engineering Associates International
Geographic focus: India
Duration: April 2002 – December 2003



A Compressed Natural Gas powered transit fleet bus in New Delhi, India.

Project Background

USAID examined how and why Delhi has succeeded in converting tens of thousands of commercial vehicles to compressed natural gas (CNG) from other, more highly polluting fuels. The orders to do this came from the Indian Supreme Court and, as a result, similar law suits have been brought in recent years in a number of neighboring South-east Asian countries. Many observers of this process have been highly critical, arguing that the Court's resolution of vehicular pollution in Delhi introduced measures that are not cost effective, or as


a matter of democratic governance, it was improper for the Court to be making complex environmental policy decisions.

Development Objective

The formulation and passage of law and normative acts typically establish the legal basis for environmental protection and the enforcement authority to ensure that these laws are carried out. In India, the de-facto policy making and enforcement role with respect to air quality had been taken on by the Court. As this approach seemed to be effective but outside of the norms for environmental policy making and enforcement, a clear assessment of the precursor events and mechanisms used by the Court is needed to inform other countries on the circumstances and validity of this unusual approach.

Project Activities

The USAID team including Advanced Engineering Associates Inc. (AEAI) and Resources for the Future (RFF), prepared a final report, based on extensive in-country research, interviews and a literature review. It examines the critical factors that allowed the Court to act and for its orders to be respected. It also examines the concerns about the cost



effectiveness of switching to CNG, concluding that it might have been more cost effective if the Supreme court had set vehicular and fuel standards and left the decision of which technology to use to consumers. But records revealed that the Court had strong evidence that fuel adulteration was rampant and politically impossible to check. CNG's gaseous nature made adulteration impossible. After a careful assessment of all energy alternatives and the institutional capacity in India, CNG was considered the most efficient option.

The report examines the most difficult question - whether the Court's actions constituted good governance - and concludes that the court's actions cannot be understood outside the context of India's history or legal framework for managing environmental pollution. In sum, the authors conclude that the Court acted with relative restraint. It relied, to a large extent, on independent advisory committees and on government-initiated (but not implemented) policies. The Court was apparently the only authoritative body willing to take hard decisions and make them stick. Whether this is beneficial in the long run for the development of effective environmental institutions in India remains open to question.

Project Results

The study concluded that the Supreme Court did play a central role but that most of the policies attributed to the Court actually originated in the government's environmental bodies. Where the government lacked the political will to undertake the bold action it had announced time after time, the Court forced it to follow through and implement its announced policies and in some cases develop new ones.

Project Impact

Wide dissemination of this report will help other countries better understand the actions of India's Supreme Court and assess the feasibility of this approach for improving air quality in their country.

To date, the AEAI/RFF Team has conducted workshops in Delhi (November 2003) and Manila at the Better Air Quality Conference held in December 2003, which was attended by 600 people from all over Asia. Findings were also presented at an "RFF Seminar" in March 2003.

RFF expects to present the report at the World Bank this summer. The findings of the report have also been presented in an article co-authored by RFF in the April 2004 volume of Environment Magazine.



Lessons Learned

The approach taken, that is by the Court taking on a de-facto legislative and regulatory role, was aligned with technical and legal precedents and resulted in

positive impacts on air quality. However, as it was done with exceptional judicial restraint, it may not be applicable in other countries.

USAID Contact

Davida Wood
Office of Infrastructure and Engineering
+1 202 712 0594
dwood@usaid.gov

Project Contact

Olga Mandrugina
AEAI
+1 202 416 6610
om@aeai.net