

Report of the

**Consultation on the
Environment Impact Assessment Notification 2019 (zero draft)
And
Status of Forest Rights Act 2006, in Tamil Nadu**

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Organised by



Authors:

Aakanksha Tiwari (Researcher, Environment & Climate Action, CAG)

Niraj Bhatt (Researcher, Environment & Climate Action, CAG)

Sharadha Narayanan (Senior Researcher, Environment & Climate Action, CAG)

Subramani Muthukumar (Communications Associate, CAG)

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Session 1

Environmental Impact Assessment- history and overview

Leo Saldanha, Environment Support Group, Bengaluru

Leo Saldanha, environmentalist, and founding trustee and coordinator of the Environment Support Group, Bengaluru, emphasised on the need to share information about our local resources, as this is what will bring a complex society such as ours together, for the right cause. It is key to achieving environmental justice, he said. The information or knowledge that we hold is not to be used to impose power but to empower the poor and weaker sections. He reminded us of the adivasis - communities that have great potential to live in harmony with nature, a lifestyle that can be lived without access to even what is promoted as 'basic needs' these days. In his opinion ancestral technologies used by past civilisations were innovative and nature based; and we need to bring these technologies into our current lifestyles.



Politics is said to be running on the ground of conflicts among neighbouring countries and the security of countries are feeding on threat (like Syria¹), he said. Technological advancements are now preventing us from going back to basics. However, free flow of information can help in sustainable development and will allow us to live without damaging others by putting an end to imprisoning the knowledge. The current anthropogenic activities are leading to massive reduction in wild resources. He said, laws play a crucial role to frame the model of development in India and suggested that everyone should have knowledge about important laws in favour of local residents or indigeneous people such as the Environment Protection Act in 1986² which

¹<https://news.stanford.edu/2016/12/05/syrian-crisis-altered-regions-land-water-resources/>

²https://indiacode.nic.in/bitstream/123456789/4316/1/ep_act_1986.pdf



authorizes the central government to protect and improve environmental quality, control and reduce pollution from all sources, and prohibit or restrict the setting and /or operation of any industrial facility on environmental grounds, Article 243 ZD³ of the Indian Constitution which stipulates that the District Planning Committee (DPC)⁴of every state has to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole, Article 39⁵ which says that while framing policies, state would strive to provide adequate means of livelihood, equal pay for equal work, resource distribution, safety of citizens and also healthy development of children after the 42nd amendment, Article 40⁶ which enshrines that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government and Article 43⁷ which informs that the State shall endeavour to secure to all workers a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas. He recommended that the Panchayat Raj Law should supervise the Environment Impact Assessment which currently follows a more centralized approach.

Video URL of session 1: <https://youtu.be/ue6qqiPXtlg>

Session 2

EIA 2019 Draft-provisions and shortcomings

Sharadha Narayanan, CAG

Sharadha Narayanan is senior researcher with CAG, and works on Environment and Climate Action-related issues.

Explaining that the Environmental Impact Assessment Notification was enacted to prohibit and restrict the setting up of projects which impact the environment, she noted that the 2006 Notification had been diluted over 20 times by amendments. Such changes were possible owing to the EIA being passed as a subordinate legislation, which does not require Parliamentary nod for amendment. It has been observed that even Official Memorandums, which are administrative documents issued by the Ministry of Environment, Forests and Climate Change, have limited the scope of the Notification, she added. With a view to promote ease of doing business, the EIA Process is being given the short shrift, and a process that used to take upto 640 days when the Notification came into place, now takes about 105 days, with plans afoot to award environmental clearances in 60 days.

³<https://www.legalcrystal.com/act/38166/constitution-of-india-article-243zd>

⁴<https://pib.gov.in/newsite/erecontent.aspx?relid=36025>

⁵<https://economictimes.indiatimes.com/citingsthe-constitution-of-india-article-39/articleshow/1201161.cms>

⁶https://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/73amend.pdf

⁷<https://www.mea.gov.in/Images/pdf1/Part4.pdf>



The proposed overhaul, whose draft was leaked out to the media in April this year, looks to further dilute the working of the Notification, albeit in the name of promoting decentralisation, transparency, efficiency and effectiveness. In reality, the suggested changes would be counterproductive in enforcing these principles, she observed. The draft proposed the formation of Environment Impact Assessment Authorities at the District-level, an ill-thought out move which was introduced as an amendment in 2016 to be quashed by the National Green Tribunal later. The proposed draft weakened the existing law by offering more exemptions from the Public Consultation process, simplified EC amendment norms, and failed to address the challenges faced by the existing Notification- like poor post-Clearance compliance to environmental norms, she explained. She also lined out the various objections raised to the proposed law by the state governments.

Video URL of session 2: <https://youtu.be/oIUfjMOceSc>

Session 3

FRA- history, overview and recent developments

Madhu Ramnath, NTFP- EP India

Madhu Ramnath from Non-Timber Forest Products Exchange Programme presented an overview of the history of protection of forests and forest dwellers in India starting from the British era to the introduction of Forest Rights Act in 2006, and its implementation by various states in India. He explained that the first forest laws of British India were set up in 1857 and the forest department was established in the year 1964. The British were especially keen to exploit

Indian forest resources in their ship building and railway projects, which saw the disappearance of several types of hardwood trees. India's Forest Policy (Act) was first introduced in the year 1927. Post-independence, forest officials still worked with a colonial mindset, he said. Poaching and hunting of animals was still in practice during the 1960s to 1980s. In order to protect animals, the Wildlife Protection Act was enacted in 1972 and the Forest Conservation Act in 1980. Both of these acts, however, did not adequately look at protection of forests.



In 1988, the National Forest Policy was introduced. The much anticipated Forest Rights Act was introduced in the year 2006, which was structured to compensate for the historic injustices meted out to tribal communities and other forest dwellers in the previous acts. But a matter of concern is the migration of several tribal communities to cities in search of a livelihood, prior to the enactment of the Forest Rights Act. Other than the ancient tribes, people who migrated to forests and have been there for a long term can claim the land for them as 'Community Forests Rights'. Maharashtra, Gujarat, Odisha and Kerala top the chart for providing the highest numbers of 'Community Forest Rights' whereas in Telangana, Andhra Pradesh, Madhya Pradesh the fewest are given. In Kerala, 16% of forest regions are covered under CFR.

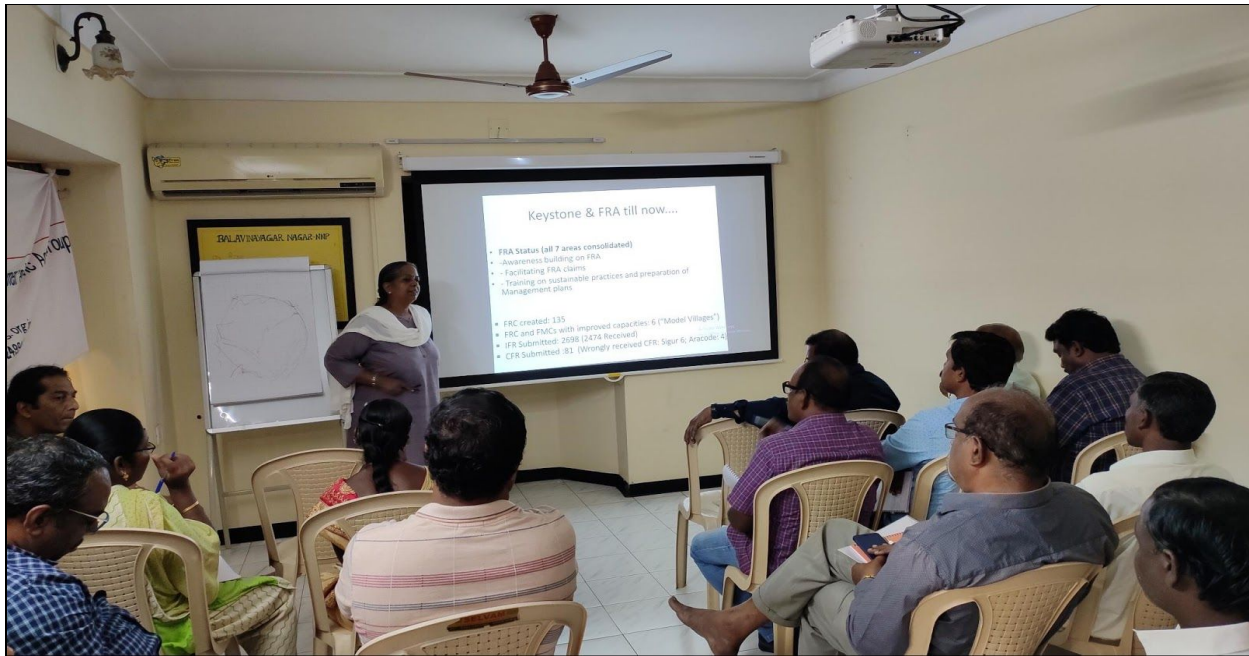
Video URL of session 3: <https://youtu.be/ef1TgZkcok4>

Session 4

A status check of FRA implementation in Tamil Nadu

Snehlata Nath, Keystone Foundation

Snehlata Nath is the founder director of Keystone Foundation. She presented an overview of the community and individual forest rights award status under the Forest Rights Act 2006 in Tamil Nadu, and highlighted the problems faced in obtaining community forest rights.



She listed 36 tribal communities spread across 17 districts in Tamil Nadu. And yet, the 2011 census data showed there are no specific areas where these tribal people are thickly populated as a community. When The city limits were expanded, the outskirts of the forest regions were considered city limits and tribal people in that region listed under the city region. She also said that, the decadal growth rate of Adivasi people in Tamil Nadu is 22% whereas India's decadal population growth rate is 17%. She also said that, on converting a Gram Panchayat into a Village Panchayat or Town Panchayat, forest rights are no longer applicable. Looking back on the state's land cover area, 16.3% are classified as forest areas. According to the Forest Rights Act, the Individual Forest Rights (IFR) can be claimed upto 10 acres but here in Tamil Nadu people get only 1.42 acres of land registered.

Apart from tribals, people belonging to other communities can claim to be "Other forest Dwellers' and cannot claim them under Tribes privileges. She also complained that government officials in the Sathyamangalam forest region are not responsive and are not willing to provide Community Forest Rights for the people over there.

Video URL of session 4: https://youtu.be/Od2XZlp2_yE

Session 5

Using PESA (in Fifth Schedule States) to obtain Community Forest Rights and Individual Forest Rights- *Experiences from Andhra Pradesh*

Sanjeevi Rao, Velugu Association

Mr. Sanjeevi Rao spoke of the fight against granite mining by community members from many villages across the Eastern Ghats region around Kannadhera hills in Andhra Pradesh. The struggle had started at a time when FRA was a bill in the Indian parliament. Describing the tactics employed by the protesters, he said that they regularly met Mr. K. C. Deo, then member of parliament (MP) from their constituency. It helped that he headed the Joint Parliamentary Committee (JPC) on the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Bill that led to the FRA. Their struggle intensified from 2007 and in their determination to protect their land from granite mining, they looked for provisions in the Wildlife Protection Act (1972), The Panchayati Raj Act (1992), and FRA (2006) that could be used. The community also sought support from all quarters including political parties, but was firm in not letting any party or official piggyback on their struggle. A series of regular meetings and consultations were held with various stakeholders in the government machinery, starting from the village panchayats and district administration to the JPC headed by Mr. K. C. Deo.



They used the FRA to claim individual as well as community forest rights over their land. Since the area was predominantly inhabited by tribal communities and thus was a Schedule V area, the Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA), 1996, was enacted to strengthen the self governance with respect to their use and ownership of common community resources including land, water, minor forest produce, and control over local

institutions and enterprise. They did not have knowledge of EIA at that time and felt it would have helped their cause had they known about the notification and the process for project proponents for getting clearances and approvals. However, by 2014 they had succeeded to stop granite mining. Mr. Sanjeevi ended by reminding the audience that the recent resurgence in mining activities in the hills necessitates that all stakeholders get together.

Video URL of session 5: https://youtu.be/mKO9K_nhOkA

Session 6

Winning community forest rights in a tiger reserve- *Experience of the Soligas in Karnataka* *Mahadesha, Biligirirangana Hills*

Mahadesh of the Keystone Foundation and a Soliga tribe member, spoke of his community's experience in achieving community forest rights in 2011. This community lives within the Biligiri Rangaswamy Temple (BRT) Tiger Reserve which lies in south eastern Karnataka, on its border with Tamil Nadu.



The Soligas have been keen participants at all levels of meetings and outreach provisions. It is this level of active participation together with a real interest in protecting the forest and its resources that has helped them achieve Community Forest Rights. His advice to other communities looking to obtain such rights, was as follows-

- Educate people: there is a big need to educate not just the communities, but even those officials in power.



- Choose tenacious representatives: he described the attributes of a good representative as knowledgeable, driven, tenacious and with good negotiation skills.
- Seek youth participation: young people in the community need to be actively involved in activities that will determine their future.
- Get the word out: talk to those outside of these closed communities, so they can help in any way they can.

Video URL of session 6: <https://youtu.be/p1vOM2gy644>

*** Of survival in remote villages and women's rights** - experience of a non tribal female resident

Dhanalakshmi - Ayyalur (Dindigul)

When hearing the success stories of the tribal people, Dhanalakshmi from Ayyalur village in Dindigul district, shared her stories of survival in their remote village. She is from the Vayalar community, which is not a tribal community, but are long term forest dwellers. Her community still has very regressive policies about the girl child. Women slavery and child marriage are still rampant practises in this community. Girls are not allowed to study past standard 8, except for one, who studied up to Class XI. Typically, they will be married to men from their own community and post marriage they are dictated to work for *sirumana magasool* (yield of small crops), she said. Women in this community are kept away from mainstream society, and not allowed any participation in community affairs. She also claimed that individual rights and community forest rights are not given to the native people of Aiyalur reserved forests. The only silver lining was that their community men don't have the habit of drinking alcohol.

* - an excerpt from the open session



Session 7

Concluding remarks and way forward

Summing up the overarching messages from the views shared by the participants, Madhu Ramnath pushed for CSOs and individuals working on Forest Rights to acquaint themselves with the Forest Rights Act, 2006, especially with respect to obtaining Community Forest Rights. He pointed to the need for the original inhabitants of these forest areas to not be bashful in asserting their rights they are entitled to.

Reiterating the need for knowledge and experience sharing among various groups working to obtain individual and community forest rights, he also put forth the suggestion that the CSOs could demand reasons in those cases where rights were rejected, and create a database of that. This could be useful among themselves, to file stronger applications for rights.



With respect to the EIA Notification Zero Draft- the participants acknowledged the far-reaching nature of the legislation and committed to include it in their efforts towards environmental sustainability in their areas of operation. They also committed to create awareness about the EIA Notification in outreach events organised in their areas, and to share their inputs to the concerned authority when the Draft Notification opened to public comments.