

**Proceedings of the 3 day Meet**  
**On**  
**Save Western Ghats**  
At The Keystone Campus, Keystone Foundation, Kotagiri  
18-20 February 2010  
Organized by Keystone Foundation



Save Western Ghats 2010 Workshop at Keystone Foundation, Kotagiri

18th to 20th February 2010



Save Western Ghats 2010 meet held at the Keystone campus in Kotagiri from the 18th to the 20th February 2010 started off with the Union Minister for Environment and Forest Mr.Jairam Ramesh as the guest of Honour. After the welcome note, Mr.B.J.Krishnan one of the founder members of this movement, gave the background and the need for the continuity and purpose of this meet. The purpose being to highlight the issues and challenges being faced by Western Ghats over decades in the light of its importance as an ecologically sensitive and biodiversity hotspot area.

This was followed by the lamp lighting ceremony and unveiling of the Western Ghats map by the Honorable Minister. Setting the agenda for the day were presentations on key issues to the minister on varied topics addressing concerns and issues in the region. These were on Whither Nilgiris(Pratim Roy,Keystone Foundation),Missing the Western Ghats(Latha, River Research Centre,Kerala) Mind the Mines(Carmen,Goa), Do Local Communities Matter(Rev.Mulley,anthropologist,Kotagiri),GM and WG don't match(Claude Alvares,Save Goa Foundation).Contested Spaces(Madhusudhan,Nature Conservation Foundation,Mysore) and Real cost of power(Pandurang Hedge,Prakruti,Sirsi) This was followed by a presentation on the need to evolve a legal and policy perspective for Western Ghats Environment Protection Authority and SESA (Sahyadri Ecological Sensitive Area).



Pratim in his speech remarked that the NBR is in grave danger of not being what it is. Although declared as the first biosphere reserve by unesco covering 3 states nothing concrete or positive has happened although degradation continued. The recent landslide and related loss of life and property has shaken all and the need now was to understand what and how things could be taken forward and the next 3 days would be focused on that.

Latha put forth her case for getting WG accepted as equally important as the Himalayas by starting with the newspaper article on temperature shooting up in the Nilgiris which could affect water supply. She added that not just water, soil, plantation, agriculture and hence lives and livelihoods would be affected. It was necessary to focus on Nilgiris as 40% of India's rivers originated in the WG and it was also one of the most human impacted zone which now had only patches of forest, PA under pressure and IP under threat. She advocated for WG to be included in the 9th mission to the minister which would help monitoring, stop degradation and rivers from drying up.

Carmen from Goa said that the small state with ever expanding mining belt had ensured that the Grand Canyon was now in Goa. She stressed that the rampant mining was taking a toll on the environment and human well being and wanted a stay on any further activity till a study detailing out the carrying capacity was undertaken.

Reverend Mulley appealed for due recognition to the indigenous people whose lives were intricately woven around nature by recognizing their culture and language and their participation in decisions affecting them.

Claude appealed to the minister to stop the destruction of Western Ghats or else nothing would remain. He asked how ordinary people could fight against moneyed corporations buying up mining rights all over WG and especially Goa. He highlighted that his group had come up with 12 parameters for granting mining leases across Goa but not even one was being followed.

Madhusudan spoke of the space needs of large mammals and the resulting human wildlife conflict. The conflict had elements of culture, money and ecological aspects. Integration of economy and culture was needed to solve the issue.

Pandurang Hedge stated that WG is a powerhouse where 90% rivers are damned for power generation. But these dams inspite of the best monsoon give only upto 60% of their capacity. Still dams continue to be built in the most biodiverse areas. This has been affecting the indigenous community in various ways and climate change being a major one. He appealed for remaining forests to be protected for security of India, its people and climate change mitigation.

This was followed by a speech by the district collector who welcomed everyone to Nilgiris. He spoke of the recent landslide which he attributed to climate change and spoke of the need for balancing developmental activities with environmental capacity.

B.J.Krishnan indicated how India's environment policy borrowed heavily from the RIO declaration, especially the objective and principle. He added that the group was not against development but wanted sustainable development which was possible only with a strong focus on environment. He called for the environment policy to be more participatory.

Ritwick Dutta spoke on the need for SESHIA and an environment Authority. He pointed out how Sahyadris inspite of fulfilling all the 13 criteria mentioned was still not declared one. He also pointed out that 98% of EIAs are cleared and the basis for the clearance was highly doubtful. He also spoke about how the setting up of the Green appellate was not participatory. He advocated for the green tribunal to be opened up and manned by responsible authority.

The minister addressed the audience providing details of the various programmes and provisions in the Ministry to work on water and other ecological aspects in the region. He stressed the importance of Western Ghats as a highly important carbon sequestration zone in the country due to the quality of its forest cover. In response to the various presentations on the issues and challenges facing the Western Ghats today the Honourble Minister announced the setting up of a Sahyadri Ecological/Ecology Authority. The authority would work towards demarcating all ecologically sensitive areas across 51 districts in the six states with the aim to identify areas in which no further development activities would be undertaken and those in which permission would be based on strict criteria. The Minister stressed the need to strike a balance between Economic development and environment needs.



This was followed by the formal launch of the Nilgiris Natural History Society, a Society being promoted by the Keystone Foundation for working towards an ecologically sound and socially responsible value system. The minister also answered questions by the audience and held a press conference for the journalists present.

Some of the questions from the audience on ways to balance environment and growth as well as achieve social justice in the process were taken as suggestions.

Ravi (Samata) pointed out to the minister that the Eastern Ghats was also as important as the Western Ghats though scattered across 3 states needed his time and attention. He then mentioned that the Mines, Minerals and People's alliance wanted the ministry to rationalize mining i.e. exhaust the existing ones and then only allow new ones to be opened.

To this the minister responded that he was equally concerned about Eastern Ghats and on his visit to SACON had asked them to start work there as well as he had not come across the same on of studies on various aspects as one finds about Western Ghats.. He asked for focused research studies and added that he intended to add two biosphere reserves in Andhra. He pledged support to EG on the same lines of WG.

He ended by asking for a change in attitude and the tone and language used by NGOs and activists.

Post lunch perspectives on facing the emerging challenges were provided by various speakers.



The speakers were

Dr.Vijayan-Kerala Biodiversity Board

Dr.Ravi Chellam

Mr.Sreedhar

Dr.H.R.Hiremath

Mr.Ritwick Dutta

Full transcripts of their talk are attached as annexure.

The sessions were lively with debates and queries posed by the participants. The day's session ended with the screening of the movie 'The age of the Stupid'.

Day 2:

The day started of with a grand performance by the bamboo band. 'Pakkanar and group' were introduced to the audience and it was also mentioned that the band had pledged to reach the venue of SWG meets and play free of cost as they were playing for the movement and not for

entertainment. Pandurang Hegde thanked the group for recharging the meet and the participants with their music which he said reflected the biodiversity of the Western Ghats. Archana Godbole added that the music was binding the various participants. She also explained to the crowd that during the meet yesterday the plan was to present to the minister various idea, demands in crisp presentations and then have the minister respond to it .She also mentioned that inspite of the assurances it was necessary to be cautious and aware. The time was to think on diverse strategies to deal with the various issues grappling Western Ghats. Besides being passionate about WG the group also had people with varied skills. So the need was to come together, organize so as to bring change and contribute towards the dream of



protecting WG.

It was then decided to split into groups to discuss issues and come up with action plans.

1. Saving Nilgiri Biosphere Reserve
2. Large Dams and Thermal Power Plants
3. Bring Western Ghats into NAPCC
4. Issues of Indigenous People
5. Human-Wildlife Conflict
6. GM and Organic Farming
7. Mining



## Mining:

The mining group had 15 participants. The group also had some of the long time activist and experts against mining. They informed the group that mining was understood in 3 stages

1. Pre-mining stage
2. Mining stage
3. Mining shut down stage.

In the premining stage there is water, hills, biodiversity but once mining starts it leads to pollution and destruction of the environment and last stage is when the mineral is exhausted and mining shuts down. The last stage wreaks havoc as natural wealth is already lost; it leaves behind a dead town with craters and subsidence. Mining jobs are no longer available leading to crime and prostitution, so said some of the participants they emphasized on saying no to mining. They also gave information on the role of the Indian Bureau of Mines the process of environmental assessment. They added that the need was to have separate mining regulatory authority and as of now there were 8000 legal and 14000 illegal mines and Goa had some 256 illegal stone quarries, which the government was now planning to regularize.

Some expressed concern that given the current scenario was it a waste of time discussing the issue and could nothing be done now.

This set the group thinking on the possible action points. The experienced mentioned that the efforts had resulted in 10% of mining activities being shelved; further action and new strategies can lead to atleast 30% stoppage in mining activities. They cited the example of East Godavari where the tribes now wanted mining leases. So in such cases the need was to dissuade them to mine by explaining the detrimental effects. RTI and legal aid were strategies to be used. The most pressing need was of information collection. Information/data on various mining related activities and miners can be used in several ways to get back at them and stop mining. Stopping transportation of mining companies, mobilizing local support for protest against the mines will send signals that mining does not have local support as well.

The participants shared their experiences across various states and the need to be aware of various activities in the pre mining stage like surveying, application for lease etc so as to stop the process at that stage itself.

Another important factors identified were local capacity building and providing alternatives to land owners leasing out land ,information flow among various activists groups and strengthening the alliance and coordination between them and especially among civil societies in neighbouring areas.

It was emphasized that the need was to understand which areas needed focus accordingly the use of strategy and concentrated effort. Given that it was a common issues across India and there was need to spread awareness and have guidelines for people wanting to oppose such projects a suggestion was to bring out a booklet/handbook on 'A practical guide to fight mining ' in all regional languages.

Another strategy was a stakeholder conference in which all meet and the roles and responsibilities of each party was clearly and transparently outlined.

### **Mining (Action Points)**

- Avoid mining in new areas.
- Build local team in local area. Enrich them with sound legal understanding.
- Networks with NGO's and Research agencies to support.
- Publish content in local language - Surveillance.
- Include all the stake holders in discussions.
- Come out with alternative economic strategies for the land sellers/poor farmer.

Western Ghats in NAPCC



Lata explained that The National Action Plan for Climate Change was under the PMO and this had 8 missions already and the aim of this group was to add a 9th Mission. There was a discussion on why the Western ghats were important and have very similar features as the Himalayas, which have been included as one of the missions. The group went through all the features that were in the Himalayan Mission and reiterated that Western ghats was equally important. It was also discussed that some special features like 'WG and its importance for Monsoon' must be highlighted. The group read the principles and objectives of the NAPCC to see what was the added benefit for including western ghats.

The group decided that the next steps were to write to the MOEF and PMO to include Western Ghats in the 9th Mission. The emphasis was to be given to livelihood, employment and eco tourism. A one page plea will be prepared and sent to the MOEF as a follow up of this group meeting.

#### **Western ghats in National Action Plan of Climate Change( Action Points)**

- Safeguarding Western ghats to be included in NAPCC.
- Clarity on implementation.
- Focus on ecological growth than on economical growth.
- Carbon sequestration, water generation, high degree of endemism to be honoured.
- Increase livelihood by sustainable methods.

## **Human Animal Conflict:**

### **Issues**

The discussion centred on the main causes of the existing human wildlife conflict in Nilgiris and Western Ghats. Considering the current habitat loss and no efforts to stop it coupled with poaching a big conflict in future was foreseen. Some of the participants felt that illegal occupation and Estates with their own guns being misused for poaching activities are main causes. Another added that from 1985 onwards damages have been occurring regularly, earlier it could not be seen as such, nowadays conflict has become frequent for panthers and gaurs. Conversion of the existing land and encroachments of revenue and forest lands have become a major problem in the recent past and fencing was not helping. One example was jumping of gaurs over the fences and damaging the crops etc. the conflicts had led to agriculture being stopped in the Nilgiris besides the fencing menace in Nilgiris is seen as money making business rather than solving the problem. We need to see or evaluate the conflicts in terms of animals and climate change. Another participant gave the example of the huge problem in the north Waynad division due to fragmentation of forests and practicing paddy cultivation causing habitat loss, no food and again due to forestry activities like teak, eucalyptus, acacia plantations which have their rotation cycle for felling and re plantation and then other causes like tourism & roads etc. Ecology has been marketed in the name of tourism. The carrying capacity is dropping down due to degradation. All the corridors are completely blocked.

The group then turned to discussing solutions. They agreed that conflicts are high at all places – the solutions should be area specific and animal specific. The need was to know Phenology – migratory paths of animals to ensure the community to overcome this issue by keeping the temporal periods in mind. Eg, at Kemmengudi, the tiger preying on buffaloes domestic animals. Herbivores need to be monitored at least the migratory paths to minimize conflicts. Others added that there is no long term solution. There should be constant study and research for practical solutions in that specific region which has to happen timely. For Eg NCF has a brilliant solution at Mysore region but it cannot be applied elsewhere because it is area specific. We need to have different approaches and principles applied, don't try to keep the animals inside the forests. Invest to keep people's interest alive.

### **Solutions : (Action Points)**

- Participatory forest management.
- Conflicts cannot be stopped only minimized-transfer of knowledge to forest dwellers
- Technology with a conservation angle.
- Educate stake holders.
- Avoid exotic species.
- Map migratory routes.



### **Save Nilgiri Biosphere Reserve**

The NBR group had 16 participants. The group had people with long years of experience in research and living in this area. Group introduced themselves and mentioned issues they observed, that needs to be addressed through this meeting.

#### **Main topics of the discussion**

a). Human, wild life and land across the NBR.

Large mammals were the main focuses of research, small mammal of were not in the screen at all. Even though there a lot of researches are done in the field of wild animal related issues the knowledge are fragmented. In a place/habitat like NBR where wild animals are densely populated zoning problem will never go off. Ecological costs will always v/s human values. The focus should be on reducing the human costs. And when we produce some thing try to reduce the biological costs too.

Protection of sholas, wetlands and swamps in the revenue land should also be considered. Our agriculture practices are affecting them, we should map all these micro habitats.

There are a number of exotic species found in NBR. Most of them are invasive and a suggestion to base cut all of them to protect the natural species of NBR.

Changes in the agriculture and land use pattern is one of the major change and due to this land slide and various catastrophes are being evolved in NBR.

#### b).Tourism is one of the threats to NBR

Tourism is one of the main reasons which reduced the quality of the NBR' nature. All the group members agreed that tourism is spreading to every nook and corner of the forest even the most pristine area of the forests are also open to the tourists. One of the districts in Kerala which is also a part of NBR, Waynad is badly affected by tourism. 4000 land transfers were observed in Waynad for the construction of resorts by the private parties in that small district. In the Bandipur region 60% of the agricultural land is sold for the construction of resorts. Sale of cultivable land is one of the great tragedy happened in the NBR for the last few couple of years. Earlier all the land was cultivable and the traditional farmers managed farming with a minimal lose by the wild animals but the new comers doesn't know how to manage the wild life and they either adopt terrible methods or they end up in losing all they have cultivated.

#### c). Knowledge sharing.

All most all the forest department staff working in the NBR are came from out side the NBR districts and the knowledge level of these out side people about the animals live the forest are very poor. This gap can be filled with extensive training by a group.

One of the comments from the group was that attention from the media is not so strong towards the NBR. Journalists in the group suggested to arrange workshops and training classes for the journalists and reporters from various medias. If the knowledge of the media persons are increased they will be able to write with more confidence and strong evidences. Complaint from the journalists was that in the media there is no space for an environment journalist. A decision is taken to make a list of environment journalists across.

#### d).Networking

Through networking and sharing the experience we can fill the gaps in the protection of NBR. Nilgiris is a land with lots of diversity in it there are 9 districts in the three states. In the history of NBR all the DFOs never sat together to discuss the issues facing by the NBR. Through networking and efforts this groups has to bring all the DFOs who are one of the vital role players within the NBR.

District collector's initiative to run the NGO committee was also appreciated in the group. A major question aroused in the group how to meet the cost of working together and how to find time when there is a lot to do with the projects and works which are already committed. The answer came out of the discussion was that if a network functioning and share the work experience each other, this will certainly reflect in the protection of NBR and every body's personal work.

#### Action Points

- Promote only responsible tourism.
- Sensitise forest staff on certain new development aspects in conservation.
- Restrict lands sold out to outsiders in large scale.
- NBR lies in 9 districts. Bring in all 9 District Collectors and Dist. Forest Officers to address it as one issue.

- De mark Landscapes based on Production and Protection purposes. Address their conflicts.

### **Dams and Thermal projects:**

There were a round of introductions of the people in the group. People were then asked to voice their concerns and comments on this topic. There were varied responses from the people and the lineage of their work in the Western Ghats in relation to this issue.

A participant raised issues about the loss of power at grids and the subsidisation of power that is available to the public. The need to increase cost of power per unit was highlighted to enable sensible use. Transit. Another raised concerns of the power projects that were supposed to have come up in the Chalakudy River and the activism that lead to the withdrawal of the project.

Participants from uttar kannada shared their experience of activism and destruction caused by dams in the area. Maharashtra participant spoke about the issues that he had worked on in Maharashtra with reference to the Kali River and the projects that he had undertaken. A doctoral researcher shared his studies on river fishes that he was conducting and the effects of damming and the halting of river flow that affects the riverine ecosystem.

The discussions were at randomly focussed around the issues and it was to come up with key issues and possible solutions to the same.

- Demand optimal efficiency from existing projects.
- Ensure true cost at delivery.
- Effective usage, Demand management.
- Inter disciplinary study on the impact.
- Promote alternative, renewable energy.
- Form network with civil society and address at national level.
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### **GM and Organic Farming**

Some participants were quite emphatic that there should be available a standard write up on GM which should be readily referenced by people as there are too many controversial statements from different scientist and groups - no clarity on what is the truth. As SWG, it should come out with practical information from people like Mr. Vijayan, who have so much information from farmers, directly.

Claude mentioned that in relation to biodiversity, there is a clear and severe impact on biodiversity and hence it should be kept out of biodiversity hotspots - especially in ESAs. There are also issues of ownership of seeds and patents.

Issues of food security and organic farming being made unviable in such a scenario were also discussed. Bt Brinjal would also affect all other plants in the solanacium (spelling) species like potato, tomato and many others. Local varieties have been used to develop Bt brinjal and is now being introduced back. Hence it would be difficult to differentiate in the markets. The other issue is that only 1 pest gets dealt with but many minor pests become major pests soon. Bt brinjal will also introduce breaks in the food chain as moths, butterflies etc. as species will not survive. Bt brinjal seeds may not self destruct but there is a chance that charges may be introduced later on and that will create ownership issues. The seed quality also drops.

Hence, what is crucial that economic programmes become part and parcel of the conservation regime. Jobs must be created, nutrient based industries promoted, use ecological agriculture as a base and use groups already working in the area rather than getting more from outside. Some other activities:

- Value addition of farm produce
- Beekeeping
- Bio-villages
- Incentives for changing over from chemical farming
- Community seed reserves
- 51 districts of the WG to be dealt with soon to implement some of these ideas.
- Analyse the long term strategy of GM promoters.
- Managing the secondary pest infection.
- Long term impact on healthy food.
- Commercial exploitation on seed bank.
- Create job opportunities in Organic farming
- Support Organic farmers with org. Products marketing.
- Talk to pesticide users. Incentives for organic input users.
- Community for seed banks.
- Take the issue to the Government level at ecologically sensitive area

### **Issues of Indigenous people**

Do Communities Matter : Issues of Indigenous People and Traditional Knowledge

The main issue that was discussed was this - 'in the light of the Forest Rights Act being in operation and under its aegis communities having the right to claim community rights over forest resources that have been traditionally used and protected by their community,

- do communities have the capacity to manage these resources in a sustainable manner?
- Will they be able to handle the right to market these resources ?
- What can be done to support communities in the use of this right? Is it possible to think of a network of communities living across the Western Ghats who will be able to mutually support each other

The related issues that came up are :

- Will the forest department support the implementation because as yet there is a lack of awareness among the gram sabha that is supposed to initiate the implementation of the Act.

- That tribal people have been living in and along the forest areas deriving many of their livelihood needs from the forests - food, medicine, burial grounds etc but now they are being called 'thieves' when they enter the forests.
- Does 'traditional knowledge' exist - when we presume that this knowledge will support conservation - even in Maharashtra, among the Kolis there is a progressive loss of knowledge.
- The 'unity' and systems within villages are breaking down and this needs to be recognized.
- When NGOs go into villages, they are actually responsible for splintering the village into various groups.  
The Soligas in BR Hills have done a mapping of their traditionally accessed forest patches - 'yellai' and have more than 1000 names for the forests here. A total area of about 540 sq km has been identified and 400 odd sacred places marked within it.
- The 'yellai' exist as places of use - not as resource boundaries - so there exists an aspect of monitoring along with use of these places. In this context, is it right to ask if the capacity to manage these resources exists. It is clear that the capacity exists as a latent knowledge. Whether this knowledge will be put to use by communities in the management of these resources is an aspect of capacity that involves 'power'.
- Communities can protect and manage these resources, but the role of contractors who come in with the implicit approval of the forest department plays a divisive role in the community.
- Right now, there are NTFP collectors' collectives under the JFM but collectors end up earning only wages.
- It is possible for a village to build a system or for groups of villages along the forest fringes to form a monitoring group.

The group discussions were followed by a round where the youngsters participating in the meet were asked to let the audience know about themselves and their work.



Vinod from kerala works with traditional handicraft workers and wants to continue to work towards its preservation.

Rohan from Kolhapur said that he worked in an area where mining, pollution were degrading the ecosystem and biodiversity.

Sharmila and gowri from the Agumbe Rainforest restoration research centre worked to support research on rainforest activities .gowri mentioned that his research had generated a good amount of data on telemetry of king cobra.

Sumin from keystone talked about chasing bees in the NBR and also shared the research result

Amruta a Phd student from Kolhapur shared her thesis work which was looking at the carbon sequestration potential in western ghats and also her part time activities with kids in the villages.

Krishnakumar works towards maintaining the biodiversity at vembanad lake and as part of it he also engages with the local fishing community.

Vinayan from kerala spoke about his experience as part of the bird survey undertaken to commemorate the 75th anniversary of the survey carried out by the late Salim ali in the same areas.

**This round of youngsters was followed by a discussion on conservation and livelihood interlinkage moderated by Pandurang hedge**

He said that importance of middle path and other information was given by political bigwigs but the real green challenges had to be met by grassroot level challenges.

Suprabha from gurukual wayanad said that the fundamental of their work was that all life is sacred .she spoke about plants,need for sanctuaries and education for all.

Senhlata from keystone shared her experience of working with the contradictions inherent in conservation livelihood market indigenous culture ,sustainable harvesting and economic benefits.alienation amongst adivasis was affecting values and it were government schemes which were promoting alienation.in getting communities had participated well in getting involved in managing the biodiversity and given the important role markets play advocating with them was also needed.

Nitin Rai form Atree spoke of the 'new ecology' which he said had come about from questioning the various existing practices.the talked of thepresent system of forest management which prioritizes certain knowledge and management based on that.

Madhusudan from NCF informaed the audience that wg was the most fragmented landscape. The challenge they currently faced was whether they shoulf focus on the fragments or restore as the forces that created the transformed landscape may not be the same as the forces that mange the transformed landscapes today.

Archana godbole spoke about the human influence on landscapes and the traditional sanctuary in the form of sacred groves.she stressed that a lot more information and research was needed to improve our understanding but sadly it was not bing used in developing conservation management plans.

The discussions on the main action points from the group discussion during the first half were presented by the group member.(Please refer to the group discussion details)

**After the presentation of action point people were given a chance to 'Bid a Session'.**

The following were the session on 'offer' and people could choose to join any

How to make save western ghats sexier and romantic-Ulhas Kumar

Working with energy system and intelligence of nature with dowsing-Vanya Orr

Education delearning -Anita Sharma

Outreach- Hartman De'Souza

Development and media -

Discussions were held on those topics in the teams and many formed groups for future work.

The session ended with a call for action points on from all the participant based on the presentation,discussion,interaction everybody had in the 2 days.

The main ones are summarized below

**Action points:**

Publication: since articles written by people involved with the movement are either not published in mainstream newspapers or the edited versions appear. So the idea to have a newsletter or publication was mooted. The group had members with various skills and expertise like on GM, Green tribunal which needed to be brought out to the public at large. Besides the newsletter the internet could be used as well.

Another action point was on the need to contact local panchayats to form a Western Ghats council.

The need to sign and keep a record was mentioned, for which it was stated that the signing cloth was already available.

A member said that after the minister's announcement of notifying the Sahyadri ecological authority the need now was to follow up on that, reach out to the 51 districts, identify all related work and activities which follows the announcement.

Another member reminded that last year it was decided to have September 8th as the sahyadri day and so all groups should take it up from this year onwards. It was on 8th sept 1983 that the Appiko movement was launched.

Stressing the point of reaching out to the general public it was said that a website was a must so that all activities and information resided not just with core members but made available to all.

Studies on the ecological & social disastrous effects of mining, nuclear and thermal plants was called for.

The need for a multipronged strategy was stressed by another member i.e.the use of various methods e.g. legal, demonstrations etc to carry on the work. The need to bring together a common platform and coordination for all involved to bring in greater effect to campaigns and pretexts was mentioned.

It was suggested that the National Green Tribunal needs to be taken up as a campaign to shelve the bill

It was accepted that mining is a menace and a comprehensive resolution to tackle it was needed.

A 3 monthly newsletter and a workable action plan was suggested.

This was followed by some points on the need to add to our understanding of the environment vs development debate. Some thoughts on seeing the present development as imperialism and that sustainable development was no more a possibility as no more development was a possibility.

So the need for political empowerment of the communities as well as specifically of those involved in the movement was essential. This would help bring the movement to a wider canvas.

Sub committees on various issues focusing on those issues which had formed part of the discussion, evolving a legal status for NBR, groups, mining, GM & organic farming....

One of the participant said that the main strength of the group was the common thread of unity and values shared by the core member and inspite of some differences. He felt that the success stories need to be highlighted and stories spread out to the world. It was stresses that the people's movement should remain such and not institutionalized or taken up by any organization. It was also mentioned that another common meet at this scale was not warranted but what was needed was scholarships and fellowships to carry on the research and movement forward in smaller groups.

One of the group members volunteered to follow track all EIA reports, explain the process and keep sending email alerts to all keen.

A factfile on information on various parameters across the western Ghats was in the process of being made. this would be shared with all once done.

The day ended with an arakol performance by a 15 member pillur team.



Day 3:



The day began with a trip to the kodanad view point (18kms from Kotagiri) which offers the spectacular view of the merger of eastern and western Ghats. The geography and related details were explained to the audience after which the group proceeded to longwood shola **the only major pocket of natural shola forest left in the immediate vicinity of Kotagiri in the Nilgiris..** This shola plays a vital role in water supply to the town.

Post lunch at the shola the Nilgiri declaration was released. It was decided that in 2011 there would be regional meetings while the bigger meeting commemorating the 25th anniversary of the first save western ghats meet would be held in Pune in 2012.



The group then proceeded on a march to the kotagiri town centre. Joining them were local citizens and school children. The march ended with a talk by members from the group representing the states of kerala, karnataka, Tamilnadu and Maharashtra in

Malayalam,kannada,Tamil and Marathi respectively urging the citizens to join in and take the movement forward.

### **NILGIRI DECLARATION**

We, the Save Western Ghats Movement, with a long history of existence since the last 23 years in our recent conclave on 18 – 20 Feb 2010 at Kotagiri in Nilgiris, wish to acknowledge and appreciate the pro-active and supportive role of the Ministry of Environment of Forests. The deliberations affirmed the dire need for a larger commitment, resolve and action to save this ecologically sensitive landscape. We hereby declare that the Government of India and State Governments of Gujarat, Maharashtra, Goa, Karnataka, Tamil Nadu and Kerala act immediately on the following:

- The nature's laboratory in this part of the hemisphere is in urgent need of a sensitive, compassionate and central but representative authority to oversee ecological growth and development. The Save Western Ghats movement recommends creation of a Western Ghats Ecological Authority (WGEA).
- The role of forests of Western Ghats in sequestering carbon has been established. Its strategic role in climate management needs to be given a fillip through its inclusion as one of the missions under the National Mission under the National Action Plan on Climate Change (NAPCC).
- The policy and legal framework need to be supportive of conservation in the Western Ghats. The provisions under the proposed National Biotechnology Regulatory Authority and the National Green Tribunal need to be adopted only after engaging with the public at large and with stakeholders in particular.
- UNESCO's declaration of the Nilgiris Biosphere Reserve in 1986 has remained on paper. This unique recognition needs to be legalized and a proper mechanism of functioning amongst the three state government viz., Kerala, Tamil Nadu and Karnataka, should be in place at the earliest.
- The intentions of the state in preserving the biodiversity of the Western Ghats need to have a demonstrative effect. The State should seize this opportunity to stop all

new mining leases across the Western Ghats and consider alternatives to the large thermal and hydropower projects.

20 February 2010, Kotagiri, Nilgiris

## **CAN THE WESTERN GHATS BE GM FREE ? - DR VIJAYAN**

Everybody knows the Gm issue - that the minister said that there is a moratorium on Bt brinjal but few know that there are many other vegetables - and the GOI - department of Biotech is planning a new legislation and there is no more draconian than the current one - there was an earlier version planned in 2008 but this is 20 times more draconian.

The government has many arguments - the Food minister and the minister for Science and Technology say that GM is the only solution for food security - but GM does not increase productivity but can only be used as pest control and that too on only one insect pest. The insects are gaining resistance and there are other ways to control pests - so there is no need except for Monsanto.

But the issue is - and Govt of Kerala was the first one to raise this issue with the PM - after this 11 States objected to it. The Kerala govt. has asked for a 50 year moratorium on Bt.

This morning, the Minister says the Communist party has also asked for 50 years so the ruling govt. Cannot agree to do it.

So, the Bio-tech dept of the government is now trying to bring in a legislation. The draft was there earlier, we had objected to it. And now there is a new version and if that draft is approved, I can be arrested for speaking like this - sec 63 says that if a person opposes the Act without proper qualification, he can be put into jail for up to 6 months or fined Rs 2 lakh or both.

The entire country is going to be controlled; the destiny of agriculture was rest on a three member committee that they are going to create - with a chairman and two members, appointed by the government. A selection committee of 8 members - 4 of whom are bio-tech and

cabinet secy – they will select the bio-tech authority and the qualification required for everyone is that they should be bio-technologists and then we know what will happen. The biotech authority – 3 persons - is going to take all the decisions – this is something that we cannot allow to happen.

In the first place, the biotech dept were the people who proposed this legislation and if they are going to do this, the entire control will rest with them; it has to be done by an independent organization or a ministry – definitely not by the Ministry pushing it – that itself is a wrong procedure. But then they are doing it – we do not know how far it will go

Then there is an inter-ministerial advisory board – a list of 17 ministries/depts. – the function is to coordinate activities of other depts. in compliance with the Act - that is to work for the policy in other departments. They are not supposed to criticize the policy or give suggestions in any way. Very sound thing it is.

Another bi-tech advisory council – 15 members - with the chairman being the chairman of the authority. This council can make suggestions but it is not mandatory on the authority to accept these. So there is no point. Then there are several officers. So the entire decision will be taken by the bio-tech regulatory authority - is on 3 people.

If as a layperson, you want to critique the policy – you run the risk of being arrested and fined – further if some person wants some details – if Monsanto is an applicant for introducing something – gives an application to the Authority – it will be referred to the risk assessment committee - 3-4 people, appointed by the govt. Again. If they say there is no risk, then the authority will give clearance – that is on import of organisms and products. There is another committee for manufacturing of organisms and products – the product ruling committee – that is 8-9 members, one , one of the members of the Authority and 3 regulatory officers – one to look at human health and animal husbandry, another to look at industrial and environmental-tech aspects and the third for agriculture, fisheries and forests.

There are then 3-5 scientists – appointed by the Authority but nominated by the govt. - they will take the decision on Bt brinjal or Bt – lady's finger, whatever.

Now we have more than a 27 member GEAC and even then we know where we are – now under the new legislation, there will be only 9 members.

No suit or prosecution or other legal proceedings will lie against any central govt. Authority, or the officers associated or the head of dept of the University dept that developed the technology -for anything that is done in good faith or intended to be done under the rules of the Act-- there is no liability or any punishment if anything goes wrong. There is no accountability.

Suppose Jairam Ramesh clears it - suppose there are health problems or it contaminates the water, the central govt, the Authority or any of the officers working there will not be liable for any punishment.

If all your cattle die or if farmers die due to economic loss or if all our biodiversity gets genetically contaminated. - then nobody can be punished. If there is a dispute, there is an appellate authority - with a SC judge and 5 part time members - all bio-tech experts. The dispute can go to appeal but the code of civil procedure - that is not applicable to the appellate authority - the Indian Evidence act also does not apply - so one cannot go to a civil court.

If any company, say Monsanto were to apply for a product - and if a layperson wants the details of that - then confidentiality of commercial interest is involved and then even through the RTI, the authority is not mandated to give out the information asked for.

If this law comes through, then ultimately our food sovereignty will be lost and some MNCs will control all food production in the country. And they have made their vision very clear - that within the next 10 years, the entire food production in the world will be under our control. Our farmers will not be able to sow what they want to grow - they'll have to wait for Monsanto seeds. Their freedom will be lost.

It will have to be a second independence movement or a Quit India Movement- we have to fight together- we have launched it on Jan 30th. Today it is Bt brinjal, tomorrow it will be something - now we should work together for a moratorium on GM for 50 years so we wait and

see what happens in other countries - why go through it again when the other countries have been through it already.

This forum should definitely pass a resolution against GM and this draconian law and send it to the PM.

**Questions/ Comments**

1. Capt. Sudhir Vombatkere :What Dr Vijayan has brought out is that there is no other way but to fight it. But this whole thing is part of the strategic agreement between India and the US – and this has given power to companies like Monsanto and Wal-Mart. We have to oppose it. The IAEA is only a Trojan horse- under the agreement, some 500 farmers were taken to the US to train them! - it is unfortunate that Monsanto is part of it. But we have to fight it because the govt. Is determined to bring it through.
2. Ullash Kumar, Bangalore : The moratorium will not stand for long- how do we bring a strong legal standing against the monopoly of Bio-technologists on the committees. Some organic farmers are saying that, Let scientists feed Bt food to their children and if they survive for the next 50 years, then we will plant Bt . We have to build more public opinion around this.
3. Eashwaran – OSAI: the Agri minister, Mr Sharad Pawar has said that the population is increasing and so Bt is necessary to reach food security. The Science and Tech Minister says that science and technology must be accepted. Even Jairam Ramesh says that many scientists are accepting it. Bt Soya and Bt corn has been grown in America for 10 years now – and they say there are no environment problems there – this fact is being publicized. So how are we going to oppose it?

These are all lies. Sharad Pawar is not correct – production does not increase through Bt. Chavan says Bt should not be opposed. We are only saying no to its applications in agriculture, over which you do not have any control and it is as cost effective as traditional agriculture. Only some people benefit from it. The National Academy of Science in the US and the Natl Academy of environmental medicine – say that Bt should not be sold in the market – So America has not accepted it - because of health problems. But because Bush accepted it- laws were made favouring it. The forces of MNCs are at work there also.

We are not waging a war against the Central government – we are only strengthening the government – in the war against the MNCs interest. We want to tell them that the people are with you. Don't surrender.

4. Ashok Kundapur, Udipi : As environmentalists, we should produce suitable evidence to prove that Bt is not viable. There are a lot of favourable comments on the Internet. These favourable comments come only from organizations that are directly or indirectly supported by the MNCs. If you compare an independent study on this aspect from Andhra Pradesh with the findings of a committee funded by Monsanto, this will become clear. And the independent study shows that it is not at all beneficial for farmers.

In Attapadi, in spite of the Kerala govt. Taking a stand against it, some farmers have planted Bt - because the farmers are not aware of the issues. The seed was given to them promising high yields. They bought it in spite of the cost being double - ordinary cotton is Rs450 and this is Rs 900. they found that it is not economically viable for them and the seed of the Bt cotton, even wild boar will not eat it. There is a lot of evidence against it - there is a huge body of scientific information on all aspects of this - cows have become infertile - we don't have to repeat the research - our stand should be that let Monsanto eat it - let America eat it and then we will accept it. If Bt brinjal had been cleared we would have been the first human to consume Bt food.

5. Rajkumar, Myrada : It is interesting. I agree with Dr Vijayan - that this will have to be fought with technical evidence - otherwise it is only a question of an argument.
6. Hartman, Goa ; the matter is actually much more dangerous. 3 News channels reported that some farmers outside Hyderabad had baskets of Bt Brinjal. The question raised by an eminent scientist was that how come these farmers already have Bt brinjal with them. . How come they were given the seed when it is has not been approved

This is actually the painful part of it. A strategy used by Monsanto. Once it is in the field, we cannot do anything about it. We have already spoken about a legislation for this to Jairam Ramesh - if any Bt Brinjal is cultivated anywhere in the country, the Univeristy developing the seed should be held responsible. But you see my worry is that taking action against them will also not help - this is the strategy they used in Gujarat - Bt Cotton was permitted only in 2002, much before they had started cultivating Bt cotton there e- so all these bio-safety regulations are all humbug. Gujarat is a classical case and no action has been taken against them. You say keep 100 m distance from the original variety - how will it work? how can you teach the butterflies that don't fly beyond 100 m so that you don't cross pollinate - no biologist will go into this.

Anyway there is enough data on all aspects of it - in Maharashtra - 75% of the farmers committing suicide were those cultivating Bt. That shows whether it was good or bad for the farmer.

## **UNDER-MINING GOVERNANCE - Dr S R Hiremath**

This topic obviously has larger meanings in addition to the act of mining itself. Because those are the kinds of issues we have been involved with in Karnataka and Andhra Pradesh. I will try to illustrate the kinds of problems with today's governance and how we will deal with it. Because that is part of the struggle.

Mining taking place in Karnataka on a very large scale and largely illegal with the involvement of three cabinet ministers of Karnataka - Gali Janardhan Reddy, Karunakar Reddy and their close associate Sriramulu. And how they are using the ill gotten money from mining to pollute the entire governance and make a mockery of the role of the law as we know it. I will quote a publication that says how these people are rising and what the reasons are. In 2003-04, their turnover of the Reddy brothers from mining which is largely in Anantpur, neighbouring Bellary in Karnataka, 35.52 crore and profit 1.05 cry, the next year, 150 cry and more than 8 cry profit, next year 209cr and 19 cry profit, 308 with 51 cry, 1740-481 and the estimated for 2008-09 - 300,000 r with 700 cry - which I am sure it has exceeded.

How has such progress come about- this is basically by controlling governance. With this ill gotten money and an increasingly corrupt apparatus. In AP, with the later YSR coming close to them from congress, in Karnataka, trying to prop up the first BJP govt. Which was in the making then - thanks to the greed for power within political parties - the Congress, JD(S) and others. How they have done this is first by trying to get the kind of officials who would get the job done for them. And they are even now continuing in those positions. It is a very close nexus, like the kind I saw in Chhattisgarh about a decade ago - in the Malik Makbuja scandal - we were involved in a PIL on that in the SC.

How the judiciary - particularly the CJ of Karnataka - Dinakaran got involved in this - how are the links with the SC - another interesting aspect of governance.

In terms of the illegal mining - absolutely no rules and regulations - here we must not forget that it is not just the State govt. That they are controlling but also the central ministry of Mining - because the IBM and the Controller of mines are very much in their pockets.

In the meanwhile, there is also an outcry in the legislature of Karnataka and lok ayukta of Karnataka was asked to look into in to and the head of lok ayukta, Santosh Hegde, formerly J of the SC did an extremely fair and wonderful job and presented more than 291 pages of a report with 5 annexure - over 1000 pages - about various modus operandi and how they are using the illegal mining. One of the most important things was the blatant encroachment of forest lands. One good forest officer - Mr U V Singh has produced a good document - of the 99 mines he has listed, close to 60 mines, over 1114 Ha of land are encroached - a blatant violation of the FCA. What is the action being taken - now they have the man - the CCF(Forest Conservation). Everywhere, governance is controlled.

The way they have gone about this, many of you may have read.

Thanks to the lok ayukta report and pressure by the public and the media. Even though the media is also being co-opted to a great extent, there is still independent media and this is where we would see where are the points for intervention – how we can use in an existing, challenging situation.

The FD was forced to take notice and shut down the mines. In the circuit bench of Dharwad, they got a stay. He gets all the stay orders and sets up a green bench. On world environment day, he overturns a single judge order, which was unprecedented; this single judge is Shailendra Kumar – who incidentally the first one to declare his assets – when the case comes up before him – on another matter – on some matter of discrimination with the Jindals – he goes to the spot and sees the notification 2003, which basically throws open for the private sector more than 5000 sq km of area which was reserved for public exploitation – under the 1956 industrial resolution – and the present one under the 1993 mineral policy of India – when he goes there, contrary to what the Secy, mines calls bereft of mines, he finds fantastic forests – including medicinal plants – under the affidavit of the FD clearly says that Forest land must be excluded, but they do not do a block by block survey, which they must do if it is to be excluded from the area kept for public exploitation.

He sets aside the notification and under the guise of technicality – that the petitioners who had gone to the high courts had not asked for the setting aside of the notification, Dinakaran sets that aside – on world envt day, last year and throws open the entire forest area for mining.

This is the kind of serious breakdown of rule of law, governance. What do we do in such a scenario – we take a multi-pronged approach – who are the final custodians of political power – the common people – we have to organize them and that becomes an inexhaustible source of sustenance and continued struggle. We first went into Bellary, where we have been in touch with them – a place called Sandur, where historically the first mines operated in the 1900 with the Belgium mining company. And then in Hospet

There is such a sense of fear there but even then more than 300 people turn up for a satyagraha and finally we had it on Jan 25 and nearly 700 people including 100 cyclists from the adjoining 10 districts come – because we feel that this is one way of taking issues to the people.

Two, how do we handle the tremendous support he had in AP. One small mine owner, files a complaint against the Central Empowered Committee in Feb and earlier there was a complaint with the Moef, using all this, an inspection team goes from the Bangalore regional office and finds that there are no boundary stones – everything is in shambles. Between the five mines, the centre of litigation in the SC, there was a patch of 10 Ha of forest land, which they had encroached, because they had the support of the CM. The way the mining was done also, with

scant regard to any rules because there is simply no governance. All these things were brought up.

So YSR had such tremendous power to take the central govt on - a letter written to Moef in response to the survey team's report that mining should be stopped and survey undertaken with the survey of India and once boundaries are fixed, including inter-state boundaries.

“in view of the above, the State govt is not accepting the survey by the survey of India because the boundaries of all 5 mining areas are adequately demarcated and no violation has been committed by any of the leasees in contravention of the FCA or the conditions imposed by the govt of India”

so you know what the implications of this are - when the pliable officers - of all India cadre are willing to go on record and the implications for governance are clear.

And in a second letter, from the State govt to the Central govt - “the GOI - Moef may take necessary steps for withdrawing the concessional statement made by the counsel to the SC, since the statement is contrary to the law.”

Now, YSR is no more but the other people who are supposed to keep things in checks and balance start picking up - the media picks it up. Finally the CEC, actually thanks to a miner, who is as guilty as the Reddy brothers - governance comes back. The mines are stopped. They go to the HC of AP and the SC but the SC turns it around - in spite of their connections.

Because in this time and age, when it is time for the second independence movement, these are the possible ways in which we can do it.

In the same way, when the SC was giving us so many problems, both Ritwick and Prashant Bhushan strategized in a way that 1200 petitions get admitted and accepted and notices have been issued.

Governance has nowhere been under such serious threat as it is now but there are ways in which determined people can continue to do this. This is a larger a major challenge before all of us and it should be taken up in a comprehensive manner.

## Can science bail out Western Ghats? Ravi Chellam

The Western Ghats is the most researched landscape in the country. Some of the biggest scientific organizations has been here and for the last 30 years and ecological research started in serious way here in the western Ghats and if the current state of conservation in WG causes all of us to worry, then the answer is pretty clear – that science alone will definitely not bail out, in conservation terms, not the Himalayas, not the western Ghats, not any landscape and not any species also.

But Claude's' question was, can the Western Ghats bail out science? It clearly is the lab for several extremely well funded scientists- it has clearly given them a playground to play out their fantasies.

I will begin by saying the short and quick answer – no, for the reasons above. It is important to distinguish between science, scientific opinion and expert opinion. In real life all of this gets mixed up. Most of us are bombarded with expert opinions and these are what driving decisions are.

Very seldom does real science get integrated into planning, implementation, monitoring of decision making and that is a very important distinction that we need to make when we engage with conservation and science. This is not to mean science has no role to play; science has an important role to play but science alone cannot deliver conservation because conservation is not an enterprise where science can set the agenda and deliver the goods. There is a strong overlap between ecology and society. What we are facing from a conservation viewpoint, we will have to also see from an interdisciplinary framework – that engages with all the different issues from the real world.

The role that I see for science is that of serving as a diagnostic tool, to identify problems that need our attention both from a research perspective as well conservation action perspective. As a strong monitoring tool to establish baselines, monitor impacts of conservation action, management plans - that has been seldom done in our wildlife areas. e, so you have more and more civil engineering passing of for conservation, or responses to conflict- how we end up paying lakhs and lakhs of rupees as compensation without getting to the root of the problem.

At another level, it is dangerous to allow scientists to go out and set the conservation agenda. Scientists have clear motivations; they are pretty selfish; they will push an agenda they want. Setting a conservation agenda for a landscape like the WG will have to be collaborative enterprise where the value of science is recognised but not driven by scientists alone.

I think scientists as a whole, in some sense have failed at effectively communicating their scientific results and their importance in conservation and also much of the science has been done focussed on specific landscape or species without taking in the interdisciplinary that is required for conservation in the WG, if not elsewhere.

My personal experience has been with two or three conservation initiatives. My PHD work was with lions – the whole motivation was to go out and establish a second free ranging population and here we are still battling over whether Gujarat can give lions from Gir. There is clearly no science there – just public opinion, policy, politics.

But where I have seen science make a difference is in wildlife population estimation in the country. Better methods are coming in and you see an acceptance of the crisis. Otherwise, like I used to joke, our wildlife populations are like our human populations or our industrial outputs, there is only one trajectory. If you begin with 10 tigers in 10 sq km, you'll end up with 100 tigers in 10 sq km, because each park warden when he leaves will have to leave a higher number of tigers than he inherited. So, at least, technically, theoretically govt has accepted that you need better methods – at least for tigers. The other arena where I see a role for science is in legal interventions for conservations, where you are able to come up with strong data – the courts seem to be interested in that.

To conclude, science has a role, but it a limited role. It is too dangerous to allow scientists alone to set the conservation agenda and essentially till citizens take it as a collective agenda, conservation is not going to happen.

## Questions/Comments

2. Nitin Rai, when we say science, we conventionally assume a certain systematic collection of data etc. We never talk about local knowledge and that has never been tabled in any conservation effort. How do you suggest that we relook at the way we talk about science.

The answer is to talk about knowledge and wisdom, rather than science, because science comes from a certain way of doing things. If you want to use just knowledge to manage, then clearly

there are all kinds of knowledge out there. I would not look at science to be able to do there because scientists in India are traditionally not trained to engage with even other verticals of science, forget engage with traditional knowledge.

4. Hartman : in your presentation, you said ' collaborative venture and then you said collective enterprise. What do you mean by this and how can all of us in our individual ways take this forward.

I think, collaboration has to translate from defining a problem – go beyond one institution's understanding of conservation – to enabling conservation action on the ground. I find this is changing – interdisciplinary creeping into the discourse. That's the kind of collaboration. Institutions are also spread out geographically, and then their point of reference will also spread through the Ghats.

5. Kalidasan: You said, WG have been studied well for the past 3 decades, do you believe all these studies have reached the people?

Clearly, no. Why – there is no motivation – no pressure – not to the public even to peers with peer reviewed articles. There is no motivation especially within the govt systems to publish.

7. Kalidasan : responsibility of scientists for conservation; with the Goa experience even there was also the INO experience. What is the responsibility of the scientific community for this?

If the EIA was unscientific, you have a point. Conservation is not merely a scientific enterprise. Scientific opinion, sciences are different.

### **The National Green Tribunal : Ritwick Dutta**

It is important to focus attention on it because it is one of the important things that we are going to face in recent times. What the government today wants is that they should have a tribunal for all matters concerning the environment and one of the reasons is that the earlier tribunals have not functioned. And in order to address the problem is to come up with the Green Tribunal. The topic, I want to address is how green will the Green tribunal be?

I find it strange that a tribunal be known by the colour and even locally what's wrong in calling it the environment tribunal. We need to go back – the basis is that earlier things have not functioned. Why have they not functioned? It aims to replace two earlier tribunals – the National Environment tribunal, an act passed in 1995. The basic purpose of the tribunal was if there is an accident like the Bhopal disaster, then the victims have a place to approach for compensation. This was following the Rio declaration that you must put in place a legal mechanism so that the victims of environmental accidents including restoration of ecology when damage is done, they can come to the tribunal. GOI was given a time frame of 1995 by

when it should have passed such a law and report back to the UN. GOI passed it in 1995 called the National environment tribunal to be headed by a ret'd judge of the SC with other experts. Indian govt reported to the UN that the Bill has been passed. But what the UN did not know that in India, a law comes in to being only when it is notified in the gazette. Till date the national environment tribunal has not been notified. It remains only on paper, the way it was in 1995, so we don't have a tribunal.

As far as the National Environment Appellate Authority, it has to have a ret'd judge as the chairperson; for the last 10 years, the GOI has not been able to appt such a judge; the reason is that - they said a former judge who comes to the post will have the salary of a secy to the GOI. And no accommodation, nothing else, so there are no takers for the job. In return what you now have is the green tribunal.

On the fact of it, it is a grievance redressal mechanisms to take care of all issues; and for some strange reason, due to the parallel process of the large scale consultation over the Bt. Even today what he said was that some decisions have to be taken without consultation. I filed a RTI asking -that in every new bill that is introduced, the govt advertises in national newspaper asking for public opinion; in this case , I got a response saying that no advertisement has been issued; I asked if this was the norm and they said - no, only in this bill we have not issues a public advt. They have not called for a public consultation. Then the next question, does it really replace the existing authority.

The existing authority has a limited mandate - says that - any person aggrieved by the grant of clearance - if there is a mine cleared by MOEF, then any local affected people, or org<sup>9</sup>regd or not) or an assn of people has the right to file a complaint against the MOEF before the appellate authority and the authority has the right to quash the clearance. Simply, any person affected by clearance given. What the ministry today proposes is simple - any person affected by the grant of clearance or any person affected by the rejection of clearance can appear before the green tribunal. So rejection today comes in, so basically mentioning of Hubli- ankola or a athirapally, today the proponent have to go the HC, the norm that the SC has used, much to the detriment of environment activists but sometimes also in some of the cases, once experts have decided we will not sit as an appellate authority, as in the Narmada case. But the tribunal is supposed to function as an expert of experts.

The 2-3% rejection that today happens, they get a grievance redressal mechanism and that is precisely the reason, that there never will be a public consultation on the Green tribunal. It had almost be passed when we as a group of people, including Krishnendu and many others decided hat why not we critique it intensively and post it on various websites and the ministry. It was supposed to be passed in the winter session of Parliament.

There are two points that I will quote - the ministry says, we will have an expert body on environment because environment issues are complicated and we need experts to decide on it. The current appellate authority only has technical experts in the form of IAS and IPS officers. Today, it says an expert member whose number can be more than 20, has to have a degree in masters of sciences, or doctorate degree, or master of engineering or master of technology and has an experience of 15 years in the relevant area including 5 years in environment field including experience in a national level organization. There is no space for an ecologist, environmentalist etc - the same thing that happened in the time of Pradipto Ghosh. They have to have a master's degree and then they use the term - 'national level institution' - I don't think any other institution except NEERI can figure in it.

Then, what is the jurisdiction of the tribunal - it says it will have jurisdiction over substantial questions relating to the environment and I think here law and science mix together in a unique manner. But what is a substantial question- there is a direct violation of a specific environmental obligation by a person - so the violation has to be direct and secondly, the community at larger, the community at large other than a single individual or a group of individual is affected by environmental consequence. Where do you draw the line between groups and communities? And where do individuals who have been fighting cases on personal capacity go? This is the larger question.

We have backtracked on the entire issue of locus standii. And then it says the gravity of damage to the environment or the property is substantial. Substantial not defined. So the gravity of damage becomes substantial and the gravity of damage to public health is broadly measurable. Who measures and what is broad are unclear. I always say that this is going to be a lawyers' paradise with such a law. And a wonderful scope including our livelihoods, among other things. But it is frightening.

And then it says, a tribunal shall have jurisdiction- the national environment appellate authority has jurisdiction over only EIA matters -so if you have a project that is cleared, you can challenge it - but this shall have jurisdiction over the water act, air act, the water prevention and control of pollution act, the EIA notification, the BD act and the FCA. All conservation Act also will and any order issued by the State will be appealable directly before the green tribunal. So what will happen is that the moment any stop order is issued, in the rarest of rare cases, by the pollution control board or the forest dept. the appeal will not go to the district court, it will go to Delhi or wherever the courts are set up directly. So all the state machinery, we know do not have the resources to engage a lawyer to even go to the district court. So I think it is a very clever way in which all such cases will go unrepresented and why I am flagging it, is it is not a matter of only EIA - it covers so many other Acts and even issues relating to any determination of benefit sharing or made after the commencement of the BD authority or by the State biodiversity authority shall be there.

Who can appear before the green tribunal – the person who has sustained injury or the owner of the property where death has resulted and for NGOs, the most interesting part is – any representative body or organization functioning in the field of environment with the permission of the tribunal. So therefore, is that everyone of us will have to prove that you are an organization and that you are a representative organization – how does a trust or society prove that it is representative and then that it is restricted to only organizations working in the field of environment. Bulk of environmental challenges is not done by environmental groups but by different categories of people.

If the case is found not maintainable – it is important – many a times, it may be said that a person has a private interest, or a bias then costs can be charged. But it is found that it is not maintainable on grounds of merit, the tribunal has the power to impose costs. In return, the maximum relief that you can get from the tribunal is only damages. So it has no power to quash a clearance or stop any work; only interim stay can be given and in return you have this system.

It went before the parliamentary standing committee in a very secretive manner and on the same issue- not a single effort is made – a total of 8 people were present in the consultation; four govt. Officers; representing civil society groups of India was Sunita Narain; from lawyers' side – Hari Salve – it happened for 2 hours in Delhi. Unfortunately, it is likely to be passed in the first week or the last week of the month.

You have a situation where you have 2% rejection rate for environment clearance but close to 27% as far as forest clearance is concerned. This will ensure that this rate will also drop. At the end of it, this is a green tribunal basically to give a green signal to all industries in the country. As a group, we should come out against it. It is better not to have a green tribunal than to have it in the current form. The pressure to have the green tribunal is directly from the PM's office. The MoEF does not seem to have the spine to resist it or have a consultation on it. Therefore, you might have seen the kind of helplessness in the minister to open this process.

### Questions/Comments

3. **Krishnendu Mukherjee:** one of the most malicious things about the green tribunal bill is that it is an ouster bill; it will have jurisdiction over all civil cases on the environment; no longer can you file a writ petition in the high court; you can't appeal for damages in the district court, because the green tribunal will have complete jurisdiction over cases involving environmental acts.

The second thing is that the minister said that we should pass the bill and then discuss it - as a piece of judicial legislation; it is very badly drafted and didn't even set out to achieve what it wanted to.

Also the minister said it was also to provide compensation to victims of environmental damage but one of the things it leaves open ended is that what kind of damage - does it compensate - of pollution, restitution of property damaged, restitution of the environment. What does restitution mean - repairing it or making good as far as possible or taking it back to the state it was in before the damage.

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And even in terms of providing compensation and claims as a means of protecting the environment, it fails because it only provides compensation for environmental damage. In countries like the US and to a certain extent the UK, tort action has been used to punish companies who wilfully damage or recklessly cause environmental damage but in these cases there are punitive damages, but the bill in this form does not provide any allowance for punishing a wrong - does neither does it explicitly say public authorities, state pollution control boards, forest departments, who take bribes, who negligently don't stop pollution from happening; they also should be liable for action not taken. How else will you get an infrastructure that protects the environment unless you punish the very statutory authorities that are supposed to do their job properly?

The bill only provides a knee jerk compensation for each act of environmental damage so it does not go in any way towards protecting the environment. The bill come as part of JR's and the Moef's whole idea of how environmental taxation should be done. Not as a strengthening of infra, not a strengthening of environmental law - but only on a one to one basis. For instance, in the press conf, talking of cumulative damages as in Goa - 13 mines in a small area - cause additional and cumulative damage to ground water, soil m water bodies and so on, he identified a number of areas where he is looking at cumulative damages - ports in the country, Teesta in Sikkim. But if you want to look at the carrying capacity of the environment, why don't you change the law.

Last year, there was a draft EIA notification - that was a perfect opportunity for this govt to include cumulative environmental IA or strategic environmental assessments as part of the EIA process. But that wasn't done. Instead, the draft EIA not talks about self- regulation. It dilutes the present Act by talking of self - regulation. Industries will no longer even have to tick the tick boxes they now have to do. So this govt, this minister has no intention of protecting the environment. All they want to do is to provide a single window clearance for industry.

5. Archana Godbole : Ritwick's presentation and Krishnendu's further comments are an eye-opener. We need to think what we can do in our individual capacities on this front and this action need not just be signing some letters or emails, we need to come together and work to stop this.
6. What was pointed out as compensation for accidents, the bad news is that in the case of nuclear accidents, there is ..
7. Can it be challenged.

It will comprise 10 SC judges and 10 experts – they will have primary jurisdiction but if the HC want , they can still entertain it if it is a matter of fundamental rights. But it is a matter of their discretion. That's the danger. Even today, environment clearance is only to be filed with the appellate authority but high courts still admit them – but now there is the option to the high court to refuse to hear it and forward it to the appellate authority.

In matters like this, the time factor is very important, this bill has been there since 200, the structural form is only since July 2008. we have the current one of the appellate authority with 5 people instead of 5, but the time the present one comes, it will be an year, if you challenge it will be another 2 years. If you look at it from environment clearances, close to 2000 clearances will be given.

So the entire idea of having the idea and working it out won't work is like commissioning the thermal plant and then looking at the impact so let's stop it at this stage itself.

It got approved by the Cabinet in the winter session but because 30-40 people sent out a letter to the PM – it did get stopped even though it might not be fully attributable. One of the effective ways is that such an important bill must be referred to a select committee and even if we get 5-6 Rajya Sabha Mps to talk on this matter – the bill looks nice – the Left is opposing it – opposed it in the parliamentary committee but the opposition is – whatever statement we made has not been reflected- we are surprised that no NGO is coming forward to oppose it. From the local level, MP is going to be – at least from the Rajya Sabha. If 3-4 Mps raise an objection, it will be referred to the select committee.

#### **WHY CLONE US ENVIRONMENT PROTECTION AGENCY? - SRIDHAR**

This is ridiculous to me – because if you see the environmental governance process and examples of it. I am a petitioner in the Pollavaram case. In the middle of the case, the GoAP says since the governments of Orissa and Chattisgarh do not want their villages to get submerged – we will build a wall where AP physically ends and we have made an allocation of Rs 700 cr for it.

The rigmarole continues - in the court, the govt comes up with affidavits which are diametrically different from what the minister says at podiums and the example of the environment appraisal committee - that thermal power plants will increase mango cultivation or affidavits by the Moef that in 2007, there was no discussion on climate change so EIA - we had not included it from the terms of reference. I only told them that there is a rumour that in 2003, Delhi hosted the COP-8.

The new avatar - one of the options suggested includes looking at compliance over not only the current air, water Acts but those concerning GMOs, being brought into one body like this - it needs a super fund.

The way the ministry has been progressing - it has brought out a list of 44 most polluted areas in the country where in the next 8 months; some miracle is going to happen. By that time, they will have worked out what to do there. The 44 pollution sites will be brought in to a super fund and a new bureaucracy. It needs to be seen however how the State pollution control Boards and the Central Pollution Control Board has been operating. There is a Study in Orissa that says that 97% of all units have not been conforming to standards. There is not a single mine dump in the country that is at the required angle of repose - which is 27 degrees.

We'll need to see this from another dimension; many economists tell me that if we roughly divide 70 by the % growth rate, we'll have a doubling period and if we follow this kind of a growth rate 10% with this kind of model of economy - of thermal power plants and bauxite mines and infrastructure of steel and cement and we are talking of a 8- 10% growth rate then we'll need to double it in the next 7-10 years and today over the last couple of centuries, we have come to the state where we have 8000 mines and acc to the parliamentary committee more than 14000 illegal mines. Now if we have to project this economy over the next 20 years, we are going to do a damage that we did over the last 150-200 years and much rapider over the last 30 years, we are going to do all that over the next 10 years and much more for the 10 years after that. It's going to be nightmare. To me, when I look at the minerals and various resources, what he mentioned about green patches on the map, if you see from the damodar valley to the Godavari River, you can take a good 100 km length where you'll get coal, manganese, bauxite. If you dig up this entire place, to feel a little happier, it will also help in interlinking the rivers.

There are 30 EIA reports from the Damodar valley alone and for a single member of the committee, it will be impossible to even read all these reports, and this person would also be holding an additional post elsewhere and the court says you can't do more than 5. So they are now restricting it to 5 before lunch and 5 after. We are having almost 100 projects getting cleared every month and they don't have compliance with existing laws, I wonder why we are being drawn into the debate of having a national environment protection authority very much on the lines of the environment protection act in the 1980s, we are not looking at our context of

what governance is required, what kind of local institutions we need for compliance, we are going on looking for new kinds of bodies or institutions

we should strongly demand that the existing institutions are set in place rather than going into a woolly debate that will be long and another inst that we will have to pay for without getting any services that the community needs from them .

### Questions/Comments

1. Capt Sudhir Vombatkere: Mining - we need to take into account sand mining which is going on in TN and also water mining.

We don't have an account of small scale mining or sand mining. There is no information. There is no river in the country that is not being mined and it is being mined extensively and intensively - wayanad, TN, Uttarakhand Forest Corporation want to mine the Gola River. We are going to have much more serious problems. It's not just about the specific area being mined but also about larger effects such as floods, because the entire river morphology has been changed.

SRH : these are all important issues, but there are individual warriors and there are solutions also arising and we should look at the other side of the coin. There was a strong feeling that nothing could be done in Bellary but the two small initiatives that I mentioned were important. When the CEC report came out, the entire truth came out. For me the accountability in governance has to be fought for. In the last couple of days, the CJI asks the counsel brothers - for evidence to remove the stay on mining.

BK Krishnan raised the issue of the political economy - like childhood stories of the rakshas, the real driving engine is in that and when many of us over the last 2 decades, have been looking at a whole lineage of powerful alternate thinkers in the world. More recently, Gandhi, Joseph Kumarappa, Rachel Carson and Schumacher and today those in the affluent world are looking at how to change their lifestyle.

It's like the SESA - many of us had given up hope but today it is time for it. When Thoreau refused to pay tax and wrote a small monograph on the act of civil disobedience, it is used by Gandhi years later and it launches a movement that not only frees India but also marks the end of the colonial rule.

Economic freedom is what we have to fight for and the days of the older system are numbered.

**SAVE WESTERN GHATS 2010**  
**One & the Only Western Ghats**

**February 18-20, 2010**

The Keystone Foundation  
Kotagiri, near Ooty, The Nilgiris

**PROGRAM**

**Day 1**

<b>February 18, 2010</b>		
<b>09.00 Hello &amp; Welcome</b>		
<b>Time</b>	<b>Title</b>	<b>Details</b>
09.30-10.30	Invocation	Bamboo Band from Kerala

10.00-11.30	Opening	<ul style="list-style-type: none"> <li>• Welcome by the hosts</li> <li>• Lighting the lamp by <b>Hon'ble Minister Mr Jairam Ramesh</b></li> <li>• Setting the tone of the meeting</li> <li>• Issues &amp; Concerns*</li> <li>• Inaugural Response by the Minister of Environment &amp; Forests</li> </ul>
11.30-12.00	Tea Break	Nilgiri Flavour
12.00-13.30	Making a case	for Western Ghats Conservation Authority
13.30-14.30	<b>Lunch on the Lawn</b>	
14.30-15.00	Invited Lecture	<b>What ails our Environmental Regulatory System?</b>
15.00- 16.30	Coffee Break	Lot can happen over a cup of coffee
16.30- 17.30	Green Talk	with Mr Jairam Ramesh, Minister of Environment & Forests
1800 -	Visual Treat	<i>The Age of Stupid</i>

\*6 thematic presentations of 5 min each on the compelling issues and concerns

19.30-22.00	<b>Bamboo Band at the Dinner</b> - one can miss the dinner but not the music	
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(draft agenda shall remain vulnerable to change)

## Day 2

<b>February 19, 2010</b>		
Time	Title	Details
09.30-11.30	Parallel Sessions	Moderator to table the themes and the modalities
11.30-12.00	Fluid Break	Stimulating traditional drinks
12.00-13.00	Invited Talk	Is going vegetarian and organic the cushion for climate change?

13.00-14.00	<b>Lunch</b>
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14.00-15.30	What Next?	Sessions' roadmap on strategies and directions
15.30-17.30	Bid a Session	Participants run open sessions of their choice

19.00-22.00	Arakol Music Band- Pillur Irula Group
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### Day 3

<b>February 20, 2010</b>		
<b>Time</b>	<b>Title</b>	<b>Details</b>
09.00-11.30	Convergence	Visit <b>Kodanad, where the East meets the Western (ghats)</b>
11.30-12.00	Fluid Break	Building liquid relations over traditional drinks
12.00-13.30	Action Strategies	Consolidating Action Plans from Parallel and Open Sessions
13.30-14.30	Outdoor lunch	.....amidst indigenous landscape at a Toda Shrine
14.30- 17.00	WG March	<b>from Long Wood Shola to Nehru Park, Kotagiri</b>

\*drinks refer to non-alcoholic beverages only

17.00- - - -	.....time to say Goodbye! (parting dinner shall be served)
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<b>Person</b>	<b>Profile</b>
Dr. Nitya Ghotge	Director ANTHRA
Arunsankar N	Aware trust
Ullash Kumar	Freelance Journalist, Wildlifer, Naturalist
T. Vijayendra	SANGATYA
Dinesh Kumar M.P	
Ashok Sharma	
Srinivas Kulkarni,	Eco Forum, Dharwad
K. Kalidasan	OSAI

Shantaram Pandere	LOKPARYAY
Sunita Rao	ATREE, Kalpavriksh, Vanastree
Keith Virgo	Village Ways
Subrahmanya Hegde,	
Seetaram Hegde	
Dr Vivek Bhide	
Mr Anil gachake.	
Mr Satyajeet Chavan.	
Mr Rajendra Phaterpekar.	
Adv Baba parulekar.	
Mr Amar Desai.	
Mr Sandeep Sawant.	
Mr Advait pednekar.	
Mr Arun Velaskar.	
Dr Jayendra Parulekar,	Sawantwadi Convenor
Shinya ISHIZAKA	
Keya Acharya, Kar	Vice Chair, Forum of Environmental Journalists of India (FEJI)
Shankar Sharma	Consultant to Electricity Industry
Vinod Nambiar	Vayali Folklore Group
G. L Janardhana	
Jayachandran	Hon. Secretary, NWELA, Ooty
Dr. Ashok Kundapur, Ph.D.,	International Solar Cooker Expert
Dr. Lalitha Vijayan	Sr. Principal Scientist, SACON
KVRK Thirunaranan	The Nature Trust
Lewis Wallis	
Madhav Tate	PiA, Econet
Vinay Aditya	
Archana Aditya	
Nirmala Vilasini	
Ritwick Dutta	LIFE, TAI
Gowri Shankar	Agumbe Rainforest Research Station
Sharmila Rajsegaran	Agumbe Rainforest Research Station
Madhura Niphadkar	ATREE
Maj Gen S.G.Vombatkere (Retd)	
Asha Vombatkere	
Dr H. C. Gena	IFFDC
Dr R. P. S. Yadav,	IFFDC
Shubhangi Ghadi	Correspondent- DNA
Kalyan Varma	
V.Dakshinamurthy, Ph.D.	WWF-India

Mohan Raj	WWF-India
Hemanta Naik	Environmental Activist
Dr. Nanda A. MSc, Ph.D	Environmental Study Centre
Claude Alvarez	
Prof MK Prasad	
G. Vijaya Kumar	Madras Naturalists Society
K.V Sudhakar	Madras Naturalists Society
Mr. Ekanath Bagul	
Mr Kumaran Sathasivam	Madras Naturalists'Society
Mr.Richards	Mazhaikaadu
Zoo Outreach	
Vivek Coelho	
Krishnendu Mukherjee	
S.Guruvayurappan,	Wildlife Protection Society of India
Asia Plateau Rep,	
Piyush Manush, Salem	
Farmers Association	Presbyter
Jack Tordoff	CEPF
Shri Jairam Ramesh	Minister, MoEF
Kristin Ivarsson	The Swallows India Bangladesh
Paul Wolvekamp,	Both Ends
Anitha Sharma, Trivandrum	
Madhu Ramnath	PHCC, NTFP-EP
Hartman de Souza, Goa	
Almitra Patel, Mumbai	
Dilnavaz Variava, Mumbai	
Jayaraj Sundaresan, London	
Nitin Rai, ATREE, Blore	
Rajiv Shrivastava, IFS, Ooty	
Anand Rao Patil, IAS, Collector, Nilgiris	
Nilgiris Science Forum	
CPR Foundation	
NWLEA	
SAS	
Talavadi Adivasi Munnetra Sangam	
MYRADA	
UPASI - KVK	
Latha & Unni	
Carmen	

Kalanand	
Pandu	
Sudhirender	
BJ Krishnan	
Kerala Bamboo Band (15 persons)	
Pillur Band (20 persons)	
Mike and sound people (4 persons)	
People from Keystone areas (35 persons)	
Ravi	Samata
BJ's group (10 persons)	
Archana Godbole	
Jagdeesh Krishnaswamy	ATREE
Madhusudhan	NCF
Suprabha Seshan	GBS
Sankar	NCF
Divya	NCF
Krishna Kumar	ATREE
Amitha Bachan K.H	
Ravi	Samata
Ravi's colleague	Samata
Monica Erwér	Swallows
Dr.S.Thirumurthy,D.Sc(UCL-BELGIUM).	Aware trust
Mr.K.K.Sethumadavan.	Aware trust
Mr.Bal pandi.	Aware trust
G.THULASI RAMAN.	PERUMPARAI ENVIRONMENTAL CENTRE
S.PANDI.	PERUMPARAI ENVIRONMENTAL CENTRE
M.RAMESWARAN	PERUMPARAI ENVIRONMENTAL CENTRE
M.YOGANATHAN.	CHANGE ORG
ARAVIND.	CHANGE ORG
CHANDREN.	CHANGE ORG
C.R.JAYAPRAKASH	PSG COLLEGE COIMBATORE.
VIJAYAKUMAR .	PSG COLLEGE COIMBATORE.
A.SIVAKUMAR.	PSG COLLEGE COIMBATORE.
Kristina Razon	CEPF
Ravi Chellam	WCS
Paul Panneerselvam	Mazhaikaadu
Kumar T	Mazhaikaadu

Manisha Barge	Econet
Vidhyadhar Atkore	ATREE
Dr. Shankar Sharma	KFRI
Mr. Sarang Pande	Lokpanchayat . Maharashtra.
Mr. Vijay Sambare	Lokpanchayat . Maharashtra.
Somnath Sen	Consultant

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