

Environmental, Social Justice and Governance Initiatives

Citizen consumer and civic Action Group (CAG)

State of Environmental Decision-Making in India

A workshop for practitioners

Organised by

Environment Support Group, Bangalore

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Citizen Consumer and Civic Action Group, Chennai Bangalore, 23-26 April, 2017

FOCUS OF THE WORKSHOP

This workshop is designed to assist practitioners deepen their understanding of environmental justice in the context of growing challenges of the 21st Century. The workshop will present a critical review of key environmental, social justice and forest protection laws and policies, and evolving environmental jurisprudence. Participants will be invited to reflect on the ways in which people interact with the natural and the built environment, with particular attention to the social processes that promote and maintain ecological inequalities, generate sustainable or unsustainable patterns of resource use, and privilege particular types of knowledge about our relationship with the environment. The resource persons will draw from their activism, research and academic experience to share some of their own challenges and strategies to understand and address environmental justice issues. Participants will learn to assess political and communication strategies, technological innovations and ethical values as tools for achieving sustainable environments. The workshop is envisaged as a beginning of a shared learning journey, and as a means of strengthening existing solidarity networks or building new ones.

Objectives of the workshop are to provide participants an operational understanding of:

- Environmental Impact Assessment of developmental, infrastructure and energy projects, its strengths, weaknesses and opportunities.
- Forest rights, securing rights of adivasis and other forest dwelling communities, conservation of bio-resources and protection of associated traditional knowledge, and ways to tackle bio-piracy.
- Prevailing problems in conservation of forests, wildlife habitats, biodiversity, ecologically sensitive areas, wetlands, rivers, commons, etc.
- Democratic decision making relating to land use planning (urban and rural) and land acquisition processes.
- Securing environmental and social justice through innovative engagement with governance systems and a variety of litigative opportunities.
- How to plan from the ground to build an economically viable, socially just, environmentally sensitive and ecologically sound and healthy society for the benefit of present and future generations.

LOGISTICS

Workshop Fee

₹ 6,000 per participant payable in advance by Wire Transfer/DD/Cheque in favour of 'Environment Support Group', payable at Bangalore.

The fee includes cost of simple shared boarding, food, course fee, and field travel costs. We do not want the course fee to be a deterrent to your participation. So please talk to us if you need financial assistance.

All participants are required to cover their own travel costs. Again, talk to us if you need travel support.

Details for Wire Transfer:

Account Name: Environment Support Group

SB Account Number: 0-4-0-9-2-0-1-0-0-3-7-1-5-1 at Syndicate Bank, Jayanagar Branch, 69, 9th Main, 3rd Block, Jayanagar,

Bangalore 560011.

IFSC Code: SYNB0000409

In narration of the NEFT form, please state: EIA April 2017

Indian contributions will benefit from tax exemptions per Sec. 80 G of the Income Tax Act.

Accommodation

Participants will be accommodated in a government run training hostel close to the ESG Workshop Space. Accommodation is comfortable, but not luxurious. Those in need of a hotel within walking distance of the workshop venue, will be assisted with choices.

Workshop Venue

ESG Workshop Space, 1575, Intermediate Ring Road, Banashankari II Stage, Bangalore 560070 (abutting ESG office)

Important Dates

Registration deadline	Tuesday, April 18 th , 2017; 8 pm	
Workshop dates	Sunday, April 23 rd to Wednesday, April 26 th , 2017	
Arrival and Departure	All Workshop participants must arrive by 7 am of 23 rd April, and	
	leave no sooner than 10 pm of 26 th April.	

Keeping in view the need for comprehensive participation in the workshop, we recommend a four night (five days) stay in Bangalore. For those traveling long distances, we strongly recommend that you arrive by the night of 22nd April.

WORKSHOP REGISTRATION

Registration will close at 8 pm on April 18th, 2017. Please click this <u>link</u> <u>https://goo.gl/forms/nW2SAw1j14nLqmKM2</u>) and complete the form.

Please submit the form online and, also, email a signed and scanned copy to: harsh@esgindia.org.

KEY CONTACT PERSONS

Harsh Vardhan Bhati is the workshop coordinator and can be reached for any issue relating to participation in the workshop. Cell: +91-98713 79060 Email: harsh@esgindia.org

For all logistical support, such as hotel bookings, travel, board and food arrangements, etc., please contact ESG's Logistics Manager Ms. Pushpalatha on +91-80-26713560~61 or +91-9880663608 or pushpa@esgindia.org.

ORGANISERS

Environment Support Group	Citizen consumer and civic Action Group (CAG)
[Environmental, Social Justice and Governance Initiatives]	246/ 277B TTK Road (JJ Road);
1572, Ring Road, Banashankari II Stage;	Alwarpet, Chennai 600 018 INDIA
Bangalore 560070. INDIA	Website: www.cag.org.in;
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Email: esg@esgindia.org; Web: www.esgindia.org	
Facebook: www.facebook.com/groups/esgindia/	

CONTEXTUALISING THE WORKSHOP

As Andy Kerr of the Oregon Natural Resources Council says "World War III is the war against the environment. The bad news is the humans are winning." The enormity of this statement rings true and deep when we consider that less than 3% of the world's surface (7% of land) is under tropical rainforests that are home to half the world's species. These forests are now under severe threat from deforestation and destruction, which makes the damage humans have done in the past century unparalleled in Earth's history, barring, of course, an asteroid strike which would potentially take out most life.

The 20th century witnessed massive economic progress, phenomenal expansion of scientific understanding of life and the universe, unprecedented advancement in technology, medical breakthroughs, and great turmoil. It is unarguably the most violent period in human history. The two World Wars killed millions and destroyed entire continents, and the Cold War that followed created conditions of great distrust amongst humanity. While the western world witnessed the expansion of a middle-class society and the enjoyment of a *good* life, a post-colonial world order in the rest of the world killed millions and left much of the world in political chaos. The world order that ensued was a developmental paradigm that was premised on the expansion of industrial and infrastructure development, industrialisation of agriculture and massive expansion of cities.

By the beginning of the 21st century it had become abundantly clear that the fossil fuel-based developmental paradigm was wreaking havoc in the self-regulating planetary systems that sustain life on earth. The relatively stable climatic conditions that we enjoy on this earth are now threatened by a massive build-up of carbon and other heat trapping gases in the atmosphere, resulting in global warming and cataclysmic climate change events. In a little over a century, humans had managed to put back into the air a massive quantum of carbonaceous gases which microbial and plant life had worked on for millions, even billions, of years to sequester, while releasing life sustaining oxygen. It is a constant battle to achieve a global semblance of discipline and order that can rein in the reckless economic growth-led paradigm of development. The struggle, classically, is between rich countries which have amassed wealth and power from decades of exploitation of fossil fuel and other resources of the world, and the rest of the world which has only witnessed a pillaging of its resources from colonial and post-colonial world orders.

As we advance into the 21^{st} century, it is becoming increasingly clear that far from bridging the gap between the poor and the rich, the middle-classes are also becoming increasingly marginalised by an economic model that maximises profit and global influence of a tiny number: the super-rich who account for a fraction of 1% of the world's population, and yet control over $2/3^{rd}$ of the world's resources. We now live in times when this elite is determining the pace and nature of development globally, as political power has also been captured by their key representatives in various countries.

While the end of the 20th century witnessed a rather rapid displacement of farming, pastoralism, fishing and other traditional and natural resource based livelihood strategies which sustained much of the world's population. Globalisations of trade and neo-liberal economic policies now determine growth, and there is a relentless thrust to corporatise every human economic activity, and ensure it is part of a massive global machinery that few can understand, and even fewer control.

The post-World War II period witnessed the crumbling of empires and the liberation of tens of countries from colonisation beginning with India. The Indian Constitution held great promise for her people, and which is best exemplified in Article 39:

"39. Certain principles of policy to be followed by the State:

The State shall, in particular, direct its policy towards securing

- a) that the citizens, men and women equally, have the right to an adequate means to livelihood;
- b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- d) that there is equal pay for equal work for both men and women;

https://www.oxfam.org/en/pressroom/pressreleases/2017-01-16/just-8-men-own-same-wealth-half-world

¹ As a recent Oxfam report reveals, just 8 men have as much wealth as half the world's population. See, *Just 8 men own same wealth as half the world*, Oxfam International, 16 January 2017, accessible at:

- that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment."

Governments over decades seem not to have been guided by this sacred Directive Principle of the Constitution, as is evident in the fact that the richest 1% of the country control 53% of the country's wealth, 57 billionaires own 70% of the nation's wealth, and the richest 10% own almost 76% of the wealth. Thus, making India the second most unequal country in the world, next to Russia.²

As a matter of fact, it has become increasingly clear from the 1990s, that much as India passes unprecedented environmental and social justice laws intending to protect the interests of the masses, the robust argument for equitable and just development in such laws remain largely unfulfilled promises, is has resulted in inequality, disenfranchisement and discontentment across the country, and has often triggered violent responses from exploited groups. Rather than mediate these discontentments and address structural injustices, the State, across governments, have increasingly adopted an approach of crushing dissent.

This approach was most brutally and succinctly summed up by P. Chidambaram, when he was Finance Minister in UPA - 1 said Government of India is: "willing to tolerate debate, and perhaps even dissent, as long as it does not come in the way of 8 per cent growth".³ The current government led by Prime Minister Narendra Modi has made no bones about practicing this dictum. This demonstrates the consistency in the policies adopted by the starkly opposing political configurations, which converge on the point that economic considerations are paramount, regardless of their extremely unjust, and possibly irreversible, social and environmental impacts. In fact, those who organise and resist against such a developmental paradigm are now more easily dubbed as anti-nationals.⁴

Narendra Modi's first major policy initiative was to set up the TSR Subramanian Committee to review all environmental and forest protection laws, and bring them "...in line with current requirements to meet objectives". What these objectives were, was never clarified. But when the report was produced in November 2015, it was clear the objective was to ensure investment and business would not be handicapped by environmental and social justice concerns. The report has been widely criticised as promoting development at any cost,⁵ including by the Parliamentary Standing Committee on Science, Technology, Environment and Forests, which, having condemned the hurry in which the report was prepared (3 months), recommended that:

"...the Ministry of Environment, Forest & Climate Change, instead of proceeding with the implementation of the recommendations contained in High Level Committee Report, should give due consideration to the views/opinion and objections raised by stakeholders including environmental experts. Some of the essential recommendations of the HLC have been doubted and would result in an unacceptable dilution of the existing legal and policy architecture established to protect our environment."

However, all this criticism and advice seem to have fallen on deaf ears, as the Ministry has systematically diluted various environmental and forest protection norms, and placed the interests of business over that of environment, human rights and democratic decision-making.

² See, for instance, '57 billionaires control 70% of India's wealth ... India is second most unequal economy after Russia', 27 January 2017, Times of India, accessible at: http://blogs.timesofindia.indiatimes.com/the-interviews-blog/57-billionaires-control-70-of-indiaswealth-india-is-second-most-unequal-economy-after-russia/ and Richest 1% own 53% of India's wealth, Live Mint, 14 October 2015, accessible at:

http://www.livemint.com/Money/VL5yuBxydKzZHMetfC97HL/Richest-1-own-53-of-Indias-wealth.html.

^{3&#}x27;Dissent will be brushed aside if it impedes growth', Hindu Business Line, 10 September 2006, accessible at:

http://www.thehindubusinessline.com/todays-paper/dissent-will-be-brushed-aside-if-it-impedes-growth/article1745672.ece
4 See, for instance, "By dismissing activists as anti-national, India is advancing interests of Big Business", by Harsh Mander, Scroll, 13 April 2015, accessible at: https://scroll.in/article/720045/by-dismissing-activists-as-anti-national-india-is-advancing-interests-of-

⁵ One such critique is "A Non-trivial Threat to India's Ecological and Economic Security" by Leo F. Saldanha and Bhargavi S. Rao of Environment Support Group, accessible at: http://esgindia.org/resources/reports/press/indian-governments-high-powered- committe.html

WORKSHOP SCHEDULE

Date Time	23 April	24 April	25 April	26 April
08:00AM- 09:00	Breakfast	Breakfast	Breakfast	
Overview of Decision-mail 09:00-10:30	Overview of Environmental Decision-making processes in India Satyarupa Shekhar and Leo Saldanha	Implications of Bio-piracy and Bio-prospecting on conservation of Bio- resources and protection of associated Traditional Knowledge	Contextualising Urban and Regional Planning in Environmental Decision Making: Role of Public and Local Governments in Environmental Decision- Making	Departure: 06:00
	Salaama	Leo Saldanha and Harsh Bhati	Satyarupa Shekhar & Dr. Swetha Rao Dhanaka	
10:30 - 11:00	Coffee/Tea Break	Coffee/Tea Break	Coffee/Tea Break	
11:00 - 13:00	Key Principles of Environmental Jurisprudence, Interpretation and Implementation Leo F. Saldanha and Harsh Bhati	Tackling Commodification, Diversion and Encroachment of Commons – Reclaiming Commons as a Strategy for Public Action Nityanand Jayaraman	Conservation of Water and Wetlands and securing the Rights of Water grounded Communities in the context of push for commodifying water Dr. Kshitij Urs	
13:00 - 14:00	Lunch	Lunch	Lunch	Visit Challakere to converse with communities impacted by Country's largest Military
14:00 - 16:00	Thermal energy and Environmental concerns: Regulatory Laws, Economics and Governance N. K. Kuttiappan and Vishnu Rao	Securing Forest Rights and protecting forests and wildlife: Issues, Challenges and Legal Complexities Dr. Geetanjoy Sahu	Role of Financial Institutions in Environmental Management and Review of Key Regulatory Agencies and their Practices Joe Athialy and Himanshu Upadhya	
16:00 - 16:30	Coffee/Tea Break	Coffee/Tea Break	Coffee/Tea Break	Industrial
16:30 - 18:30	Exploring Legal Avenues in attending to Environmental and Public Health concerns Sunil Dutt Yaday	Appraisal of Energy, Environment and Development concerns in Environmental Decision Making	Promoting inclusive community participation in healing fragile ecosystems Suprabha Seshan	Nuclear Complex- "Science City"- on the occasion of Chernobyl Day!
		Dr. Manu Mathai	_ ,	
18.30 – 19.00	Break	Break	Break Land Use and Infrastructure	
19:00 - 20:15	Public Health and Environment Dr. Shirdi Prasad Tekur	Citizen Science: Research to secure Environmental Justice Dr. Swetha Rao Dhanaka	Planning, and Land Diversion and Acquisition Processes Joe Athialy and Leo F. Saldanha	
20.15	Summary of the Day and Dinner	Summary of the Day and Dinner	Summary of the Day and Dinner	

RESOURCE PERSONS

Dr. Geetanjoy Sahu is an Assistant Professor at Centre for Science, Technology and Society, School of Habitat Studies, Mumbai. He has completed PhD in Political Science from the Institute for Social and Economic Change (ISEC), Bangalore, and postdoctoral research programme at the Centre for Interdisciplinary Studies in Environment and Development (CISED), Bangalore. His research and teaching interest broadly include environmental policy and governance, analysis of environmental jurisprudence and politics of interaction between state and environmental groups over natural resource management. His work has also involved the development and analysis of forestry, tribal development, and land use pattern in coastal areas. He is also author of "Environmental Jurisprudence and the Supreme Court: Litigation, Interpretation and Implementation."

Himanshu Upadhaya is a faculty member at Azim Premji University, Bengaluru. His doctoral research in Science Policy from Jawaharlal Nehru University looks at the symbiotic relationship between crop cultivation and cattle rearing in late colonial and post-colonial India. He has previously worked as an environmental activist and researcher. Since 2002, when he shifted from academic research to environmental activism and advocacy, he has studied social and ecological issues around large irrigation dams, hydropower and mining projects, ecological impacts and governance, public finance and accountability. He also has keen interest in pursuing scholarly studies in linguistic ecology, Indian Sign Language and Deaf studies

Joe Athialy is Executive Director of Centre for Financial Accountability, New Delhi. He has previously worked with the Bank Information Centre, Amnesty International, Narmada Bachao Andolan, and various other human rights and accountability institutions in leading positions. He is a key organiser on issues of accountability of International and National financial institutions with regard to the impact of their activities on human rights and environment. He is a Trustee of Environment Support Group.

N. K. Kuttiappan is an Advisor at Citizen consumer and civic Action Group (CAG). A Chemical cum Environmental Engineer with over 30 years of experience in Environmental Engineering Mr. Kuttiappan completed IIT (Mumbai) in 1981 and served as Environmental Engineer with the National Productivity Council (NPC), Ministry of Industry, in various capacities till 1995. He has assisted Governments and Ministries in the formulation of policies in setting Environmental standards, technologies solutions in Total Water management.

Dr. Kshitij Urs is heading the Karnataka office of ActionAid India, situated in the city of Bangalore. He has been quite actively involved in issues and policy pursuant to conservation of waters and rivers. At this point in time, this office is overlooking 7 long-term initiatives that are spread across the state of Karnataka and directly impacts the lives of over 200,000 people. Through these long term initiatives, ActionAid work with some of the most marginalised communities like Jenkuruba, Bettakuruba, Soliga, Yarava Medha, Malikudia, Hakkipikki, Gowdlu, Hasalaru and Gonda communities.

Leo F. Saldanha is full-time Coordinator of ESG. He has gained wide-ranging experience in the areas of Environmental Law and Policy, Decentralisation, Urban Planning and a variety of Human Rights and Development related issues, working across many sectors for over a decade. He is a keen campaigner on critical environmental and social justice issues and has guided several campaigns demanding evolution of progressive laws and effective action. He has creatively supported various distressed communities to secure justice through public interest litigations and advocacy efforts, arguing as party in person several public interest litigations, many of which have resulted in remarkable judgments. In 2007, he co-authored the book "Green Tapism: A Review of the Environmental Impact Assessment Notification-2006" (2007) with team members at ESG. He has since co-authored "Tearing through the Water Landscape: Evaluating the environmental and social consequences of POSCO project in Odisha, India" (2011), "Forfeiting our Commons: A Case for Protecting and Conserving Challakere's Amrit Mahal Kavals as

Livelihoods-Supporting, Biodiversity-Rich and Ecologically-Sensitive Grassland Ecosystems" (2013), and a comprehensive review report of Environmental Decision Making in Karnataka State, in particular the State Environmental Clearance Committee (2014), amongst others.

Dr. Manu Mathai is a faculty member at Azim Premji University, Bengaluru. Dr. Mathai's research and teaching interests centre around interlinkages between the themes of energy, environment and development, with a focus on science and technology policy and conceptions of human and economic development amenable to greater fairness on a shared and finite planet. Manu researches and teaches about the intersection of energy, environment and human development policy questions, with a focus on technology choice and norms of human well-being and economic development amenable to greater fairness on a shared and finite planet. Prior to APU, Manu worked at the United Nations University Institute of Advanced Studies (UNU-IAS), the Rochester Institute of Technology and the University of Delaware Center for Energy and Environmental Policy.

Nityanand Jayaraman is a Chennai-based writer and researcher who specialises in investigating and reporting on the environmental and human rights track record of corporations. After his undergraduate degree in electronics engineering, he spent two years in the US, getting a Masters degree in Journalism, hitchhiking in the US and working in the salmon fisheries in Alaska. He returned to India in 1994, and was a travelling journalist, during which time he travelled to most parts of the country specialising in investigating industrial pollution and related human rights violations. He has been associated with the campaign for justice in Bhopal since the time he visited Bhopal to do a story on water contamination in 1996. He has also worked with Greenpeace India and Corpwatch India, is a part of a voluntary collective called Corporate Accountability Desk.

Satyarupa Shekhar heads the Government Outreach and Advisory group which works to overcome challenges to access to basic services posed by a lack of data and information, while improving transparency and accountability. Satyarupa works with the city government and other public agencies in the city to bring a more data-driven approach to governance and leads the Chennai Data Portal project, which collaborates with government departments to create and use data for decision making.

Dr. Shirdi Prasad Tekur has been in General & Paediatric practice at Bangalore Urban since 1982 in areas of Community Health, Alternative systems of Health care, Herbal medicine, Holistic Counselling, Mind management, Spiritual development. He is an expert in Community Health, practicing Child Specialist and a well-known practitioner in Alternative Health Systems. An alumnus of St. John's Medical College Hospital, he has discharged his services as a medical professional in the Defense Services in order to involve more actively in civil society. He is actively involved in ESG's Community Access project at Raichur, Karnataka. He has worked in Disaster management situations at Bangladesh 1991 – post cyclone, SriLanka 1992 – post IPKF operations & 2005 post Tsunami. He was a part of Bangalore NGO response during Uttarkashi, Surat, Latur earthquakes. He worked in area of Disability and Community based rehabilitation with Leonard Cheshire International, SRMNAB, Narendra foundation, Samarthya and other NGOs. The High Court of Karnataka appointed him a Member of an Expert Committee to review urban infrastructure projects as a consequences of a PIL filed by Environment Support Group. He is a Trustee of Environment Support Group.

Dr. Swetha Rao Dhanaka has a Ph.D in political sociology and has vast academic experience in Switzerland, Europe and India. Her research interests articulate sociology of political behaviour, urbanization and planning with its societal and environmental effects. She is particularly interested in the interplay between institutional frameworks and the citizen and the question of social justice in the city. She has a sound knowledge of urban problems, delivery of rights and services in developing countries and experience with collaborating with civil society organisations, marginalized groups and government organisations. She has widespread teaching experience in research methodology and urban studies.

Sunil Dutt Yadav is an Advocate who has represented Environment Support Group for over two decades in various Public Interest causes for protecting human rights and environment before the High Court of Karnataka and Supreme Court of India. He is also the Counsel assisting the State of Karnataka before the Supreme Court in its challenge against the Bangalore-Mysore Infrastructure corridor project.

Suprabha Seshan is an Ashoka Fellow, Winner of 2006 Whitley Award, Trustee of The Forest Way Trust in Thiruvannamalai, and Director of Gurukula Botanical Sanctuary (GBS), in Wayanad, Kerala. It so happened that a close friend made a presentation about Gurukula Botanical Sanctuary (GBS) while she was pursuing her undergraduate degree at Brockwood Park Educational centre in the UK in 1988. She made it to GBS in 1991 and knew soon after, she'd found her calling. Suprabha has introduced "ecosystem gardening", a term used rarely in India, to the widening public debate on how to improve degraded habitat. The name Gurukula captures how Suprabha intends her work to spread. It is a "School in the Forest" where local villagers may train to be horticulturists or "gardeners", and schoolchildren, teachers, scientific researchers, and policymakers learn and physically participate in the process through extended tours and study programs. Among over 1,800 botanic gardens worldwide, no other offers residential participation and learning for visitors on their grounds.

K. Vishnu Mohan Rao works on environment and energy related issues at Civic Action Group focusing on regulatory law and economics and governance. He is presently coordinating two initiatives – Tamil Nadu Electricity Governance Initiative (TEGI) and Thermal Watch Initiative (TWI). His work encompasses training, capacity building, information dissemination, and advocacy – with specific focus on demystification and promoting public participation and citizens' involvement to promote transparency and accountability.

Workshop Coordinator

Harsh Vardhan Bhati is a Legal Research Associate at ESG. Harsh graduated with an LL.M. specialisation in Environmental, Natural Resources, and Energy Law at Lewis & Clark Law School (Portland, Oregon) During his LL.M., he participated in International Environmental Law Project, where he prepared a legal memo regarding Japan's new whaling regulation NEWREP-A and United Nations Convention on the Law of the Sea. His thesis was on the contrast between the United States and India in the constitutional protection of tribes' sacred sites. He received his B.A. LL.B. (Hons.) degree from Jindal Global Law School, India. He was part of the Centre for Rural Governance, Citizen Participation Clinic and did clinical work issues such as poverty eradication, right to education, legal awareness in rural areas, and women's right and access to housing, water and education in the outskirts of New Delhi and Haryana. Harsh participated in a Sustainable Leadership Program at Amazon Summer School (Brazil 2014), where he developed a deep-seated relationship with local communities, wildlife and nature. In 2016, he participated in the Legal Practicum Seminar in Ecuador and taught classes in Amazon Summer School, as an Apprentice Program Coordinator. Harsh is the coordinator of the workshop and can be reached for any assistance.