

ENVIRONMENT JUSTICE MATTERS

A Bi-weekly News Digest from
the Environment Support Group

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A happy new year 2022 to all our readers!

Last year, your support and donations enabled us to work both at the grassroots level and with administrators to democratize environmental governance in the country. ESG's long standing litigation efforts helped the Karnataka High Court pass a [landmark decision strengthening the protection of lakes](#) (and their canal networks) as commons, across Karnataka. Over 39000 lakes in the state will thus be protected from pollution, encroachment and destruction.

The Court, by mandating committees for lake protection at the district and municipal levels, ensured there is direct public involvement and oversight. This is to be strengthened with regulatory oversight by the Karnataka Tank Conservation and Development Authority, and by an Apex Committee headed by Revenue Secretary, in collaboration with the Karnataka State Legal Services Authority. We also continued assisting the Court in securing community-based solutions as opposed to the [unconstitutional outsourcing and corporatisation of waste management](#) in Bengaluru.

One of our proudest achievements was our webinar series on climate action, which saw the enthusiastic participation of community representatives, experts, elected representatives and administrators, and resulted in a [comprehensive climate action plan for Bengaluru](#). This plan is now becoming the basis for similar plans in other cities in Karnataka.

In collaboration with other researchers, we conducted a fact finding mission exposing the [land grab by mega solar projects at Nagaon, Assam](#). We also contributed the India entry in [Comparative Covid Responses](#), an international project led by researchers at Harvard and Cornell University. Meanwhile, ESG's legal sensitization efforts included workshops on lake protection and solid waste management. The [lake protection workshops](#) were conducted in collaboration with the Karnataka Legal Services Authority across all districts in Karnataka, and were attended by several government officials, administrators, bureaucrats and representatives from NGOs across all the 30 districts in Karnataka. The [Solid Waste Management workshops in Imphal](#) and [Mangaluru](#) were held with support from Break Free From Plastics (BFFP) and in collaboration with Imphal-based Indigenous Perspectives and the Mangaluru City Corporation. We ended the year with an immersive certificate course on environmental and social justice in India organised for students of O.P. Jindal Global University.

Last year was an incredibly difficult year for all of us. The pandemic wreaked havoc on our families and communities - ESG lost its Trustee Dr. Shirdi Prasad Tekur to post-COVID complications and Mary Margaret, our Accounts Administrator, lost her mother and sister to the dreaded disease. The time of the pandemic has also been when there has been systemic assault on free speech and democracy in the country and elsewhere.

Despite such deeply personal losses and hardships, we have continued fighting for environmental and social justice causes relentlessly, engaging in community organising, capacity-building programmes, and also advancing our legal initiatives to secure public interest throughout the year. All this would have been impossible without your support, and we thank you for keeping our work alive. We would be deeply grateful for your continued support and donations, to allow us to support our staff and carry forward our work into the coming year.



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This issue of the news digest takes a detailed look at the environmental and social justice issues that marked 2021, and how ESG engaged with them.

Climate Change



Action on the global scale was marked by [COP26 at Glasgow](#), with agreements to reduce methane emissions, halt deforestation, and reduce international financing of fossil fuels. India's role at the historic meet might be remembered for its resistance to agree to a coal "phase out". While some celebrate PM's

Modi's surprise announcement of committing India to "[net-zero by 2070](#)", it is important to recognize that voices from the ground have long [called out "net zero" as a red herring](#) that distracts from real and decisive climate action. Indigenous and other groups at the frontline of both environmental protection and of [bearing the impacts of a changing climate](#) urgently need to be involved more meaningfully in the governance process. This was [blatantly missing at COP26](#), in contrast with the IUCN World Conservation Congress held in September, where indigenous voices were heard loud and clear, resulting in the adoption of the [Marseille Manifesto](#).

While the IPCC reminded us yet again that our current situation is "[code red for humanity](#)", India came out with its first-ever [report on climate change impacts](#). Yet, nothing shook the world out of its slumber like the unending barrage of disasters showing how climate chaos is a lived reality for crores of people. [Record-breaking wildfires, floods and heatwaves](#) cutting across the global North and South, are a harbinger of our "new normal". While ice and glaciers continued to melt at an increasing pace from [Greenland](#) to the [Himalayas](#), the Amazon rainforest crossed the grave threshold of becoming a [net emitter of carbon dioxide](#).

India itself faced the brunt of [several climate disasters](#), including the Chamoli flash floods of February in Uttarakhand, heatwaves, changing rainfall patterns exacerbating urban and rural flooding, and the host of cyclones battering both our

coasts. Even the [Parliament noted the vast increase in natural disasters](#) such as floods and cyclones in the last two decades alone.

The Coalition of Environmental Justice in India (of which ESG is a member) strongly condemned the [illogical pursuit of hydroelectric power in the Himalayas](#) after the Chamoli flash floods, a region already undergoing severe disasters as a result of changing rainfall and melting glaciers. Throughout the year, ESG stood at the forefront of promoting a climate-friendly vision of development that ties together the interconnected goals of public health, protection of commons, food and water security, and sustainable energy and mobility. Our one-of-a-kind webinar series to bring together administrators, elected representatives, communities and experts to imagine the blueprint of the [first-ever climate action plan for Bengaluru](#), was one such effort.

Just Transitions To Renewable Energy



India is racing to keep up with the target of 500GW renewable energy capacity by 2030 announced by PM Narendra Modi at COP26. But the transition comes with massive social and environmental costs, apart from opening the floodgates of aggressive [green capitalism](#). An evocative illustration is the habitat destruction and looming extinction of the [Great Indian Bustard](#), a magnificent grassland species and the national bird we never got. The central government and companies both have been resisting [directions of the Supreme Court](#) to make underground power transmission lines that pass through the birds' habitat in Rajasthan.

Last year, members of the ESG Team also collaborated with researchers across India to expose through a [fact-finding report](#) the forceful land grab by the solar power company Azure Power in villagers' farm land in Mikir Bamuni village, Nagaon, Assam. Soon after, news of the [death of 18 elephants in Nagaon](#) put the spotlight

back on Mikir Bamuni, and on the environmental implications of large-scale solar expansion in an elephant corridor and ecologically sensitive area. Closer home, ESG also continued to highlight the [impacts of the solar parks of Pavagada](#) in Karnataka, arguing for inclusive development where solar plants can coexist with farming, animal rearing and other rural livelihoods, and also for small and decentralised rooftop solar power projects.

Restricting Freedom Of Expression



From climate activist Disha Ravi to adivasi activist [Hidme Markam](#), 2021 saw a brutal state crackdown on free speech and advocacy. While [Disha Ravi was later released](#) on bail, Hidme and countless other activists across the country [remain behind bars](#). One such relentless champion of tribal rights to die in custody was [Fr. Stan Swamy](#), the manner of whose death and incarceration is a reflection of the defencelessness of the righteous in India today. That the [Bhima Koregaon accused were framed](#) became even more crystal clear, as damning evidence emerged about false evidence planted on the electronic devices used by many of the accused through the [Pegasus software](#), apart from several other journalists, activists and lawyers fighting for environmental and social justice.

Raids on advocacy organizations were aplenty in 2021, while the government also tightened regulations for [internet intermediaries \(like OTT\) and digital news media platforms](#), practically ushering in a new era of censorship. From [condemnation from UN Rapporteurs](#) for Hidme's arrest, to India being declared as an '[electoral autocracy](#)' by Sweden's Varieties of Democracy (V-Dem) Institute, the widespread abuse of sedition, defamation, and counterterrorism laws by the Indian government repeatedly drew global attention.

Agriculture



2021 will probably be remembered most for the landmark victory of Indian farmers, who through extraordinary perseverance compelled the Indian government to [retract the undemocratically evolved farm laws](#), even in the face of unspeakable repression epitomised by the [Lakhimpur Kheri incident](#). However, the year also saw concerning developments like the push to [digitisation of farmer's data](#) and [Zero Budget Natural Farming](#) on a national level, both of which promote further corporatisation and financialisation of agriculture, and pose a threat to communities' and the country's sovereignty over seeds, agrobiodiversity and associated traditional knowledge.

We hope that ESG's [legal challenge to the biopiracy of the GM Bt Brinjal seed](#) can contribute to protecting this knowledge to some extent. The resolution of this case is all the more critical, given how the larger ecosystem around GM agriculture is being increasingly relaxed, especially through the regulations proposed by the Food Safety and Standards Authority of India [easing restrictions on GM foods](#). States have also been empowered by the MOEFCC to [conduct GM crop field trials](#), and some have already set the ball rolling (like Karnataka, which proposed [confined field trials of Bt Cotton and Bt Maize](#) without planning safeguards, or Assam, conducting the [first-ever field trials of GM rubber](#) in the world).

Environmental Governance and Community Rights

In a move that could set the tone for increasing public participation in the legislative process, the MOEF also finally [translated the draft EIA Notification 2020](#) into 22 regional languages, albeit after months of activists' demands and judicial prodding. On the other hand, the ministry shockingly sought to outsource its legislative prerogative, by [turning to law firms and consultants](#) to prepare amendments to the Indian Forest Act, an idea it [eventually dropped](#).

India got a [new Union Minister of Environment](#), supposedly with considerable knowledge of environmental issues. But throwing a long shadow on the Union Government's stated commitment to environmental protection were its many proposals to dilute statutes that are critical to meeting this goal. These include amendments to the [Forest \(Conservation\) Act](#), the [Wildlife \(Protection\) Act](#), and the [Biological Diversity Act](#), the [Coastal Regulation Zone Notification](#), as well as new laws like the [Indian Marine Fisheries Bill](#). [CEJI \(of which ESG is a member\) strongly disagreed with the working paper](#) outlining the Forest (Conservation) Act amendments in particular, and mobilised [widespread public support](#) on the issue.

The bulk of the proposed amendments to environmental protection laws will dilute protections for ecologically sensitive zones, undermine and restrict communities' access to the commons in the name of ecological protection, and hurt traditional livelihoods while favouring those engaged in unsustainable, large-scale commercial or infrastructure projects.



Struggles like the [anti-coal march from Hasdeo Aranya](#), Chhattisgarh to Delhi in November, and the ongoing resistance to a [JSW steel plant in Dinkia, Odisha](#) continue to question our non-inclusive and resource extractive model of development. The National Fishworkers' Forum

aims to bring about a [progressive Coastal Rights Bill](#) similar to the Forest Rights Act. The commercialisation of wetlands too is being resisted by local communities, such as those of [Loktak Lake, Manipur](#), through international campaigns that ESG has supported. Equally, communities have bitterly opposed plans to implement several "developmental" projects across the country, like the [commercial development of Lakshadweep and Andaman and Nicobar Islands](#), [the expansion of oil palm agriculture in the Northeast and in ANI](#), and the barrage of clearances and approvals granted to projects such as the [interlinking of the Ken and Betwa rivers](#). The government's proud claims of issuing "[faster](#)" clearances stand in grim contrast to the fact that most of these projects will destroy ecological and livelihood securities while also exacerbating vulnerability to climate change.

Extended Producer (Ir)responsibility: Feeble Solutions to the Plastic Problem



Research in 2021 continued to shed light on how around [20 corporates produce the bulk of global plastic waste](#), and on the interconnections of the plastic crisis with the climate crisis ([99% of plastics come from fossil fuels](#)). Towards the end of the year, MoEFCC released the [draft Extended Producer Responsibility \(EPR\) Regulations](#), ostensibly to put the onus on recycling plastic waste on producers, importers and brand owners of plastic products. ESG and other members of CEJI in their [critique of the draft](#) highlighted how it falls short of putting in place a system that comprehensively covers different types of plastic, holds all producers responsible, and protects the interests of waste workers both formal and informal.

We also stressed that efforts to tackle the plastic problem need to be in conjunction with decentralised and democratic systems of waste management. To this end, ESG conducted a [workshop series on solid waste management](#) in collaboration with Break Free From Plastic, Indigenous Perspectives, Mangaluru City Corporation, Mangalore University and Swastha Mangaluru Samiti. The workshops saw active participation by government officials, NGOs and citizen groups in Imphal and Mangaluru to come up with local solutions to deal with the growing problem of solid waste management in their cities.

Environmental Jurisprudence



2021 has also seen many significant judgments with far-reaching implications on environmental jurisprudence. The Supreme Court dismissed an appeal against the judgment of the Delhi High Court upholding the [disastrous Central Vista project](#), which would destroy the biological and cultural heritage of the capital, while also approving the Union Government's plan to widen the [Char Dham route](#) in the fragile Himalayas. Meanwhile, the [Cauvery Calling project](#) by Jaggi Vasudev's Isha Foundation was upheld by the Karnataka High Court, without assessing the impacts of the proposal on the ecosystem of the Cauvery river basin. In some decisions, environmental protection was however cited as a reason to displace vulnerable, working-class communities, such as the Supreme Court's decision to [uphold the demolition of Khori Gaon](#) and the eviction of its residents without adequate rehabilitation demonstrates.

On the other hand, in a significant decision protecting the powers of the National Green Tribunal, the Apex Court affirmed that the [NGT is vested with the power to self-initiate cases](#) on the basis of letters, representations and media reports. Another critical achievement for wetland jurisprudence was the [Karnataka High Court's judgement to strengthen the protection of lakes](#) in Karnataka by mandating the constitution of committees for lake protection at the district level, extending protection to rural areas. ESG has conducted [legal sensitization workshops on lake protection](#) (in collaboration with Karnataka Legal Services Authority) across all districts in Karnataka to increase awareness about this landmark development in decentralised lake management.

India in the Pandemic

2021 saw the devastating second wave of Covid-19 which exposed the unpreparedness of India's healthcare system, with shortages of infrastructure, oxygen, beds, vaccines, and undue pressure on health care workers. Many lives

were lost due to pandemic mismanagement, including gross underreporting of deaths, wrong medical prescriptions, and the failure to control crowds at superspreader events. ESG stood at the forefront by supporting [sensible Covid-19 care](#), calling out the [communalization of the Covid crisis in Bengaluru](#), resisting the dehumanizing decision to locate a [crematorium at the Mavallipura landfill](#) in the city, and supporting the nationwide call to “[Count Every Death](#)” caused by the pandemic, apart from conducting [relief drives](#) across Karnataka and India to help the worst affected communities survive the lockdown with dignity.

As we now deal with the third wave from the Omicron variant, it is critical to ensure equitable healthcare access, upgraded health infrastructure, affordable and safe transport systems, and well ventilated residential, office and common spaces as a response to dealing with communicable diseases, especially for working class persons who invariably are the “essential service providers” bearing the brunt of exposure.

Adiós 2021, Hola 2022!

We would like to end on a note of optimism by acknowledging the power of education to change minds. ESG ended last year with an immersive course for students from Jindal Global University, who travelled to different ecological and social landscapes in Karnataka to understand the ground realities of environmental conflicts and of people’s everyday resistance. Our students acknowledged that seeing these issues close up had completely changed their perspective on environmental issues and their own potential to be changemakers. We leave you with their testimonials:

“This trip was a real on-field experience for me... In Mangalore, we visited the Adani thermal plant and areas around it. Speaking to the people impacted by it, I realised the peril they were in as a result of being near a thermal plant. The health implications were astronomical. I am a business student, and in our studies we are mainly taught to run a business, effectively making profits; however, the environmental impacts are often neglected. This trip gave me a whole new lens on

the need to preserve the environment and the implications of business on the people and the community, and the urgent need to move towards true sustainability.”

- Hredaye Jalan, II Year, BBA (Hons.), Jindal Global Business School

“The learning programme was not just an educational trip but also the start of a journey. On this journey, I got to discover and learn about the interconnection between environment, public health, development and socio-economic status... My personal favourite experience was at Charkha, a women-run organisation which produces naturally dyed handloom products... This journey is always going to stick with me and work as a driving force which makes me ask questions at every stage.”

- Anushree Agrawal, III Year, B. A. LL.B. (Hons.), Jindal Global Law School



Visit to the Waste Processing Centre at Pachanady, Mangalore, December 2021.

“This trip to Karnataka gave me a reality check that I was not expecting but definitely needed. There were so many instances that helped change my perspective on life - one such instance was our visit to the Bhadra Dam. We were taken on a boat ride through a serene scene of greenery and clear water all around us. We were absolutely astonished by the beauty of nature and could not stop talking about it. We later found out that the dam was built by submerging 27 villages... These are the

people and creatures that deserve legal aid and justice to rightfully get what they deserve and receive apt compensation for it all.”

- Bhavya Bharadwaj, II Year, BBA LL.B. (Hons.), Jindal Global Law School

ESG Team: Changing Colours



ESG’s efforts are brought to fruition through its team of dedicated and talented staff, volunteers and interns. In 2021, we welcomed many new members into the ESG family, including our Accounts Administrator Mary Margaret, and colleagues like Eshwarappa M, Janani Suresh and Vani Sharma. We also had to bid goodbye to Sana Huque, Ashwin Lobo, Shrestha Chowdhury, and Ayush Joshi, who enlivened and enriched ESG’s advocacy with their contributions. We wish them all the best in their journey ahead!

In Memoriam



2021 has been a year of immense loss to many of us, both personally and collectively. We would like to take a moment to remember and honour the activists, educators, and mentors whose work has inspired us: [Dr. Duarte Barreto](#), [Dr. Shirdi Prasad Tekur](#), [Father Francis Guntipilly](#), [Father Stan Swamy](#), [Gail Omvedt](#), [Hermann Bacher](#), [HS Doreswamy](#), [Kakoli Bhattacharya](#), [Kamala Bhasin](#), [Professor Dinesh Mohan](#), [Sundarlal Bahuguna](#), [Shataj](#), [S G Neginhal, IFS \(Retd\)](#), and [Tony Allan](#). We wish their families and loved ones the strength to bear with these losses, and we hope that we can collectively take their legacy forward.

Wishing you all a safe 2022!



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