

- Projects in the Himalayas Challenged
- Activists wait for verdict on Commonwealth Games Village.
- NEAA to hear Appeal against three dams in Bhargarhi

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From the Editor

The last few year one of the most intensely discussed environmental issues are in some manner or the other related to the environment Impact assessment process. The Kalinganagar and Nandigram violence in Orissa and West Bengal, the Vedanta and POSCO agitation brought national and international focus on the approval process in place.. Far away in the North Eastern corner at a small district capital of Roing in Arunachal Pradesh, the Idu Mishi community were foxed to find the foundation stone of the highest dam being laid by the Prime Minister, when not only did the project not have the mandatory environmental clearance from the Ministry of Environment, the Public Hearing process was still underway !The youth of the Lepcha Community continue their hunger strike against the series of dams which threaten their very identity and culture. The Sethusamudram issue led to agitation in the streets and led to intense arguments in the Supreme Court . EIA related issues including the Akwe: kon Guidelines on EIA were discussed at length at the Supreme Court. On the West coast, farmers are struggling and fighting to save the famous Alphanso mango orchards threatened by a new thermal power

plant coming up in the area. Even the Capital city of New Delhi was not spared, citizens group challenged and agitated against the approval granted to



the Commonwealth Games Village on the river bed flouting all siting guidelines including the recommendation of the Ministry's own Expert Committee even as the Ministry sits over the Draft River Regulation Zone on the lines of the CRZ which itself is vanishing faster than India's coastline !

On the other hand, more and more communities are groups are taking up issues before the only dedicated forum available them i.e the National Environmental Appellate Authority (NEAA). It was revived after much civil society intervention. Although, the outcome of most cases has been far from satisfactory, the rising number of Appeals stands testimony to the increasing resistance of commu-

nities and groups willing to fight against the rampant vandalism in the mad rush to achieve a 8% growth rate. The victims can no longer be silenced for long.

These are just few instances, there are many which have not received focused attention. The EIA Post is in response to the need felt to have a dedicated reporting on EIA related issues. We plan to compile issues related to Forest and Environmental Clearances across the country and make it available thorough this Post. This is not merely a news reporting but is intended to serve as a discussion platform for some of the pressing issues related to the EIA process in India.

The EIA process is one process that merges the concern of environmental and human rights groups together. Faulty EIA process and approval granted today threatens some of the last remaining wildlife habitats and also the livelihood and culture of innumerable communities depending on the natural ecosystem.

As the plunder of natural India gather immense speed, we have to be as vigilant and alert as a spotted owl !

Commonwealth Games Village verdict awaited



It has been over three months since the Delhi High Court after hearing the PIL filed challenging the Environmental Clearance granted to the Commonwealth Games Village on the Yamuna River bed was reserved. As concerned citizens wait for the verdict, construction continues at the site.

The Petition filed by Rajendra Singh, INTACH, Manoj Misra raised certain pertinent issues relating to the protection of

flood plains as well as the arbitrary manner in which the project was granted approval by the Ministry of Environment and Forests. The main issues raised were:

- The Expert Appraisal Committee had recommended for temporary structures and that the construction should be based on the assumption that the area be restored to the river.
- No alternative site was

examined for the Games village and the Yamuna River Bed was the only site looked at.

- There was a concealment of the NEERI report which clearly recommended against any permanent structure on the River bed.

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The decision of the SC is significant since project proponents rarely consider alternatives

SC Directs Government to look for alternative alignment for

Sethusamudram

The Supreme Court accepted the In a major development, the Supreme Court directed the Government of India to explore the possibility of alternative alignment for the sethusamudram in a manner that it does not damage the Ram Setu/ Adams Bridge. The order came in response to over four days of arguments on a bunch of petition filed by

environmental group (Coastal Action Network), Ram Gopalan, Subramaniam Swamy and other. The issues ranged from impact on fisherfolk, biodiversity. The Akwe Kon Guidelin Volunatry Guidelines were also extensively discussed (see inside page) during the hearing. A significant part of the argument centered around Article 25 of the Con-

stitution which guarantees freedom of religious practices and beliefs.

The Sethusamudram case has raised the issue of faulty EIA clearance process at a national level.

The State has only 2 % deficit in power . Soon there will be excess power at the cost of the flowing rivers



New Project in Himalayas lead to concern among affected people

The mad 'Power rush' continues to expand to the remotest part of the Himalayas. The latest being the Rupsiya Bhagad Hydel Power Project in Pithoragarh, Uttarakhand. This 260 MW hydel power project is pro-

posed by the National Hydel Power Corporation in a fragile Himalayan forests. The public hearing for the same is to be held on 11-6-2008. The project has already led to protests with the local communities alleging that work on the project has started before approval has been granted by the

Ministry of Environment and Forests. Concerned activists have raised the issue before the Pollution Control Board. One of the main concern is that the Public Hearing is being held at a time when many of the affected people have migrated to the alpine pastures for grazing their livestock

Agruments on Series of Dam on Bhagirati to start



Threat- ened Himalayas

challenged by noted economist Dr Bharat Jhunjhunwala and Vimal Bhai of Matu People's organization. The Appellant has raised the following issues

in the Appeal:

- No cumulative impact assessment for the series of dam coming up in the Bhagarathi river has been done;
- The cultural and religious im-

portance of the river and its impact due to dam has been been carried out in the Impact Assessment studies.

- The impact of landslides have not been assessed.
- The project will lead to the submergence of the holy confluence of the River Alaknanda and Bhagarathi.

ERC is currently assisting the various groups in analyzing the EIA report and other scientific inputs. A detailed field visit has been undertaken by ERC

**The Contention
of the Public is
that the project**

has been

approved

without the

public hearing

process being

over.

Monnet Ispat Project before NEAA

The National Environmental Appellate Authority admitted for hearing on merit of the Appeal filed by Jan Chetna Kendra against the expansion by Monnet Ispat Ltd. Earlier, the Public Hearing on the project was cancelled in view of the wrong EIA prepared and the project proponent being unable to answer the queries raised by the public. The matter was heard at length during

two hearings when the issue of condonation of delay in filing the appeal was taken up. The delay on the part of the Company to publish the information within the stipulated 7 days from the grant of clearance and instead publish it 43 days after the clearance granted made the NEAA to decide in favour of admitting the Petition.

ERC is providing scientific support in

dealing with the issues before the NEAA.

The case is listed for hearing on the 8th of July before the NEAA

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Villagers challenge Thermal Project before NEAA

The Shetkari Sangathan Samiti a group of Farmers in Raigad, Maharashtra has been relentlessly campaigning against the establishment of a thermal power Plant by Maharashtra Energy Limited a joint venture with Reliance Industries India Ltd. The Sanghatan had approached the Bombay High Court to challenge the Public Hearing process in view of lac of consulta-

tion with the affected people. The High Court directed the Pollution Control Board to hear the objections of the Petitioners. The Ministry of Environment granted approval to the project in November 2007. The High Court group granted liberty to the petitioners to challenge the approval before the appropriate forum. The NEAA condoned the delay in view of prin-

ciples of Natural justice.

The EIA report is currently being scrutinized by ERC.

The matter is listed for hearing before the NEAA for further hearing on the 8th of July, 2008



AKWE; KON GUIDELINES AND IMPLICATIONS FOR CONDUCTING EIA'S

Perhaps for the first time, the Akwe: Kon Voluntary Guidelines for the conduct of Cultural, Environmental and Social Impact assessments figured in the arguments before the Supreme Court on the controversial Sethusamudram case. It was put forward before the Court by Petitioner Rama Gopalan (Transfer Petition No.25 of 2007) and argued by Soli Sorabjee.

What is the Akwe : Kon Guidelines ?

The Akwe: Kon Guidelines came into being as a result of the Open ended Working group on Article 8 J of the Convention on Biological Diversity during the Seventh Meeting of the Conference on Biological Diversity. It was formulated in recognition of the fact that most local communities live in areas where the vast majority of the world's genetic resources are found. They have used biological diversity in a sustainable way for thousand of years and their cultures and knowledge are deeply rooted in the environment on which they depend. As a result, developments proposed to take place on lands and waters traditionally occupied by indigenous and local communities have been a source of concern to these communities because of the potential long term negative impact on their livelihoods and cultures.

The Guidelines are formally known as the The Akwe:kon Voluntary guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment Impact Assessment regarding Developments proposed to take place on, or which are Likely to impact on Sacred Sites and on lands and water Traditionally occupied or Used by Indigeneous and Local Communities. It is expected that the impact assessment procedures and methodologies embodied in the voluntary Guidelines will play a key role in providing information on the cultural, environmental and social impacts of proposed developments and, thereby, help to prevent the potential impacts on the livelihoods of indigenous and local communities concerned. The voluntary Guidelines were named by a Mohawak term meaning "everything in creation", so as to emphasize the holistic nature of this instrument.

IMPLEMENTATION OF GUIDELINES IN INDIA

The Government of India in its Third National Report on the Convention on Biological Diversity has answered in the affirmative to the question as to whether the country has initiated a legal and institutional review of matters related to cultural, environmental and social impact assessment with a view to incorporate the Akwe:kon Guidelines into National legislation, policies and procedures. Further, to the question as to whether the Country has used the Akwe: kon guidelines in any project proposed to take place in sacred sites and /or land and waters traditionally occupied by indigenous and local communities, the response has been "Yes, to a significant extent".

THE REALITY

The Guidelines provide for 'full and effective participation and involvement of indigeneous communities in screening, scoping and development planning exercises'. The EIA Notification 2006 however does not provide for any public consultation at the crucial stage of screening, scoping and development Planning exercise. The Project proponent on the other hand has important role in various crucial stages. This is

by Ram. It was contended that NEERI had failed to conduct any cultural heritage impact assessment which is defined as the process to evaluate the likely impact of a proposed development on the communities' cultural heritage including sites, structures and remains of archeological, architectural, historical, religious, spiritual, cultural, ecological or aesthetic value or significance.

Is it is case of concealment of information before the International forum, when the Government of India states that it is following the Akwe:Kon Guidelines ? Today most of the projects involve some of the sites held most sacred by local communities: the series of Dams over Teesta threaten the holy land of the Lepcha Community, the looming threat of mining threatens the Sacred hill of the Dongaria Kondhs and other tribal communities in Orissa and the series of Dam threaten the sacredness of the Ganga which very soon will no longer be a flowing river. The strategy should be now to ensure that all EIA's done by proponents necessary follow the Akwe: Kon Guidelines. It may not solve all the problems and take care of all concerns but surely it is bound to ensure a more realistic assessment and decision making process.

CEC Report on Vedanta: SPV should be in control



Caption describing picture or graphic.

ports.

While your main goal of distributing a newsletter might be to sell your product or service, the key to a successful newsletter is making it useful to your readers.

A great way to add useful content to your newsletter is to develop and write your own articles, or include a calendar of upcoming events or a special offer that promotes a new product.

You can also research articles or find "filler" articles by accessing the World Wide Web. You can write about a variety of topics but try to keep your articles short.

Much of the content you put in your newsletter can also be used for your Web site. Microsoft Publisher offers a simple way to convert your newsletter to a Web publication. So, when you're finished writing your newsletter, convert it to a Web site and post it.

This story can fit 150-200 words.

One benefit of using your newsletter as a promotional tool is that you can reuse content from other marketing materials, such as press releases, market studies, and re-

Dibang Project Critiqued by Experts

The EIA report of the Dibang Hydel Power Project, Arunachal Pradesh has been reviewed by experts including Meche Lu and Mark Chernaik of Environmental Law Alliance Worldwide and Dr Anurrudin Choudhary of the Rhino Foundation. The Public Hearing process is yet to be over although the first phase was completed, the second phase could not take place due to

heavy snowfall in the upper reaches.

Some of the most glaring problem with the EIA as pointed out by the experts include:

- The EIA report states that there are no significant wildlife species were observed. Although it's the home to highly endangered species such as

the Mishmi Takin, Hoolock Gibbon

- The Impact due to the associated constructions such as transmission lines, Roads etc have not been assessed.
- The faunal list has been compiled very poorly. It mentions the presence of different 'species of Tigers'

The EIA mentions of different tiger species, two unknown species of Cobra (although India has only one) !



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.....for accountability in EIA

EIA Resource and Response Centre has been set up as a joint initiative of the Legal Initiative for Forest and Environment (LIFE), the Environics trust and the Peace Institute Charitable Trust. The aim of the Centre is to keep a watch and bring about accountability in the EIA process in the country.

The ERC has been set up with the kind support from the Innovation Award of the Rufford Small Grant Foundation

