

Citizens' fact-finding report on the public consultation process as part of ground-truthing in the Western Ghats

Introduction

As part of our advocacy work on the conservation of the Western Ghats, we met with senior officials at the Ministry of Environment, Forests, and Climate Change in Delhi on 17th December, 2014. We met with Mr. Shashi Shankar and Mr. GV Subramaniam, who confirmed that public consultation would be a part of the ground-truthing exercise in all the states. Additionally, Mr. Subramaniam confirmed that the reports the states are supposed to submit will mention who was consulted, how many people were consulted, and who the stakeholders are. He said the Ministry verification of this, if any, would be random.

What we have found on the ground is a far removed from this promise of proper public consultation. In most cases, we found that there is no clarity on the public consultation process, that major environmentalists and NGOs in the state have not been involved, and that information has not been disseminated in the local languages so that villagers who are inhabiting possible zones that need to be declared as ESAs for the protection of the Western Ghats can have access to it.

Instead, powerful local politicians and individuals with vested interests (such as landowners and those associated with ecologically harmful industries) have often hijacked the narrative and deliberately created ill will and egregious misinformation in order to prejudice communities against the Gadgil and Kasturirangan reports, as well as the idea of ESAs.

Karnataka

Karnataka Government in its official response to the recommendations of the Kasturirangan report dated 24.4.2015 has stated that it engaged in widespread public hearing and stakeholder engagement. The state has taken a stand that no new restrictions can be placed on "eco tourism" as it facilitates "building awareness amongst communities". They have stressed that all existing power plants will not be subject to any restrictions in their functioning or expansions. The State, while accepting the ban on mining, has refused to ban stone quarrying and sand mining stating that it is integral to local development needs. Many times in the report, Karnataka has referenced the vehement opposition from local communities to the concept of ESAs stemming from years of top down conservation efforts currently being implemented in India through environmental regulation and conservation laws. It goes so far as to say, ***"If this is so, it is very pertinent, that bringing in further restrictions in the area, in the absence of larger public appreciation and support, will defeat the very purpose of conserving ecology and environment in the Western Ghats."***

The source of information, on which Karnataka's response to the Center is based, are the investigations of the State Level Expert Committee (SLEC) and associated district level committees (DLEC), set up

as per Karnataka Government Order dated 18/8/2014. This order defined the committees and the scope of their work. The district level committees were mandated to conduct necessary awareness building activities, elicit responses from all stakeholders, conduct the ground truthing i.e. physical verification of proposed ESA villages and facilitate collection of recommendations and data for the SLEC. There is no definition, however, of what these awareness building activities should be and how these public hearing/ consultations should be conducted. There is no mention of engagement at the community level nor any direction to ensure that sufficient information is shared prior to these meetings in the local language and that ease of access to communities is ensured.

The SLEC claims to have conducted District level meetings in all the Western Ghats districts and has collected 1004 representations and that the District committees have conducted ground truthing of the entire proposed ESA area. It is another matter altogether as to where and how these meetings were conducted and who made these representations and how the ground truthing was done.

Of the 1553 villages of Karnataka that were included in the ESA as per Kasturirangan report, the State has recommended that only 153 villages be included in the ESA.

During our meeting with the Secretary to the Government (Forests), under the state government of Karnataka, Mr. Sai Baba, he said: "They (People inhabiting the Western Ghats) feel like if ESAs are put in place it will strangle them further. They don't even want to discuss any of the recommendations of the Kasturirangan report. They are very upset and angry." This is being presented as the official view, as the result of a thorough public consultation process. However, **our fact finding efforts have revealed that this attitude amongst people who inhabit the Western Ghats is the result of blatant misinformation.** We were told during a meeting with the secretary of the Karnataka Biodiversity Board that extensive public consultation had been done

Meeting at Khanapur Taluk (8-9 March 2015)

Khanapur is a taluk where all 18 Panchayats were mobilized by local leaders and they passed resolutions rejecting the Kasturirangan report. We visited Khanapur and spent time with villagers in 3 villages.

We met with community rights activists and environmentalists, and found that they reiterated the need for the government to engage in participatory consultation with communities in Western Ghats districts in order to enable the villagers in those districts to reach an informed decision.

A senior environmentalist pointed out that most of our wildlife, conservation and environmental laws have been handed to us from the colonial British administration, and are therefore top-down in nature. He said that **this is a historic opportunity for citizens to decide their own future.** He pointed out that even the watered down recommendations of the Kasturirangan report were deliberately made unacceptable to villagers because of blatant misinformation. As a result of this, communities dependent on the Ghats have the following misconceptions, in that they believe the following will happen if the

Kasturirangan or Gadgil reports are implemented:

If a particular village is designated as part of an ESA, it means that the villagers will be relocated.

They will not have access to basic facilities, such as water supply, electricity, health-care, education, etc.

They are unaware that the only requirement for a forest area is prior permission from the government prior to undertaking basic infrastructure work

ESAs are the same as sanctuaries and national parks, and will therefore fall under the control of the Forest Department

That they will not be able to construct homes, even though most village homes are no larger than 200 sq metres, and the limit for construction is far higher, at almost 4 acres

The sub-committee set up to do the public consultation should ideally consult with the Gram Sabha, but instead were found consulting with Taluk and Panchayat leaders, MLAs, industry representatives, etc. One community member told us that in a meeting in Udupi, information handouts were randomly shared during these meetings itself, instead of being shared in advance with community members in the local languages, thus causing the public consultation process to be grossly inadequate, exclusive, and biased.

In addition, the following unconstitutional activities were reported:

In Uttara Kanada, officials belonging to the Forest Department were seen asking villagers to sign letters saying they support the Kasturirangan report without even explaining it to them

An RTI, filed by a resident of Dandeli, asking for information on the Kasturirangan report said that the information is on the website. None of the villagers in the Ghats have access to this information, because they cannot access the Internet in any way

In Khanapur, the local MLA gave irresponsible statements about ESAs, which are then being distributed through daily newspapers published in local languages

The district administration or forest department has not given villagers any information either

We found that people's movements are extremely concerned about the damage that has already occurred, leading to great urgency in the need to conserve the remainder of the Western Ghats:

Under the UPA government, 17.5 million hectares of agricultural land was put to industrial use

5 lakh acres of forests were destroyed

Bellary, Tumkur and Shivamogga districts were ravaged by mining and other environmentally destructive industries

The environmental and social costs of allowing destruction of the Ghats will lead to immense conflicts in the region

In addition, the Western Ghats have a deep cultural and anthropological relevance in the southern states. Krishna, Tungabhadra, Malaprabha and Cauvery rivers all originate in the Ghats, and provide water to major cities like Bangalore in and outside Karnataka. Overall, at least 50 million people depend directly on the Ghats. People on the Western Coast as well as in the Deccan are dependent on the Ghats for its ecological services, the monsoons, water, NTFP (including plants of medicinal value) etc.

At this meeting, an activist pointed to the example set by the creation of the ESZ in the Bandipur Sanctuary area through intense community interaction. Well-informed local communities understood the need for the intervention, and are now helping to enforce the rules. The only in toto prohibitions applied were on large eco resorts, harmful industries such as mining and quarrying, and restrictions on polluting industries and agents. The local people were happy about this because this meant that they continued to earn their livelihood undisturbed.

Kodagu (8 and 9 April, 2015)

Kodagu is the principal catchment of the Cauvery River, which doesn't just affect the five to six lakh residents of Kodagu. It directly affects 8 crore people and 600 major industries across south India, which are dependent on the waters of the Cauvery. 50% of the inflow of the river is dependent on Kodagu, and therefore the protection of Kodagu is in the national interest. However, a few politicians along with individuals with vested interests are hijacking the future of the region and gravely endangering this vital part of the Western Ghats.

Both the Gadgil and Kasturirangan reports have come under severe criticism by these local politicians in Kodagu. The misinformation generated by these leaders has been perpetuated by those with vested interests. According to Colonel Muthanna, President of Coorg Wildlife Society, the cumulative effect of this on the local people is that of a "totally flawed perception of the issues involved."

He has witnessed first-hand the following meetings and rallies on the Kasturirangan report:

A massive rally held in Gandhi Maidan, Madikeri on 2/1/2015: This was attended by thousands of people, most of them ferried in by buses organized for this purpose, and who had no idea about the report. The rally was addressed by two MLAs and an MP of Kodagu. While the MP was not fully against the report, the two MLAs asked the people to reject it outright.

A public consultation held in the Old Assembly Hall, Madikeri Fort: This was held by a two-member committee deputed by the Karnataka government and headed by Shri BK Dikshit, IFS, former Chief

Conservator of Forests, Kodagu. Here too, the MLAs vehemently opposed the report, and were supported by a few others. The atmosphere was not conducive to making any positive comments about the report. An Assistant Conservator of Forests was manhandled at the meeting, for 'smirking'.

A meeting held in the Old Assembly Hall, Madikeri Fort: This was held by a Cabinet Committee consisting of various Ministers, including the Minister of Law, and the Minister for Forests. The attendance at this meeting was much larger than the one mentioned above. A number of speakers, including the two MLAs from Kodagu spoke at length, condemning the Kasturirangan report. A very small group of eight people supported the report. One of them was Ketolira Somaiah, who had brought with him a memorandum to the committee, signed by a number of villagers of Yavakapadi village. He repeatedly attempted to speak, but was denied the opportunity by MLA Appachu Ranjan. There were shouts saying that "the environmentalists should not be allowed to speak", followed by slogans of "Down with the Fake Environmentalists". The Home Minister and Minister-in-charge, Kodagu, Mr K.J. George issued a statement declaring that not an inch of land in Kodagu would be declared as ecologically sensitive.

The current situation in Kodagu

In Kodagu, we witnessed drastic and unplanned urbanization in the Gonikoppal, Ponnampet, Virajpet, and Ammathi areas. We noted the following developments:

Very little planning in terms of space, sanitation, waste management and related concerns in the process of wetlands being turned into housing colonies

Wetlands are being sold and converted at a very high speed, and most of the time these projects do not wait for land conversion from agricultural to commercial land, or for other legal requirements to be met

Drastic water shortage for local communities, caused by the siphoning of land water for the use of medium-sized and large resorts, such as the Mahindra's and Taj in Madikeri. These resorts started out with room plans of 15-20 and now expanding to 250 rooms, causing great strain on land and water supply

Most of these resorts are in pristine, ecologically fragile areas

Land mafia and contractors are putting heavy pressure on small plantations that lie between patches of wetland to sell

Sand mining is a long-standing issue, because the depletion of sand in riverbeds results in a loss of absorptive capacity of sand banks. This is disastrous for water supply in non-monsoon months, as it is only water absorbed by the soil that ensures that rivers remain in flow.

The High Tension power line from Kaiga Power station will be passing through Kodagu and requires 50000 trees to be cut down within the Cauvery river basin and in some places along the proposed ESA. Locals have been resisting this project since 2006. Expert opinions stating categorically that this project was unnecessary and that existing power lines could be used to evacuate the electricity from Kaiga have been submitted to the 3-member Government Committee that is meant to oversee/review this project. The committee has chosen to ignore this scientific opinion.

Tumkur (11-12/04/2015)

The National Meeting on Conservation and Development Challenges in the Neoliberal Era was conducted on 11-12th April 2015 at Sri Devi Medical College, Tumkur. It was organized by the All India People's Science Network, Janasangrama Parishath Karnataka, and the Paschim Ghatte Horata Samiti.

The first day of the event focused on issues concerning the protection of the Western Ghats. It was aimed at discussing the finer points of the Gadgil and the Kasturirangan reports, the state reaction to the reports, and the impact of this on the communities of the Western Ghats.

Karnataka Minister for Environment Mr. Ramanath Rai and Minister for Law Mr. T B Jayachandra were present. Mr. Rai delivered the inaugural address, during which he insisted that the government had done its part to sensitize local communities. Simultaneously, he promised that he would advocate for environmental protection and people's welfare in the Ghats. Mr. Jayachandra then addressed the gathering, speaking about the government's efforts on the reports and the conservation of the Ghats.

However, right after this, both ministers left, instead of staying and having a discussion on the Western Ghats with the members of the public and the environmentalists present.

These are the testimonies we collected at the Tumkur meeting:

Leading environmentalist Pandurang Hegde of the Appiko movement says the "public consultation is not public at all." Instead, he says that the truth of the environmental reports has been deliberately hidden from people, and that they have not been consulted. Instead, local politicians, the contractors' lobby, and other people who have a stake in the industrialization of the Western Ghats have been allowed to speak for the larger public.

Mr Yetiraju, in Tumkur, chairman of the Tumkur Vignanya, agrees that the public consultation process in Karnataka has failed. He says, "People have not been given any information about what the Gadgil and Kasturirangan reports are all about, nor given time to think about it. Hence, public opinion has not been taken into consideration, and the so-called consultation process has been entirely superficial and just for show."

Further, he says that the misinformation has been spread by people with vested interests: "The lies have been spread by certain groups and individuals who are scheming to take control of the Western

Ghats so that they can trade in many things – sand, timber, mining, quarrying of stones, deforestation, the establishment of big educational institutions, religious outfits, resorts etc. All this can be done by moving out the existing people and their means of livelihood. That is why the people who are in authority on this issue are making guinea pigs of the public who live in this area – be it farmers, tribals or organizations, by giving them false information and creating a sense of fear and displacement in them.”

Susheela Koraganad, from an adivasi community of the Udupi district, also gave us her testimony. Her community took the initiative to try and understand the report, and asked the government for a copy of the report in their language, which is Kannada. This request had still not been granted at the time that we spoke to Ms Koraganad.

Although her area has been reported to have had the public consultation, when asked about whether her community was part of it, this was her response: “No, I did not attend it; actually we were not even aware of it. Truthfully, they did not call us, us being the adivasis of Koraga tribe; they did not invite us for any such meeting.” She also reported that nobody from the government had gotten in touch with her about any public consultation, nor had anyone in her community received any information or invitation for discussion on the two reports.

Ms Koraganad is concerned and deeply interested in the future of the Western Ghats, yet the public consultation process has clearly failed her and her entire community. This perfectly encapsulates the disastrous consequences of a failed consultation: “We need the Kannada translation before we can say anything, and after that, everyone concerned – the general public, adivasis, environmental activists, the police, the government – every party involved needs to have a discussion and be involved in the decision-making process. There must be in-depth critical discussions on this issue. It is very important that we preserve our forests for our future generations and also think of the present inhabitants of the Ghats.”

We also spoke to Anand (name changed), who is with the Karnataka Arayan Mula Bruhakattu, and who works with 8 districts that all come under the Western Ghats. In all 8 districts, he says, “There is no proper awareness among the people on these (Gadgil and Kasturirangan) reports. There is a lot of misinformation being spread about them. The Gadgil report is not in the news or being discussed at all, while the only news that people are presuming from the Kasturirangan report is that they will be displaced from their lands. That the reason why everyone is against it and no one is supporting it.”

Anand suspects that people who would be financially impacted by the environmental protection of the Western Ghats are the ones responsible for this misinformation, including people trading in timber and sand, as well as mining. Anand feels that the Gadgil report is a much more vital and stronger way to conserve the Western Ghats for the long run, and says that people’s true participation is essential.

Maharashtra

Amboli, Sindhudurg

This district of Maharashtra comes under the proposed ESA in the Kasturirangan report.

Ninety percent of the population here is dependent on agriculture for livelihood, while the rest depends on tourism.

Mr. Mahadev Bhise witnessed the public consultation process in the region. From him, we have learned the following:

The public meeting here took place in February 2015. It was headed by a committee consisting of the Talati (Taluka-level revenue officer), a forester from the Forest Department, the Sarpanch of the village, a Gram Sevak and a retired forest ranger. Only six people from the village were present. Mr. Bhise found out about the meeting because someone called and told him about it, and he was only allowed into the meeting after he insisted.

At this meeting:

No written information was shared.

No detailed information on either the Gadgil or Kasturirangan report was shared.

The general information shared was that orange and red category industries may be banned and that constructions of over 20,000 square metres would not be allowed.

There was some attempt to dispel the prevailing myths, and some conversation about the harmful effects of sand mining, quarrying, and disturbance to the natural environment, especially rivers.

Five out of the six villagers who attended the meeting opposed the implementation of the Kasturirangan report. Mr. Bhise's opinion was written down only because of his persistence. He recommended that at the very least, red and orange category industries, mining, and any industry that pollutes water should be banned.

After this meeting, no further information has been shared with villagers, nor has there been any discussion. Local leaders, such as the Sarpanch and other landlords in the village, are compromised because they own land and stone quarries, and have a financial stake in their village not being declared an ESA. As a result, they have created a lot of ill will in the village against the ESAs and the two reports.

We also received another testimony from the Sindhudurg district, by Ms. Saili K Palande Datar. She clarified the following:

One circular was released by the state in November 2014, which mentioned public consultation on the Kasturirangan report. However, hardly any information on either of the two reports has been shared

with any Western Ghats-based communities in the state of Maharashtra. No clear process has been defined for the public consultation process, and both the Kasturirangan report and the Maharashtra state government have been very vague about the process. The Maharashtra biodiversity board, which is a key player with regard to creating awareness on these reports, has undertaken no such activity.

Some media reports have come up regarding Gram Sabhas, but since a Gram Sabha is a closed, village-level meeting with no outsiders involved, this does not serve the purposes of a properly conducted public consultation.

There has been a concerted effort to derail the ESA process. It is known that local politician Narayan Gadge has a strong hold here, and is very vehemently pro-mining and anti-Gadgil report. Billboards belittling Professor Gadgil have been put up, and rumors have been spread about how harmful the ESAs would be. **Some of these rumors include:** if a village is declared as being under ESAs, then nobody in their village could even put a nail in their houses or repair them, that villagers would not be allowed to plough their fields, and that nobody would marry the daughters of people living on ESA-declared villages.

The cumulative result of this fear-mongering and misinformation is that 15 out of the 23 villages who had agreed and asked for the ESA during the time of the Gadgil report have now retracted, and are against ESA.

In some cases, already existing ESAs are causing confusion about the implications of another set of ESAs being marked. For example, this is especially distressing to the inhabitants of the Koina village, who have already been displaced twice, once because of a dam, and a second time because of the establishment of a tiger sanctuary. Due to misinformation, these villagers now believe that they may be evicted for a third time if either of the two reports is implemented.

Ms Datar says, “In the current scenario, if the Centre accepts the state reports – which I believe want to shun the Kasturirangan recommendations as well – we will be left with a completely fragmented landscape of only Protected Areas and Buffer Zones. The concept of protecting the Western Ghats as a region of ecological importance will be lost.”

Goa

We spoke to senior environmentalist Claude Alvares, who said that he and his colleagues were not clear if the Centre or state government has defined the process of public consultation in the state. He was not aware whether the Goa government has conducted any public consultation.

On ground-truthing, they only know that the state government had mandated the State Expert Appraisal Committee to undertake the physical verification of the sites supposed to come under the ESAs, but that the body turned down this responsibility. Following this, they are unaware whether another department was given the responsibility.

If truly public consultation processes have been or are being conducted in Goa, then leading environmentalists not being informed about them is egregious, especially considering how much of their work is on the conservation of the Western Ghats and the welfare of the Ghats-dependent communities.

In the meantime, only 50 villages covering three talukas have been included in the ESAs based on the ground-truthing conducted by the Goa government. The Herald, a local newspaper, reported last October that the Kasturirangan report had identified 14 non-existent villages under ESAs, and had repeated the names of ten villages.

We urge you to review what exactly the Goa state government is doing by way of public consultation, and to ensure that this is done in the manner befitting the urgency and seriousness of the task.

Kerala

The notification for ESA in Kerala (based on the Kasturirangan report, with a revised list of areas) was made on 10/03/2014.

Dr. Latha Anantha from Kerala told us “ESAs do not cause any impacts on communities. It is just delineating those areas which are ecologically significant based on certain criteria and which have human habitation and develop master plans for the ecological governance of these areas. ESAs are not going to adversely impact livelihoods. In turn they would only enhance the quality of life in tune with the ecological limits and potential. However, unfortunately no state has made any attempt to remove any misunderstanding regarding ESAs or its implementation mechanism. In other words, no information has been shared with communities to remove apprehensions about ESAs.”

Further, she said “It is the responsibility of the MoEFCC to make available the right facts about the ESA concept and its long term benefits to the people in the Western Ghats instead of remaining silent to the fear psychosis created by the state governments on the ESAs with clear political and commercial interests.”

Conclusion

Our attempts to study the process being undertaken by various state governments and the Center as well as the response of citizens to the same have revealed that this cannot be called a true consultation process as it is fundamentally skewed against including local communities and thus set up for failure. We cannot expect community ownership of conservation efforts if we do not take the time to inform and effectively consult all stakeholders.

It is our understanding that any attempt at protecting the Western Ghats for the present and future generations must necessarily involve a participatory approach to both development and conservation. The Western Ghats indirectly support more than 200 million Indians in various ways. It is the responsibility of Ministry of Environment, Forests and Climate Change to ensure that there is adequate

information sharing and community engagement to increase ownership over conservation efforts, and to ensure a sustainable plan for the long-term protection of biodiversity, natural resources, and communities in the Western Ghats region.

While the Gadgil report recommended a completely decentralized system of management of the Western Ghats in accordance with the 73 and 74 Amendments of the Constitution. **Kasturirangan fundamentally questions this Constitutional provision by asking** “How can development be based on decentralized planning and decision making?”

A bottom-up approach, where the Gram Sabha takes the decision on the kind of development that it desires in its area has been advocated by Gadgil. The Kasturirangan Committee sticks on to the age-old top-down approach, which is unconstitutional and rather dysfunctional given the present sensibilities of this young, educated nation.

We urge the Ministry of Environment, Forests and Climate Change to:

Maintain compliance with the NGT order on development activities in the Western Ghats until a sustainable solution is found.

Conduct investigation into the veracity of the various States’ claim of public consultation before accepting the States’ responses to the Kasturirangan report at face value.

Ensure that both the WGEEP report and the HLWG report are translated immediately in relevant regional languages and shared with Gram Sabhas of the villages in the proposed ESZ areas immediately and before any decision is taken on this issue.

Immediately put in place a time bound, clearly defined process for the next year to ensure that states and civil society work together with the Ministry to engage with local communities in the Western Ghats region and culminate the process with a participatory public consultation process. The results should be incorporated into any further decision making.

All processes undertaken from time to time by the government in this regard should be announced in detail in all local and regional newspapers of the states of the Western Ghats.

This process should lead to the decisions regarding which aspects of both the Gadgil and the Kasturirangan reports need to be retained in order to protect the Western Ghats in a sustainable manner. Any decision that does not include active participatory engagement with communities runs the risk of violating our constitutionally protected right to life under Article 21 of the Indian Constitution.

With the successes and trials that the Ministry has seen in the last one year, this situation provides a perfect opportunity for the Ministry to demonstrate its commitment to inclusion and participation of local communities in environmental issues. We look forward to positive, proactive and swift response from

the Ministry of Environment, Forests and Climate Change on this issue.

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