

## Environmental Training/Guidance

Srno

Date

Organized by

Subject

Role

1

22.06.09 to 26.06.09

Centre for Science and Environment, New Delhi

Understanding EIA

participant 1) Environment Public Hearing: Then Paryavaran Mitra has attended almost each EPH (more than 180 EPH) of Gujarat and strongly follows up of that judgment. Till date Paryavaran Mitra has attended total 189 EPHs. Year wise data of attended E.P.H. from 1997 to till July 2008

Year

No. of EPH

1997-2005

84

2005-2006

29

2006-2007

24

2007-2008

36

2008- Till date

16

Total

189

From 25 Districts of Gujarat we have attended/worked 24 districts excluding Dang as there are no industrial projects. We are attending EPHs and submit our comments/ presentation in writing. We also make people aware about projects coming in their region.

- Paryavaran Mitra had done advocacy for changes in Draft new EIA Notification 2006 along with other national and regional organizations. Final notification was released on 14 September 2006. After new notification implemented GPCB was not putting up EIA reports and EPH minutes on its website as per clause in notification. Paryavaran Mitra wrote letter to Member Secretary, GPCB on 28/12/2006 and reminded the clauses. After that GPCB started updating its website and put up EIA reports and EPH minutes.

- In EPH of Alpha one mall (23 storey luxurious five star hotel and in built shopping complex) on 13/09/2006 Paryavaran Mitra strongly objected for 15 lakh Liter ground water extraction for operation phase. Due to this presentation Collector immediately ordered for not extracting any ground water to project proponent and take municipal

water supply to satisfy their demands. Thus about 15 lakh Liter per day water could be saved due to this decision.

- Ministry of Environment & Forest and World Bank supported document made by ERM on Environment Clearance Process of India had recognized Centre for Social Justice & Paryavaran Mitra effort for enhancing public participation in Environment Clearance process.

- 400 MW Power plant proposed by Gujarat Power Corporation Ltd. had EPH in 1999 at Zarapara village of Mundra in Kutch. After intervention of Paryavaran Mitra grazing land of village could be saved from proposed project area.

- BG Pipavav has proposed gas exploration terminal at Rajula in Amreli. After strong presentation British Gas had invited Paryavaran Mitra to prepare survey of socio economic impacts due to proposed project. Paryavaran Mitra prepared report on basic infrastructure needs of area and submitted to them for their Corporate Social Responsibility.

- Due to Paryavaran Mitra efforts two EIA report of IOCL refinery and HBJ pipeline get rejected which was prepared by well known organizations like NEERI and Engineers India Ltd.

- After Paryavaran Mitra's presentation Mehsana and Patan district collector made local people's committee in pipeline case of Gas Transportation of India Ltd. (Reliance) which has helped in better coordination of company, government and village people.

- National Thermal Power Corporation (NTPC) had proposed to acquire around 400 acre land of tribal people i.e due Paryavaran Mitra's intervention NTPC withdraw to acquire new land.

- Pavi Jetpur manganese mine - Due to intervention of Paryavaran Mitra about irregularities and misleading facts in EIA report, chairman of district level EPH and collector ordered to set up fact finding committee on this regard. A committee was formed with membership of Mahesh Pandya for field visit

- Digvijay lime stone mines in Jamnagar. A committee was formed to check ground realities of mining area. 2)

High Court case:

- Paryavaran Mitra (Centre for Social Justice - Janvikas) filed Public Interest Litigation for proceeding of Environment Public Hearing in SCA 8529/1999 and got landmark judgement which is used in all over country.

- Paryavaran Mitra wrote a letter to Chief Justice of Gujarat High court for pollution in Kharicut canal of Ahmedabad and Kheda district and violation of judgement of High court in same case vide no. SCA 770/1995. Chief Justice took suo moto in this matter in which Paryavaran Mitra became party (SCA 9618/2004 & 8531/2005). High Court has issued important interim orders in this case.

- In case of Post effecto Environmental Clearance Ministry had started collecting fund from defaulting industries which was deposited in Gujarat Pollution Control Board. Fund was collected for better socio economic conditions in surrounding villages. It was not properly used especially local people were not asked about fund utilization. So Paryavaran Mitra filed Public Interest Litigation (SCA 12858/2005) and High Court has issued stay on use of Eco fund.

- Recently filed case in High Court for amendment in Gujarat Right to Information Rules vide petition no. SCA\_7686/2008. High Court gave directions to state government to take urgent steps for amendment and dispose the case.

3) Advocacy

- Two industries Indian Rayon Ltd, Veraval and Alembic Ltd, Vadodara were issued closure notice by efforts of Paryavaran Mitra. Now both are implementing environment norms.

- On basis of complain from Halol based local organization regarding illegal effluent discharge of Alembic Ltd., Halol Paryavaran Mitra filed complain to Gujarat Pollution Control Board on 16/08/2006. After complain Gujarat Pollution Control Board made special team to check the matter. Finally on 24/08/2006 Alembic, Halol was issued closure notice for violation of Water Act, 1974.

- On basis of complain from fishermen and local people in April 2006 Mahesh Pandya visited polluted area of Veraval in April 2006. Then letters were written to GPCB Gandhinagar with complains of local people. GPCB issued closure notice to Veraval based Indian Rayon Ltd. in May 2006 and take undertaking for pollution control measures. Each document of closure and undertaking were received through application under RTI Act.

- Many organizations have started use of RTI Act after training and guidance of Paryavaran Mitra.

- Civil Supply Department and Gujarat Pollution Control Board have issued notice to fake oil manufacturer after articles in Paryavaran Mitra newsletter and Times of India.

- Central Government has introduced Environment Tribunal bill, 2006 to ratify recommendations of 186th Law Commission of India. Major recommendations were to set up Environment Tribunal at central as well as regional level for speedy trial of environmental cases. Also include technical and scientific background people in judiciary of this tribunal.

- Paryavaran Mitra has done lot of advocacy for implementation of these recommendations. In meeting of National Advisory Council at Delhi in 2005 Paryavaran Mitra demanded strong implementation of recommendations. Then Paryavaran Mitra wrote letter to Prime Minister, Law Minister, and Vice Chairman of Planning commission of India and Environment & Forest Minister in June 2006. Later Ministry of Environment & Forest replied us that on basis of your letter process of setting up of separate Environment Tribunal are going on. In next session of Parliament the bill will introduced. Thus it is great achievement for environmental cases as separate court would be helpful in getting fast and justified decisions.

- After long battle over Special Economic Zone issue at central and state level, especially for random land acquisition including grazing, agriculture and reserved forest land for establishment of Special Economic Zones, State and Central Government has changed their SEZ Rules respectively in March 2006. Paryavaran Mitra had raised these issues in media and various national workshops.

- In Mundra SEZ, Paryavaran Mitra is active advisor of local voluntary organizations and fishermen community. SEZ

authority had built up airstrip blocking fishermen routine way to sea. Fishermen community filed case in Gujarat High Court so SEZ authority came forward to compromise and they allotted permanent pathway to fishermen. It is first of its kind legal case against SEZ development in India.

- Paryavaran Mitra has applied for more than 197 applications to 30 state & central government departments under Right to Information Act - 2005. Due to these applications many department has become transparent and systematic. Government system has become more responsible in declaration of information. Especially Gujarat Pollution Control Board, Forest department, Health department become accountable after RTI applications. Chief Information Commissioner of Gujarat has delivered many landmark judgments in case of Paryavaran Mitra and appreciated work of public interest of organization. He complemented organization for RTI Rule implementations in writing in many of his judgments.

- Under Vibrant Gujarat programme State Government has invited many industrial groups for economic growth of Gujarat. Among this one Visa Power Ltd. of Kolkata has done MoU with state government for Power Plant set up at Rajula, Amreli. Rajula farmers got notice from company directly for land acquisition. Paryavaran Mitra raised this in media and encourages local farmers for opposition. Farmers had organized rally to oppose such haphazard development of their area and submitted memorandum Mamlatdar of Rajula. After these strong actions Company withdraws their notices and assures better communications and compensations to farmers.

- In Zagadiya Rehabilitation issues of GMDC mines has been settled. Local people are included in committee for R & R package and other contract work allocation of GMDC. Their trust is going to be registered soon.

- There was no registration or reorganization system in central government for Environmental Consultants. Paryavaran Mitra wrote many letters to state and centre government in this regard. Also included in one of petition in High Court. Finally Ministry of Environment & Forest had introduced scheme for Environment Consultant registration in February 2007. This will stop fraud consultants to prepare Environmental reports and Environmental Management plans.

- Paryavaran Mitra wrote letter regarding checking legitimacy of commercial complex and shopping malls of Ahmedabad to GPCB on 30/08/2006. It may involve violation of EIA notification 1994. After this letter GPCB started visiting shopping malls in next two months. Then they issued show cause notice to 15 shopping malls for violation of EIA notification 1994. GPCB filed case against one shopping mall of Ahmedabad under Environment Protection Act 1986 after Paryavaran Mitra letter.

- Draft Forest Policy was put on website of state government for comments in August 2005. Paryavaran Mitra and other organization registered strong opposition of this because it was in English and open for comments for 10 days only. After that policy was suddenly withdrawn and cancelled by state government in November 2005. Paryavaran Mitra filed RTI application and revealed that Draft policy was put up without consent of Sachivalay and by mistake.

- Mocha village of Porbandar village suffer from lime stone mining. Local villagers were on fast in opposition of mining. Mining had badly affected their agriculture farm. Local people contacted Paryavaran Mitra. Paryavaran Mitra wrote a letter to GPCB Gandhinagar for site inspection. GPCB regional office had visited the site and issued closure notice to mining project on 05/12/2006. Mahesh Pandya and Tushar Pancholi also visited place on 05/12/2006 and visited District Collector to intervene.

- Two second appeal hearings were arranged on 14/11/2006 at Chief Information Commission, Gandhinagar. In appeal against Forest Department, Junagadh district CIC had delivered land mark judgment. He has issued show cause notice under section 20 of RTI Act for not imposing punishment. He also ordered to put name of PIO on website of forest department. He admires efforts of Paryavaran Mitra in information sought and providing information for respondent. He directed CIC secretariat to put their judgment on CIC website.

- In another order, CIC has delivered notice under section 20 of RTI Act to PIO of Ahmedabad Municipal Corporation. He also ordered to provide all information within 15 days without any charges. Municipal Commissioner asked for clarification for delay in giving information.

- In appeal no. 616/06-07 in application asking Environment Audit Reports of Enviro Technology Ltd., CETP, and Ankleshwar CIC ordered to immediately providing of Audit reports to Paryavaran Mitra. CIC admire Paryavaran Mitra's work towards public interest and awareness.

Environmental Audit Reports were declared as Public Document in this judgement. Enviro Technology Ltd. has filed Special Civil Application in Gujarat High Court against order of CIC. Matter is pending within High Court. (A)

#### POLICY INTERVENTION:

- National Environment Policy 2004 was reviewed and substantial recommendations were made for the draft to be amended.

- High Court Writ Petition 8529 - Centre for Social Justice vs. Union of India challenged the EPH process and the enforcement stage - Our research proved that the statutory requirements and procedure was not being followed, thereby defeating the object behind holding an Environmental Public Hearing.

- Gujarat Pollution Control Board - to implement strictly all standards, norms and laws laid down by the various Environmental Statutes.

- Our efforts proved fruitful when the Draft Forest Policy of Gujarat brought out in Aug, 2005 was withdrawn on constitutional and environmental grounds.

- Intervention in Grazing Land policy - Implementation of the Grazing land Policy of the State - questioning the revenue allocation and use of such amounts collected. There are no proper guidelines laid down by the Govt. as to how this money should be used for improvement of grazing land. Our demand was that the government should make a formal plan to ensure that such revenue is used only for maintenance of grazing land as common property.

- Implementation of Eco-development Fund - When any existing industry wants to expand its operations they have

to get an Environmental Clearance (EC) from the MoEF. Unfortunately a number of industries have expanded without an EC. In 2002, the MoEF issued a circular that all those industries who have violated EC Norms must deposit 0.5 - 2.5% of their total capital for an Eco- Development and Community Welfare Fund as per an Action Plan made by the industries. We raised a strong objection to this, as we saw it as means to legalize corruption. We obtained a stay order from the Hon' able Gujarat High Court with a directive that such capital is to be used only after the said Action Plan involves all the locals affected by the pollution caused in that area. The case is still pending in the High Court.

- Implementation of Bank Guarantee Scheme - We have observed that the GPCB collects large sums of money in its name, out of which industries forfeit such amounts in case they are found flouting environmental norms. The scheme has not been directed, towards repairing the damage done to the environment, which was the object behind such a measure.

- Implementation of the Environment Audit Scheme - The Gujarat High Court has issued an order to the GPCB in the case P.J. Patel vs. State of Gujarat SCA, 770 1997 to ensure that an Environmental Audit Report is submitted by industries bi-annually to the GPCB. Revenue collected under this scheme was to be channelised towards forming an Expert committee to review their audits. However, through information received we have concluded that such a committee has not been formed so we ask - where has such capital been utilized?

- Whistle Blower - After our complain about whistle blower under RTI Act CIC gave order to Public Authority to publish and proactively disclose the particulars of Whistle Blower System in prominent manner within 15 days from receipt of his order. After which public notices were given in news papers and also put on the website of GPCB.

(B) Right to Information Act Total Applications done under Right to Information Act-2005

Year

Application

2005-2006

35

2006-2007

114

2007-2008

48

Total

197

- Indian Rayon is ready to lay down pipeline for effluents in mid sea (it will cost around five carore).
- Many shopping malls/commercial complexes are under process to get Environmental clearance.
- Chief Information Commissioner had given a recommendation to State Government to relook to form B in RTI rules.

- Now GPCB is scrutinizing the environmental audit reports submitted to them.

- Excellent advocacy for grazing land policy in Gujarat.

- After around 197 applications to Different 30 govt. departments at the state and central level under Right to Information Act, Paryavaran Mitra has filed a Public Interest Litigation in the Gujarat High Court to amend the Gujarat Right to Information Rules. While using the RTI Act we often experienced some practical difficulties in procedure. We found at least 38 faults/errors and have thus given some suggestions for better implementation of RTI. The petition is disposed off at the stage with direction that it is expected that the representation will be decided forthwith with.

(D) Clean Development Mechanism. Climate Change and CDM projects

- After long struggle with UNFCCC, National and state government regarding public participation in CDM projects and transparency in operation, state government has started CDM cell within Forest & Environment Department.

- Sent Comments to more than 25 CDM projects of Gujarat at their validation stage in process of registration

- Encourage industries like Ultratech Cement through training to adopt CDM technologies. (D) Training

Paryavaran Mitra regularly conducts training programmes among students and youth groups to create awareness on environmental issues. Some academic organizations also invite Paryavaran Mitra team for 1 or 2 days training on environmental issues which are part of their curriculum.

(E) Enviro paralegal

Enviro Paralegal course was commenced in this year in collaboration with Indian Institute of Paralegal Studies (IIPLS) at Rajula and Zagadiya taluka of Amreli and Bharuch districts respectively from November 2005 to January

2006. The details of course are described below

#### ACHIVEMENT OF PARALEGAL SO FAR

##### Zagadiya:

GIDC has many industries which has adverse impact in Zagadiya Taluka. Industries have spread many kind of pollutions and also affects the roads. Many pucca roads are broken due to truck transportation. Many complains are filed to industrial and govt. authorities by local villagers but no result was achieved.

After paralegal training, paralegal had jointly fought for construction of roads. Movement was carried out extensively. So GIDC was forced to construct pucca roads after paralegal movement.

##### Rajula:

Gujarat Pipavav Port Ltd. (GPPL) is one of the largest industries in Rajula Taluka. It has violated many provision of Environmental law and conditions of Environmental Clearance. Many letters was written for checking malpractice of GPPL to Gujarat Pollution Control Board but no result was achieved. After paralegal training, a local paralegal has issued legal noticeto GPPL, Gujarat Pollution Control Board, Ministry of Env. & Forest. GPPL has contacted them directly and ready to talk on issues.

(F) Rural Outreach We are directly working with 2 taluka in Gujarat.

- Rajula (District Amreli)
- Zagadiya(District Bharuch) Rajula (District Amreli)
- Relationship between local people especially local leaders and organization was established.
- Primary information regarding village level environment was collected.
- Local people's association at village level and Taluka level to fight against environmental problems
- Union of local people interested in environmental issues
- Strengthening of local people for representation of local issues
- Peoples participation in their local issues
- Media advocacy resulted in wide publicity of environmental issues and make authorities accountable towards solution.
- After union's presentation, Gujarat Pipavav Port Ltd. was served closure notice by Pollution Control Board.
- Authorities were forced to check irregularities of Pipavav Port Ltd. after constant efforts of union.
- In land acquisition of pipeline case, authorities had arranged hearing at village level.
- Due to Enviro paralegal course capacity building of local union.
- Acting of union as watch dog on local environmental and other issues
- Self reliant of union for advocacy Zagadiya (District Bharuch)
- Relationship between local people especially local leaders and organization was established.
- Primary information regarding village level environment was collected.
- Chief Minister's Swagat online programme complain was filed by villagers for compensation of land acquisition. Remaining 20% compensation were received in many cases after this complain
- Union of local people interested in environmental issues in G.I.D.C. Zagadiya area
- Strengthening of local people for representation of local issues
- Peoples participation in their local issues
- Public Participation in struggle and solution of local issues
- Capacity building of Enviro Para legal union in districts
- Better implementation of Bhuria Committee recommendations through Gram Sabha in GMDC case
- A common platform of victim of GMDC mines and authorities was created
- Due to Enviro paralegal course capacity building of local people.
- Acting of union as watch dog on local environmental and other issues.