

**ENVIRONMENT LAW AND
DEVELOPMENT FOUNDATION
- ANNUAL REPORT 2014-15**



Bridging the gap between the field and courts

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FOREWORD

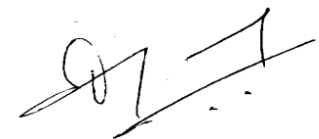
The Foundation continues to forge ahead although with very limited resources, its pro bono work especially on two fronts viz. the advice and referral service and the training programmes. In addition to the above pro bono services, the foundation members especially the coordinator has been supporting the USAID supported Strengthening the Participatory Forest Management in India Programme (SPFMI) through a number of initiatives. These include field perceptions, local partnership building, policy support in the area of participatory forest management. The Foundation continues to assist in hand holding the implementation of the Forest Rights Act in Jharkhand where one of the first help line centers on the Act has been started in India. A tribal women professional has been hired to not only build her own capacity but also strengthen the field based activities especially in local language.

This past year also continued with a number of research inputs on crucial litigation which was taken up by the firm especially on use of hazardous chemicals without following law, questioning the exemptions granted to buildings for environmental clearance, unsustainable dams, illegal foundries, controlling Delhi air pollution among others.

The network of ELAN and SANEL were further strengthened and some crucial steps in securing funding have been initiated. Two more alliances with the Bharat Rural Livelihood Foundation (BRLF) and Paul Hamlyn Foundation are at an advance stage for training and capacity building in the field of environmental and development law and securing habitat rights for Particularly Vulnerable Tribal Groups (PVTGs) respectively. The foundation has also supported through its pro bono activities a proposed environmental law quarterly as well as a comprehensive book on judicial journey on forests viz. the Godavarman story. Apart from the above, ELDF continues to handhold young lawyers out of previous programmes such as the Young Lawyer Fellowship Programme. It has helped them set up the Daan Welfare Society in Chhattisgarh and continues to support them. The foundation also continues to encourage young students from the legal field in its internship programmes and some of them have been converted into permanent environmental lawyers.

ELDF's research and documentation center continues to grow with follow up and analysis of the National Green Tribunal cases, Supreme Court cases on forest and wildlife and also the creation of the hand book on different processes and clearances under central laws.

Last but not the least ELDF has finally secured the FCRA clearance after a detailed scrutiny by the Ministry of Home Affairs through its IB and we hope that this year we would be encouraged to secure financial assistance from friends and organization from overseas.



(Sanjay Upadhyay)
(Honorary Managing Trustee)

OVERVIEW

The Environment Law and Development Foundation, a Charitable Trust was set up in 2004 under the aegis of the Enviro Legal Defence Firm, India's first environmental law firm, to carry out its charitable objectives. It was set up to make a change in the structure and role of environmental law organizations particularly since much of today's research does not clearly identify the enviro-legal issues it wishes to address or provide clear steps to its legal solution. Many of the cases or legal conflicts which come to law firms are last minute, badly prepared or unfocused. In order to be more proactive in research, policy work, and training whilst being more strategic in litigation, the Foundation was created. The Foundation has now become the research, education and training arm of the enviro-legal sector, whilst the law firm continues to pursue issues through litigation, either through victim-lead cases or Public Interest Litigation (PIL) and consultancy, among other things. The research could feed the litigation, whilst the litigation could feed the research-a system of praxis. Further there are several emerging challenges in the environment and development sector that need to be taken up on a proactive basis by the Foundation for which there may not be ready "clients" through the law firm approach.

The Foundation provides legal aid and support, focusing on strategic interventions on the basis of its expertise in specialized areas through documentation, litigation support, legal advice and public advocacy. Over a short span, it has successfully worked in different areas providing Litigation Support Background, Field Research, Advice & Referral (A&R), NGO support service (NSS), Consultancy based research, Training and Workshops. It has various publications to its credit and also constantly updates the latest news in the field in the form of enviro-legal updates via its site [eldfindia.org](http://www.eldfindia.org). It has provided legal support to many campaigns and made several submissions especially to the Ministry of Environment and Forests (MoEF) besides several other Ministries such as Ministry of Tribal Welfare, Ministry of Panchayati Raj, etc. It has also created an infrastructure for action-oriented lawyering and research.

The Foundation has an illustrious Board with over forty years of experience in the field of environment, development and policy work amongst them. The Foundation is backstopped by the Enviro Legal Defence Firm, India's foremost and first environmental law firm on all legal aspects. It has a wide pan India network of volunteer lawyers and students. (See <http://www.eldfindia.org/elan.php>); Field Partners (See http://www.eldfindia.org/field_partners.php) Alumni (<http://www.eldfindia.org/alumni.php>). In fact the Foundation also anchors an informal network on environmental law and policy across South Asia called SANEL (See <http://www.eldfindia.org/sanel.php>).

OBJECTIVES

- To mainstream natural resource and development law and policy, resolve conflicts over resources and strengthen environmental jurisprudence.
- To provide legal representation and assistance to those sectors of the population that have little or no influence in decisions relating to environmental and natural resources management and lobby for their inclusion and participation in decisions affecting their well-being.
- To undertake in-depth research on the entire gamut of natural resource and development law and policy to forge new areas in jurisprudence.
- To conduct education, training and advocacy programs to build capacities of those who affect and are affected by the laws and policies on natural resource development.
- To provide analyses of International Instruments, Policies, Laws and Regulations and provide assistance in drafting them.
- To facilitate negotiation, mediation and arbitration (at National and International levels) of disputes over natural resources and development and develop skills in conflict resolution and problem solving.
- To provide a forum to encourage and enhance capacities in young lawyers to strengthen the field of Natural Resource and Development Laws through National and International internship and fellowship programmes.
- To provide various organizations (Government, Non Government, Individuals, International Agencies) with a systematic and strategic legal support and assistance in the areas of natural resource law and development.
- To support or sponsor workshops, conferences, seminars, and other meetings for providing forums where free and fair exchange of ideas on natural resource development law and policy may take place.
- To maintain a state of the art Management Information System and documentation centre and serve as a Centre of Excellence.
- To do all other lawful acts and deeds as are incidental or conducive to attainment of any of the above mentioned objectives.

VISION

Access to environmental justice for all creating an environmentally sustainable and just South Asia

MISSION

ELDF aims at mainstreaming the discipline of environment and development law and bridge the gap that currently exists between the formal forums of dispute resolution and the grassroots through research, advocacy and outreach. It aims to be a centre for excellence and the hub of environment law resource for South Asia through numerous interventions including capacity building, legal aid to marginalized communities and appropriate interventions for incorporation of a framework for environmental protection within the domestic laws of the country in accordance with international jurisprudence.

STRATEGIES

The overarching strategies used to meet the Foundation's objectives include:

- Advance effective advocacy for shaping of environmental policies towards management of natural resources and upholding the rights of marginalized communities;
- Investment in the capacity of leading and emerging environmental organizations;
- Support those communities most affected by environmental degradation through advocacy, awareness building sessions and creating linkages between these communities and respective government agencies;
- Investment in organizations that work collaboratively with nonprofits, government, businesses and the public;
- Seeking projects that identify solutions and create opportunities for negatively affected communities;
- Utilization of location-based strategies and indicators;
- Support processes of community mobilizing for systemic changes in the domain of environmental jurisprudence/governance;
- Identify and amplify innovative, game-changing ideas and;
- Leveraging additional funds to further our programmatic goals.

GUIDING PRINCIPLES

The following are the over arching guiding principles for the Foundation work in all the programme areas:

Rule of Law:

- Promoting rule of law and contributing to environmental and development law jurisprudence
- Helping anyone who approaches us with clean hands.

Social/ Institutional

- Equity/Equality (especially of gender) in participation and decision-making.
- Sustainability of the institutional mechanism.
- Mainstreaming concerns of gender in activities/projects of Foundation as appropriate and where applicable.
- Increased involvement of grass root level stakeholders in environmental governance
- Capacity building

Economic

- Equitable distribution of resources at community level
- Enhanced incomes at household/ individual level
- Promoting sustainable use

Environmental/ Ecological

- Sustainable use of resources
- Conservation and regeneration

LONG TERM DESIRED GOALS

The long term desired goals involve the following:

- To make Environment Law and Development Foundation as the regional center for excellence in the field of environment and development law.
- To bring out a world class Environmental Law and Development Journal (ELD) on environmental law and related development issues in South Asia. The aim of the Journal is to encourage new and innovative writing on the subject. Environmental journals have, in the past, failed for lack of resources or contributions.
- To setup a Fund for Targeted Research in order to support our own research priorities through our experiences as a Foundation and a law firm. The research projects would be chosen by an advisory group of experts chosen from inside and outside the Foundation. The Foundation's Board of Trustees and external funders would ensure that the fund is properly utilized. Some concepts for projects arising out of our recent experiences (for which we are yet to attract funding) are as follows:
 - *Promoting and strengthening the Environmental Law Associate Network (ELAN) in India.*
 - *Promoting and strengthening the South Asian Network on Environmental Law and Policy (SANEL) and leading to the setting up of the South Asian Center for Environmental Law and Policy (SACEL)*
 - *Anchoring the Advise and Referral service and increasing its outreach.*
 - *Creating village-registers of resource management practices and its compliance with national laws and norms.*
 - *A "best practice guide" to investing in and setting up a decentralized off-grid renewable energy generating system in India.*
 - *A review of environmental cases in India at tribunal, High Court and Supreme Court level identifying areas of legislation which may need changing and highlighting areas in which there are gaps. The study could also incorporate data from the advice and referral service, once it is set up.*
 - *Funding certain activities currently carried out pro bono by the firm such as its representation on the drafting committee of the Forest Rights Act as well as Rules, the Wildlife Protection Act, Reviewing Sikkim's Environmental and Social Policies amongst others.*
- To setup a Litigation Fund for use by the most impecunious and vulnerable clients. It is self-evident that those who can least afford to obtain legal relief through the courts suffer some of the worst effects of environmental problems. We have seen cases to protect wildlife habitats and tribal ways of life come to nothing because of the high costs facing claimants. Whilst the fund would have to be strictly managed, we feel that it could assist us in bringing cases that

could otherwise never come up and more importantly contribute to the environmental law jurisprudence of this country in particular and the region in general.

- To setup a Training and Education Fund in order to support our out-station legal training, which is given for free or on an expenses basis only. As a Foundation, one of our principles is to ensure that training is provided whenever and wherever possible. Clearly there is a cost in terms of travel and time away from money-generating work. The fund could be used for such work, but also allow us to give training on an all-India basis on issues which we think are of national importance. Our experience tells us that one of the major problems in India is that many of those tasked with implementing environmental laws are simply ignorant of their content or meaning. The aim of this fund would be to ensure that the progressive laws are properly understood, disseminated and enforced.
- To setup a Fund for Internships and Volunteers who conduct research, administrative work and organize events. In our Foundation, we have wanted to provide a national focus to our work, not only through our core activities, but also by providing internship opportunities to new advocates, law students and other activists from around India. Hence, we conduct two kinds of Internship Programs: one for national students from law schools across the Country and the other which is an International Internship Program. We have trained over fifty lawyers from within and outside the country so far. The Internship Programmes continue to be an important component of the firm's work in the future and hopefully through the Foundation. The aim of these programmes is to inspire law students to work in the environment law sector, thereby widening and deepening the network of environmental protection. The internships are generally six to twelve weeks long as we feel that this is just sufficient time for someone to begin to understand our work and gain an interest. However, we are at present unable to pay anything towards the substantial expenses incurred for someone outside Delhi to reside here during that period. Clearly for many, this financial burden precludes them from undertaking an internship at the Foundation. We want each intern to have a stipend and each volunteer's expenses to be paid, so that they can freely immerse themselves in the Foundation's work without worrying about the financial implications.

GOVERNANCE AND STRUCTURE

Environment Law and Development Foundation is a Charitable Trust registered under the Indian Trust Act, 1882. The Foundation is also registered in 2004 under 12A of the Income Tax Act, 1961. The Foundation is governed by a Board of Trustees which is led and represented by the Honorary Managing Trustee.

BOARD OF TRUSTEES

The Board of Trustees consists of three members. The Board meets atleast once every year. It is responsible for setting the strategic direction of the organization as also for taking decisions on policies and system related matters. In 2012-2013, Foundation's Board of Trustees met on 4th April 2012 and 10th November 2012.



Sanjay Upadhyay, Honorary Managing Trustee and Founder and Managing Partner of the India's first environmental law firm, has been practicing environmental law since 1993. An India Visiting Fellow at the Boalt Hall School of Law, University of California, Berkeley (Fall 1996) and a legal intern to the Earth Justice Legal Defense Fund, San Francisco, he started his professional career at the World Wide Fund for Nature – India at the Centre for Environmental Law. Sanjay has served as an environmental and development law expert to most well known International, Multilateral, National and State Institutions. He advises and holds key policy positions in National as well as State governments within India. The recent appointments include being appointed as the Supreme

Court Advocate Commissioner for Andaman and Nicobar Islands, drafting Committee Member for two key legislations of Government of India; the Wildlife Protection Act and the much talked about Forest Rights Act as well the Rules. Most recently Sanjay has been commissioned to draft the Renewable Energy Law for India. Sanjay has also been a Member, with a rank of Minister of State for the Commission on Environment and Social Policies and Programs appointed by the Government of Sikkim. He is currently the member of the State Environment Impact Assessment Authority for the State of Arunachal Pradesh in North East India. Sanjay has also been instrumental in drafting the first Forest Sector Policy of the hill State of Himachal Pradesh.

His areas of expertise are environment and development law and more specifically legal and policy dimensions of natural resource management, energy especially renewable energy, climate policy, environment impact assessment, integrated water resource management, decentralisation and tribal self rule, biodiversity, forestry, joint forest management, eco development, wildlife conservation, national parks and sanctuaries, marine and coastal ecosystems and environmentally sustainable residential/commercial housing in urban areas and financial sustainability of tiger reserves, among others.

He is a visiting resource person to most premier environmental institutions and law schools in India such as the National Law Universities of Hyderabad, Bangalore, Delhi, Kolkata; Indian Institute of Forest Management, Wildlife Institute of India, the National Forest Academy, National Judicial Academy, among others.

Sanjay has authored fourteen books and the best known is a three Volume Hand Book on Environmental Law covering forest, wildlife laws, water, air laws, environment protection, land and energy laws published by Butterworths-India the Lexis Nexis Group. He is also a member of the IUCN Commission on Environmental Law. Sanjay was awarded the Global Fellowship at the Nicholas School of Environment at the Duke University, U.S.A and also the Oak Foundation, U.S.A Global Fellowship to understand Ocean Laws in India.

Sanjay is also a Ghazal singer.



Professor Bhaskar Vira, Foundation Trustee's research interests span the fields of political economy, development studies and environmental studies, with a regional focus on South Asia. He is particularly interested in natural resource use and management (especially forests) at a variety of scales, and state-society interactions over institutions and institutional change, and has published extensively in these areas. Over his time at Cambridge, he has co-ordinated research grants in excess of £350,000 from a number of external funding sources, including the Wellcome Trust, Nuffield Foundation and the Department for International Development (DFID). He was a coordinating lead author for the Millennium Ecosystem Assessment, and is one of two international advisors to a major DFID-funded research initiative undertaken by the International Institute for Environment and Development exploring markets for watershed protection services. He is presently appointed as University Senior Lecturer, Department of Geography in University of Cambridge and is a Fellow at Director of Studies and Graduate Tutor, Fitzwilliam College.



Dr. C.M. Tiwary, Foundation Trustee is a well known pathologist known for his numerous medico-socio contributions in eastern Uttar Pradesh. He also brings in the lay persons perspective and guides us to the real field based needs in the enviro-legal sector.

FOUNDATION TEAM

The ELD Foundation team is coordinated by Mr. Krishna Srinivasan and supported by Ms. Naysa Ahuja and both are responsible for the day to day functioning of the Foundation. This team is ably helped by Ms. Shyama Kuriakose and Ms. Eisha Krishn. They also received support from the other staff members as well as from the Enviro Legal Defence Firm as is where is basis and under the overall guidance of the Trustees led by the Honorary Managing Trustee Shri Sanjay Upadhyay. To ensure effective implementation of the projects a team of programme, finance and administrative personnel work together. The Foundation team works closely with the Law Firm team and takes up joint projects and consultancies.

FIELD OFFICES

The Environment Law and Development Foundation sets up field offices in places where it is involved in direct project implementation. Currently there are field offices in Cochin (Kerala), Sarguja (Chhattisgarh), Ranchi (Jharkhand), and Guwahati (Assam). ELDF is also supported by informal networks of lawyers in Ranchi in Jharkhand and Bhopal in Central India. All these regional offices are coordinated by the Pune office.

The Foundation works closely with the Enviro Legal Defence Firm. In February 2015 a joint two-days annual meeting of both the teams was organized in New Delhi. This annual team meeting resulted in redesigning the tasks for all the three teams viz. Consultancy, Litigation and Foundation. Key strategic and programmatic decisions were taken. Along with the Law Firm, the Foundation is involved in 13 different sectors within the Environment domain. The Redistribution of existing sectoral teams was taken up as an exercise and the tasks within each sector were put down. In order to provide each of the team members an opportunity to work with different individuals cross cutting sectoral teams have been put in place. Along with this each team member has also been allocated the responsibility of tracking the enviro-legal issues in States of the Country.

In order to streamline the work of the Foundation, an annual plan has been prepared and discussed with the Managing Trustee. Broadly, the task is to revisit the earlier assignments and projects successfully completed and the different products that have been generated as part of that and to revise and update the same. Judicial publications on forests and protected areas will be updated with the new orders and judgments since the last publication. As part of this process reconnecting with the earlier clients and donor agencies has been initiated.

FIELD PARTNERS

ELD Foundation works in partnership with grass root NGOs or community based organizations depending on the nature and location of the project. It has been conceived on the concept of caring and sharing of each others' efforts and knowledge in the field of Natural resources law so that as per the requirement or the nature of the problem, the network can be mobilized and scaled up to deal with conflicts in a particular region. List of NGOs, community organizations and professional networks with which the Foundation partnered with in the year 2012-2013 are as follows:

- Anthra, Pune, Maharashtra
- AERF, Pune, Maharashtra
- Gram Swaraj, Mayurbhanj, Odisha
- Tiger Initiative Group for Earth Revival, New Delhi
- Vindhya Environment & Livelihood Trust, M.P
- Path Pradarshak, Chhattisgarh
- Sewa Bhaskar Samaj Kalyan Sansthan, Chhattisgarh
- Institute of Community Forest Governance, Jharkhand
- Educational & Research Society, Chhattisgarh

PROGRAMMES

Keeping the vision of ELDF in frontline- to work for the marginalized sections (women, tribals, dalits, and other resource-deprived and poor communities) among forest dwelling and dependent peoples, so as they can manage and utilize forest and other resources sustainably; with due regard to conservation of biodiversity and attaining livelihood security through skill diversification; ELDF has taken up programs under following major themes.

NGO SUPPORT SERVICE: NSS

NSS caters to all organizations ranging from grassroot level NGOs, CSOs, and not-for-profit entities regarding their organizations needs, to develop their human and intellectual resource capacities. It is common knowledge that despite sincerity and commitment and a deep-rooted engagement, many organizations especially at the field level are precluded from accessing resources and benefits from donors and supporters due to lack of capacity in written or presentation or other organizational aspects. There are immediate, or short term or medium or long term requirements in terms of developing policies, formats, reports, processes, personality development, oral and written skills, operations manual, drafting contracts, deeds and agreements, guides which are intended to direct, inform, and instruct them in performance of their jobs, and enable them to work effectively with agencies, contractors and the public at large. It is here that NSS is located as a hub for organizational development and handholding organizations in need and providing value to such organizations. NSS is an independent team and an arm of the ELD Foundation where there is a core team under the overall leadership of Mr. Sanjay Upadhyay, the Honorary Managing Trustee.

DEVELOPING RTI FACILITY

A Right to Information (RTI) facility has been established in ELDF New Delhi office with updated database of queries available for public use. Various RTIs were filed on behalf of ELD Foundation to support research and litigation. Some important RTIs filed are as follows:

RTIs pertaining to:

1. No. of EIAs done under Section 36(4) of the Biodiversity Act, 2002
2. Difference between Ecologically Sensitive Area and Buffer Zone
3. What is the Role of MoTA in the declaration of a Scheduled Area?
4. Project Specific RTIs pertaining to clearances granted to dams and other infrastructural activities.
5. RTIs pertaining to the illegal translocation of Tiger T-24 from Ranthambhore to a zoological facility
6. RTIs pertaining to the status of the leased land in the forest areas of Assam.
7. RTIs pertaining to the areas notified as reserve forests in the state of Haryana for the purpose of ascertaining the status of the mining activities being carried out in these areas.
8. RTIs pertaining to the areas leased out for mining in various states across India.

REGISTRATION WITH TATA INSTITUTE OF SOCIAL SCIENCE CSR HUB

The Tata Institute of Social Science has been designated by the Department of Public Enterprises, Ministry of Heavy Industries, Government of India as the Hub for facilitating Central Public Sector Enterprises (PSE) to define/ deliver welfare and development to Indian people for Inclusive Growth. The TISS CSR Hub will provide high quality independent service to PSE's. The core

objective of the CSR Hub is to enable PSE's to define, design and implement holistic CSR initiatives that are integral to its organizations' vision, mission, values and goals.

The Foundation keeping this vision and role of TISS CSR Hub in mind decided to apply for empanelment with the Hub for fulfilling following objectives

- a. Conduct itself in a transparent manner and participate and contribute in the development process unfolding in a country such as India that envisages inclusive growth and sustainable utilization of its resources
- b. Bring in its core competence and experience in environment and development law to ensure that CSR investments are in accordance with rule of law and furthering the cause of environment with sustainable development;
- c. Create a more environmentally sensitive legal fraternity who can further help the public and private sector enterprises in functioning in an environmentally compliant mode and ensuring that complying with environmental norms makes good business sense;
- d. Diversify its funding sources, become less dependent on external aid and rely more on home grown institutions and their support.

The empanelment form has been prepared and is in final stages of finalization for submission .

CONSULTANCY

Keeping the vision of ELDF in frontline- to work for the marginalized sections (women, tribals, dalits and other resource poor) among forest dwelling and dependent peoples, so as they can manage and utilize forest and other resources sustainably; with due regard to conservation of biodiversity and attaining livelihood security through skill diversification; ELDF has taken up programs under following major themes.

STRENGTHENING PARTICIPATORY FOREST MANAGEMENT IN INDIA (SPFMI)

The Foundation has recently been awarded a USAID-funded project on the 'Strengthening Participatory Forest Management Institutions from Law Policy Perspective and Innovative Pro Poor Climate Strategies in India' (SPFMI) in technical collaboration with the Enviro Legal Defence Firm. It is a two-year desk-based and field-based study to engage with all relevant stakeholders of the country to identify gaps and opportunities and revise the PFM framework of the country to the advantage of all especially forest-dependent communities.

The shift from the post independence forest policy which focused on production forestry in 1952 to a people centered forest policy in 1988 was perhaps recognition of the global trend of forestry management where eliciting public participation was not merely a luxury but a necessity. The Government of India issued its first circular on participatory forest management in 1990 with a lot of pomp and show but the last decade or so has not witnessed any significant impact of participatory forestry on the forest governance of India.

One of the key reasons attributed to this downward spiral is a lack of a strong institutional underpinning of participatory forest management in India. Other reasons which have often been cited include the lack of integration of the PFM into mainstream governance and lack of emphasis on the regional tenurial regimes, the geographical realities or the role played by the traditional and cultural contexts in forest governance.

We believe that one of the first essential steps that need to be taken for strengthening participatory forest governance in India is strengthening the governance framework itself. This project is an attempt to assess and suggest policy measures to strengthen the governance framework through:

- a) Assessment of implementation of the participatory forest management programs across India
- b) Identification of the legal and policy loopholes that are affecting the PFM programs nationally and at the regional levels
- c) Assess pro poor climate strategies such as REDD+ that have an impact and improve participation of local communities in forest management.
- d) Exploration of private sector integration into Participatory Forest Management processes
- e) Based on such analysis, suggest a framework which strengthens the existing system and which may be efficacious at the grass roots and is understood locally rather than imposed from the centre.

The proposed project is currently being implemented in 8 Indian states of Maharashtra, Chhattisgarh, Madhya Pradesh, Jharkhand, Odisha, Kerala, Himachal Pradesh, and Assam in the following manner:

- a) Secondary Study of Forest Governance Laws and Policy at the National and State Level to analyze the legal and policy shortcomings that are hindering the effective implementation of participatory forest governance programs
- b) Field Study to verify identified issues at the village and district level through discussions, workshops and consultations in the study states with all the stakeholders
- c) Development of legal and policy tools that can help strengthen the forest governance and Road Map for effective implementation of PFM in India.

The program has completed two phases so far including desk-based study and organizing inception workshops with each of the study state to seek inputs from the stakeholders. The third phase includes 15 field visits in each of the eight study states. The Foundation is taking a lead on the field work and helped the firm to develop survey forms using its local contacts to facilitate the visits to the communities where PFM has or has not worked.

FOREST GOVERNANCE & STRATEGY GROUP (FGSG)

The Forest Governance Strategy Group (FGSG) is an attempt to take forward the Forest Governance Learning Group (FGLG), an initiative supported by International Institute for Environment and Development (IIED), U.K. During the course of FGLG discussions, the members realized and agreed that forest administration in India is currently stuck in a vicious circle where it

is the lowest priority in the political spectrum. The members stressed on the need for taking forth the focussed group discussion forum to pioneer legal and administrative solutions to change the status quo in forestry in India. Accordingly, following the successful completion of FGLG in March 2013, IIED decided to build on the lessons learnt from FGLG with a newly formulated national level peer group, team to be known as “Forest Governance Strategy Group” on sustainable forestry in India and South Asia.

The FGSG’s primary objectives would be to:

- Constitute a ‘think-tank’ to strengthen forest governance in India and South Asia;
- Build an all encompassing platform of forestry experts for an ongoing dialogue on the challenges, knowledge exchange, potential solutions, and dissemination of information with the stakeholders;
- Bridge the huge communication gap between the executive and the legislature and amongst the executive also, as far as forest governance is concerned.

The group has met on two occasions in March and June 2015 and finalized the thematic focus, structure, targets, and policy actions of the group for the year ahead. A road map and statement of intent of FGSG will be developed and finalized in the upcoming meetings. The Foundation and the Firm will hold the convenorship of the group for a year and plans to conduct periodic meetings every two months and engage with the relevant ministries and government agencies to influence their policy decision with meaningful policy briefs and suggestions.

The proposed key working themes that are decided by the group are:

- Forest & People: Participatory Forest Management, Livelihoods & Forest Settlements
- Law, Policy, Regulatory & Institutions on Forests (including International laws)
- Climate, REDD+ & PES
- Markets & Private Sector: Agro-forestry and Forest-based Enterprises

FGLG India group as well as the proposed national peer group on forest governance under the SPFMI would result in strengthening the proposed Forest Governance Strategy Group in India. In the process, Foundation hopes to widen the group membership with more experts in the forest related sector as well as generate financial support both from within the group and from external donors.

Some of the upcoming research topics of the group include CAMPA Bill, National Forest Policy, Bamboo Mission, new forest definition, among others. To learn more about the initiative, visit FGSG India website: <http://fgsgindia.org/>

ENVIRONMENTAL GOVERNANCE FOR CLIMATE CHANGE ADAPTATION IN INDIAN HIMALAYAN REGION

Enviro Legal Defence Firm in collaboration with the Environment Law and Development Foundation has been selected by the esteemed G.B. Pant Institute of Himalayan Environment and Development to prepare a policy brief on Environmental Governance for effective climate change adaptation in the Indian Himalayan Region (IHR).

The importance of Indian Himalayan Region (IHR) with a geographical coverage of over 5.37 lakh km² (0.537 million km²) which constitutes a significantly large proportion of the Himalayan biodiversity hotspot is uncontested. IHR covers 16.2% of the total geographical area of the country. Administratively it covers 10 states entirely (i.e., Jammu & Kashmir – J&K; Himachal Pradesh – HP; Uttarakhand – UK; Sikkim, Arunachal Pradesh – AP, Nagaland, Manipur, Mizoram, Tripura, Meghalaya), and two states partially (i.e., hill districts of Assam and West Bengal). However, in light of the recent events of J&K flash floods in 2014, the Uttarakhand floods due to Glacial Lake Outburst Floods (GLOF) and cloudburst in 2013, climate change adaptation & mitigation measures and their integration into existing and new policy prescriptions is indispensable. Further, urbanization within the mountain setting demands reexamination of conservation and management norms of environment in the IHR.

The above call for a slew of conservation and management interventions including participatory forest management, eco development in protected areas, biosphere reserves, conservation reserves and other frameworks are essential. The involvement of the local communities in environmental governance of IHR as one of the key stakeholders is imperative which could be ascertained by integrating the traditional knowledge systems around natural resources management. The aspect of incentive based and livelihood supported norms and mechanisms for conservation and management of natural resources is vital for meaningful involvement of local communities. Integration of the REDD+ framework with necessary adaptations to the ecological and socio-cultural context of IHR is crucial. While framing the REDD+ policy, care has to be taken that market mechanisms do not take the lead hence mechanisms for addressing and safeguarding the rights of the communities is essential.

India's commitment towards climate change adaptation and mitigation, articulated in the National Action Plan on Climate Change (NAPCC), which is being implemented in IHR through the National Mission for Sustaining Himalayan Eco-system is crucial and existing policies, governance processes and measures operating in the IHR for addressing climate change impact are in congruence with this mission. Further, the report of Task Force on Mountain Ecosystems constituted for the preparation of the 11th five year plan, under the aegis of Planning Commission lists

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different

Government and Non-Government institutions along with 19 Universities working in the IHR. The spaces for collaboration, cooperation and dissemination of data for climate change adaptation and mitigation need to reflect in an effective environmental governance framework.

In this context, G. B. Pant Institute of Himalayan Environment and Development (GBIHED) in collaboration with Swiss Agency for Development Cooperation (SDC) – Indian Himalayan Climate Adaptation Programme (IHCAP) and Department of Science and Technology (DST), Government of India (GOI) under the Global Programme Climate Change (GPCC) is one of the partners focusing on the critical environmental issues directly relevant to adaptation measures for climate change in IHR.

ELD Foundation focused on the existing institutional strength in the IHR which has the potential to address these elements and other aspects emerging due to development and climate change impact. However, this would be possible only if proper policy measures for coordination between various governing agencies are in place.

The Foundation took up vast desk-based study including:

- Primary law and policy instruments affecting Himalayan region in India
- National Missions and Himalayan Development Guidelines including State Action Plans on Climate Change
- Mapping of institutions governing various environmental sectors in the Himalayas
- Recorded traditional adaptation practices from various mountain-dwelling communities
- Best policy and practices from the neighboring Hindu Kush Himalayan countries

to offer policy and institutional recommendation for comprehensive environmental governance with climate adaptation as an intrinsic part of it. This policy brief is a unique piece of work which uses landscape and livelihood approach to assess the governance framework of IHR that has been governed by departments in a siloed manner with sectoral focus thus far. Through this policy brief, the Foundation aims to deepen its knowledge on the environmental matters in the mountainous region of the country.

NETWORKING

ELDF operates through four kinds of networks. These include: a) ELAN, b) SANEL, c) Past Interns, and d) our field partners. (See www.eldfindia.org)



The idea is to reach out to the country, the region and eventually to the globe. The most important aspect of networking is action based communication. The second most important aspect is to make sure that you never network for soliciting work but for giving an impression that your presence or contribution will help the other person, organization or the region in the field of Environment and Development Law. To this end, the following activities were conducted in the past year:

➤ **ANTHRA, PUNE AND ELD FOUNDATION, DELHI – COLLABORATION FOR ESTABLISHING GRAZING RIGHTS OF PASTORAL COMMUNITIES IN MAHARASHTRA**

ANTHRA is an organization of women veterinary scientists working primarily on issues of livestock development in the wider context of sustainable natural resource use. It is working in the State of Maharashtra and Andhra Pradesh. The focus of their work is pastoralists and their grazing land rights along with conservation of livestock and fodder diversity. Natural resources currently are at the centre of intense conflict and contest to regain, retain, and practice control. In this context, ANTHRA focuses on following work area, livestock production and farming systems, crops and fodder varieties, livestock and plant genetic resources, medicinal plants and health care traditions, land and water use and the protection of indigenous knowledge related to these.

A consultancy assignment was extended to the Foundation by Anthra to examine the opportunities and challenges in establishing grazing rights of pastoralists in their work area especially in the framework of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Field visits were undertaken by the Foundation coordinator based in Pune. It emerged during the discussions and field visits that different categories of lands are used for grazing by the pastoralists, not just forest land. In many instances the grazing done on revenue land, agriculture fields, grazing lands in the jurisdiction of other village Panchayats is not recognized as a right but more as a privilege or depending on social relationship between the nomadic pastoralists and the settled communities in that area. The direction ahead has been recommended by the Foundation to Anthra

- First and foremost is a legal research mapping out entire regime of common land governance. This will include grazing lands, forests in all categories – reserve, protected, unclassified, zudpi jungle (shrub forests), etc, revenue lands of all types where grazing is practiced on the ground. This legal mapping will form the basis of our argument for establishing grazing rights of the pastoralists. This shall also be linked with establishing the existing documentary evidences available with the community groups and whether they are tenable or not and how fresh documentary evidences could be generated.
- On ground mapping of different community groups presently accessing different common lands for grazing. This needs to be juxtaposed with the legal issues of that specific context.
- Engaging with the relevant Revenue, Forest, Panchayati Raj authorities based on the above analysis in a given geo-political context
- Capacity building of local leaderships and cadres as this entire process needs to be held by local groups or key individuals from the community and needs to be driven by them A process of building barefoot Para-legal is envisaged so that immediate response to any crisis on the ground can be handled.
- Engaging with other stakeholders from the perspective of Common Property Resources Governance vis-à-vis grazing rights of pastoralist communities.
- The use of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) for establishing grazing rights especially on forest land needs to be taken up and initially even if 5 different case studies we are able to successfully establish it shall have a demonstration effect on other areas for the implementation of the FRA

➤ **NETWORKING WITH NON TIMBER FOREST PRODUCE EXCHANGE PROGRAMME (NTFP EP), INDIA**

NTFP EP India is an organization working with NTFP and Indigenous people and incorporating several aspects of policy, conservation, culture, livelihood, and markets. Recognizing the benefits of sharing experiences and pooling expertise, an informal group was formed in 1988, of practitioners working in local initiatives in India, Vietnam, Philippines, Indonesia, Malaysia, and Cambodia.

As the initiatives gained strength and momentum, the group- the NTFP Exchange Programme South and Southeast Asia – registered as a non-governmental organization in September 2003. Known as the NTFP-EP, the collaborative network now comprises of several NGOs and community based organizations working together to enhance their capacities in the sustainable management of resources. The partner organizations of the EP work with local communities in developing and implementing initiatives that meet local needs, while respecting the integrity of cultural traditions. The EP strives to ensure that the benefits from these initiatives are enjoyed equally with any discrimination based on age and sex of local indigenous communities.

In India, few groups and individuals have come together as a network, engaging with forests and forest communities in a variety of ways. A collective interest in Adivasi well-being and forest conservation – points to the general direction of interest. The EP-India has a presence in states of Karnataka, Andhra Pradesh, Tamil Nadu, Kerala, Odisha, Chhattisgarh, and Maharashtra as it is concentrating efforts in Western Ghats, Eastern Ghats and Central India.

List of Partners and associations of this group:

Western Ghats — Partners

1. ECONET, Pune
2. Lok Panchayat, Akole, Maharashtra
3. Prakruti/ Appiko, Sirsi, Uttara Kannada, Karnataka
4. Keystone Foundation, Nilgiris, Tamil Nadu (Network's Foundation)

Eastern Ghats

1. Legal Environmental Action Forum, Bastar, Chhattisgarh
2. Regional Centre for Development Cooperation (RCDC), Odisha
3. Gram Swaraj, Mayurbhanj, Odisha
4. GSMT, Yavatmal, Maharashtra
5. Kovel Foundation, Vishakhapatnam, Andhra Pradesh
6. VIKASA, Vishakhapatnam and Bapatla, Andhra Pradesh
7. Navi Ummeed, Nanded, Maharashtra

Major Contacts/Advisors/ Resource Persons in India

1. Prof. J.P. Rao (Policies, Tribal Rights)
2. Mr. Sanjay Upadhyay (Law & Policies)
3. Mr. B.J. Krishnan (Law & Policies)
4. Palani Hills Conservation Council, (Forest seeds & nurseries)

Foundation proposes to:

- Discuss with NTFP EP India the nature, scope, and advocacy agenda of the network and co-construct an implementation programme
- Offer our knowledge and expertise to amplify the advocacy agenda of the network and help in engaging with different stakeholders in the domain of forest governance
- Design and execute capacity building process for the members of the network and the communities with whom they work with
- Undertake strategic research for building knowledge and to offer key changes in the forest governance domain.

Next Steps:

In the backdrop of the collaborative framework shared with the Ms. Snehlata Nath, Director of NTFP EP India Exchange Programme and Mr. Madhu Ramnath, Coordinator NTFP EP India Exchange Programme, the following was decided:

- A one day consultation was organised with the NTFP EP with Mr. Sanjay Upadhyay as the resource person to understand the ground issues the network members face in their respective work areas. Based on the interaction it was decided that NTFP EP will take carry the insights and learning emerged out of the input provided and get back for any further support
- Based on this a capacity building process would be designed for the members of NTFP EP India network around the entire gamut of environment law and forests in particular. The emerging issued, concerns, challenges and the way forward.
- If need arises Enviro Legal Defence Firm would take up litigation
- Inputs to be provided for the potential role that a network like NTFP EP could play in this context would be discussed.

This has been offered as the support to the NTFP EP network. They have to get back regarding how they want to take this ahead

• **LAWYERS FOR COMMUNITY TENURE**

Lawyers for Community Tenure (<http://lawyersforct.org/>) is a global coalition of lawyers and advocates for securing community tenure with its Secretariat in Manila, Philippines. The group is a result of international dialogue initiated by Rights and Resources Initiative (RRI) and Ateneo School of Governance (ASoG) among the international experts on community tenure in 2013. The formation of a Community Tenure Rights Legal Reference Group was seen as an opportunity to enhance the reflection on the role of legal strategies to secure indigenous and other community

based property rights to lands and resources, while also providing collaborators with a set of expertise on legal issues facing their work.

The foundation has been part of this group since its inception. The group has selected its steering committee members and prepared a work plan 2014-15 with the contribution of the members and plan to accomplish following:

- Briefing Paper on most recent draft World Bank Safeguards
- Briefing Paper on the implications of the post-2015 Sustainable Development Goals on community rights and tenure
- Organize side meeting at International Conference on Scaling Up to Advance Recognition of Community Land and Resource Rights
- Prepare Legal Joint Opinion or Analytical Paper on Community Tenure Issues in the 2015 Paris Climate Agreement

The group has produced a wealth of knowledge resources where the contribution of ELD Foundation would continue to be substantial.

- **STRENGTHENING ELAN AND SANEL**

The Foundation has also been reaching out to the members of the ELAN and SANEL in order to take steps to strengthen these two networks at the national and regional level respectively. The members of the group are, whenever possible, invited to participate in ELDF's SPFMI inception workshop and share their experiences. See <http://www.eldfindia.org/sanel.php> and <http://www.eldfindia.org/elan.php>

- **NETWORKING WITH ARTHA**

Tie-up with Artha (www.arth-sa.org) is being planned to promote corporate social responsibility and more importantly corporate environment responsibility. Artha envisions a corporate and business environment where concern for society coupled with the rule of law elevates the collective effort for common good.

FREE ADVICE AND REFERRAL SERVICE

One of the greatest impediments to addressing environmental issues in India is people's access to environmental justice. Environmental problems often go unaddressed because victims simply don't know whom to turn to, how to obtain correct advice and representation, or don't have the evidence to pursue the matter further.

The Foundation gets a number of legal queries almost on a daily basis from various corners of India from NGOs, CBOs, CSOs, urban and rural individuals, urban and rural tribals, non-tribals, activists, high profile, low profile, officials and non-officials, small time entrepreneurs and social workers irrespective of their background. Today the Foundation handles these queries through its own staff or takes technical help from the Enviro Legal Defence Firm housed in the same building to answer all these kind of queries to a variety of persons from all over the country.

The Foundation also draws upon and proposes to strengthen a national network of specialists in environmental law and technicians (toxicologists, hydrologists etc) who would be willing to look at a case or provide technical advice initially for free. Individuals or groups contact the service by

post, by telephone, by email or personally with their complaints and are referred to an appropriate expert. In fact, a dedicated website has been created to provide free A&R services and the link is http://eldfindia.org/advice_referrals.php.

Madam, ..they are cutting a huge tree in front of our house what do I do..? I really don't want this huge..old tree cut which I have been seeing since my childhood?

-Query from a neighbour in Sector 15A, Noida

Sir, I live in Kotda tehsil, Udaipur I grow my musli and want to take it to Udaipur to sell it- some NGO also told me that I have a right to do so..is this correct?

-Query from a tribal in Kotda tehsil a scheduled area in Rajasthan

Saheb we are being told to leave the Sanjay Gandhi National Park, in Sidhi, Madhya Pradesh for an amount of Rupees ten lakhs- what should we do? Is there any law that can protect our ancestral claim to our home?

-Query from a group of village elders in Sidhi Madhya Pradesh

Sir, there is a nilgai (blue bull) on the national highway wandering aimlessly and also scared..what can be done legally to protect the poor animal?

-Query from a worried resident from ATS green village, Noida

Advice & Referrals

If you have any questions related to environment or development law issue, please post your query via sms, helpline number & e-mail



Post A Query

Name	<input type="text"/>
Phone	<input type="text"/>
Email	<input type="text"/>
Address	<input type="text"/>
Query	<input type="text"/>

Submit

Helpline Number: +91 0120-2568000
For SMS +91 95542 00206

The Advice and Referral service currently is a free service available to anyone in the country. In order to develop the Advice and Referral service as a program of the Foundation dialogue was initiated with CSRs in Mumbai and Pune. Fund raising efforts are underway in this regard.

Description of Queries

- **Helping educational institutions to reclaim their right to maintain healthy environment, New Delhi** The authorities of a school situated in a silent zone in the Gokurpur area of Delhi approached the Foundation to enquire if they have a right to file a public interest suit on the basis of noise pollution. The nuisance due to noise level touching 70 Decibels was detrimental to the school atmosphere where 9000 students were studying. The authorities were informed that a public interest litigation can be filed against the problem of noise pollution in a residential area which also includes schools, hospitals etc. The Hon'ble Supreme Court in their catena of Judgments held that Right to life also includes Right to have noise free and peaceful environment. At this point we advise you to draw the attention of the State Pollution Control Board towards the issue. If no positive action has been taken by the Pollution Control Board it is advisable to move the court or on this case before the National Green Tribunal.

➤ **Providing research assistance on water legal framework in Delhi to international researchers:** A German research approached the Foundation seeking guidance on his research on water governance issues in Delhi. The researcher needed robust data on the legal, institutional, and implementation gaps. Some information on a case pertaining to water governance in Delhi was also requested. For a holistic understanding of Water laws in India, we suggested Butterworth's book by Mr. Sanjay Upadhyay and Mr. Videh Upadhyay on Environmental Law (Volume II) that comprehensively deals with Water laws, policies and governance framework in India. This was last updated in 2004. Regarding specific literature on water governance in Delhi, one must acquaint themselves with the history of water laws and governance and compare it with current framework as it exists now. For that you can refer to following literature:

1. Delhi's groundwater: rights and policy (by Bharath Jairaj) link: http://ageconsearch.umn.edu/bitstream/139193/2/H_20123i.pdf (1996)
2. Fairly recent assessment of water laws and policies in the following chapter: http://shodhganga.inflibnet.ac.in/bitstream/10603/29995/10/10_chapter%204.pdf
3. Water Governance in a Changing Climate- Challenges for New Delhi: <http://www.mse.ac.in/Frontier/x24%20Vadivelu.pdf>

We suggested checking publications by The Energy and Resource Institute (TERI), IIT-Consortium, and India Water Portal for more information.

➤ **Helping residents to protect and improve the environment of their township, Raigarh, Chhattisgarh:** The residents of residential colony approved by all government departments and spread over 50 acres of land in Raigarh. There are 200 families residing in the colony and it also houses an English-medium school. As the township falls within Siltra Industrial area, there are many industries surrounding the area. The residents wished to proactively protect and improve the environment quality of the township from any harmful effects of industries. They sought suggestion on what legally valid activities can be done by them within the premises of the township as well as near the industries to improve the environment. Foundation suggested that apart from tree plantation within the township and industries, the residents can also install an ambient air quality monitoring device to keep a check on the amount of air pollution is being caused by the industries. This can be done in collaboration with the industries and followed up with proper review of whether the industries are following all the safeguards and measures depending on the nature of industry.

➤ **Advising on import of Albino Corn snake as a pet from London to India:** An Indian citizen wanted to import an Albino Corn Snake as a pet from the UK to India and sought advice from the Foundation on the legalities to be ensured. We informed the enquirer that the Albino Corn Snake is a category of rat snake or *dhaman*, which is Entry 9 in Part II of Schedule II of the Wild Life (Protection) Act of 1972, which is the main legislation for the protection of wild animals, birds and plants in the country. Section 49A of the Act defines 'scheduled animals' to mean an animal specified for the time being in Schedule I or Part II

of Schedule II. Scheduled animal has been accorded the highest protection. Trade in any such scheduled animal is completely banned (Chapter V – A). Further, the Appendices II of the CITES Indices lists *Ptyas mucosus* which is the Indian version of the rat snake, which are not threatened with extinction but may become so if their trade is not closely controlled. International trade in specimens of Appendix-II species may be authorized by the granting of an export permit or re-export certificate. No import permit is necessary for these species under CITES (although a permit is needed in some countries that have taken stricter measures than CITES requires). Permits or certificates should only be granted if the relevant authorities are satisfied that certain conditions are met, above all that trade will not be detrimental to the survival of the species in the wild. Most wildlife species in India are covered under one of the Schedules of the Wildlife (Protection) Act, 1972, and keeping them in captivity without a permit from the Chief Wildlife Warden can invite a fine or imprisonment or both. Even if a species is not specifically covered under the Act, and even if it is not native to India, Forest Officials may unwittingly seize them if they are not able to ascertain the correct identity of the animal.

WRI ENVIRONMENTAL DEMOCRACY INDEX FOR INDIA PEER REVIEW

The vast knowledge base and expertise of Environment Law and Development Foundation on environmental law and policy of India has been recognized by the pioneering environmental think tanks in India and abroad. Recently, World Resources Institute approached the Honorary Managing Trustee, Mr. Sanjay Upadhyay to peer review the Environmental Democracy Index (EDI) scoring and EDI analysis for India. EDI is a unique platform to assess the ranking of the environmental laws of 70 countries against the tenets of Principle 10, Rio Declaration translated in the form of 99 indicators. It was launched on May 20, 2015. The foundation prepared a thorough review document of EDI India scoring along with a revised analysis of the strengths and weaknesses of the Indian regulatory framework and practice, with reference to the three pillars of EDI along with a summarized explanation. The revised scores were backed with recent judicial pronouncements and legal provisions. This pro bono work would present the true picture of Indian environmental justice system to the world.

INTERNSHIP PROGRAMME

With a view to providing a forum to encourage young lawyers to contribute to the discipline of environment and development law, Foundation conducts Internship Programmes for both National and International law students. The internship programmes are often a mix of field and theory, where law students and fresh professionals from various law schools undergo rigorous training under senior staff of Foundation for a period ranging from six to twelve weeks. We have trained over 50 lawyers from within and outside the country so far.

The students from various National Universities namely University of Delhi, Faculty of Law, NALSAR, Hyderabad, NLSIU, Bangalore, Symbiosis Law College, Pune, NLIU, Bhopal, Amity Law School, Indraprastha Law College, New Delhi, Lucknow University, Faculty of Law, Government Law College, Mumbai, Banaras Hindu University, GNLU, Gandhinagar, Faculty of Law, Government Law College under Guwahati University, National Institute

for Advanced Legal Studies, Kochi, Kerala, and International Universities namely Louis & Clarke Law School, College of Law, London, Vermont Law School, USA, Michigan Law School U.S.A, Harvard Law School, U.S.A, UC Berkeley, USA and the University of Manchester, UK have participated in this programme. The Internship Programmes will continue to be an important component of ELDF's work in the future.

EDUCATION AND PUBLICATION ACTIVITIES

The Foundation wishes to convert a number of enviro legal researches that the firm has undertaken into simple user-friendly documents in various forms such as monographs, working papers and guidebooks on environment and development law. Members of the foundation have already written a number of books on the sector. However, they are technical and for niche audience. The foundation publishes simple documents to educate key targets audience through resource material as well as lectures and seminars. Members of the foundation have had rich experience and it would be important to coordinate with other experts in developing the education and publication profile.

*Name: Bharat Hari Dhakalia
Period of Internship: May 2015*

"I had the opportunity of doing both consultancy and litigation work with ELDF. In Consultancy, I worked towards updating ELDF's comprehensive publication on the mammoth T.N. Godavarman Thirumulpad case, entitled India's Forest and the Judiciary. This helped me understand how far reaching the implications of this case are... The most significant project I worked on, was the Ustad T-24 case, about the Ranthambhore Tiger who allegedly attacked a forest guard and was being unlawfully trans-located to a zoo in Rajasthan. For the first time in India's legal history, three different courts were approached on three consecutive days to get justice for one tiger and his family. This experience left an indelible impression on me."

List of Upcoming Publications:

➤ **The Godavarman Story: India's Forests And The Judiciary (Follow up & Analysis)**

One of the major environmental law case pending before the Supreme Court of India is Writ Petition (Civil) No. 202 of 1995 T.N. Godavarman Thirumulpad Versus Union of India & Others. The case was instituted in 1995 and are ongoing before the SC with over thousand applications of intervention from various stake holders and qualify to be one of the most important and historic milestones in forest and wildlife related conflicts.

A book on Godavarman case was published by ELDF in 2009 based on various orders passed by the Supreme Court of India. The speaking orders of the Godavarman case are being updated in the book on a regular basis so that one can have full understanding of happenings in the field of forestry from a judicial perspective.

The first edition of the book included:

- Collection and compiling a comprehensive data table of all I.As in the case
- Analysis of various IAs and State Positions until 2009
- Assess the findings of the orders and scope further actions by providing a commentary on judicial journey in the interest of forest and wildlife conservation.

The upcoming version of the Godavarman book includes:

- Status update of previously instituted applications
- Inclusion of new I.As brought before the court after 2009
- Updating new orders of the court post 2009 into the legal position of various themes
- Addressing conflicts as well as the Courts approach in resolving them in a comprehensive and holistic manner
- Assess the findings of the orders and scope further actions by providing a commentary on judicial journey in the interest of forest and wildlife conservation.

➤ **CEL-WWF (Follow up & Analysis)**

The CEL publication analyses the most significant ongoing case pertaining to the Wildlife Protection Act, 1972 in India which was filed by the Center for Environmental Law-WWF India. The case was filed as public interest litigation before the Hon'ble Supreme Court of India in 1995 since it was felt that the provisions of the WLPA under which protected areas of our country are notified are not being implemented to secure them. This intervention brought the issue of the status of our national parks and sanctuaries to the forefront.

The present book is an attempt to understand the impacts that this public interest litigation has had at the national and state level. This would be the second edition of the book with the inclusion of orders and judgements since 2009. It seeks to be useful for park managers, lawyers, environmentalists, wildlife enthusiasts and organisations working in the field of conservation.

➤ **Follow up and Analysis of the National Green Tribunal orders**

NGT since its establishment played an important role in conserving and protecting of the Environment. It also turns out to be comparatively faster and organized institution for resolving environmental conflicts than its predecessor institution. So, it was decided by ELDF fraternity that NGT decisions will be closely followed and judgment will be analysed to track the evolution on various environmental matters. So far, more than 200 judgments are analysed and every important order is followed up. One member of ELDF member also makes report on NGT's proceedings everyday. The material prepared from this exercise helps the institution itself in understanding the evolution of environmental law in India and further facilitates faster service to the people who seek legal guidance.

➤ **Natural Resource Law Glossary**

Environment, Law and Development Foundation has keen interest in the development of resource material that helps environmental lawyers, students, community workers as well as any common person who wishes to learn about procedural and substantive aspects of environmental law and policy in India. For this reason, Foundation in collaboration with ELDF has started developing **Natural Resources Law Glossary (NRLG)** - a legal dictionary with comprehensive array of all legal terms as well as general definition that hold relevance in environmental sector.

NRLG aims to provide the readers a comprehensive understanding of any enviro legal term they refer to from the glossary. It will cover international, national, state-wise, as well as judicial interpretation of every environmental law terms ever used in India to give a complete picture of its understanding at every level of governance.

➤ **Process of Clearance under various Central Laws**

In 2013, ELD Foundation commenced a significant project of creating a database of the environmental law clearance processed under the various statutes. It has been observed over the years that the failure of infrastructure projects to fail has been their lack of compliance with the environmental clearance requirements. The reason for this is lack of knowledge on the legal procedures not only amongst the project proponents but also with the consultants assisting the clearance process as well as the government authorities. This makes it crucial that a detailed process manual should be developed which details the clearance processes for different sectors and at the same time clearly spells out the entire process and the time needed for the same.

ELDF started working on studying the processes for Environmental Clearance, Clearance for ESA, Wildlife clearances, Forest Conservation Act, Ground Water, surface water, CTE, CTO, clearances under CRZ, land transfer and land acquisition. We believe the knowledge gained through this activity would not only help increase our knowledge base but would also help us in guiding our clients better. Further, based on our understanding of the procedure, we may communicate the identified gaps or shortcomings, if any to the government departments and contribute to strengthening of the processes and making them robust.

The following Processes have been encapsulated in our work so far:

- a) **Legal Procedure of Environmental Protection Act Clearance:** Environmental Protection Act of 1986 is umbrella legislation in the field of environmental law in India. Apart from provision of Environmental Clearance in EIA notification and CRZ Clearance in CRZ Notification, EPA has fourteen different Rules which includes Municipal Solid Waste Rules, 2000, Wetlands Rules of 2010, Plastic Waste Rules, 2011, among others. ELDF Team has prepared a detailed process document (updated periodically) of these 14 Rules.
- b) **Consent to Operate/ Consent to Establish:** Every commercial activity, big or small, needs 'NOC' from State Pollution Control Board to operate legally under Water and Air Acts. The NOC is divided into two parts Consent to Operate and Consent to Establish. ELDF team created unique process document which explains process of obtaining 'NOC' of various categories of Industries. This document is updated from time to time in accordance with Amendments.
- c) **Forest Clearance Process under Forest Conservation Act:** The forest clearance process for various projects differs in two ways- Linear and Non-linear projects. Each FC process is divided in two stages however there are many technical and legal caveats that govern each of the two stages. The foundation team has prepared a comprehensive guidance document on the process for obtaining forest clearance for linear projects and Hydel, irrigation projects. Document includes various notifications and judicial pronouncements which influence or modify the FC process as prescribed under Forest Conservation Act and its Rules.

TRAINING PROGRAMMES AND RESOURCE SPECIALISTS

ELDF provides training programmes through its vast network of environmental lawyers in the region on specific themes and subject areas at various levels for different target audiences. Some illustrative training programmes are given below:

- ***Resource Person to Non Timber Forest Produce Exchange Programme (NTFP EP) on conservation and livelihoods of tribal communities dependent on NTFPs:***

The training was a one day process where specific enviro legal issues in the domain of forestry, NTFPs, Schedule Area Governance were brought forward by the network members

Apart from specific inputs Mr. Updhyay put before the network members the different changes that are occurring in the forestry sector and its impact on NTFPs. He also shared the international perspective.

An interactive question answer format was adopted to conduct the training as there were specific issues brought up by the network members

Mr. Krishna Srinivasan, Coordinator of the Foundation was invited by the Research and Development centre of Yashwantrao Chavan Academy of Development Administration (YASHADA) to conduct training sessions on the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) and rules thereof. The training was part of a capacity building program the Research and Documentation centre of YASHADA is facilitating for implementing the April 2015 notification of the Tribal Development Department wherein 5% untied funds under the Tribal Sub Plan are to be extended to the Gram Sabhas in the Schedule V areas of the State of Maharashtra. The untied funds shall be administered through the Gram Sabha Nidhi Samiti to be constituted by the Gram Sabha in these areas. YASHADA is the Administrative Training Institute of the Government of Maharashtra, and meets the training needs of government departments and rural and urban non-officials and stakeholders.

FINANCIAL STATUS

ENVIRONMENT LAW AND DEVELOPMENT FOUNDATION

BALANCE SHEET AS ON 31ST MARCH, 2015

LIABILITIES	CURRENT YEAR	ASSETS	CURRENT YEAR
<u>RESERVE & SURPLUS</u>		<u>FIXED ASSETS</u>	
Balance as per Last Balance Sheet	150,079.64	Computer	7,379.00
Less: Excess of expenditure over income	95,856.00	Less: Depreciation	<u>4,428.00</u> 2,951.00
	----- 54,223.64		
<u>Outstanding Liabilities</u>		<u>CURRENT ASSETS</u>	
		Cash in Hand	11,315.00
		ICICI Bank Ltd.	<u>5,331.64</u> 16,646.64
Telephone Expenses Payable	874.00	<u>LOANS AND ADVANCES</u>	
		Advance recoverable in cash or in kind or for value to be received or pending adjustment	
		Telephone Security	500.00
		Tax Deducted at Source 2011-12	30,000.00
		Tax Deducted at Source 2014-15	<u>5,000.00</u> 35,500.00
	----- 55,097.64 =====		----- 55,097.64 =====

AUDITORS REPORT

This is the Balance Sheet referred to in our separate report of even date.

PLACE: NEW DELHI

DATED:

TRUSTEE

(HARISH KUMAR)
B.COM, F.C.A. M.No. 080105
FOR CHAUDHRY KUMAR & CO

ENVIRONMENT LAW AND DEVELOPMENT FOUNDATION

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDING 31ST MARCH, 2015

<u>EXPENDITURE</u>	<u>AMOUNT</u> <u>(Rs.)</u>	<u>INCOME</u>	<u>AMOUNT</u> <u>(Rs.)</u>
To Salary Paid	2,30,000.00	By Bank Interest	2,419.00
To Office Expenses	3,225.00	By Interest recd. On I.T. Refund	10,260.00
To Postage & Courier	342.00	By Receipt for Study on Environment Study	50,000.00
To Telephone Expenses	11,873.00	By Support for Wildlife Awareness Meeting	10,000.00
To Travelling & Conv. Expenses	13,667.00	By Project Grant from Osom Educational Trust	1,00,000.00
To Wildlife Awareness meeting	5,000.00	By excess of Expenditure over Income for the year	95,856.00
To Depreciation	4,428.00		
	----- 2,68,535.00 =====		----- 2,68,535.00 =====

AUDITORS REPORT
Annexure to Balance Sheet

PLACE: NEW DELHI
DATED:

TRUSTEE

(HARISH KUMAR)
B.COM, F.C.A. M.No. 080105
FOR CHAUDHRY KUMAR & CO

HUMAN RESOURCES

BOARD OF TRUSTEES

SN	Name of Trustee	Position
1.	Mr. Sanjay Upadhyay, Hony. Managing Trustee	Advocate, Supreme Court of India 29, Presidential Estate, Nizamuddin East Lower Ground Floor, New Delhi – 110013. Email: sanjay@eldfindia.com Mob: +91 9810298530 Tel: +91 11 40573181
2.	Dr. BhaskarVira, Founder Trustee	Lecturer in Environment &Devt. Fellow Fitzwilliam College University of Cambridge Downing Place, Cambridge CB2 3EN England, t-+44-(0)1223 333399 Email: bv101@cam.ac.uk t-+44-(0)1223 339823 (d) f-+44-(0)1223 333392
3.	Dr. C.M. Tiwari Founder Trustee	S C-179/159, (Opposite Hanuman Mandir), Betiahata, Gorakhpur - 273 001 (U.P.) drcmtiwary@gmail.com Mob: +91 9415210829 Tel: 0551-2337140

TEAM AT ELD FOUNDATION (AS ON 31ST MARCH 2015)

SN	Name	Designation
1.	Mr. Krishna Srinivasan	Coordinator
2.	Ms. Shyama Kuriakose	Legal Coordinator
3.	Ms. Naysa Ahuja	Legal Coordinator
4.	Ms. Eisha Krishn	Legal Coordinator
5.	Mr. Vishambar Dutt	Project Coordinator
6.	Hitesh Arora	Accounts Associate

FIELD PARTNERS

SN	Partners
1.	Sewa Bhaskar Samaj Kalyan Sansthan Bhaskar Bhavan, Kedarpur, Ambikapur, District Sarguja - 497001 Chhattisgarh sewabhaskar@gmail.com +91-9826168359
2.	Path Pradarshak, Saksharta Marg (Bhatti Road), Kedarpur, Ambikapur District - Sarguja- 497001 Chhattisgarh tel:0777-4230894 m-+91- 9406090669 p.pradarshak@rediffmail.com pathpradarshak.tiproject@gmail.com
3.	Vindhya Environment and Livelihood Trust Near Pani ki Tanki, Dakshin Korondia Siddhi, Madhya Pradesh m-9752188878 em-churhatkk@gmail.com
4.	Tiger Initiative Group for Earth Revival Bandavgarh Road, Village Tala, Khaira Gram, Post Office-Khaira, District-Umaria, Madhya Pradesh m-9868882400 tiger_initiative@hotmail.com
5.	Institute of Community Forest Governance, A-B/1 Abhilasha apartment 11 Purulia Road (behind Top Gear Motor Garage) Ranchi – 834001 sanjay_samar@hotmail.com 0651-2532067

	m-09431103041
6.	Shri J.P. Srivastava Advocate Chamber No. 1, District and Session Court Ambikapur Sarguja– 497001, Chhattisgarh m-09826183783 JP.shri.197@gmail.com t-07774-220520
7.	Mr. Anuk Pratap Singh Tekam Advocate District and Sessions Court Ambikapur Sarguja– 497001 Chhattisgarh m-09406222265 m-09926860551 anuktekam@gmail.com
8.	Rajiv Singh Chauhan Advocate, 11 “D” Lawyers Chamber District Court, Sidhi – 486 661 m- 0940 7354 200 m – 09425179586 sidhirajiv@yahoo.in
9.	Pushpendra Nath Dwivedi 09425472945 babadwivedi99@gmail.com
10.	Rajesh Shankar Advocate, Madhya Pradesh m-09835116014 t-2311746 (R)