



**ENVIRONMENT LAW AND  
DEVELOPMENT FOUNDATION  
- ANNUAL REPORT 2013-2014**



**Bridging the gap between the field and courts**

## TABLE OF CONTENTS

FOREWORD .....	4
OVERVIEW .....	5
Objectives .....	6
Vision.....	6
Mission.....	6
Strategies.....	7
Guiding Principles .....	7
Long Term Desired Goals.....	8
GOVERNANCE AND STRUCTURE .....	10
Board of Trustees .....	10
ELD Foundation Team .....	11
Field Offices.....	12
Field Partners .....	12
PROGRAMMES.....	13
Hand Holding for Implementation of Forest Rights Act in Jharkhand.....	13
Protecting Elephant Corridor in Dihing Patkai Reserve in Assam .....	13
Improving and strengthening forest governance in India through promotion of local rights - especially community rights - benefits and control over forest resources, Forest Governance Learning Group (FGLG) and International Institute of Environment and Development, UK .....	14
Global Initiative on Legal Preparedness For Achieving The Aichi Biodiversity Targets .....	16
Developing an RTI facility in ELDF .....	16
NGO support Service: NSS .....	17
Proposals For Revenue generation.....	18
□ Proposal for “Training and sensitization of 100 Lawyers empanelled with Legal Services Authorities (LSA) of Madhya Pradesh” (UNDP) .....	18
□ Proposal for Strengthening Participatory Forestry Institutions from law and policy perspective and innovative pro poor climate strategies (USAID).....	18
□ Proposal on Traditional linkage to species- An effective marine protected area management strategy- A proposal to develop extension material for the protection of the largest nesting site of Olive Rيدles in State of Orissa, India (Duke University, Oak Foundation) .....	18
□ Proposal Enabling Development Practitioners In Understanding Natural Resource Laws And Policies And Supporting Them With Legal Backup To Solve Natural Resource Conflicts (UNDP)...	19
□ Proposal on Conservation through Participatory Forest Governance-Lessons from India; East Africa, with emphasis on Mozambique (Japanese Award For Outstanding Research On Development (ORD) 2013 with Global Development Network).....	20

□ Proposal- Recognition and Vesting of Habitat rights of PVTG's under FRA in Jharkhand and Chhattisgarh in India (USAID- Development Innovation Venture (DIV)).....	21
□ Proposal for Developing a Coordinated Legal and Policy Framework for Coastal and Marine Conservation in India (Conservation and Sustainable Management of Existing and Potential Coastal and Marine Protected Areas (CMPA) supported by MoEF in technical collaboration with GIZ) .....	22
Free Advice and Referral Service .....	22
□ Description of Queries .....	23
Networking .....	24
□ Anthra, Pune and ELD Foundation, Delhi – Collaboration for establishing Grazing rights of Pastoral communities in Maharashtra .....	24
□ Networking with Non Timber Forest Produce Exchange Programme, India .....	26
□ Hand holding young lawyers .....	28
□ Strengthening ELAN and SANEL .....	28
□ Networking with Artha .....	28
Internship Programme.....	29
Education and Publication Activities .....	29
□ Research Activities .....	29
□ Training Programmes and Resource Specialists .....	31
□ Publications.....	<b>Error! Bookmark not defined.</b>
FINANCIAL STATUS .....	32
HUMAN RESOURCES .....	32
Board of Trustees .....	34
Team at ELD Foundation (As on 31 <sup>st</sup> March 2014) .....	34
Field Partners .....	34

## FOREWORD

*The past year has been truly a pro bono year with a realization that 2012- 13 witnessed three key publications on Access to Justice Programmes especially on Forest and Schedule Area Governance which were released by the then Chief Justice of India, Hon'ble Justice Altamas Kabir. It also saw the culmination of the Young Lawyers Fellowship Program where the Foundation can now proudly say that there are nineteen barefoot lawyers who are the soldiers, working in the area of environment, natural resources and social welfare legislations in the remotest part of the Chhattisgarh. This year also saw some writings on legal perspective of commons in two more states. This year included the states of Chhattisgarh and Jharkhand where there was significant support from the Foundation for Ecological Security (FES) which is heading Commons movement in the country and perhaps globally.*

*ELDF continued to contribute to the Forest Governance Learning Group Programme and more importantly through the free advice and referral service. This year primarily was a closure year of some significant programmes i.e. the Access to Justice, Young Lawyers and Commons Programme and therefore no new tasks were taken up. The internship programme continues to be successful alongwith education and publication and certain key papers were published . ELDF hopes that the work of the foundation will continue to grow as the most important think tank in the environment and development law and policy sector in the South Asian Region.*



**(Sanjay Upadhyay)**  
**(Hony. 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 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 vide its site [eldfindia.org](http://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](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 marginalised 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 any one 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 Hony. 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 2013-2014, Foundation's Board of Trustees met on 30<sup>th</sup> July 2013 and February 12, 2014.



**Sanjay Upadhyay**, Hony 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.

## **ELD FOUNDATION TEAM**

The ELD Foundation team is coordinated by Ridhima Pabbi, Suparna Jain and Shyama Kuriakose who are responsible for the day to day functioning of the Foundation. 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 Hony. Managing Trustee Shri. Sanjay

Upadhyay. To ensure effective implementation of the projects a team of programme, finance and administrative personnel work together.

### **FIELD OFFICES**

ELD 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, Guwahati, Assam, Pune, Maharashtra and Ranchi, Jharkhand. ELDF is also supported by informal networks of lawyers in Ranchi in Jharkahnd and Bhopal in Central India and in Guwahati in the North East.

### **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 2013-2014 are as follows:

- Tiger Initiative Group for Earth Revival, New Delhi
- Vindhya Environment & Livelihood Trust, M.P
- Path Pradarshak, Chhatisgarh
- 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 marginalised sections (women, tribals, dalits and other resource poor) among forest dwelling and dependent peoples, so as they can manage and utilise 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.

### HAND HOLDING FOR IMPLEMENTATION OF FOREST RIGHTS ACT IN JHARKHAND

ELDF, with the support and cooperation of the Department of Welfare, Jharkhand engaged in a program to facilitate the implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA) in the state of Jharkhand. The Foundation lent its support to the Firm in undertaking this significant program as its research and analysis arm.



Figure 1 - Panchayat shivir held at West Singhbhum

The project aims at streamlining the progress of the implementation process of the law in the state and is particularly interested in reducing the gap that exists due lack of awareness and orientation among all stakeholders, including internal staff. It is further concerned about the large numbers of rejection of forest rights at the behest of various officials at different levels, including forest officials and is therefore determined to get to the reasons of such rejection and ensure that no deserving community or individual is left out in the this historic process.

### PROTECTING ELEPHANT CORRIDOR IN DIHING PATKAI RESERVE IN ASSAM

Extensive research was carried out by the Foundation members, to understand the problems related to protecting Elephant Corridor in Dihing Patkai Reserve in Assam. It was observed that there have been large scale violations which are fragmenting the habitat of the elephant and proving to be a hindrance in its migratory track of Elephants in the Reserve. Activities such as construction of



an oil dispatch terminal in the Golai Elephant Corridor, construction of a bypass through the forest without obtaining the pre-requisite of Forest clearance, dumping of Digboi municipal waste in the reserve forest, discharge of coal mine effluents into the reserve forest and construction of private commercial businesses in close proximity to reserve forest will completely destroy

this pristine elephant habitat and endanger the contiguous zone for movement of elephant.

**IMPROVING AND STRENGTHENING FOREST GOVERNANCE IN INDIA THROUGH PROMOTION OF LOCAL RIGHTS - ESPECIALLY COMMUNITY RIGHTS - BENEFITS AND CONTROL OVER FOREST RESOURCES, FOREST GOVERNANCE LEARNING GROUP (FGLG) AND INTERNATIONAL INSTITUTE OF ENVIRONMENT AND DEVELOPMENT, UK**

The overall objective of the Social Justice in Forestry project in India was ‘**improving and strengthening forest governance in India through promotion of local rights - especially community rights - benefits and control over forest resources**’. Keeping in mind the larger objective of FGLG, FGLG-India, in all its phases, chalked out definite action plans with clear targets. In the last year of the Second Phase (April-November 2013), FGLG- India decided to work on specific themes under all the 4 Outputs. The aim was to strengthen the three thematic areas as well as focus on a number of subjects. Specifically the group worked on examining JFM+ which is also included in the 12<sup>th</sup> Five Year Plan and identified as a key initiative for the next 5-10 years, supported through the Green India Mission. Other than this Compensatory Afforestation Management and Planning Agency (CAMPA) was also studied and a research was undertaken to examine whether CAMPA is an appropriate model for dealing with forest diversion, how it can be made more robust, debate on forest land diversion versus forest diversion, whether conditions imposed on those diverting forest are being monitored, level of dependence on the forest that is being diverted among other things. As regards REDD+, the team proposed the preparation of a position paper to feed into the REDD+ cell in MoEF, to include international state of the art and best practice; existing policy and legal spaces that promote or constrain REDD+; appropriate institutional and governance models for scaling up REDD+; innovative tools, techniques and

methods for promoting REDD+ actions; MRV; and tenure and impact on indigenous peoples. The group also examined post claim strategies under FRA: looking specifically at – what happens once you have title. There’s now a legal mandate to formalise the post claim strategy – how can it best be implemented? How can links to other schemes and programmes be used creatively? Strategy papers were developed around this theme.

Besides, a number of position papers were developed in the last year on all the aspects in the workplan. The details are as under:

- A note on post claim strategy was prepared which is under publication.



**‘Post Claim Strategy’ on Forest Rights, - for ensuring conservation and sustainable management of forest by forest dependent people-**

Sanjay Upadhyay

Advocate Supreme Court of India and  
Member, FGLG, Managing Trustee, ELDF

Moreover, efforts on post claim support resulted in the requirement for the government to provide post claim support to the FRA right holders becoming a mandate under the FRA Rules.

- A briefing note on Protected Area governance (critical wildlife habitat and critical tiger habitat) in the context of FRA was prepared to look into critical issues relating to critical tiger habitat and critical wildlife habitat especially from the conservation stand point and the new right regime.
- A study was also undertaken to understand the new regime on conservation under FRA from existing participatory approaches wherein an attempt was made to analyze the potential conflicts with existing participatory approaches and methods for synergies especially on how CFM, JFM rules and FRA provisions can best complement one another.
- Mr. Sanjay Upadhyay was engaged in training IAS probationers and forest officers along with state welfare officers on FRA from time to time where pro bono efforts were partly met by FGLG support – and of youth in Odisha, where FGLG supported the Government of Odisha, Tribal Department in training local youth to support in Community claim process in FRA.
- *CFR Titles to tribals in Chhattisgarh:* For the first time a community forest right and community forest resource claim was been conferred on a particularly vulnerable tribal group, the Pahadi Korba in Jori village in Sarguja District of Chhattisgarh with Mr. Sanjay Upadhyay’s guidance. He trained lawyers in the region who carried out the form filling process and hand held the process along with the District Administration. The title was finally conferred on September 7th 2013. The villagers and lawyers also organised a felicitation ceremony.
- Note on issues around JFM Plus was prepared.

- FGLG Members made a presentation on "Opportunities and Challenges in REDD +" in a stakeholders' workshop on "Emerging Issues in REDD+" held at Bengaluru; and field visits were made to Western Ghats (Karnataka), Eastern Himalayas (Sikkim) and Western Himalayan (Himachal Pradesh) to identify suitable landscapes for REDD+ activities to be undertaken in collaboration with the State Forest Departments.
- *Conceptualizing FGSG*: To steer the process of forest governance, which had taken a backseat after the IIED-FGLG program, concluded on 31<sup>st</sup> January 2014. The atmosphere was just right to bring forest governance in the mainstream keeping in mind the elections and the possible change in the chain of command at the centre.

The objectives of the group are to:

- a. Emphasize the need for institutional backup and a focused approach for forest sector reforms
- b. Mainstream forests in national policy and relevance of including the political class in forest governance

### **GLOBAL INITIATIVE ON LEGAL PREPAREDNESS FOR ACHIEVING THE AICHI BIODIVERSITY TARGETS**

The Global Initiative on Legal Preparedness for Achieving the Aichi Biodiversity Targets program was launched in 2012 by International Development Law Organization to promote new thinking on practical ways that law can help to save biodiversity while fostering stronger economies, livelihoods and cultures by addressing issues on access and benefit sharing, economic incentives, protected areas, ecosystem services and more. The Program highlights how legal approaches can play an important role in establishing the incentives and stability needed for people to work together across sectors and society to achieve global goals to mainstream and preserve biodiversity values.

Under the Programme, the two main activities undertaken by the Foundation were as follows:

- The Hony. Managing Trustee was invited to join the distinguished Expert Committee being formed to guide new research on legal approaches for Aichi Biodiversity Target 3 and 11.
- An In-Country Researcher was selected from the Foundation to research and draft a Legal Brief on a novel legal approach in India that will help reach national and sub-national goals related to Target 16 of Aichi Biodiversity Targets making the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in force and operational, consistent with national legislation by 2015. Based on the above, a legal brief was prepared and submitted.

### **DEVELOPING AN RTI FACILITY IN ELDF**

A right to information (RTI) facility was established in ELDF. Various RTIs were filed on the behalf of ELD foundation i.e. permission about the ground water to water park 'World of Wonder'

Amusement park, was asked from the public information officer of the Department of Ground Water. Another RTI filed was related to grant of Consent to Establish (CTE) and Consent to Operate (CTO) within last five years in the state of Haryana. Another RTI was filed to the public information officer of Ministry of Tribal Affairs asking the role of MoTA in the declaration of a Scheduled Area.

### **NGO SUPPORT SERVICE: NSS**

NSS caters to the all organizations ranging from grass root level NGOs, CSOs and non for profit entities regarding their organizational 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 the 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 Sanjay Upadhyay, the Honorary Managing Trustee.

### **REGISTRATION WITH THE TISS CSR HUB**

The Foundation is also working towards becoming a part of the Corporate Social Responsibility Hub headed in Tata Institute of Social Sciences (TISS) in Mumbai. The hub empanel those organisations that are people-centric, have experience and expertise in a specific field and have a planned approach to developmental activities with a specific focus on the welfare and rights of the vulnerable groups in society. The core objective of the CSR Hub is to enable Private Sector Enterprises to define, design and implement holistic CSR initiatives that are integral to its organisations' vision, mission, values and goals.

ELD Foundation seeks this empanelment to:

- a. Conduct itself in a transparent manner;
- 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 corporate in functioning in an environmentally compliant mode and ensuring that complying with environmental norms makes good business sense;
- d. Diversify its funding sources and become less dependent on external aid and rely more on home grown institutions and their support.

## PROPOSALS FOR REVENUE GENERATION

Towards generating revenue and ensuring that its services are self-sustainable, the Foundation often participates in competitive bidding along with technical association of Enviro Legal Defence Firm. In the past year, details of the proposals bid for as follows:

- **Proposal for “Training and sensitization of 100 Lawyers empanelled with Legal Services Authorities (LSA) of Madhya Pradesh” (UNDP):**

A proposal was prepared for UNDP to initiate a project that would make a group of socially responsible lawyers who can provide legal solutions on environment, development and social issues and conflicts around them at an affordable cost and in an easily accessible manner through creation of a lawyers training and sensitization manual and training of 100 LSA Panel Lawyers selected from state of Madhya Pradesh.

- **Proposal for Strengthening Participatory Forestry Institutions from law and policy perspective and innovative pro poor climate strategies (USAID):**

This proposal is an attempt to assess and suggest policy measures to strengthen the participatory forest governance framework through:

- Assessment of implementation of the participatory forest management programs across India
- Identification of the legal and policy loopholes that are affecting the PFM programs nationally and at the regional levels
- Assess pro poor climate strategies such as REDD+ that have an impact and improve participation of local communities in forest management.
- Exploration of private sector integration into Participatory Forest Management processes
- 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 would carry out the above legal and policy based study in 8 Indian states of Maharashtra, Chhattisgarh, Madhya Pradesh, Jharkhand, Odisha, Kerala Himachal Pradesh and Assam.

- **Proposal on Traditional linkage to species- An effective marine protected area management strategy- A proposal to develop extension material for the protection of the largest nesting site of Olive Ridentles in State of Orissa, India (Duke University, Oak Foundation):**

This proposal makes a case for using mythological deities and tales, along with modern regulatory approaches, as extension material to impart the knowledge of conserving flagship species such as turtles and hence the marine ecosystem to ensure better marine protected area management in the State of Orissa, on the East Coast of India -the largest nesting site of *Olive Ridentles* in the world. As

a Former Global Fellow (2001) for Oak Foundation Minigrants in Marine Conservation, the Hony Trustee applied for this Fellowship and would conduct the study in the following manner:

The study would be in two parts:

- A desk based research on ancient texts on the “Kurma Avatar” the turtle and synthesis of the earlier researched material on Yoga as well as Odissi dance forms as well as a brief compilation of modern regulatory approaches to marine protected areas management in general and turtle conservation in specific.
- To prepare extension material with pictographic emphasis the traditional linkage with marine turtles. This may include local consultations with informed groups and non-government agencies in the Coastal state of Orissa

The outcome would be a lucid and user-friendly Extension material in the form of a small Booklet on traditional linkage with species- An effective management strategy to protect marine turtles in India.

- **Proposal Enabling Development Practitioners In Understanding Natural Resource Laws And Policies And Supporting Them With Legal Backup To Solve Natural Resource Conflicts (UNDP):**

The proposed training program aims at capacity building of civil society institutions, industry and government agencies by sharing knowledge and providing training on the environmental policy and legal framework in the country, relevant to the sectors of the GEF and in-coherence with its goals i.e. to encourage community based innovative gender sensitive participatory approach that will reduce threat to the local and global environment.

The project will be aimed at building legal capacities to enable young lawyers in tackling issues of natural resource management in special hand holding with various NGOs heads. Specifically:

- To bring about a sensitivity between communities of practice to act responsibly on environmental issues;
- To involve like minded people to develop a common understanding of the legal issues on the rampant environmental violations;
- To create a more win-win situation in a multi stakeholder environment;
- Towards responsible business actions and environmental protection given the mandatory law of sustainable CSR practices;
- To make socially responsible lawyers who can provide legal solutions on environment, development and social issues and conflicts around them at an affordable cost and in an easily accessible manner;
- To understand the role of law in environment, development and social issues and conflicts around them and develop awareness on the role of various actors in enforcing such laws;
- To recognize the issues surrounding the environment, development and social issues and conflicts around them and its legal implications;

- To identify major principles of law and issues surrounding them and its practical applications;
- To critically assess the role of courts especially appellate courts in the arena of environment, development and social issues;
- To create an impact, influence policies and partnership at the National, State and District Levels in the country;
- To enhance NGO and corporate partnerships to act responsibly on sensitive environmental issues.

Training programmes are proposed to be conducted in Ranchi, Jharkhand, Guwahati, Assam, Pune, Maharashtra, Cochin, Kerala and Sarguja, Chhattisgarh.

- **Proposal on Conservation through Participatory Forest Governance-Lessons from India; East Africa, with emphasis on Mozambique (Japanese Award For Outstanding Research On Development (ORD) 2013 with Global Development Network):**

Tribal Forest connect prescribes that forest dwellers depend on the forest resources available in their territory for their day-to-day survival. Given their dependence, it is essential that their rights are not only recognized but also a participatory system for governing forests is developed and enforced. Currently in countries of East Africa, though such rights are recognized in the laws, field implementation is negligible which is eroding the lives and livelihoods of tribals.

In this context perhaps the need of the hour is to take lessons from countries where similar forest tribal interface exists and where such participatory models are in force and are being implemented. India, with its Joint Forest Management program to bring coordination in conservation activities between the Forest departments and tribal communities living in the vicinity of forest areas, Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) supporting the decentralised frame of governance in India and Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) guaranteeing a set of forest rights to the forest dwellers, could be one of the best countries for such lessons especially in light of the emphasis that has been given in the past two decades on securing rights of tribals over forest resources. The present study seeks to study such lessons in participatory forest governance from India and suggest the law and policy measures that could be suitable in the African context.

The proposed study would take Mozambique as a case study since the Mozambique laws already recognize the importance of environment protection and community involvement. However, the lessons would be relevant for all of East Africa since the issues facing all East African countries with respect to forest governance are similar. Therefore the suggested policy measures could be used in reference for all East African countries.

- **Proposal- Recognition and Vesting of Habitat rights of PVTG's under FRA in Jharkhand and Chhattisgarh in India (USAID- Development Innovation Venture (DIV)):**

Tribes in India, especially the Particularly Vulnerable Tribal Groups (PVTG's) are becoming increasingly vulnerable because of loss of their customary habitat and livelihood resources. It is even recognized by the Government of India that there is a pressing need to secure the community tenures, habitats and other customary and legal rights of the PVTG's, as some even face extinction if their habitats and livelihoods are not secured. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) is the pioneering legislation which recognizes and vests the right to habitat in the PVTG's, who mostly reside in forestlands. Undoubtedly, this significant right recognition process of habitats under the FRA has the potential to not only secure the habitats of these vulnerable tribes but also help strengthen and secure their overall status. However, while legally the right has been recognized and vested, in practice, claiming and getting the right recognized and recorded has been a slow process and is an aspect that needs immediate attention. This is evident from the FRA statistics on the number of habitat rights claimed by the PVTG's.

This project seeks to address the implementation issues of securing the habitat rights of PVTG's under FRA at ground level through handholding of the tribes to claim and record their rights in a time bound manner under FRA in the states of Jharkhand and Chhattisgarh in India where they reside. Habitat rights of PVTGs are a complex web of social cultural ecological geographical and economic elements. Our intervention shall examine all these elements and evolve a framework for recognizing the habitat rights of PVTGs through the section 3 (1) (e) of FRA which states that for the purposes of this Act, rights which secure individual or community tenure or both, shall include the forest rights of forest dwelling Scheduled Tribes and other traditional dwellers on all forest lands, and this includes community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities. The project has the scope of rehabilitation of the one of the most vulnerable section of India as it has the scope of establishing legally sound and legitimate habitat and livelihood rights of the PVTGs

DIV funding will be used to create a task force which can perform the function of aiding FRA implementation on the ground; identification of the issues hindering FRA's implementation, preparation of manuals and pamphlets and resource material for training and capacity building of such a task force; training sessions; creating a state wise helpline for the PVTG's; and the follow up on a case to case basis of each claim.

- **Proposal for Developing a Coordinated Legal and Policy Framework for Coastal and Marine Conservation in India (Conservation and Sustainable Management of Existing and Potential Coastal and Marine Protected Areas (CMPA) supported by MoEF in technical collaboration with GIZ):**

This proposed study would explore in detail the conservation potential of all legal instruments that impact marine and coastal systems (atleast 28 national laws, 28 legal categories and 17 international instruments) to develop a coordinated framework to mainstream marine and coastal conservation especially in Marine Protected Areas in India. It will specifically address climate concerns, production sectors and coastal dependents of fishing communities in developing the above framework. The idea behind the proposal is that despite a range of legal instruments regulating marine areas in India, the laws/policies are not proving to be sufficient for conservation. One of the biggest reasons for this is the lack of understanding and implications of other legal regimes that impact these resources. What is lacking is their integrated approach to marine and coastal conservation.

### 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

#### 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

Phone

Email

Address

Query

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

*Should we create a conservation reserve or a community reserve in Agatti Islands in Lakshwadeep to protect the giant clams?*

*-Query from a BNHS, Mumbai officer incharge of the Project on Giant clams*

*Can maldharis in banni grasslands claim community forest ownership to their ancestral land?*

*-Query from a well known grass root NGO Sahjeevan in Bhuj*

*I have an old leopard skin that was given to me by the Chogyal king. How can I register it?*

*Query from a Retd Lt General in the Army, a very decorated soldier in Delhi*

*Hey I need some help. The village people here want to produce village level biodiesel through home brewed alcohol. The excise department says you need to pay royalty for the alcohol. Is this legally correct? We are helping them on technical aspects.*

*-Query from a techo duo helping tribals in Mohuda village in Berhampur, Orissa I need to set up a small plywood unit. Do I need to get a wood balance study done?*

*-Query from a small time plywood operator?*

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](http://eldfindia.org/advice_referrals.php). This database of queries is currently being updated as per the various sectors. A proposal around A&R services is also underway as a work in progress.

- **Description of Queries**

- ***Research support to the Firm on environmentally polluting industries in Kotdwar, Uttarakhand:*** The locals of village Jasordharpur situated in Kotdwar district of the State of Uttarakhand approached the Foundation to legally represent them before the National Green Tribunal regarding/against an entire industrial area operating in close vicinity of thickly populated residential area since 1997 without taking the mandatory Environment Clearance either under the Environment Impact Assessment Notification 1994 or Environment Impact Assessment Notification 2006. These factories have been causing heavy and un-regulated pollution in blatant violations of Environment Protection Act, 1986 and various rules made there under read with numerous safeguards and standards provided for pollution control measures. For years these factories have not been abiding by the legal mandate of yearly renewing their respective Consent to Operate from the State Pollution Control Board under the provisions and Air (Prevention and Control of Pollution) Act, 1981. What was found interesting in this case was that even after the said fact was brought to the notice State Pollution Control it failed to take any action against the violating industries. Further, even the site allocated by the district collector for dumping of the industrial waste fell within the declared elephant corridor of Rajaji National Park in total oblivion of Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008.
- ***Helping out NGOs against unsustainable township development and illegal mining:*** Shristi Nagar in Guwahati developed by Shristi Riverine Pvt. Ltd. is touted to be the largest township in North East covering a land area of 250 hectares with an investment of Rs.3000 crores. The client prima facie found discrepancies in the land, which was supposedly Tea garden and ceiling surplus land. Upon initial interaction with client, two primary aspects came out. First was more of a civil nature and second was the aspect of violation of forest and environmental laws. Within forest and environmental laws, firstly it was noticed that there was a possibility of the land being unclassified forest and secondly, that the project was within 10 kms of ESZ. We are currently guiding the client in filing RTIs n collating further information to build upon a case.
- ***Helping Honey case in Kumbal Garh ( Rajasthan):*** This case relates to the right over ownership over minor forest produce for tribals of Rajasthan who have been collecting honey from a forest which is at quite a distance from their village and the query was

whether owing to long term practice whether they had acquired ownership rights over honey in the reserve forest of Kumbal Garh where they do not reside ordinarily. It was opined that merely a traditional practice where the original inhabitant of another area have not passed a gram sabha resolution shall not entitle them to ownership right over the minor forest produce (honey in this case). However, they can keep enjoying such right as a usufruct or a privilege rather than a right. This opinion enable them to understand not only the legal position on MFP but also prevent a potential conflicting between the local inhabitants and them.

- **Keystone ( Tamil Nadu):** A similar case as above regarding disposal of honey in Tamil Nadu which was seized by the forest department came through the A&R service platform. The legal position of honey as a MFP and the method of disposal of perishable property and non-perishable property was explained to the querist.
- **BMCs and JFM in Madhya Pradesh:** A detailed response on the relationship between Joint Forest Management Committee which are created out of policy resolutions and biodiversity management committees which are statutory committees under the Biodiversity Act was explained to a querist in Madhya Pradesh.

These are only illustrative and the entire data base has not been shared for the sake of brevity and which is already available on the website and the Foundation data bank.

## NETWORKING

ELDF operates through four kinds of networks. First ELAN, Second SANEL, Third Past Interns and Fourth our field partners. (See [www.eldfindia.org](http://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 organisation working in the States 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 conflicts and contest to retain, regain and wrest control. Different stakeholders both State and Non State have deep rooted interests in taking charge of the natural resources for different development activities. In this

dynamic scenario the communities who depend on these natural resources are the most vulnerable and affected the most by any decisions that are taken in the context of natural resources.

Land is such a natural resource that is one of the most contested for and manifests very dynamic conflict. The pastoralists with whom Anthra works find themselves in the centre of this dynamic vortex of conflict. The grazing land all over the country just like other common lands are very rapidly being taken up for different development projects. Just like the Adivasi population who did not have any record of their rights of forest rights the pastoral communities also are in similar situation. The grazing lands and all other common lands on which their livestock used to graze are being acquired, grabbed, or their access is restricted.

In this volatile reality Anthra works with pastoral communities to conserve the livestock and fodder diversity along with supporting the traditional medicinal systems of these communities. But the big question that looms large is what will happen when the grazing land is not available or the rights over grazing lands in all forms is curtailed, restricted or completely stopped. In this context Anthra and ELDF have decided to design a collaborative work relationship which shall broadly have the following features.

- Grazing rights of pastoral communities – how to legally establish
- The support of FRA to establish grazing rights in the forest land
- What evidence to be gathered, how to gather it, when grazing rights are being trampled either by the State or any entity
- Overall building capacities of their shepherd friends in understanding their legal rights, how to build evidences to establish grazing rights, engage with the concerned authorities, access to justice through legal intervention wherever necessary
- Any other legal support which shall strengthen their advocacy processes around these issues

### **Work initiated:**

Discussions with Ms. Nitya Ghotge and Ms. Gayatri of Anthra were held by Mr. Krishna Srinivasan to understand the context and nature of the issues and also to put in place the contours of an initial three month assignment. This three month assignment was to mainly conduct

- Field visits in the work area of Anthra
- Understand the local issues vis-à-vis grazing rights
- Explore possibilities of utilizing The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) to establish and recognize the grazing rights of pastoral communities on forest land.

Three field visits were conducted in this regard.

### **Emerging Issues:**

- Tribal groups being rehabilitated on forest land which were being used by pastoralists for grazing. Access to these lands is curtailed leading to conflicts. A scenario of Rights versus Rights of two vulnerable social groups is unfolding.
- Expansion of a key nuclear reactor leading to displacement of some 100 odd families that are being rehabilitated on the land where pastoral families pitch up their make shift tents. The habitation rights of the pastoral families are being denied which is linked with their grazing rights.
- The FRA to be utilized to recognize record and vest forest rights of the pastoral communities in two villages which share the same forest land.

### **Next Steps:**

- Collection of documentary evidences, types of land, uses, jurisdiction, et al needs to be undertaken
- Identification of local anchor persons who could facilitate the process on the ground and be the contact point for future activities in this regard
- Identification of youth who could be trained to become barefoot paralegals and help their communities in engaging with the government, accessing government programmes etc.
- Design and execute a capacity building process with the communities to understand their rights and work towards establishing the same.
- Dialogue with other activist groups involved in rehabilitating tribal groups on forest land and in the bargain over-looking the existing grazing rights of the pastoral communities.
- To jointly conceive and develop a project proposal for addressing all these intervention aspects and work towards establishing the grazing rights of pastoral communities.

### **• 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 by young and old, and by men and women 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, Orissa, 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, Maharashtra
2. Lok Panchayat, Akole, Maharashtra
3. Prakruti/Appiko , Sirsi, Uttara Kannada, Karnataka
4. Keystone Foundation, Nilgiris, Tamil Nadu (also functions as the Network’s secretariat)

#### **Eastern Ghats – Partners**

1. Legal Environment Action Forum, Bastar, Chattisgarh
2. Regional Centre for Development Cooperation (RCDC), Bhubaneswar, Orissa
3. Gram Swaraj, Mayurbhanj, Orissa
4. GSMT, Yavatmal, Maharashtra
5. Kovel Foundation, Vishakapatnam, Andhra Pradesh
6. VIKASA, Vishakapatnam 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, Kodaikanal (Forest seeds & nurseries)

### **The 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 –

- End of August 2014 or 1<sup>st</sup> week of September 2014 a two day consultation shall be organized with the NTFP EP members preferably in Maharashtra
- Mr. Sanjay Upadhyay, Managing Partner, Enviro Legal Defense Firm shall be the resource person for this consultation assisted by Mr. Krishna Srinivasan, Coordinator, ELD Foundation.
- He along with his team shall facilitate and discuss with the members of NTFP EP India network the entire gamut of environment law and forests in particular. The emerging issues, concerns, challenges and the way forward.
- The potential roles that a network like NTFP EP could play in this context would be discussed.
- Based on this consultation the collaborative work relationship between NTFP EP India and ELD Foundation shall be designed.

### **• Hand holding young lawyers**

Since the completion of the young lawyers fellowship programme in Chhattisgarh (YLFP), the Foundation has been helping young lawyers on requests, on variety of social welfare issues on informal basis. They are also been guided to leverage from other govt. programmes and opportunities such as the women welfare committee, district legal services authority among others. Some of them have been empanelled, appointed to such statutory committees. The feedback is also that the YLFP lawyers have benefitted from the program and now command better professional fees due to such training.

### **• 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. See <http://www.eldfindia.org/elan.php> and <http://www.eldfindia.org/sanel.php>

### **• Networking with Artha**

Tie-up with Artha ([www.arth-sa.org](http://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.

## 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.

- **Research Activities**

- **Follow up and analysis of the National Green Tribunal orders:** National Green Tribunal since its establishment played important role in conserving and protecting of the Environment. It also turns out to be comparatively faster and organized institution for resolving environmental than its Predecessor. So, it was decided by the ELDF fraternity that NGT decisions will be closely followed and Judgement will be analysed to know its evolution. So, far more 200 Judgments are analysed and every important order is followed up.

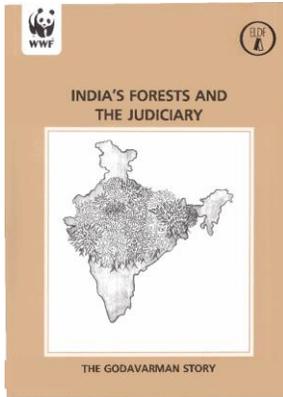
**Name: Salik Shafique**

**Final Year, Amity Law School, Noida**

*Internship at ELDF is not just a usual internship it is a journey of growing up -from law student to lawyer. The best thing in ELDF is that they treat interns as Attorneys. While working in any of the Project or Case you feel like you are part of change. The internship period in ELDF not only help you gain experience but also broaden your perception. One month's internship is not enough in ELDF- I want to be here for a lifetime!*

One member of ELDF member also makes report NGT everyday's Proceedings. This helps in understanding evolution of Environmental Law in India.

- **Follow up and analysis of the Godavarman case:** The Godavarman case is a landmark case in the history of forestry. A book on Godavarman case was published by ELDF based on the 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.



- **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. Over the past years it has been observed that one of the key causes for the failure of infrastructure projects to fail has been their lack of compliance with the environmental clearance requirements. The reason for this is the 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, in 2013 started working on studying the processes for Environmental Clearance, clearance for ESA, wildlife clearances, Forest Conservation Act, Ground water, surface water, CTE, CTO, clearance process under CRZ, land transfer and land acquisition.

We believe that the knowledge gained though this activity would not only help increase our knowledge base but would also help us in guiding our clients better. In addition, environmental clearances processes are being talked about nationally and internally and we can contribute to strengthening the processes if we get clear on these norms. Based on our understanding, communications maybe made with the government to inform it about shortcomings, if any, and means to strengthen the processes and making them robust.

***a. Environmental Law Process- Environment Protection Act Clearances.***

Environment Protection Act, 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, The Wetlands Rules, 2010, The Plastic Waste Rules, 2011 etc. Every Person working in that particular field need authorization and registration with the

competent authority mentioned in the Rules. The Team members of ELDF made a detailed Process document of these fourteen Rules.

***b. Environmental Law Process – CTE/CTO***

Every Commercial activity big or small need ‘NOC’ State Pollution Control Board to function under Water Act and Air Act. The ‘NOC’ is divided into two parts Consent to Operate and Consent to Establish. Consent to Establish is issued by State Pollution Control Board for setting up of the Unit and Subsequently Consent to Operate for operation of the Unit. This is given by filing an application followed by cumulative study and Inspection of the site. The 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.

• **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 at Indore UNDP project of RLEK:*** Three days Refresher training programme on Legal literacy for key resource person of NLMA, State Resource Centre, Indore. The Managing Trustee was invited to speak on Schedule Tribes and Other Traditional Forest Dwellers (Recognition of forest Rights) Act, 2006 with clarity on “other traditional forest dwellers”. He also conducted Role play as well as Q&A session on the said Act.
- ***Provisional training at IGNFA:*** The Managing Trustee was also invited to conduct the Forest Policy and Law course to the IFS probationers of 2013-15 batch, where he took a detailed session on Forest Rights Act and its implementation and other forest related laws.
- **Resource Person and environmental laws and disasters;** National Institute of Disaster Management, April 2013.
- **Training IAS/IFS Probationers at Lal Bahadur Shastri Academy of Administration:** May 2013

## FINANCIAL STATUS

### ENVIRONMENT LAW AND DEVELOPMENT FOUNDATION BALANCE SHEET AS ON 31<sup>ST</sup> MARCH, 2014

<b>LIABILITIES</b>	<b>CURRENT YEAR</b>	<b>ASSETS</b>	<b>CURRENT YEAR</b>
<b><u>RESERVE &amp; SURPLUS</u></b>		<b><u>FIXED ASSETS</u></b>	
Balance as per Last Balance Sheet	363,843.00	Computer	18,448.00
Less: Excess of expenditure over income	213,763.36	Less: Depreciation	11,069.00
	1,50,079.64		7,379.00
<b><u>Outstanding Liabilities</u></b>		<b><u>CURRENT ASSETS</u></b>	
Chaudhry Kumar & Co.	11,236.00	Cash in Hand	4,923.00
TDS Payable	-	ICICI Bank Ltd.	6,661.49
Telephone Expenses Payable	648.00		11,584.64
	1,61,963.64	<b><u>LOANS AND ADVANCES</u></b>	
	1,61,963.64	Advance recoverable in cash or in kind or for value to be received or pending adjustment	
	1,61,963.64	Telephone Security	500.00
	1,61,963.64	Tax Deducted at Source 2010-11	70,000.00
	1,61,963.64	Tax Deducted at Source 2011-12	30,000.00
	1,61,963.64	Tax Deducted at Source 2012-13	42,500.00
	1,61,963.64		1, 43,000.00
	1,61,963.64		1,61,963.64

#### 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 31<sup>ST</sup> MARCH,**  
**2014**

<u>EXPENDITURE</u>	<u>AMOUNT (Rs.)</u>	<u>INCOME</u>	<u>AMOUNT (Rs.)</u>
To Salary Paid	44,000.00	By Interest received for the year And earlier years	1,81,446.00
To Researcher Salary	2,34,000.00		
To Printing & Stationary	2,462.00	By excess of Expenditure over	
To Postage & Courier	600.00	Income for the year	2,13,763.36
To Expenses on FRA Trainers	59,808.00		
To Telephone Expenses	11,927.00		
To Travelling & Conv. Expenses	18,540.00		
To Bank Charges & Interest	112.36		
To Website Expenses	1,455.00		
To Audit Fees	11,236.00		
To Depreciation	11,069.00		
	----- 3,95,209.36 =====		----- 3,95,209.36 =====

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 Chamber: 419, MC Setalvad Chambers; Supreme Court; Bhagwan Das Road, NewDelhi-110001 Ph. No. +91-11-23070071
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 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.) Tel: 0551-2337140

### TEAM AT ELD FOUNDATION (AS ON 31<sup>ST</sup> MARCH 2014)

S. No.	Name	Designation
1.	Mr. Krishna Srinivasan	Regional Coordinator
2.	Mr. Ridhima Pabbi	Legal Coordinator
3.	Mr. Vishambar Dutt	Project Coordinator
4.	Mr. Salik Shafique	Legal Associate
5.	Izhar Ali	Accounts Associate
6.	Ramesh	Helper

### FIELD PARTNERS

SN	Partners
1.	Sewa Bhaskar Samaj Kalyan Sansthan Bhaskar Bhavan, Kedarpur, Ambikapur, District Sarguja - 497001 Chhattisgarh

	<a href="mailto:sewabhaskar@gmail.com">sewabhaskar@gmail.com</a> +91-9826168359
2.	Path Pradarshak, Saksharta Marg (Bhatti Road), Kedarpur, Ambikapur District - Sarguja- 497001

	Chhattisgarh tel: 0777-4230894 m-+91- 9406090669 <a href="mailto:p.pradarshak@rediffmail.com">p.pradarshak@rediffmail.com</a> <a href="mailto:pathpradarshak.tiproject@gmail.com">pathpradarshak.tiproject@gmail.com</a>
3.	Vindhya Environment and Livelihood Trust Near Pani ki Tanki, Dakshin Korondia Siddhi, Madhya Pradesh m-9752188878 <a href="mailto:em-churhatk@gmail.com">em-churhatk@gmail.com</a>
4.	Tiger Initiative Group for Earth Revival Bandavgarh Road, Village Tala, Khaira Gram, Post Office-Khaira, District-Umaria, Madhya Pradesh m-9868882400 <a href="mailto:tiger_initiative@hotmail.com">tiger_initiative@hotmail.com</a>
5.	Institute of Community Forest Governance, A-B/1 Abhilasha apartment 11 Purulia Road (behind Top Gear Motor Garage) Ranchi – 834001 <a href="mailto:sanjay_samar@hotmail.com">sanjay_samar@hotmail.com</a> 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 <a href="mailto:anuktekam@gmail.com">anuktekam@gmail.com</a>
8.	Rajiv Singh Chauhan Advocate, 11 “D” Lawyers Chamber District Court, Sidhi – 486 661 m- 0940 7354 200 m – 09425179586 <a href="mailto:sidhirajiv@yahoo.in">sidhirajiv@yahoo.in</a>
9.	Pushpendra Nath Dwivedi 09425472945 <a href="mailto:babadwivedi99@gmail.com">babadwivedi99@gmail.com</a>
10.	Rajesh Shankar Advocate, Madhya Pradesh m-09835116014 t-2311746 (R)