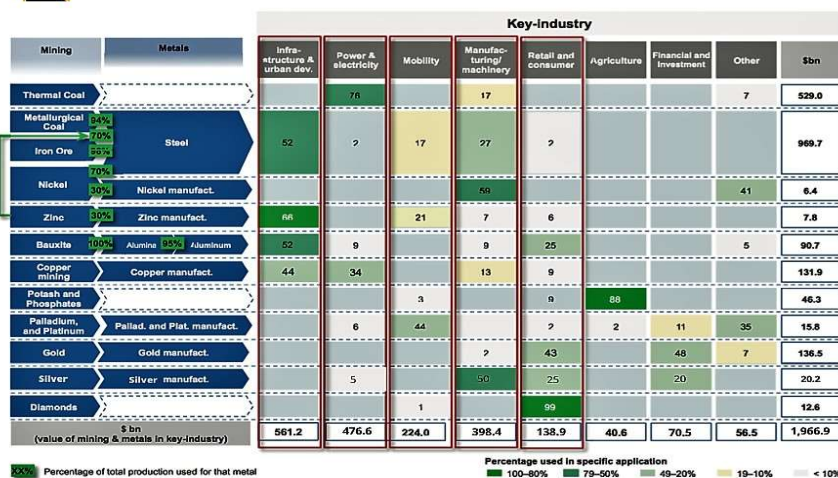


## THE \$2 TRILLION MINING VALUE CHAIN



ENVIRONICS TRUST

ANNUAL REPORT

FY 2015-2016

Innovations in Community Development....



Environics Trust

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## Message from Managing Trustee

### STRATEGIC HIGHLIGHTS

Environics Trust completed its first teen year and is geared to deepen and expand its activities. The evolution is based on the demands of the community and in keeping with the core objective of enabling sustainable communities.

We have focused on three important communities in the current year with varying degree of support and action. The communities affected by Mining and Allied Activities, the Informal Workers their Occupational Health and Social Security and the Himalayan Communities seeking forest rights.

### FINANCIAL HIGHLIGHTS

We have been continued to be supported by national and international donors and partners.

### OPERATING HIGHLIGHTS

Diversity of Situations and Communities with whom we have worked from Kashmir to Tamil Nadu and from Assam to Gujarat

Social Security especially of Informal Women Workers across Sectors and Geographies identified as an emerging area

Design of Formal Education and Training Programmes

### LOOKING AHEAD

We are drawing up the programme to expand and deepen the work.

Ramamurthi Sreedhar  
Managing Trustee

## About Environics Trust

In our mission **to enable sustainable communities, we evolve innovative solutions to the problems of community development.** Environics means the study of the influence of the environment on human behaviour. Environics Trust interprets it more comprehensively as the mutual influences of environment and social behaviour and utilises tools and techniques to innovate solutions.

The design of these innovations are channelled through the processes of **Participative Research**, which enables documentation of existing conditions and the changes aspired; **Community Based Action** to demonstrate the possibility of transforming innovations into a physical and social reality; **Enterprise Development and Servicing** to respond to the current reality of the economic world and identify sustainable entrepreneurial and occupational niches and **Communication** to interface with a larger universe to mutually learn and contribute.



- Participative Research
- Community Based Activities
- Enterprise Development and Servicing
- Communication

Environics Trust reaches out particularly to mountain, mining, coastal and other marginalized communities.

Environics Trust defines a Sustainable Development as the “**set of processes that enables the local and global systems to be in ecological harmony**”.

The four non-orthogonal attributes of sustainable development which are crucial to the state of being in ecological harmony can be described in the form of the state of these attributes.

- Equity and Justice
- Environmental Soundness
- Endogeneity or Self Reliance
- Economic Efficiency.



**Sustainable Communities** are those which can practice Sustainable Development.

## Communities Affected by Mining and Allied Industries

Mining and Allied Industries are an important area of upstream and downstream impacts. Our concern and interactions with the communities adversely affected direct our research and action agenda. Since inception we have been continuously pursuing the policy, programme and project level issues.

The mining landscape and legislative amendments to the mining law have struggled to provide any respite for the mining affected communities. The amendment act proposed by the Government in the past rolled downhill from provisions of equity to royalty sharing and remained in lock in period after the dissolution of the 15th Lok Sabha till the newly elected Government brought a selective amendment to the MMDR 1957 Act. An ordinance was brought in January 2015. After clearing the hurdle in the Lok Sabha, it was cleared in Rajya Sabha only when the Select Committee of Rajya Sabha submitted its report in March 2016. The end result for the much touted 'benefit sharing' with communities is change of 'certain percentage of royalty' to '30% equivalent of royalty for leases issued before January 2015 should be deposited in the District Mineral Foundation' and '10% equivalent of royalty for leases issued after January 2015'. Model DMF rules were brought out and each state was vested with the responsibility of coming up with state DMF rules and constitute DMFs' in respective Districts which are affected by 'mining operations'. The PMKKKY scheme was launched in September 2015, providing guidelines as to where the accumulated funds from mining be spent on.

The member organisations of mm&P alliance and communities in mining areas were reached out to further the process of strengthening knowledge and capacity of the alliance members and communities in mining areas. A national workshop meant for discussing the amendments vis-à-vis benefit to the locals and planning state level meetings was held in New Delhi. Three initial awareness generation meetings followed by press conference were held in mineral rich states of Jharkhand, Orissa and Chhattisgarh. Community perspectives were also taken into account while undertaking initial research on companies in mining areas with specific focus on social obligations and legal requirements as far as MMDR and EPA Acts are concerned. The process of CSR and internal governance systems were also discussed in brief.

Coal is ever expanding and issues of communities in these resource belts remain relevant & urgent. The oldest coal mining belt of Raniganj-Jharia is a living memory in the modern times of how the greed to extract coal by all means results in hardship for communities through their lives – the black gold, as it is called has not changed the fortunes of poor and vulnerable who still live at the brink of a disaster happening every day. The coal seams are burning and land is thus subsiding, there is a Master plan for resettlement and relocation but it is far-fetched and remains largely on paper. The health of people in these coal belts is deplorable and there exists no public registry of diseases prevalent or most common in the region due to coal mining and burning, therefore no strategic focus - healthcare and sustainable development are thus two corners of the same room (Goal 3 & Goal 15 of Sustainable Development Goals). Aaganwadis are being run by few dedicated workers / organisations and need much more focus and attention in addressing child nutrition and child development.

The whole region presents a challenge of moving several lakhs of people from their present location to safer sites and requires this to be done at fast track and unwillingness of people is also true once they hear the R&R package provided which talks of packing them into small size quarters (flatted development) which they have probably seen in towns like Asansol, Durgapur or Jharia's few resettlement colonies. Angul, Orissa's coal mining area makes a similar problem statement but not the severity of coal seam fires and subsidence as seen in Jharia-Raniganj coalfields. Drinking water is slowly

becoming a continuous problem and more villages are being reported to have fluoride contamination also. Dust pollution coupled with series of ash ponds in the region put the region onto a high on pollution index. The SDGs bring with it a set of indicators / approach after the much talked about MDGs – the report looks at few of the health aspects, community perspectives and reflections from health practitioners on community health.

**1. Talabira I Coal Mine, Sambalpur, Odisha / 3MTPA**

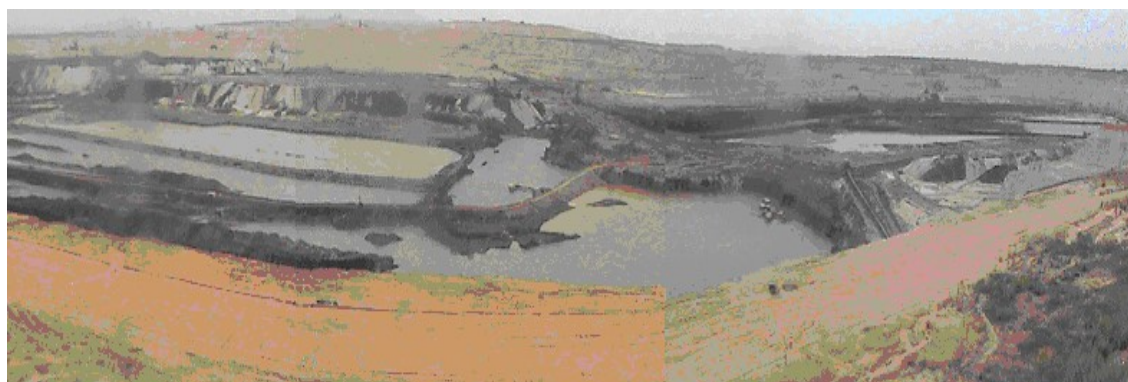
Local people from Khinda Village have filed a case in the National Green Tribunal (Eastern Bench). The plea is that the coal mine allotted to Hindalco in 2003 overproduced leading to generation of excess overburden. The disposal encroached upon public land which used to be a mainstay of local population's production systems and livelihood. The mine Talabira I is also located close to Hirakud reservoir. Another important issue raised in the petition is absence of green belt thus exposing communities especially to air pollution. It is mandated that 33% of the lease area has to be converted into a green belt. Due to mining, the traditional irrigation system of the villagers is now lost and they have to face hardship thus resulting in loss to the communities. These challenges are interrelated and require attention as the expansion of existing thermal power plants and mining is taking place. This region, Jharsuguda-Sambalpur region is densely packed with steel plants, alumina refinery, thermal power plants and coal mines of Mahanadi coalfields limited. The last remaining forests of this region are under threat from Greenfield mining as well as expansion of coal mining. Talabira II and III are in the process of being jointly allocated.

**2. Talabira II & III Coal Mines, Sambalpur, Odisha / 23 MTPA**

Former JV in the name of MNH Shakti Ltd (MCL, Neyveli Lignite Limited and Hindalco) cutting across Jharsuguda and Sambalpur Forest Divisions in respective districts. Recent indications suggest that this coal block will most likely to go in favour of State PSU Neyveli Lignite Corporation established in the state of Tamil Nadu. The estimated extraction would be 23 MTPA over huge area of 1926 hectare and it creates yet another 2000MW thermal power plant entity in vicinity making the region under more resource abuse.

**3. Neyveli Lignite Mine, Cuddalore, Tamil Nadu / 7 MTPA**

Neyveli Lignite Corporation is establishing a 2x500 MW New Thermal Power Project (as a replacement of old 600MW TPS) at Neyveli with expansion of Mine-IA from 3 MTPA to 7 MTPA. The recent heavy



A Panoramic View of the Mine - 1



rainfall washed down the overburden dumps totally filling up over 200 acres of land. The local community sought intervention and a Fact Finding Visit was undertaken on the 4th February 2016. The mining work in this region started in the sixties. Several issues of land acquisition, wherein the State Government has exempted the company from the provisions of the Land Acquisition Act have been raised. Specific strategies are being worked out to address these issues.

4. *Jindal India Thermal Power Limited (JITPL), Derang, District Angul / 1200 MW*
5. *Angul I TPP in Derang Village; NTPC*
6. *Angul II Thermal Power Plant by Jindal*

Jindal India Thermal Power Limited, one of the companies of Jindal conglomerate has set up a thermal power plant in Derang village, District Angul. The current capacity is 1200 MW but one more unit of 600MW is under process of being approved by Ministry of Environment, Forest and Climate Change. It has more than 1600 project affected families; the region is already under immense stress due to acquisition of land by IPICOL and IDCO (Industrial Development Corporation of Orissa). NTPC<sup>1</sup> Kaniha and JITPL are just separated by an earthen bund thus forming a continuous patch of ash dykes and thermal power plants. NTPC's installed capacity is 3000 MW. The commonality amongst both is Samal barrage over River Brahmini from where water is being sourced, availability of water and coal in the region has attracted several companies to set shop in Angul. One of the impacts on water systems in the Mahanadi Basin is diversion of water for the industries in Orissa as well as Chhattisgarh. Brahmini River is highly polluted as it passes through industrialised zones. The region is highly polluted due to fugitive dust as well as toxic ash which become air borne, especially in summers.

During local group discussions in the villages surrounding these plants, dust accumulation over land and water sources were stated as their main concerns leading to ill health. Drinking water has become a frequent problem as the water table has gone down which was shallow earlier; there is no arrangement for drinking water supply. Effluent is being discharged many a times in local water body. Another concern of people surrounds employment; the land was acquired under the pretext that employment will be given to around 500 persons but so far only 57 people have got some form of employment. Around 40 bore wells were dug by the company under CSR but people complain that these are not productive as water has receded further. A complaint was filed against Jindal Steel and Power Limited (in vicinity of JITPL) for digging tube wells to provide water to its plant as the pipeline work was underway to source water from Samal barrage.

1. Past: The TOR was granted on 28.12.2011 for Angul II project. In 2013, the company requested for extension of validity of TOR. It was extended till 27.12.2014.
2. Proposed: Angul II Thermal Power Plant by Jindal's in vicinity of JITPL's 1800 MW plant which will comprise of 2 units of 660MW each at village Jamuda.



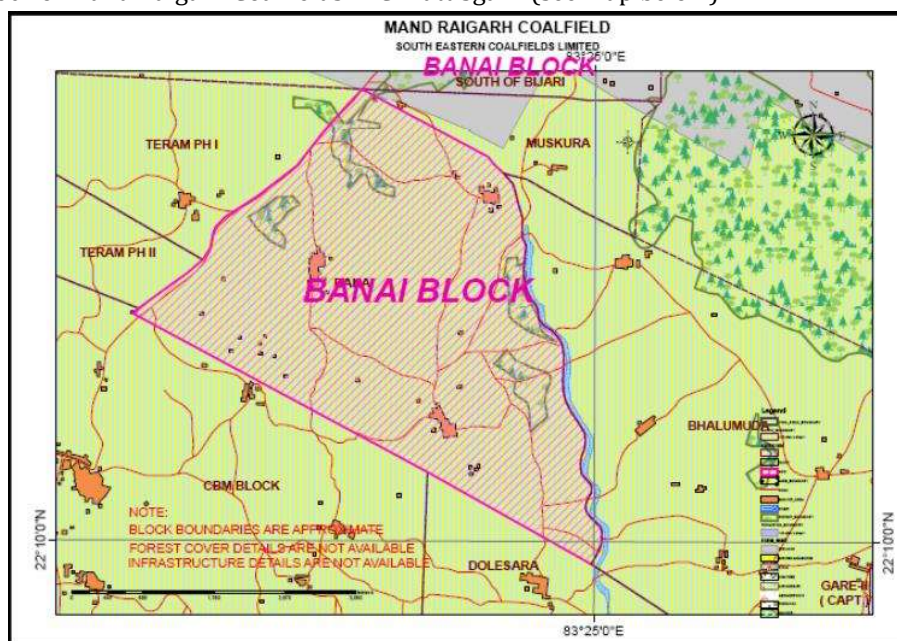
From L-R: Angul I TPP in Derang Village; NTPC ash dykes adjoining Angul I and near Takua

<sup>1</sup> National Thermal Power Corporation

### 7. Barethi Thermal Power Plant, District Chhattarpur, Madhya Pradesh -2640 MW

After setting up the Vindyanchal mega TPP, with an approved capacity of 4760 MW in Singrauli region (Sidhi, Madhya Pradesh); Barethi will be the next largest thermal power plant with 4 units of 660 MW (2640 MW) in District Chhattarpur. Coal for Vindyanchal TPP is Nigahi Mines of Northern Coalfields Limited in Singrauli.

The project obtained Terms of Reference from Ministry of Environment and Forests in the year 2010 (09 September 2010) which remained valid till 08.09.2013, after conducting the public hearing on 17.06.2011, the final EIA report was submitted to MoEF on 18.10.2011 but at that time NTPC had no coal linkage for the proposed power plant. The EAC did not consider the proposal for want of firm coal linkage. In 2014, NTPC applied as a fresh proposal reducing the capacity to 4\*660 MW and requested for exemption of public hearing. During this process of 2-3 years, the company acquired 2900 acres of land, 81% of acquired land is private land. Water to the extent of 80 MCM will be sourced from River Ken (The Ken Betwa River Linking project is yet another inter basin water transfer project displacing people and changes the geophysical landscape of the region) and coal to the extent of 12 MTPA will be sourced from Banai Coal Block of Mand Raigarh Coalfields in Chhattisgarh (see map below).



The Government of Madhya Pradesh brought out rules to facilitate land management for establishment of thermal power plants in the state. These rules are called 'Madhya Pradesh (Thermal Power Plants Establishment) land management rules 2011'. These rules have been framed for allotment and management of government lands to the private investors with whom MoUs have been signed in the state for setting up thermal power plants.

Acquisition of land has already created problems of lack of compensation, left out households, misinformation leading to consent / wrong decisions, employment in lieu of land acquired not honoured. In few of the cases, people have been termed as encroachers with no valid land documents and have been left out of the ambit of compensation. Dialogue with local farmers is underway to explore the possibility of challenging the compensation amount and bring it at par with the Act of 2013 (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement)



This region is not industrialised and has been under water stress from time to time and it forms part of the Bundelkhand region which has a blot of continuing to be one of the poorest region in the country. Few farmers were met during the field visit to the area and some of them revealed that while agreements were signed with the local people for taking away their land, full terms and conditions were not revealed to them by the company. The company stated that once signed, the agreements will be distributed by the district authorities later. When people got hold of the agreement, they were taken aback as there was no provision for employment to one member of the family, which they were verbally told will be provided. The policy which people got to know later says that one time cash of INR 3,00,000 per acre in lieu of employment will be paid and there has to be a tripartite agreement between NTPC, Government Administration and Land Looser! Those who have signed this agreement without knowing the facts have ceased for themselves any chance of plea before the company or the government.

A field trip for 10 people of Barethi was organised by Environics to the coal bearing area of Banai from where coal will be sourced for the plant. One of the intentions was to make communities aware of the environmental and social problems of existing mining as people of Barethi are also going to impact from thermal power plant. A meeting was organised in village Lath so that people get acquainted with each other's problems. People expressed that there has been a differential treatment in villages as far as compensation is concerned – un-irrigated land with all other benefits is being compensated at INR 7 lakh per acre (acre is roughly 4048 m<sup>2</sup>) whereas irrigated land would be compensated at INR 9 lakh per acre.

The project was not granted clearance on the basis of September 2010 ToR for which public hearing was conducted on 17.06.2011. The ToR issued in 2014 exempts the public hearing thereby shielding NTPC from answering difficult questions as people would have raised many relevant questions after they went through the initial phase of being misled on land acquisition for the project. A field trip is planned shortly to review the conditions stipulated under the TOR and intervene at the stage of environment clearance. In the meantime, more details will be worked out of the impacted families for grievance with the company.

#### *8. Gare, Raigarh, Chhattisgarh*

The Coal Satyagraha to establish the communities' right to mine, if Government ultimately wants to mine the land, launched in 2013 entered a new phase. On 1st and 2nd October meetings were held with over 500 people participating from the entire coal bearing region. While retaining the right to mine, the community wanted to work

We have initiated a pre-feasibility study for a 1 MW Solar Plant in the village. Land has already been earmarked for the purpose and the aim is create a renewable energy hub.

In continuation to the protection of land and alternate energy planning, a two day preparatory meeting was planned in Gare and visits were conducted in adjoining villages for discussions on enabling the producer company and



intention to conduct a preliminary energy utilisation and socio-economic survey. Mr Govindasamy, former Executive of National Bank for Agricultural and Rural Development and who is currently the CEO of a successful producer company in Tamil Nadu was called upon to share his experiences on the concept of producer company and associated Joint Liability groups which act as mutual service providers. A Survey questionnaire is drawn and survey initiated.

9. *Chaal, Raigarh Chhattisgarh*

Coinciding with the Human Rights Day a large gathering of over 600 people from coal mining and thermal plant affected communities gathered in Chaal to take stock of the situation.



10. *Further Development on JITPL TPP; Bhushan Steel and Power Plant and Aditya Power Plant in Sambalpur*

The communities have already filed complaints with National Human Rights Commission (NHRC) and field visits have been undertaken, the next step is to plan for monitoring of Particulate matter in the region using portable air monitoring devices over a period to get time series data. The surrounding communities in Angul have also filed complaints as their agriculture land is being damaged due to water release from ash ponds. Discussions are being held with legal researchers for developing a case on restoration of environment and compensation for damages.

Bhushan Steel and Power Limited (BSPL) is expanding its production capacity of steel from 3 MTPA to 5 MTPA for which TORs were granted in March 2015 and public hearing was held in February 2016. People have raised objections and submitted written submissions to the public hearing panel. The public complaints filed by the community are being collected and scrutinised for want of additional points to prepare for compliance with TOR so issued. The EIA is awaited. The expansion is taking place in the adjoining area of the existing facility. Four villages Dhubanchapal & Dahulepada (both Scheduled Tribe villages) and Meharpada and Khadiapali villages are directly affected by this expansion. The land acquisition process has been initiated and 40% compensation has also been paid but the two ST villages are against this expansion and holding the ground.





In the vicinity, adjoining BSPL is Aditya Alumina, where illegal construction of ash pond for expansion of 650 MW unit to 1650 MW unit is underway. Village Bomalai is close to this facility and material is being dumped here illegally. We have used RTI Act to ascertain the illegality of the ash pond which is posing risk to the people, several people's land is being encroached upon by this pond. Similarly, a railway line is also proposed to link it with East Coast railways passing along the eastern boundary of BSPL, this has also resulted in bifurcation of land without any land acquisition. The RTI lists out approved ash ponds in the Sambalpur District and shows that aditya's ash pond is not approved. Legal scrutiny of documents collected after meeting the locals has already started.



Dumping of ash in Khadiapali



Dust emanating in Bomalai, Illegal dumping trucks pass through



Water channel flow obstructed by Aditya Alumina in Bomalai

So in the same region there are multiple issues of non-compliance, illegality, damages and pollution. This provides large community supports which is affected and have tried the administrative redressal for so many years but remedy is nowhere. Since Talabira has already been taken up, the adjoining communities in this region are stepping up their concerns by filing RTIs and seeking legal recourse for relief.



## Occupational Health

### Work with Power Plant Workers and Cases in high Courts

In India, the organised/ formal sector, which accounts for about 7 per cent of the total workforce, benefits from a fair minimum standard of social security. The provisions of social security for organised workers are reasonable and are ensured through a legal framework and institutional infrastructure. They are covered by the Employees State Insurance Act, 1948 and the Employees Provident Fund and Miscellaneous Provisions Act, 1952. In contrast to this, the social security measures for the marginalised sections of the society, mostly the unorganised/ informal workers (93% of total workforce) have been very minimal. Rough estimates shows that only less than 3 per cent of the unorganised sector workers are covered by some social security measures.

Following the order by the Supreme Court in which the court had ordered all the High Courts in the country to monitor the implementation of the guidelines stated by the Supreme Court, Several High Courts have started the monitoring. There are more than 350 Coal Based Thermal Power Plants in the country and more plants are being permitted to be established every year. These plants established by both private and public companies cause grave damage to the environment around the plant and severely impacts the communities living in the surrounding regions. The work in these plants has been termed as hazardous and the workers in these plants work in extremely dangerous conditions and fall prey to several occupational diseases like Silicosis, Asbestosis, Noise induced hearing loss and many more. In the state of Gujarat, many workers have been diagnosed as suffering from these diseases.

The Supreme Court of India in a landmark judgement ordered several important pro worker guidelines to be implemented by these Coal Based Thermal Power plants which will help in ensuring that the workers do not fall ill because of their work conditions. The guidelines are as below –

1. Comprehensive medical check-up of all workers in all coal fired thermal power stations by doctors appointed in consultation with the trade unions. First medical check-up to be completed within six months.
2. Free and comprehensive medical treatment to be provided to all workmen found to be suffering from an occupational disease, ailment or accident until cured or until death.
3. Services of the workmen no to be terminated during illness and to be treated as if on duty.
4. Compensation to be paid to workmen surrendering from any occupational disease, ailment or accident in accordance with the provisions of the Workmen's Compensation Act 1923.
5. Modern protective equipment to be provided to workmen as recommended by an expert body in consultation with the trade unions.
6. Strict control measures to be immediately adopted for the control of dust, heat, noise, vibration and radiation to be recommended by the National Institute of Occupational Health (NIOH) Ahmadabad, Gujarat.
7. All employers to abide by the Code of Practice on Occupational Safety and Health Audit as developed by the Bureau of Indian Standards.
8. Safe methods be followed for the handling, collection and disposal of hazardous waste to be recommended by NIOH.



9. Appointment of a Committee of experts by NIOH including therein Trade Union representatives and Health and Safety NGO's to look into the issue of Health and Safety of workers and make recommended.

The Supreme Court further ordered all the High Courts in the country to monitor the work place conditions and the implementation of these guidelines in the Thermal Power Plants in their jurisdiction. Following this, many High Courts filed a "Suo Moto" petition to ensure that the Supreme Court's order is implemented. Although all the high Courts are taking a different approach where in some have made all the Thermal Power plants in the state as a party in the case, Some high Courts like Madhya Pradesh have involved only government departments in the case. In some cases, a team of experts have been constituted to monitor the plants, the Karnataka high Court ordered BIS to monitor 3 power plants in the state. There is no one model of approach which is being followed in all the High Courts.

A state wise breakup of the situation of the case in different High Court is as below

### **Punjab**

The Case with Number - WP 2876 / 2014 was filed on 17-2-2016 and has had 12 hearings so far. Some of the important points of the hearings held so far are as below -

- Both government and private power plants have been made parties in the case and has been asked to file their reply; Notice was issued to the NIOH and Punjab Pollution Control Board.
- Some respondents have filed their affidavits/written statements, the remaining respondents have still not filed their reply
- Progress in case is slow with repeated adjournments

### **Maharashtra**

The Case with Number - WP 223 / 2014 started on 31-10-2014 and has had 13 hearings so far. In this case all the plants in the state have been a party in the case. OHSC (one of our network members) has joined the case as a party. Some of the important points of the hearings held so far are as below -

- All 35 CFTPPs in the state made respondents.
- Directed the District Legal Services Committees in State to enroll/allow the students of law colleges and other colleges in their respective districts to make personal visits of the plants and to interview the workers employed in such power plants for getting first-hand information about occupational health - Ministry does not allow this saying TPP are sensitive installations
- The court ordered to form a committee ensuring implementation of all the relevant Legislations and Regulations and Rules. Power Plants to submit a copy of the respective audit report to the Committee.
- The expert committee of four member was constituted which does not find any fault or visit a single power plant but relied on information given by the management
- Report of the committee is being challenged. Medical camps are being planned in the state to diagnose workers with the help of unions

### **Madhya Pradesh**

The Case with Number - WP 08724 / 2014 started on 19-6-2014 and has had 23 hearings so far. None of the power plants in the case have been a party in the case and the only parties are Union Of India (Ministry Of Labour), Union Of India (Ministry Of Environment), Union Of India, State Of Madhya

Pradesh, Ministry Of Environment (Madhya Pradesh), State Pollution Control Board and the Central Pollution Control Board. We are scrutinising the Action Taken report that has been filed by the State Government. Some of the important points of the hearings held so far are as below –

- High Court requested to focus on two main aspects (i) Whether there is adequate and effective health delivery system in place and (ii) Whether there is any evaluation of occupational health status of the workers.
- Joint Director asked to make random surprise visit to check the authenticity of information submitted in the court. Report submitted
- The affidavit filed by the Joint Director does not show as to what are the measures available in the industry for preventing the occurrence of occupational hazards
- The High Court asks the Joint Director for a specific report with regard to the occupational disease and its prevalence.
- Again the government is just submitting reports based on records maintained by the management. No other efforts are being made

### **Karnataka**

The Case with Number - WP 18321 / 2014 started on 11-8-2014 and has had 15 hearings so far. The Court has ordered Bureau of Indian Standards (BIS) to conduct an audit of 3 power plants in the state. BIS have completed the audit and the power plants have been asked to file an Action Taken report following which another inspection from BIS will take place. The BIS report is being reviewed currently which finds violation of several laws and workplace conditions but does not find a single fault with the guidelines of Supreme Court. Two of the respondents have been asked to submit Action Taken Report on the implementation of the suggestions made by BIS.

### **High Court of Jharkhand**

The Case with Number - WP 1073 / 2014 started on 3-3-2014 and has had 8 hearings so far. The court has ordered formation of an expert committee. Some of the important points of the hearings held so far are as below –

- Notice issued to all the CFTPPs and to various other government bodies.
- Chief Factory Inspector of State of Jharkhand has asked for reports from all the Factory Inspectors for giving a report of each respondent TPP
- ROHC, Kolkata joins as party. The high court directed the State of Jharkhand to constitute an Executive/Standing Committee which should consist of various government officials. The Chief Secretary to make available minimum 25 lakhs for this work to be done through ROHC for the executive committee.
- The Amicus Curiae suggested that a team of experts on the subject may be constituted who can visit the respondent thermal power plants and physically verify the same after taking samples and analysis.
- Vinova Bhawe University has been asked to assist to constitute a committee (a body of experts) by suggesting the names and help prepare a detailed questionnaire/check list for the respondents. The court will ask the respondents to supply details to take any further actions.
- As per papers filed by the plant management, no worker is suffering from any disease and they follow all the norms including on discharge of waste

### **High Court of Haryana**

The Case with Number - WP 2877 / 2014 was filed on 17-2-2014. So far the matter has been listed 12 times. Since October 2014, the matter is being adjourned continuously.

### **High Court of Gujarat**

The Case with Number - WP 54 / 2014 started on 17-2-2014 and has had 35 hearings so far. This is the only court where the hearings have been happening regularly and the case is progressing. OHSA (our network member) has joined the case as a party. We have filed several medical reports of workers suffering from occupational diseases in the State of Gujarat. The state government has denied outright presence of any occupational disease in the power plants to which the court also observed that there is something amiss. The court ordered formation of a government committee to medically examine the workers in the plants and submit a report. The committee has submitted its report and we are finalising our response to this report.

- Notice issued to all the CFTPPs and to various other government bodies.
- Chief Factory Inspector of State of Jharkhand has asked for reports from all the Factory Inspectors for giving a report of each respondent TPP
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- As per papers filed by the plant management, no worker is suffering from any disease and they follow all the norms including on discharge of waste

### **High Court of Delhi**

The case with number WP 466 / 2015 started on 29-Jan-2015 and has had 10 hearings so far. The case was filed only after prodding by the lawyer and reminded about the directions of the Supreme Court. This is the only case in which unions in the power plants have been made a party to the case.

- Notices issued to various TPPs and Government
- Only case where unions are also made a party
- Notices issued to Unions from Pragati Power and Indraprastha. Amicus Curiae has been asked to suggest further directions which can be issued by the court for evaluating occupational health hazards.
- NTPC has submitted a health report which is more than 7 years old. No health survey done since then

### **High Court of Rajasthan**

Case Number - WP 2581 / 2014 **Amicus** Curiae: Mr. Sharad Kothari

- The High Court directed Chief Secretary, Government of Rajasthan to form a committee, to appoint nodal officers and to issue notices to 29 industries.

- The High Court asked the expert committee to verify the presented report submitted by the CFTPPs, the representative of Rajasthan Pollution Control Board was made the Convenor, the expert committee was asked to verify the report and then send the mutual verified report to the managing director of Rajasthan Rajya Vidyut Utpadan Nigam Ltd.
- Report awaited

### **High Court of Chhattisgarh**

Case Number - WP (PIL) 87 / 2016

- Case filed only in 2016 after repeated application in the high court
- Government departments of Labour, health and Environment directed to file their separate affidavits giving all the details of Coal Fired Thermal Power Plants operating in the State of Chhattisgarh and what steps have been taken to ensure the health of the employees working in Coal Fired Thermal Power Plants in line with the judgment of the Supreme Court.

**High Court of West Bengal** - Case has been filed with number 5254 (W) / 2014 but the matter is not being listed.

**High Court of Tamil Nadu** – Case has been filed with number 14982/2014. The case has been disposed after the government submitted that the power plants are forming all the requisite norms.

**High Court of Assam** – Case filed with number\_PIL 25/ 2014. The case has been disposed as the only power plant in the state has shut down

**High Court of Andhra Pradesh** – Case filed with PIL 10318/2014. The case is not being heard currently

**NOTE-** In Orissa, Bihar, Uttar Pradesh, there is no information available regarding the case in these courts

It has been seen that in almost all cases, the state and power plant operators claim that their workplaces are completely safe and there is no case of any worker suffering from any occupational disease. As per them, all safety norms are followed and all protective equipment's are provided to the workers. However, during our interaction with the workers it was found that these claims are untrue. As per the workers the working conditions inside the plants are extremely hazardous. Some workers stated that there were at least 2-3 accidents per day inside the plants. The situation of contract and daily wage workers is especially bad and these workers have no social protection, no medical facilities, no educational facilities for children and they are forced to reside beside the plants in unhygienic conditions. More and more of the workforce is now being employed on contract basis which forms about 70% of the workforce in these plants. The management especially in the private plants shifts all their responsibilities for these workers on the contractors and it is the poor workers who have to suffer. Several meetings with such workers and union representatives have taken place where in they have been educated about the various legal provisions, work place safety and the importance of the Supreme Court order and the benefits which they can derive.

### **The Case of Gujarat**

Gujarat has 11 thermal power plants out of which in 4 power plants namely in Sikka, Wanakbori and Gandhinagar. At a medical camp a total of 178 workers were screened from these four locations. These 178 workers were shortlisted on the basis of occupational History and symptoms. Out of these 178 cases, 21 cases of asbestosis were found. In addition 12 cases of Noise Induced Hearing Loss and 12 cases of Silicosis were also identified. These workers are all contract workers who perform cleaning

work in almost every department. None of them are covered under ESI and none of them are provided any medical facilities or treatment. Breakup of the cases is as below

	No of cases		
	Asbestosis	Silicosis	NIHL
Sikka	2	8	3
Wanakburi	11	3	2
Gandhinagar	8	1	7
Total	21	12	12

The details of these cases were filed in the Gujarat High Court. Even the Chief Justice of the high Court was surprised at this information as the State Government had stated that there were zero cases of Occupational Diseases among power plant workers in the state. The court had ordered formation of a committee to review all the cases and present a report to the court. The committee has presented its report and we are preparing our response.

#### OHS Meeting and Medical Surveillance at Gohad, Madhya Pradesh

Gohad is a city and a municipality in Bhind district in the state of Madhya Pradesh. The city is about 35 Kms from the city of Gwalior. It is located at 26.43°N 78.44°E. The city of Gohad is surrounded by stony land. One can find large amount of stone by only digging a few metres below ground level. This stone is used in road and house construction activities. The mines in the area are about 20-30 years old. Earlier the area used to be lush carpeted forest with several native tree and shrub species. A few small mines used to be operated in which all activities were carried on manually. Several of these mines were illegal while a few of them were legal and operating after obtaining necessary government permissions.

Around 10-15 years ago, several samities (groups) of tribal's were formed in the area to look after mine operations. These mines used to pay a token royalty amount to the government and still the work was done manually without use of machines. There used to be about 20,000 workers in the mines at one time who used to come from towns like lalitpur, tikamgarh, chattarpur, shirpuri, savangarh among others. These workers were almost all tribals. About 7 years back, large number of machines both for mining stones and crushing stones were brought in to carry out the mines work and crush the stone that was mined. Since then, the work has been taken over by the mines mafia and has led to large scale degradation of the environment. Since the machines have entered the scene, the number of workers has also gone down to about 15,000. At the beginning of year 2015, the area had about 200 mining machines in operation.

By looking at historical and current the Google Earth Images, we can easily make out the difference in ecology which these large number of machines has brought to the area.





Google Earth image from 16/1/2008. One can see the large amount of foliage in the picture with sporadic mining activity which was limited to a small section



Google Earth image from 10/5/2015. One can easily see the devastation which has been witnessed in the region. Water bodies created when rainwater / ground water has filled the pits can be spotted which were not present earlier

#### The Problem –

1. Due to the operation of large number of machines, the area witnesses lot of dust in the environment. Further as this mined stone is transported for use by large number of trucks and dumpers which are often driven negligently, there are lots of accidents and traffic jams in the villages. Lot of dust is scattered in the environment during the movement of these trucks.
2. Large scale mining has also led to severe water scarcity with depleting ground water. Even the quality of water has suffered with villagers reporting receiving red color water.
3. Another major problem in the area is of Tuberculosis (TB). Large numbers of people are suffering from TB. Most of them leave medicine in between which leads to the disease becoming un-treatable.
4. The area also sees high malnutrition.
5. There is no other avenue or alternate employment available for the villagers. Agriculture is difficult due to stony land and lack of water.
6. Most of the mining in the area is illegal. The land is owned by the government which gives the land on lease for a stipulated amount of time and sets conditions for work and in turn receives royalty on the amount of mineral mined. But most of the miners involved in the activity violate the conditions and mine more mineral or mine in excess land.

After lot of complaints by the villagers, a 7 day camp was organised by the government which saw doctors going door to door for health surveillance. The villagers were mostly treated for fever, cough and TB.

#### Medical Camp / Training Program:-

A two day medical camp cum training program was organised on November 17-18, 2015 in the area with by Brass Sangathan and Environics Trust with the support from the Developing World Outreach Initiative and the Maquiladora Health & Safety Support Network. Brass Sangathan and Environics Trust have been working in the area for a long time and have developed good will in the region through their work. The workers for the camp were shortlisted based on the following criteria

1. The length of time they have been involved in the occupation of stone quarrying. Workers with more than 10 years of work experience were prioritised
2. Whether they have had symptoms like cough for a long time.
3. People suffering from TB who had taken medicine regularly and multiple times but still were not cured.

The camp saw very enthusiastic response. Villagers from 4 villages which were close to the camp location came and narrated their problems. The area Chief Medical and Health officer (CMHO), the local elected people's representative and several journalists also visited us and enquired about the camp and the disease called Silicosis. Unfortunately, none of the workers, activists, journalists etc who visited us knew about Silicosis or the hazards of dust. Sadly, the only hazard of dust which they were aware of was that it spoils clothes and can cause a little cough once it gets into the nose and mouth

#### The Program

Between the 2 days of the camp / Training Program, 45 workers came for diagnosis. Brass Sangathan had already arranged for the X-rays of these workers at the local hospital. Spirometry, Blood Pressure monitoring, SPO2 and other diagnosis were performed during the camp. A doctor was also present at the camp for a physical examination. The X-Rays of all the workers who came to the camp have been collected. These X-Rays will be compared with the ILO standard X ray plates for Pneumoconiosis and a



final report will be prepared. 17 workers out of 45 are suspected of suffering from Silicosis during the preliminary investigation.



Diagnosis during the Medical Camp. Workers at the Camp / Training Program



One of the camp organisers was also a mine worker. He was also the local DOTS provider (a person who ensures that the TB patient is taking medicines regularly). He stated that he has so far treated 85 TB victims himself in the past few years. Currently 13 villagers are undergoing treatment. He himself is a mine worker and even though he is aware of the dangers, he has to work as there is no other employment opportunity. He told us that the machines in the mines are mostly operated at night and he works from 7PM to 7AM. He is not given

any PPE and with a broad smile stated that he covers his mouth with a towel while working. If only a piece of cloth could protect from Silicosis!

We were informed that in 30-35 villages near the mines there may be more than 300 TB patients who may in fact be suffering from silicosis. We saw kids as small as 4 yrs old who were suffering from TB. What kind of growth will they witness and experience. Even if they are able to cure themselves of TB, what kind of damage will have occurred in their malnourished bodies?

None of the workers who came to the camp knew about Silicosis. They were informed about the hazards of the dust, what is Silicosis, how it is caused, precautions to undertake and its symptoms. They were also explained the difference between Silicosis and TB and found it interesting. Most of the workers were now taking treatment for TB from private doctors spending a lot of money although the government distributes medicines free of cost but the patients have stopped trusting these medicines as according to them, these medicines do not provide immediate relief. While the medicines prescribed by a private doctor (steroids etc) might bring immediate relief, only long term and complete course of the disease can completely cure it. It was stressed that the medicines should not be left in between else the disease might become worse. The importance of hygiene and clean conditions was reiterated.



Workers being addressed about Silicosis and dust hazards

A unique characteristic of the area is that villagers term themselves as self-employed. They state that they just go to the area and start digging for stone. Once they have collected stone of sufficient quantity, it is then sold off to the contractor with a trolley or tractor who takes the stone away. These villagers do not obtain any permission and their whole families are involved in the mining activity. For one trolley they get about INR 1500-1900 and it can take about 4 days to gather enough stone. They do not take any permission from any government department for such work nor do they pay any royalty on the amount.



*Rainwater trapped in deep Mine pits.*

Labour is migratory and many of the workers who had come earlier have settled here and established their own villages. These villages have several aaganwadis (play schools) and schools but these schools see low attendance as kids also go to the mines with their parents. The villagers state that although there are several government schemes for their benefits like food grains at subsidised rates, free health card etc, these benefits are not received by the beneficiaries due to corruption and the money released for their betterment is swindled away.

Labour Rights are continuously violated. Even though the workers call themselves self-employed, there is difference in money paid to a female and male worker. There are cases of bonded labour and cases where the material which has been collected by someone has been stolen at night. Sexual exploitation and harassment is rampant. There are no medical facilities available for these workers at the place of work. There are Liquor shops all around the mining area. One regular incident which was

narrated is that the mine mafia pays worker money for a trolley of stone. The worker spends a week collecting the material and once it is ready, the accomplices of the mine mafia gets the worker drunk by offering free liquor. While the worker is drunk, the material is stolen. The worker then gets into debt with the mine mafia and the story might get repeated regularly enough to get the worker into bondage.

We went around a small mining area and could see deep pits which have been created by the machines. Most of the machines which used to be visible at ground level are now invisible as they have been lowered into these deep pits. The depths of these mines range up to 150 feet. The area is completely devoid of trees and only few bushes grow sporadically.

Many ponds have been formed by rainwater due to deep mining and there have been several cases of cattle and human deaths after falling into these deep pits. Blasting in the mines has led to cracks being developed in the walls in the houses. Loud noise during blasting also leads to severe problems. Dust is a constant companion. Plants and crops are covered in dust. People also complain about eye and skin ailments.

Almost all the machines begin their operations after dark. Big generator sets are installed for uninterrupted power supply. The area witnesses large truck / dumper movement in the dark on the unpaved roads. It is very easy to get lost in the area as there are no signs and roads and pathways have been made considering only the ease of movement of mining equipment and trucks. Many of the machines are also easily movable and mobile and when the mafia comes to know of a raid, the machines are simply moved away. There are no boards declaring the name of the mining company or owner. The mafia is so strong that even the government officials are scared of raids and even if the raids are

conducted, there have been reports of attacks on these teams. We saw one of the mining operations to be so large that there were tea and food stalls for the workers.

The effects of the camp are already visible. The district administration has already promised action against the illegal mining and has assured that affective steps will be undertaken to reduce and control dust emissions. The local media has also taken up the important issue of Silicosis and dust hazards and several news reports have been published. The local administration has also been approached and a memorandum has been submitted requesting for closure of all crusher machines in the area.



## Social Security for Informal Sector

### Gender Empowerment and Social Protection Systems for Women Workers

Social protection still neglects most workers in the informal sector, especially women workers. The women workers play the triple role of a worker, housewife and mother. She faces multiple marginalizations when she belongs to any excluded community i.e. the Scheduled Castes, Scheduled Tribes and the minorities. Being a woman she has a lower status in her family. The lack of capital and assets, low and irregular income, aided by work related accidents, sickness and other contingencies, poor working and living conditions, low bargaining power and lack of outside linkages and opportunities for skill upgradation - all these interlinked factors drag these women into deprivation. Child care provisions and maternity benefits are crucial needs for a woman worker but as per a report by Lingam and Kanchi, 2013, in absolute terms around 100 million female workers or 99 per cent have no Maternity Benefit cover. It is thus, an established fact that a woman worker continues to face social oppression, economic exclusion, and gender discrimination in the society.

This project report reflects the outcomes and the processes of the project Gender empowerment in Asia and social protection systems for women workers in India. In summary, with support from AMRC, we have successfully engaged in the mobilization and dialogue making process with the women workers to unite, collectivize, assert and secure their rights in 8 states of India. The interventions were led by our field partners: Rajasthan Majdoor Panchayat Sangh, Rajasthan; Occupational Health & Safety Association, Gujarat; Tarang Jan Kalyan Samiti, Madhya Pradesh; Patthar Khadan Majdoor Sangh, Madhya Pradesh; Shramajeevi Adivasi Sangathan, Odisha; Shramik Manch, Uttar Pradesh; Workers' Initiative, West Bengal; Human Welfare Voluntary Organization, Jammu & Kashmir.

1. Marginalised women workers have increased capacity to organise themselves into sustainable community organisations (with increased women's leadership)
2. Organisations of marginalised women workers are increasingly recognised and demonstrate increased capacity to advocate and campaign for their rights, including labour rights, social protection, OSH, gender equality, reproductive health, etc.
3. Organisations of marginalised women workers have increased capacity to build a transformative discourse on Social Protection (that includes, besides more protection of vulnerable workers, the need for democratic and inclusive negotiation, processes and space, a more sustainable economy allowing for the protection of common goods, and a more equal society).

#### Key progress and achievements during the project

**Outcome 1:** Marginalised women workers have increased capacity to organise themselves into sustainable community organisations (with increased women's leadership)

All the 8 partner organisations have moved on from organising women to formation of women led groups, cooperatives and unions. Most of the women of these groups belong to the marginalised sections of the society, the Scheduled Castes, the Scheduled Tribes, the backward castes and the Minorities (Muslims). Some of these groups are membership based having a nominal membership fee to make it sustainable and build a sense of ownership towards the organisation. Almost all these groups, cooperatives and the unions formed during the period are led by women demonstrating women leadership.

Janka bai from Umrawan village, Panna, Madhya Pradesh has been leading very strongly against displacement of villages due to the Panna Tiger reserve. Maina Rawat from Satna, Madhya Pradesh is the first tribal woman

in the area to be elected in the local elections and she is also a representative in various local committees. She is leading the women workers in Satna which is extremely difficult in a feudal set up.

**Outcome 2:** Organisations of marginalised women workers are increasingly recognised and demonstrate increased capacity to advocate and campaign for their rights, including labour rights, social protection, OSH, gender equality, reproductive health, etc.

The intervention in all the 8 partner areas has seen meaningful transformation amongst the women workers. Regular meetings and interaction among the women workers in the groups has helped them to identify their issues and subsequent action to address them. Protests and demonstrations have been organised by women workers engaged in zari zardozi work, kite thread making, brick kiln and construction work around issues of improper implementation of various government schemes. They have also shown solidarity with the national trade unions to protest against the proposed dilution of the labour laws.

In Angul, Odisha, women workers participated in a rally demanding inclusion of 110 families in the National Food Security Act and submitted a memorandum. It finally resulted in the inclusion of those families. Around 40 migrant women brick kiln workers in Angul filed a complaint with the district labour officer against their employer who was not paying them actual wages. The women secured Rs 30,000 from their employer on the order of the district labour officer. The women workers in Angul have been constantly campaigning around wage issues and registration under the Mahatma Gandhi National Rural Guarantee Act (MGNREGA).

In Satna, women workers have raised their voices against non-fulfillment of demands and pending issues pertaining to forest rights, mid-day meal, old age pension, water and electricity issues that has resulted in positive action around it.

In Panna, applications were submitted by 865 women from 15 villages for securing work under MGNREGA and that has helped the women get some livelihood support after the loss of work due to scrapping of the stone quarries in the area. In Umarawan, Panna, 57 families are demanding a proper rehabilitation in lieu of displacement. The women of the village have submitted a four point memorandum to the District Collector of Panna regarding this issue. The displacement is also affecting the livelihoods of these families, who are mostly tribals and depend on farming and Non Timber Forest Produce (NTFP) for their survival. The women's groups in Panna are also addressing high incidence of domestic violence and alcoholism by providing social and legal support to the aggrieved women.

The women workers in Ahmedabad and Gandhinagar in Gujarat who are also the victims of various occupational diseases have been demanding compensation and face lot of hurdles during the process starting from the employers to filing of legal cases for compensation. They are also subject to discrimination as suffering from such diseases but they have been showing great courage and are unified to struggle against such discrimination and injustice.

**Outcome 3:** Organisations of marginalised women workers have increased capacity to build a transformative discourse on Social Protection (that includes, besides more protection of vulnerable workers, the need for democratic and inclusive negotiation, processes and space, a more sustainable economy allowing for the protection of common goods, and a more equal society).

Almost all the partners have strengthened the women groups which have enabled them to understand social protection resulting in demanding appropriate measures of social protection to participation in the negotiation processes.

In Odisha, MGNREGA workers negotiated with local panchayat to create more work. Demand for work is a major achievement. 150 women MGNREGA workers submitted a memorandum to the Gram Panchayat

demanding for their registration as construction workers and securing social security benefits. Women from the 5 villages protested against the difference in wages provided to them vis a vis the men. The strike resulted in them securing equal wages with that of men workers.

The protest of the women of Village Umrawan against displacement (due to being based in the Panna Tiger Reserve area) has gained strength. 51 families have accepted compensation and have left the village whilst 57 families are demanding a proper rehabilitation in lieu of displacement. The women of the village even submitted a four point memorandum to the District Collector of Panna regarding this issue. The displacement is also affecting the livelihoods of these families, who are mostly tribals and depend on farming and NTFP for their survival.

#### **Successes during the project:**

- Gender issues have now been recognised. Earlier the issues were raised around workers' rights in general but the issues of women workers' specifically were largely missed. This project has helped in highlighting the issues of women workers and that has helped in organising the women.
- A sense of self recognition/ self-identity is being felt now amongst the women workers after being part of the women's groups formed across various locations. There were women working in Zari- Zardozi (hand embroidery) in Bareilly who shared that they were subject to domestic violence at home and were economically dependent. Now being part of this group and working with them has made them independent and has strengthened their belief in themselves and helped them in asserting their rights at home.
- Many of the partner organisations have moved ahead of just organising women and are in the process of unionising the women groups. Shramik Manch in Bareilly has registered women cooperatives and unions being headed by women themselves. Tarang Jan Kalyan Samiti is in the process of forming a union of women workers engaged in leaf-plating.
- Exposure of women workers to trainings have built in confidence within themselves. The women who participated in the Bangkok gender training programme had fought against many odds right from their family to the government officials during the passport process. All of the women who participated in the gender training found it to be very informative, educative and that has brought in a sense of confidence within them.
- Women from the excluded groups i.e. the Scheduled castes, the Scheduled tribes and minorities, have started to assert their dignity in the society. Maina Rawat, a Scheduled tribe woman working with Tarang Jan Kalyan Samiti in Satna got elected in the local elections and now represents few government committees. She was being discriminated both as a tribal and as a woman, by the upper caste members during the meetings and in the work place. But she has been quite strong in asserting her rights and has emerged as one of the powerful woman in the area. She is now being an inspiration for other tribal women in her area.

#### **Key Outcomes from the Gender and Social Protection Survey:**

A survey on gender and social protection was undertaken with the partners to assess the availability, accessibility and acceptability of the social protection programmes and other related women centric schemes and policies. One of the intentions was also to map the causes of vulnerability and specific risks factors that are key to the understanding of women's needs vis-a-vis social protection.

The objectives of the survey were: a). To know the socio- economic background of the women; b). To find out the nature of work and working conditions of women labourers; c). To study the wage patterns and causes of discrimination in wages of women labourers; d). To find out what type of facilities are available to women labourers and to study their living conditions; and e). To trace out the basic problems faced by women labourers.

#### **Major findings:**

- More than 75% of the respondents shared that it is solely the woman of the house who does the household work and only 15% expressed that their husbands too help them.
- When asked about whether the work sites were safe or hazard free, 70% of the respondents said they were not safe.
- More than 65% of the respondents said that they do not get any type of facility at work place.
- Only 60% respondents had land holdings but the land is owned by the male member of the family and not the female member. It establishes the fact that the lack of documentation in the name of women such as registration of property/land ownership prevents them from asserting their entitlements or citizenship rights and makes them vulnerable.
- The women shared that they are paid differential wages for their work. It is sometimes less wages as compared to men for the same work, underpaid or no extra wages for over-time work. The reasons for such discrimination are the gender based discrimination, skill-based discrimination, caste and religion based discrimination, and male- preponderance in that particular work.
- Almost 25% of the respondents shared that sexual exploitation with the women workers was also found common at the work places.
- Regarding access to social security, 61% of the respondents said that they are being barred from accessing the benefits due to discrimination on the basis of caste, gender, ethnic group and minorities.
- 60% of the respondents find the schemes beneficial only if it is implemented properly. They also put forth that those schemes need to be gender responsive. On the contrast, 34% respondents do not find the schemes to be relevant or beneficial because of complex process of accessing (due to multiple eligibility criteria, lack of awareness, understanding the benefits itself, complex process in itself as they have to go to multiple departments unlike the single clearance window for the corporates) and high level of corruption at all levels.
- Few demands that the respondents mentioned were effective implementation of existing gender based schemes followed by adequate representation of women in the workforce and conducting trainings on gender and social protection. Other key demands were to ensure zero discrimination against women in any form, have adequate special social protection programmes for women and promote women led initiatives and link various schemes with women based groups.
- The respondents' put forth the ideas and ways of intervention and shared that conducting awareness programmes, gender and legal trainings for women would be an important tool. Many of them strongly opined that organizing and agitating would be crucial to put forth the demands before the government machineries. Others felt that raising collective voices and strengthening women's groups and promoting women leadership would be equally helpful.

The study concurs with the view that a call has to be made for a gender responsive social protection policy and its effective implementation. This would create conditions for greater empowerment of women. It is equally important to recognise women as economic agents—workers, producers and gatherers— in addition to seeing them as a vulnerable group that needs to be protected and taken care of.

#### **Key Challenges:**

- Inadequate financial resources to conduct activities such as trainings on social protection and gender at local level.
- Deep rooted patriarchy
- In Kolkata, the period from September to November usually is festive period and it is extremely difficult to mobilise people or organise meetings around that time
- The survey got delayed as November and December is largely the harvesting season and is difficult to find workers around.

#### **Way forward**

The partner organisations have shared that there has to be continuity to the current work so that the momentum is maintained. Some of the future plans are as follows:

1. Workshops and group discussions to articulate social protection concerns and demands of marginalised women workers.
2. Establishing more women collectives/cooperatives and strengthening them.
3. Conducting vocational trainings for women to diversify their livelihood prospects.
4. Advocacy and campaigns for securing social protection and the rights of marginalised women workers.
5. Ensuring just implementation of the Unorganised Workers' Social Security Act and building pressure on the State governments to establish Social Security Boards.
6. Gender awareness and leadership trainings and exchanges for marginalised women workers.
7. Exposure visits to organisations/communities who have adopted new alternative livelihood strategies.

Learning visits to groups working on women's social security can also be carried out such as:

- a. Self-Employed Women's Association (SEWA): a women's organization, is promoting social security through the formation of co-operatives.
- b. Working Women Forum (WWF): A coalition with women in the informal sector and are committed towards women's entitlement to their rights, in terms of organised social platform, access to credit, education, health care and all the other basic services.
- c. National Alliance for Social Security: It is an alliance of 6 Trade Unions & Campaign organizations across India and is advocating to create a minimum social security floor for the informal sector workers.

#### **Medical Camp in Ganj Basoda**

A medical camp for stone quarry workers was held in Ganj Basoda, MP in July. About 80 workers camp for their diagnosis out of which 33 are suspected of Silicosis. The group in Ganj Basoda is preparing a complaint for NHRC and is discussing with the State government for rehab of these workers.

#### **Asbestos Monitoring project**

An asbestos monitoring project is being undertaken to gather evidence to counter industry claims is being undertaken under which several samples have been collected from Gujarat, Rajasthan and Delhi. These



samples are being tested in South Korea with the help of BANKO. Based on the results an action plan will be formulated

### **Visit to Thermal Power Plants in Gujarat**

The Supreme Court in Jan 2014 had ordered several favourable and worker oriented action steps for all Coal Fired Thermal Power Plants in the country to abide with. Further the court had ordered monitoring of the implementation to all the High Courts in the country. In this regards, a visit was organised in November 2015 to the state of Gujarat. Meetings were held with the lawyer who is helping in the case in the state high court and discussions were held on the progress and our future steps. We also visited several thermal power plants and met with the workers and neighboring communities to find the true picture of the working conditions and to negate the false compliances which the companies project. Although we were not allowed to go inside the plants, we were able to have several fruitful discussions with the workers and have established good contacts. There is a plan to also conduct medical camps for the works of these plants. In one subsequent medical camp which was held in December 2015, 10 cases of asbestosis, 1 case of occupational asthma, and 1 silicosis victim was found. These workers are planning to file compensation cases and forcing the management to improve the working conditions. The high court in Gujarat has ordered formation of a committee which includes NGOs and Trade unions to monitor the implementation of the Supreme Court orders and to check medical records of all workers

### **Meetings with Thermal Power plant workers in Angul and Jharsuguda, Orissa**

Meetings and visit was undertaken in Orissa where large scale coal mining is prevalent along with several Thermal Power plants in operation. The visit was a result of the SC judgement. It was found that the communities and contract workers have several issues and harsh working conditions. The power plants don't seem to be following any rules and regulations and are polluting the environment. Workers narrated horrific accidents and lack of benefits. The communities narrated how the company had given one single drinking water supply for 3000 families and even then the supply was erratic and quality poor. More activities are being planned.

### **Medical Camp in Raigarh**

A medical camp for quartz workers and community was organised in Raigarh, Chhattisgarh in December. 58 workers participated in the camp out of which 9 were found to be suffering from Silicosis. The area has 4 quartz grinding units which work illegally and spew lot of pollution in the atmosphere. Most of the people in the area have been diagnosed as suffering from TB and have been on medication for prolong period of more than 2 years on average. Following the camp, 2 factories have been closed and state administration is holding TB and health comps in all villages in the area.

### **Meeting with Ship Building workers / Garment workers/ Kite makers in Kolkata**

A meeting was held with the informal garment and kite maker workers and the ship building workers in Kolkata in December. The informal workers narrated their hardships and lack of any social security benefits. They also told about irregular work and not being able to feed and educate their children even after working long hours in harsh working conditions. They were informed about available government schemes and benefits and power of being organised.

### **Meeting and visit to stone crushers in Birbhum, West Bengal**

A visit was undertaken to the stone crushing / quarry area in Birbhum district, west Bengal. The area has large number of stone crushers with one block having more than 2500 crushers itself. These crushers are mostly illegal and employ more than 15000 workers. Although the numbers has come down due to mechanisation, but

mechanisation has brought the problem of fine dust in the area which is evident by the increasing number of respiratory diseases being reported from the area. Several government studies have also pointed to large scale dust pollution in the area. The agricultural economy of the tribal's in the area has been devastated by large scale quarrying and crushing in the area. The communities have filed a petition in the National Green tribunal, an environmental court, for relief. A medical camp is being planned in the region.

#### **Rajasthan asbestos mines monitoring**

A case for the scientific closure of all asbestos mines in the country is ongoing in the National Green tribunal in Delhi. The tribunal in its interim order had directed the different state governments to prepare a scientific mine closure plan for all these mines. However, the government of Rajasthan after conducting a visit to these mines had prepared a field report and had submitted that there is no requirement of a scientific closure as all the mines have stopped working many years back and there is no harm to the community or the environment. In order to understand this further, a visit was conducted to several of these former mines. There was ample evidence to counter the state government report and asbestos rocks could be seen all over these mines. The local communities were also unhappy with the ugly and deep pits near their houses or land and although they were not aware of dangers of asbestos wanted these pits to be closed. Some soil samples have also been collected which are being sent for analysis

#### **Rajasthan Pneumoconiosis Board diagnosis and Doctors Training**

In Sirohi, Rajasthan there are large number of Stone Sculptures. A majority of these workers were suffering from lung problems due to huge amount of dust in their working environment. The government of Rajasthan had setup a Pneumoconiosis Board in the district although no cases of Silicosis were being identified. With the help of local partners, many of these workers were brought in front of the pneumoconiosis Board and 100 have so far been certified as suffering from Silicosis. More such sittings are planned in which this number will increase. In addition with the help of Chief Medical Officer of the district, a one day training of doctors on Silicosis and Asbestosis was organised in the district. More than 30 doctors participated in the training in which they were taught about ILO chest radiographs and how to interpret them. The doctors were extremely happy and vowed to diagnose more workers on Occupational diseases.

#### **Visit to Artisans in Srinagar**

A visit was undertaken to the Srinagar valley to meet the local partners and to oversee the work being undertaken on the gender program. During the meeting, we also met the sanitation workers of the Srinagar Municipality who narrated the problems and hardships they had to face. All the contract works narrated how the permanent workers get several benefits which are denied to them. They also told about the harsh working conditions and several occupational illnesses – respiratory, musculo-skeletal problems along with others which they are suffering.

## Himalayan Communities: Towards Facilitating Claims under Community Forest Rights

Government policy formulation and implementation in the federal structure of the country is not a smooth task and the same was seen happening with the acceptance and implementation of Forest Rights Act in the state of Himachal Pradesh. The context of tribal forest dwellers and other forest dwellers is distinguished in the Act for recognition of claims but the State Government took a stand that all rights have been settled long ago and some token work was initiated in the tribal districts leaving the context of other forest dwellers untouched. This is when Himalaya Niti Abhiyan took the onus along with Environics Trust to challenge this understanding and moved ahead to begin consultations with the communities, government and experts to take the route or process to embed the very understanding of the Act in letter and spirit. One of the important conscious decisions of the team was that Community Forest Rights will be taken up in the process which makes communities understand the importance and collective assessment of their dependence on resources surrounding them. It is nearly a year that the process has moved deep into the communities in 6 districts and slowly the Government is also beginning to accept lack of capacity building of officials, understanding of the Act and how they are legally bound to implement the Act. This has resulted in engagement with the Government at all the tiers of local self-governance.

Himachal Pradesh's nearly 7.0 Million population is majorly rural (around 90%) and is dependent on forests. Co-existence with forests of these communities is being threatened by various forces. The decadal census showed declining trend from 17.54% to 12.94% (from 1991-2001 & 2001-2011) indicating a low growth in comparison to previous decades, indicating stabilization could happen earlier in the Himalayas. Another constraining factor is that almost 68% of the total land holdings in the state are in the marginal land holding category i.e. less than 0.5 hectare and 0.5 – 1 hectare whereas it accounts for 26% of the total land under land holdings (9683 sq. kms as per 2005-06).

Himachal Pradesh's 66.52% (37033 km<sup>2</sup>) of geographical area (55673 km<sup>2</sup>) is under recorded forests. Out of the total recorded forest area of 37033 km<sup>2</sup>, 55.78% is culturable forest area and rest 44.22% is unculturable forest area i.e. including barren land, high alpine zones and snow bound areas. This too has its own relevance of sustaining lifeforms, supporting river systems and environmental functionality of ecosystems interspersed with those communities dependent and protecting such resources in given circumstances of needs and conservation & management requirements. The protected area network in the State is largely concentrated in the middle and higher Himalayas and has its own set and rules for its protection but also has mutual ecological and practice relations with inter dependent communities surrounding them. Protected areas like the Wildlife Sanctuaries (26 in no.), Conservation Reserves (3 in no.) and National Parks (5 in nos.) cover an area of 8391.42 km<sup>2</sup>.

There are officially 17,843 villages and more than 53,604 habitations. These settlements are governed under the state administration constituted of 12 districts, 66 tehsils and 77 CD blocks. Among these habitations broadly 24% are SC habitations, 6.05% ST habitations and rest are others including general population.

Several vulnerabilities keep disaster events occurring from time to time few of them are due to transient environments and geological regimes in the region and few occur due to anthropogenic activities which are apparently due to the prevailing development regime. There are growing instances of climate change impacts which had a longer return period over the last several decades have now their return periods reduced considerably, one contributor being loss of forest for non-forestry purposes in the guise of

development. The direct impacts are clearly on the agri-horticulture produce and thus sustainability including livelihood impacts, other than these the impacts are visible on reinvestment in restoring physical assets lost and bring them back to their earlier form which may not be completely possible.

Forest dependence is high in the state of Himachal Pradesh. The customary practices of villages is recorded in the Revenue and Forest Department documents since long, like Wazib-ul-Arj indicating customary rights is available with the revenue department and similarly Bartan which is TD rights or forestry rights of the villagers in revenue and forestry terminology. Usufruct rights and practices are mentioned in the record of forest bartan of forest department. Over decades these concessions and rights are practiced by the agrarian, pastoralists and forest dependent communities and it is seen in the overall framework of management of forests regulated by the forest department. The forest working plans<sup>2</sup> for that matter should reflect upon retaining and sustaining the practices and rights of the communities and also to understand and develop sustainable management practices for long lasting effects of forests for livelihoods<sup>3</sup> and environmental sustainability. Thus micro understanding and tuning the working plans and participatory management, conservation over the coming years can only better equip communities, the risks from nature still remain there but their direct impacts can be reduced.

Given this huge resource, the prerogative of sustenance and management demand human resources, the approximate forest department's human resource is around 8297 persons at executive posts, ministerial staff and field level staff. Exclusively the field staff comprises 40% of the total workforce i.e. around 3350 persons or staff of Rangers, Deputy Rangers and Forest Guards, the latter at the bottom of field hierarchy. This problem of outreach for management is not typical to a particular state but is almost seen across the states<sup>4</sup>. In the hilly state availability of land for productive agriculture is restricted due to several factors and there has been a coherence with forests to make optimal use of cultivable land while depending on forest resources which assists directly and indirectly for production systems. The high incidences of smaller land holdings thus present a challenging need to address the production systems with increasing population and nuclearisation, predicting increasing dependence on forests for sustenance will require a much wider and expanded management system.

This whole challenge has the potential to enhance participatory community management of resources, sustenance and conservation for the current and future needs under the legally mandated frameworks and laws passed by the Legislature and the judiciary. Given the constraints and limitations of the existing systems, it is required that an integrated participatory community driven management system is developed to address optimal link between the user and the resources.

### **When, if not now**

The Scheduled Tribes and Other Traditional Forest Dwellers Act, commonly known as the Forest Rights Act (FRA) was passed by Parliament in 2006 to address historical injustices meted out to a large community of forest dwellers. The union government directed the states and UT to implement it in the

<sup>2</sup> Currently 24,000 km<sup>2</sup> of forests is covered under working plans, excluding those under undemarcated, unclassified, private forests, devoid of vegetation categories

<sup>3</sup> Bonafied livelihood needs means fulfillment of livelihood needs of self and family through exercise of any of the rights specified in sub section (1) of section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights

<sup>4</sup> <http://timesofindia.indiatimes.com/city/ranchi/Field-staff-crunch-hits-forest-department/articleshow/11684634.cms>



same in letter and spirit. This gives a legal mandate to recognize the rights of the communities and transform systems of management over a period of time. While human resource crunch is one current problem at the forest department level, involving those whose rights are vested in the state can perform functions to enhance the diversity and quality of resource as rightful claimants in protection, conservation and management.

The recommendations of the Saxena Committee on Implementation of FRA clearly spelt out the need for all round implementation of the Act<sup>5</sup>. The FRA provides for a democratic participation of the communities and gives specific relevance to women in the whole system and has suggested for minimum participation norms to set up village level committees and systems. The process also incorporates decisions making involving the State administration, Communities and their institutions like Gram Sabha and Forest Rights Committee to rule out unnecessary claims which may jeopardise the

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<sup>5</sup> In 2010 the members of the FRA Committee (Saxena Committee on Implementation of FRA) visited Himachal Pradesh and severely indicted the State Government for its omissions and commissions in the implementation of the act and recommended the following steps for effective implementation:

*a. Implementation should be long term process – it took more about one and a half year for Gram Panchayats get trained, file claims and have them passed in the tribal areas with mixed results. Villagers in other areas of the state would need similar time to interpret, understand and take action in order to take full benefit of the Act. Meanwhile, there should no pressure on the villagers or the field officials to finish the process in a rushed manner (as, at times, was the case during the ‘first phase of implementation’).*

*b. For initial 6 months, claims for community rights alone should be received. This would minimize the possibility of fresh encroachments over the government land. The community lands thus claimed under community rights should be effectively demarcated so that no further encroachments on it occur.*

*c. Do not recognize individual claims over lands that are of critical and indispensable nature like pathways, burial/cremation grounds, temples etc.*

*d. For filing of claims by villagers the Gram Sabha could be the level at which the Forest Rights Committee (FRC) is set up, for the process of filing of claims and verification of claims, processes should be undertaken at the revenue village (muhal) level or Panchayat ward level (Up-gram Sabha) depending upon area specific suitability. The claims recommended by the lower Sabha should be sent to the Gram Sabhas for its approval and sending off to the SDLs.*

*e. Training and orientation of the FRC members as well as beneficiary villagers should happen in a language they understand, in a manner and time that is suitable for them and at a place that is accessible to them. Orientation should happen at least at the level of the Panchayat Ward/muhal through village meetings. Trainings can be centralized at the panchayat level but shall have to be more hands on in nature than classroom type. NGOs/CBOs with relevant experience should be roped in for the orientation/trainings at various levels. Process based indicators should be developed for evaluating the trainings.*

*f. Over the next 3 years, the Forest Management Committees of all the villages that file for community rights should be enabled and empowered to effectively formulate plans (and their implementation) for management of their forest resources according to their livelihoods and ecosystem services needs. This should also include the amalgamation of JFMCs constituted by the Forest Department with the forest management committees constituted under the FRA.*

*g. Constant monitoring, review, fine tuning of the implementation process would be required by the steering committee according to feedback received from the field.”*

Since the report of the Committee further detailed guidelines have been issued by the Ministry of Tribal Affairs, making it mandatory for the State to implement the law in letter and spirit. Further, important decisions by the Supreme Court as in the Niyamgiri Judgment of making consent an integral part of the decision-making process require that the process of recognition of rights and adequate documentation as envisaged by the law is absolutely essential.

management plans at the later stages. Infact the information flow for decision making is from the state to the local institutions or committees, thus the role of State is assured at every stage. The checks and balances in verification and recognition of claims has also been suggested and explained with relevant evidences that need to be produced thus giving a very valid process of recognizing of claims which would address the old and current scenarios collectively.

A piquant situation has arisen in the process of ensuring the Forest Rights of the people and threaten the very foundation of the law in an apparent war on the interpretation. The Hon'ble High Court of Himachal Pradesh ordered on dated 18-10-2016 in CWPIL No.17/2014 a/w CWP No.3141/2015, COPC No.161/2012 and CWPIL No.9/2015 to remove encroachment on forest land/ revenue land, more than 10 Bighas and to report the progress of eviction on next date of hearing on 15-11-2016. Under this pressure, forest and revenue departments launched a huge drive to evict forest dwellers in the state from 1<sup>st</sup> November 2016 for which directions were issued to local officials.

#### Statement of the Revenue department

In this Matter Forest Department Stated in the High Court and presented status report of eviction of encroachment as below:

SI No.	District	No. of cases challenged before DFO cum Collector	No. of cases decided/eviction order passed	No. of cases in which land actually evicted	Balance cases
1.	Bilaspur	410	410	363	47
2.	Chamba	640	603	477	126
3.	Hamirpur	44	40	20	20
4.	Kangra	1755	1550	1382	168
5.	Kullu	2388	1527	497	1030
6.	Kinnaur	130	76	47	29
7.	Lahaul Spiti	10	3	0	3
8.	Mandi	1216	1159	989	170
9.	Shimla	3057	2911	982	1929
10.	Solan	120	119	67	52
11.	Sirmaur	533	510	315	195
12.	Una	4	4	4	0
	G.Total	10307	8912	5143	3769

In all 12 revenue districts of the State of Himachal Pradesh, total number of 4299 cases of revenue challan were filed before various revenue authorities, out of which 1277 cases stand decided and remaining 3022 cases are pending before various revenue authorities, out of 1277 such cases, encroachments in respect of 908 cases stand removed and process for eviction with respect to remaining 369 cases is in progress.

### **Court Directions**

Court directed the Principal Chief Conservator of Forests, (HoFF), Himachal Pradesh to personally monitor and ensure that all cases of at least Districts Shimla and Kullu be firmly dealt with and encroachments over government/forest land removed within the period so undertaken by him.

Further, both Mr. Anup Rattan, learned Additional Advocate General and Mr. J.K. Verma, learned Deputy Advocate General assure that in future, they shall personally vet all the affidavits/ pleadings filed in these proceedings. List on 15.11.2016. Status report of the action(s) taken be filed before the next date of hearing. Principal Chief Conservator of Forests, (HoFF), Himachal Pradesh, Conservator of Forests, Shimla, Rampur and Kullu, including all D.F.Os. of Districts Shimla and Kullu shall also personally remain present on next date of hearing to answer the queries, if any, on the action taken by them.

Himachal High court in Cr.MP (M) No. 1299 of 2008, in its order on dated 27.02.2016 has earlier directed eviction proceedings against those in possession of forest land having even less than 10 Bighas and FIRs shall be filed against them within six week. The same order was passed by court last year on April 6, 2015 in CWPIL No.17 of 2014 for those in possession of more than 10 bighas.

### **The Law of the Land**

This order is in direct contravention to protection provision under Forest Rights Act 2006. Whereas this was clarified in the Judgment of SUPREME COURT WRIT PETITION (CIVIL) NO. 180 OF 2011 dated April 18, 2013 in a case Orissa Mining Corporation Ltd. Versus Ministry of Environment & Forest & Others (Niyamgiri Judgment) which confirmed the provision of FRA Section 4(5) *"Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is completed."*

This despotic order of dated 27.02.2016 imposes restriction on the fundamental rights of the people and political rights of the parties to oppose and even comments against the same. The order threatens contempt proceedings against any individual or organisation and warns Political Parties of de-recognition.

Double bench of Himachal High court on dated 4.03.2016 clubbed all three cases Cr.MP(M)No. 1299 of 2008, CW PIL No. 17 of 2014 and CWP No. 3141 of 2015 in the same matter of encroachment over forest land and FRA. Ministry of Tribal Affairs (GoI) has also filled affidavit in the same matter under CWP No. 3141 of 2015 to the court.

Unfortunately, Attorney General of Himachal government has not presented before the court the restriction to evict such possessions under the provisions of FRA nor referred to the Supreme Court judgment on Niyamgiri which has confirmed that no eviction can take place till the verification and recognition under Forest Rights Act is completed.

The other crucial aspect not being highlighted by the Himachal Government is that in the Himalayan States and particularly Himachal Pradesh most of the farmers are traditionally dependent on Forests and rightfully come under the definition of "Other Traditional Forest Dwellers". The

eviction proceedings intentionally initiated by the forest department/authorities against forest dwelling scheduled tribes or other traditional forest dwellers has hampered the implementation of FRA and conferring rights to Forest Dwellers. The Ministry of Tribal Affairs, in the High Court has filed strong affidavits against such evictions but has not been considered.

National Green Tribunal in its judgement on dated 4 May 2016 in a petition filed by Paryavaran Sanrakshan Sangharsh Samiti Lippa V/S Union of India, HP State and HPPC Ltd in the matter of Kashang-II, III Hydro Project, ordered that Gram Sabha under FRA of village Lippa, Rarang, Pangi and Telangi shall be conducted under the supervision of district judge. Gram Sabha shall consider community and individual forest rights claims under FRA after that gram sabhas will consider diversion matter for the project. HPCCL appealed against this order in Supreme Court but with the intervention of Congress Vice President Mr. Rahul Gandhi, government withdrew the case.

### **Himachal Pradesh Government's Evasion**

Himachal Pradesh government very beginning from 2008, tried to evade implementation of the forest rights act and issued many such orders claiming that rights have been settled by the British through the imperial settlement process and hence recognition under FRA was not necessary. Under the constant pressure of the Ministry of Tribal Affairs, state government started the process in 2008 in tribal region in first phase. Feeble attempts were made in tribal areas with several illegal riders such as claimant should not be a Government employee, Income tax payee and even as some were considered encroachers. Forest dwellers were not provided information, nor was there wide publicity. Training to Gram Sabhas or local officials was never properly imparted. In fact, in several places, Forest department threatened and pressurised dwellers not to file claims. In tribal district of Kinnaur, FIRs under H.P. Public Premises & Land (Eviction & Rent Recovery) Act, 1971 on encroachment were registered against those people who filed individual claims in clear contravention to Forest Rights Act 2006.

Ministry of tribal Affairs issued clarification to government of Himachal Pradesh on dated 14 December 2015 and categorically explained that recorded rights in settlement record needs to be recorded and recognized under FRA.

Even as of date in the updates of the MoTA, 5409 individual claims and 283 Community claims of rights had been filled in the till date of which 238 individual claims and 108 community claims were settled providing a ridiculous 0.35 acres (376.74 Sq feet only in both Individual and community claims cases) of land. However, in an affidavit presented by MoTA in the HP High Court states, that the State Government has claimed that it has constituted FRCs in 14206 out of the 18055 revenue villages. These FRCs have not been constituted through due process but as fiat through the Gram Panchayats and thus in the strict sense illegal. Therefore, the real situation is unclear.

Under this pretext, forest department has cut down more than 40 thousand fruit bearing Apple tree and destroyed orchards of several small farmers having even less than ten Bigha occupation. Many residential houses were demolished in many parts of state, many water and electricity connections were also disconnected in all parts of states even in tribal areas.

### **The Efforts Thus Far**

We have over the past seven years consistently been raising these issues and enabled filing of claims by tribal communities and since last two years in five districts of non-scheduled areas. As of date, 283 Community claims of forest rights had been filed in tribal areas where as in non-tribal areas 1091



habitations through 112 FRCs have been filed community claims by OTFD till May 2015 to SDLs. No further action of recognition has been taken up to the date by the Government.

Himachal Pradesh has robust records of rights since long which needs to be recorded and recognized under FRA-2006. In revenue records and settlements HP has provision of Wajib-ul-Arj and Naksha Bartan which provides rights whereas in forest records and settlements has rights been extensively recorded which are compiled in Forest rights (Bartan) record of HP Forest Department.

This eviction move has put farmers in a strange position from being cultivators to now, encroachers. Looking into the above-mentioned facts, court or state government cannot evict encroachments till the verification and recognition of rights under the Forest Rights Act-2006. Ministry of tribal Affairs (GoI) has also submitted its affidavit to the HP high Court on 20-11-2015 in the matter of CWP No.3141 of 2015 on the same issue under Para No. 49, 50 and 51 mentioning clear cut injunction against the removal or eviction of forest dwellers until the entire process of recognition and verification of forest rights is complete.

This order is a big blow to the farmers of the State and particularly those who come under the category of scheduled tribe and other traditional forest dwellers and are protected by FRA. Unfortunately, the State government has not been able to articulate the correct position of the law, while the Ministry of Tribal Affairs has in its affidavit clearly stated that the recognition under the FRA is essential prerequisite before any other proceeding of eviction or acquisition. So no eviction proceedings can be carried out till the verification and recognition of forest rights under FRA and these possessions cannot be termed as encroachment so far.

To ensure this is being done, delegations of our team have so far held meetings and discussions with the following people who are key decision makers in respect of the status and implementation of the Forest Rights Act.

- Hon` ble Minister Shri Jual Oram.
- Mr. Ram Swarup MP Lok Sabha from Mandi.
- HP Forest Minister Mr. Thakur Singh Bharmouri
- Rahul Gandhi National Vice President of Congress Party
- Ambika Soni Incharge Himachal Pradesh
- MOEF Minister Mr. Jai Ram Ramesh
- Bhakta Charan Das – Nation General Secretary of Congress party.
- Sukhwinder “Sukku” – Head, Congress Party, Himachal Pradesh
- Former Chief Minister and leader of opposition Mr. Prem Kumar Dhumal.
- Mr. Brij Bihari Lal Butail Speaker HP Vidhan Sabha.
- Second Meeting with the Hon`ble Chief Minister of Himachal Pradesh on the Issue
- Mr. Kaul Singh Cabinet Minister
- Supreme Court Lawyers and discuss the matter of the High court decision.

- Meeting with Team of LIFE on the High Court Decision and way forward.
- Organized seminar on the High court decision and way forwards and finally decided to move to Supreme Court on the issue of eviction form forest land.
- Organized meeting of High court lawyers on orientation on FRA.
- Joint meeting with all political party leaders.

### **The Caveat**

The High Court Order dated 27.02.2016 has in a rather undemocratic manner laid down in its order, "It is made clear that no organization or Body, including political party would obstruct the implementation of the orders passed by this Court from time to time. Any attempt even by an individual, political party, officers/officials towards the implementation of the judgment/ order shall amount to contempt and would be dealt with accordingly. It is the responsibility of the political party to restrain/prevent its workers from interfering in the judicial process. The Court shall not hesitate to issue directions to the Election Commission of India to derecognize the political party (ies), if its workers do not respect the orders passed by this Court. The political parties and State functionaries should be on the right side of the law and there should not be any attempt to negate the 'Rule of Law'. Negation of 'Rule of Law' results into anarchy. The authorities implementing the judgments/orders of this Court shall videograph the eviction proceedings and the same shall be produced in a sealed cover before the Registrar General of this Court for its production before the Court. The Director General of Police, Himachal Pradesh is directed to ensure the deployment of sufficient number of police officers/officials and other ranks to ensure the implementation of the orders, if necessary by requisitioning the police force from Himachal Pradesh Armed Police Battalion. There shall be a direction to an individual member of the political parties, any N.G.Os. not to stage "Dharnas" and resort to picketing at the places where eviction proceedings are going on. It shall be open to the official machinery to invoke the provisions of The Code of Criminal Procedure while executing the orders of this Court, including imposition of Section 144 of The Code of Criminal Procedure. The influential violators must not live under the impression that they are above the law. They are also made aware that the law would catch up with them. These directions are mandatory and imperative and the Additional Chief Secretary (Forests), Government of Himachal Pradesh is personally liable to implement this order. The Additional Chief Secretary (Forests) and the Additional Chief Secretary (Revenue) shall remain present in the Court on the next date of hearing with records."

## Financial Summary

Environics Trust is registered at Delhi under the Indian trust Act 1882 as a not-for-profit organisation with the registration number 2201

Environics Trust follows the financial year from 01st April to 31st March. Statement of Accounts, audited by a qualified and registered Chartered Accountant, is submitted to the concerned departments in India as per the statutory requirements.

All donations received by Environics Trust from donors from outside India are received as per the FCRA (Foreign Contributions Regulation Act) guidelines. Section 6(i) of the FCRA inter alia provides that an organisation registered under the FCRA shall intimate to the Central Government in India the amount, source and the manner in which such foreign contributions is received and the purpose for and the manner in which such contributions is utilised. These foreign contributions are to be received only through a particular registered and designated bank. For any information on the same, please contact Director Finance, Environics Trust, 177 Neb Sarai, New Delhi-110068; Email – [vanithasree@yahoo.co.in](mailto:vanithasree@yahoo.co.in)

The Details of funds received and utilised as per the audited Accounts of the Financial year 2015-2016 are as below

ENVIRONICS TRUST					
BALANCE SHEET As on 31st MARCH -2016					
LIABILITIES	Amount (in Rs)	Amount (in Rs)	ASSETS	Amount (in Rs)	Amount (in Rs)
CAPITAL			FIXED ASSETS (As Per Annexure-D)		8,57,020.00
A) Corpus Fund					
Balance b/d	6071066.74				
Add: Additions	15847742.65		CURRENT ASSETS		
	21918809.39		Fixed Deposit		53,90,914.00
Less: Utilised	15443769.60		Project Fund		
			Receivables		
Add: Project Fund			(Earth day Network)		4,76,963.11
Receivables	6475039.79		Cash in Hand		61,739.00
(Earth day Network)	476963.11	69,52,002.90	Cash At Bank (ICICI Bank)	3,99,692.68	
B) General Fund			Cash At Bank (ICICI Bank)	13,95,344.79	17,95,037.47
			A/C		
Balance b/d	812540.8		017101006864 (FCRA)		
Less: Excess Expenditure			Tax Deducted at Source		43,435.00
Over Income	405898.34	4,06,642.46			
CURRENT LIABILITIES					
Sundry Creditors					
Projects					
(As Per Annexure-A)		7,44,963.22			
Creditors for Expenses					
(As Per Annexure-B & C)		5,21,500.00			
TOTAL		86,25,108.58	TOTAL		86,25,108.58

For Environics Trust

For B. Rattan & Associates  
(Chartered Accountants)

-sd-

-sd-

R.Sreedhar  
(Managing Trustee)

B.K. Karn  
(Partner)  
Membership No.094790

Date: 09/09/2016  
Place: - New Delhi



ENVIRONICS TRUST			
INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED-31st MARCH 2016		All Figures in INR	
PARTICULARS	Amount	PARTICULARS	Amount
FCRA Payments Administration & Office Expenses		FCRA Receipts Grants Received During the Year:- SARA SERVICES CHARITABLE TRUST	3,00,000.00
General Expenses	5,000.00	FCRA RECEIPTS	
Documentation	11,473.00	Oxfam India (with Interest)	2843154.50
Rent	1,36,000.00	FES	2396100.00
FCRA PAYMENTS		Centre for Study of Public	366621.75
Mac Arthur Foundation	4140414.74	DWOI	32166.90
Oxfam India	2638918.49	Global Green Grants	869400.00
FES	1035713.00	European Climate Change	550658.00
Centre for Study of Public	191437.55	Earthday Net Work	457863.70
DWOI	32166.90	Earthlife Coal	6644316.67
Global Green Grants	757344.77	AMRC	1687461.13
European Climate Change	1879825.04		15847742.65
Earthday Net Work	934826.81	Opening Balance	6071066.74
Earthlife Coal	2286938.67		21918809.39
AMRC	1546197.86	Add:Receivables	476963.11
	15443783.83	Add:Sort & Excess General A/C	14.23
Closing Balance	6952002.90		22395786.73
Communication		Income from other sources	3,498.00
Postage	86.00	Bank Interest	211754.00
Telephone	8,203.00	Less:Interest relates to Oxfam	30654.50
Courier	46.00		181099.50
Professional Costs		Interest Fixed Deposites	4,34,349.00
Salaries & Benefits	5,51,477.00		6,15,448.50
Audit Expenses	1,46,680.00	Excess Expenditure over Income	405898.34
Travel Costs			
Outstation Travel	14,552.19		
Local Conveyance	82,865.00		
Fuel Costs	12,012.00		
Project Operation Cost	1,00,000.00		
Workshop Expenses	20,000.00		
Project Expenses	38,384.13		
Membership Fees	1,000.00		
Skill development activity	30,000.00		
Insurance	16,083.00		
Sort & Excess Exp	14.23		
Bank Charges	87.29		
Depreciation for the Year	1,50,882.00		
TOTAL	23720631.57		23720631.57

-sd-For Environics Trust  
R.Sreedhar (Managing Trustee)

-sd-For B. Rattan& Associates  
B.K. Karn (Partner)  
Membership No.094790

ENVIRONICS TRUST					
RECEIPT & PAYMENT FOR THE PERIOD FROM 1st APRIL 2015 To 31st MARCH 2016					
RECEIPT	Amount (In Rs)	Amount (In Rs)	PAYMENT	Amount (In Rs)	Amount (In Rs)
Opening Balance:-			Administration & Office Expenses		
Cash in Hand		370.00	General Expenses		5000.00
Cash at Bank- FCRA A/c no. 017101006864		5418735.6 8	Documentation		11473.00
Cash at Bank-General A/c no.017101006263		687099.86	Rent		136000.00
Grants Received During the Year:-					
SARA SERVICES					
CHARITABLE TRUST		300000.00	FCRA PAYMENTS		
FCRA RECEIPTS			Mac arthur Foundation	3505656. 53	
Oxfam India	281250 0 30654. 5	2843154. 50	Oxfam India Foundation for Ecological Security	2559918. 49 1000713. 00	
Foundation for Ecological Security		2396100. 00	Centre for Study of Public (POI)	173437.5 5	
Centre for Study of Public (POI)		366621.7 5	DWOI-New ways to Palo Alto	32166.90 687344.7	
DWOI-New ways to Palo Alto		32166.90 869400.0	Grants	7	
Global Green Grants		0	European Climate Change	1879825. 04	
European Climate Change		550658.0 0	Earthday Net Work	919826.8 1	
Earthday Net Work		457863.7 0	Earthlife Coal	2266938. 67	
Earthlife Coal		6644316. 67	Asia Resource Monitoring Centre	1502742. 85	14528570. 61
Asia Resource Monitoring Centre		1687461. 13			
Project Amount			Communication:-		
Receivables (INECC)		45500.00	Postage		86.00
Income from other sources		3498.00	Telephone		8203.00
SBank Interest		181099.50	Courier		46.00
Interest on Fixed Deposit		434349.00	Professional Costs		
			Salaries & Benefits		492977.00
			Audit Expenses		146680.00
			Travel Costs		
			Outstation Travel		14552.19
			Local Conveyance		82865.00
			Fuel Costs		12012.00
			Project Operation Cost		100000.00
			Workshop Expenses		20000.00
			Membership Fees		1000.00
			Skill development activity		13250.00
			Insurance		16083.00

			Fixed Deposit		5390914.0
			Tax Deducted At		0
			Source		43435.00
			Project Expenses		38384.13
			Bank Charge		87.29
			Closing Balances		
			Cash in hand		61739.00
			Cash at Bank -		1395344.7
			017101006864		9
			Cash at Bank -		
			017101006263		399692.68
	TOTAL	22918394.69		TOTAL	22918394.69

For Environics Trust

-sd-  
R.Sreedhar  
(Managing Trustee)

Date: 09/09/2016

Place: - New Delhi

For B. Rattan & Associates  
(Chartered Accountants)

-sd-  
B.K. Karn  
(Partner)  
Membership No.094790

## Independent Auditor's Report

FORM NO. 3CB

[See rule 6G(1)(b)]

Audit report under section 44AB of the Income -tax Act 1961,  
in the case of a person referred to in clause (b) of sub - rule (1) of rule 6G

1. I have examined the balance sheet as on, 31st March 2016 and the Income and expenditure account for the period beginning from 2015-04-01 to ending on 2016-03-31, attached herewith, of Environics Trust, Khasra Number 177, Shokeen Market, Main IGNOU Road, Neb Sarai, New Delhi-68 AAA TE1210E [Mention name and address of the assessee with permanent account number]
2. I certify that the balance sheet and the Income and expenditure account are in agreement with the books of account maintained at the head office at Khasra Number 177, Shokeen Market, Main IGNOU Road, Neb Sarai, New Delhi-68 and 0 branches.
3. (a) I report the following observations/comments/discrepancies/inconsistencies; if any:  
(b) Subject to above, -  
(A) I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.  
(B) In my opinion, proper books of account have been kept by the head office and branches of the assessee so far as appears from my examination of the books.  
(C) In my opinion and to the best of my information and according to the explanations given to me, the said accounts, read with notes thereon, if any, give a true and fair view  
(i) in the case of the balance sheet, of the state of the affairs of the assessee as at 31st March 2016; and  
(ii) in the case of the income and expenditure account of the surplus of the assessee for the year ended on that date.
4. The statement of particulars required to be furnished under section 44AB is annexed herewith in Form No.3CD.
5. In my opinion and to the best of my information and according to explanations given to me, the particulars given in the said Form No.3 CD are true and correct subject to following observations/qualifications, if any:

S.No	Qualification Type	Observations/ Qualification
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-Sd -

	Name	BISHAMVER KUMAR KARN
	Membership Number	094790
	FRN(Firm Registration Number)	011798N
Place: New Delhi	Address	F-27A First Floor, Gali No 30, Madhu Vihar, New Delhi-110092
Date: 11/10/2016		

## Board Members

Name – R. Sreedhar

Post – Managing Trustee

Gender - Male

R.Sreedhar is a Geologist from University of Roorkee (1979) IIT Roorkee. After his Masters he was researching on mineralogy and petrology at the Department of Metallurgy. He was selected to work with all the major national exploration organizations. He worked with mainstream exploration organisations, Atomic Minerals Divisions, Department of Atomic Energy and later with Oil and Natural Gas Corporation Ltd. In 1985 he moved out to begin working with communities on environmental and alternate technology issues, establishing the Environmental Systems Branch of Development Alternatives, New Delhi.

He has been actively involved in institutional and network development, research, implementation of alternate technologies and providing techno-legal support for Human Rights and Environmental Litigations. Over the past three decades, he co-founded and nurtured several groups and institutions broadly addressing issues of community development - TARU ('91) - a leading Development Research group, the Indian Network on Ethics and Climate Change ('94) – amongst the oldest network on Climate Change in India, the BCIL ('95)– country's biggest green building company, mines minerals and PEOPLE ('99) – the largest alliance of mining affected communities, Environics Trust ('03) the EIA Resource and Response Centre ('08) and the Mojolab Foundation (2012).

Currently he is the Managing Trustee of the Trust; Mentor at BCIL and an Advisor to the CSR Centre of Excellence at MEC, Mysore University.

Name: Nishant Alag

Post: President

Gender: Male

Nishant Alag studied the discipline of planning - graduated with Urban and Regional Planning from GNDU, Amritsar and post graduated in Environmental Planner from the Centre for Environmental Planning and Technology Ahmadabad. The initial period of travelling and working in the Himalayas over a variety of issues provided a much required need to look at similar contexts in other geographical regions. He has been working for over a decade on issues of community based planning and information management. He has contributed extensively to environmental impact review and trained communities on issues of mining and environmental legislation.



## Team

**Core Working Team**

- Ramamurthi Sreedhar, Earth Scientist, Institutional Development
- Nishant Alag, Environmental Planner
- S.Vanitha, Finance and Rural Enterprises
- Mohit Gupta, Occupational Health and Information Management
- C.R.Gunasekhar, Independent Consultant, Behavioural Studies
- B.P. Yadav, Web Designer & Developer
- Pooja Gupta, Research Associate
- Rahul Kumar Dodi, Research Associate
- Simant Piyush, Research Associate
- Yousuf Beg, Community Organisation
- Sandeep Minhas, Natural Resource Management
- Vijay Singh Chauhan, Mechanical and Hydro-power Installations
- Ravi Mittal, Field Studies and Administrative Interface
- Dr Ramesh Pant, Prof B.D.Nagchoudhuri Fellow on Environmental Management
- Neeraj Doshi, Finance and Governance
- Neetu Thakur, Librarian
- Shashi Nandan Kishore, Office Management
- Vinod Kumar, Office Management
- Bostam Barman, Transport and Logistics

**Professional Associates**

- Chandrasekhar Hariharan, Economics, Journalism, Enterprise Development
- Hem Gairola, Coordinator, Himalayan Community Forestry Centre
- Prof Vir Singh, GB Pant Agricultural University
- Ritwick Dutta, Advocate and Environmental Activist, LIFE, New Delhi
- Siddharath Sah, Advocate, Uttaranchal High Court, Nainital
- Govindanand Semwal, Governance and Village Enterprises
- Mukesh Ray, Climate Change
- Nikki Nirvikalpa, Film Maker, Circa Films
- C.Sriram, Director, Creative Creations, Chennai
- R.Ganesh, Microbiologist, Hyderabad
- Puneet Kishor, GIS and Community Commons
- Dr Goldie George, Social Anthropology and Dalit Studies
- Dr Sampurna Behra, Socio-legal Empowerment
- Saswasti Swetlana, Women's Empowerment and Social Security
- Laxmi Chauhan, Mining and Communities

## Contact Information

R Sreedhar Managing trustee	nishant alag president	s. vanitha director finance
<b>Tel</b> 9810706244 <b>Fax</b> 011-29531814 environics@gmail.com	<b>Tel</b> 9910810032 <b>Fax</b> 011-29531814 alagnishant@gmail.com	<b>Tel</b> 9818678618 <b>Fax</b> 011-29531814 vanithasree@yahoo.com

## Organisation Information

### Environics Trust

177, Neb Sarai, Shokeen Market, IGNOU Road, New Delhi-110068

**Tel** - 011-29531814

**Fax** - 011-29533957

**Web** - [www.environicsindia.in](http://www.environicsindia.in)



**Environics Trust**

Environics Trust ([www.environicsindia.in](http://www.environicsindia.in)) is a not for profit research and community development organisation and an enabling institution. Environics conducts participatory research on issues of environment and human behaviour and uses these outcomes for innovative community development programmes. Environics provides research and evaluatory services to International, National, State and Local Institutions. Environics brings decades of field experience and anchors several networks and partnerships.

All statutory details, policies can be found [here](#)

