



Environmental Social
Justice
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PRESS RELEASE

National Green Tribunal halts all construction activity in Challakere Amrut Mahal Kavals

Justice Mr. M. Chockalingam (Judicial Member) and Prof. Dr. R. Nagendran (Expert Member) constituting the National Green Tribunal (Southern Zone Bench), issued a direction on 14th February 2014 halting all construction in the ecologically sensitive Amrut Mahal Kaval grassland ecosystems in Challakere Taluk, Chitradurga district, Karnataka. The direction was issued in response to complaints raised by undersigned Petitioners before the Tribunal that various agencies that had been allocated lands for their projects in the Kaval had commenced construction without securing permission from the Karnataka Forest Department and Union Ministry of Environment and Forests (MoEF) for diversion of forest land to non-forest purpose based on ecological assessments.



Construction happening in Amruth Mahal Kavals violating NGT order

Defence Research Development Organisation (DRDO) which is proposing construction of a massive weaponised drone testing and manufacture project, had already commenced extensive construction operations. In particular referring to this, the Tribunal ordered:

“The counsel for the DRDO on instructions from the official, who is present, would submit that the **construction activities are continuing**. It is pertinent to point out that whether the construction activities now being carried out by DRDO lies in the reserve forest or not is the subject matter to be decided by the Tribunal. In view of the factual position and circumstances, it would be fit and proper to issue a direction to DRDO to stop further construction until further orders of the Tribunal and accordingly a direction is issued to DRDO to stop construction activities in the subject matter land

until further orders.” (Emphasis supplied)

Besides DRDO other agencies allotted these grassland ecosystems that form habitat for critically endangered Great Indian Bustard and Lesser Florican, highly threatened Black Buck, and support livelihoods of thousands of pastoral communities include Bhabha Atomic Research Centre (BARC - nuclear fuel enrichment), Indian Institute of Science (IISc - building a synchrotron), Indian Space Research Organisation (ISRO - space applications), Sagitaur (private company to build a solar pond), Karnataka Housing Board (KHB - construction of villas), etc. Several of these agencies have begun project activities by building high security walls, undertaken massive project construction and also blocked access of local communities to the Kavals. The 10,000 acres of Amrithmahal Kavals found here form the last contiguous stretch of grasslands left in Karnataka state. At the time of independence, the State had over 450,000 acres of Kavals, and only 30,000 acres are now left. Such systematic and reckless diversion of ecological commons has caused agony to thousands of pastoral and farming families dependent on these Kavals for their livelihoods.

Challenging this diversion before the National Green Tribunal (Southern Zone), the Petitioners have said that the entire exercise was illegal as no assessment of the ecological and social impacts was ever conducted, no proper assessment was carried out to assess the appropriateness of siting such dangerous and highly sensitive facilities all in one location, nor was there any compliance with environmental protection, pollution control and land use planning regulations. Besides the entire exercise was undertaken with extraordinary secrecy, including by keeping elected bodies and representatives out of the decision making process.

While the implications of these decisions were being argued before the Tribunal, the Karnataka State Pollution Control Board accorded Consent for Establishment to the DRDO and Sagitaur projects during September 2013. However, the consent was conditional to the fact that “*in case the area proposed for the purpose of the project is found to be forest area, necessary forest clearance shall have to be obtained*”. In October 2013, MoEF filed its statement before the Tribunal stating that Amrit Mahal Kavals constitute forest areas as per the Karnataka Forest Act, 1961, Forest Conservation Act, 1980 and the orders of the Hon’ble Supreme Court in the Godavarman case (WP Civil 202/1995). The Ministry specifically sais that “the status of 9,473 acres of land as “forest” or “non-forest” is to be decided through joint inspection by the State Forest Department and Regional Office of the Ministry, as per guidelines issued by the Supreme Court in Lafarge Judgment and interpretation of the Karnataka Forest Act and Rules framed thereunder.” Rather than immediately halt any construction activities, DRDO, for instance, continued massive building work which they refused to stop despite local protests and filing of police complaints.

As these activities are in breach of conditions imposed in the Consent for Establishment issued by the Karnataka State Pollution Control Board, the regulatory agency has been moved to withdraw the consent and initiate appropriate action against the violators.



Leo F. Saldanha

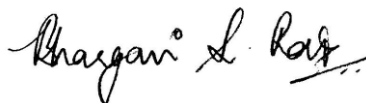
Coordinator/Trustee

Environment Support Group

Applicant 6/2013 before the Hon’ble

National Green Tribunal

(Party-in-person)



Bhargavi S. Rao

Coordinator (Education)/Trustee

Environment Support Group

On behalf of Applicant 12/2013

before the Hon’ble National Green

Tribunal

Doddaullarti Karianna

Amritmahal Kaval Hitarakshana

Horata Samithi

Chitradurga

PS: All documentation pertaining to the issue (including petitions, responses and orders, etc.) is accessible at: <http://esgindia.org/resources/resources/esg-application-ngt-challenging-illegal-.html>



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Press Conference in progress at Press Club, Bangalore on 26.2.2014