

# COVID19 & Forest Rights

*The impact of COVID 19 and Lockdown on Adivasi and Forest Dwelling Communities*



*In this Issue*

## VOICES FROM THE GROUND

**DIBANG VALLEY,  
Arunachal Pradesh**

**THRISSUR DISTRICT,  
Kerala**

**KINNAUR DISTRICT,  
Himachal Pradesh**

**RAIGARH DISTRICT,  
Chattisgarh**

**CHATRA DISTRICT,  
Jharkhand**

**SAMBALPUR DISTRICT,  
Odisha**

In the fourth issue of the bulletin, we feature voices of forest communities about their **FOREST RIGHTS** in the face of numerous **DIVERSIONS FOR HYDROPOWER AND COAL PROJECTS**

**PREVIOUS PAGE:** Women in Chattisgarh protesting the violations of Forest Rights due to coal-mining.

**Policy decisions for forest diversion during the COVID19 lockdown, which potentially dilute the Forest Rights Act, 2006 (FRA) and undermine the decision-making authority of the Gram Sabhas have become a major issue faced by Adivasi and forest dwelling communities.**

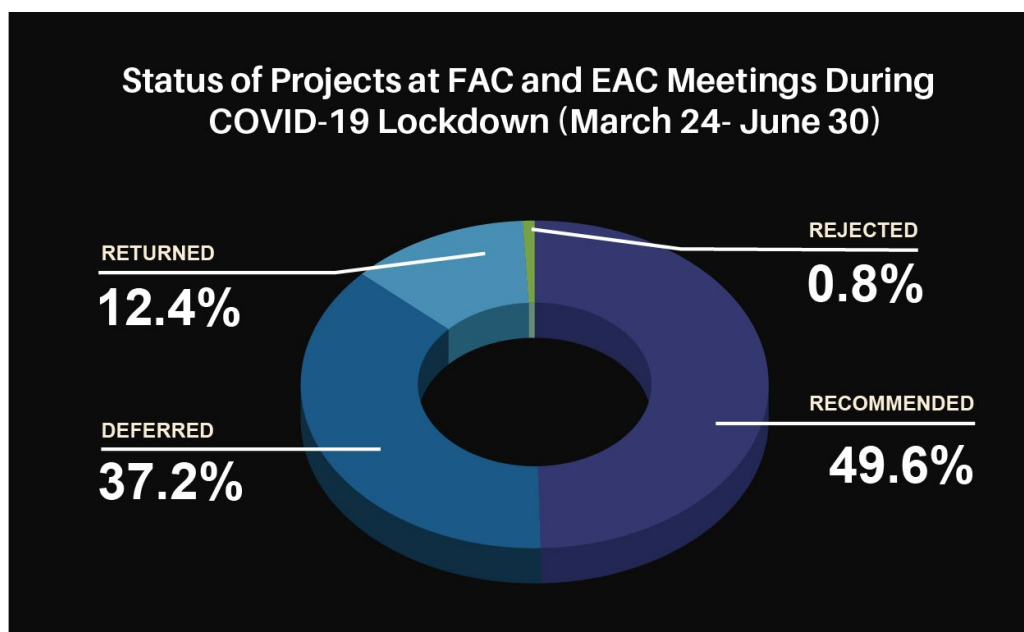
FRA requires the completion of the recognition and vesting of forest rights, and obtaining free prior informed consent of Gram Sabhas before diversion of forest lands, which has been specified in the Ministry of Environment, Forests and Climate Change (MoEFCC)'s own guidelines (2009), the Forest Conservation Rules (2016), and also upheld by the Supreme Court in the landmark Niyamgiri judgement (2013).

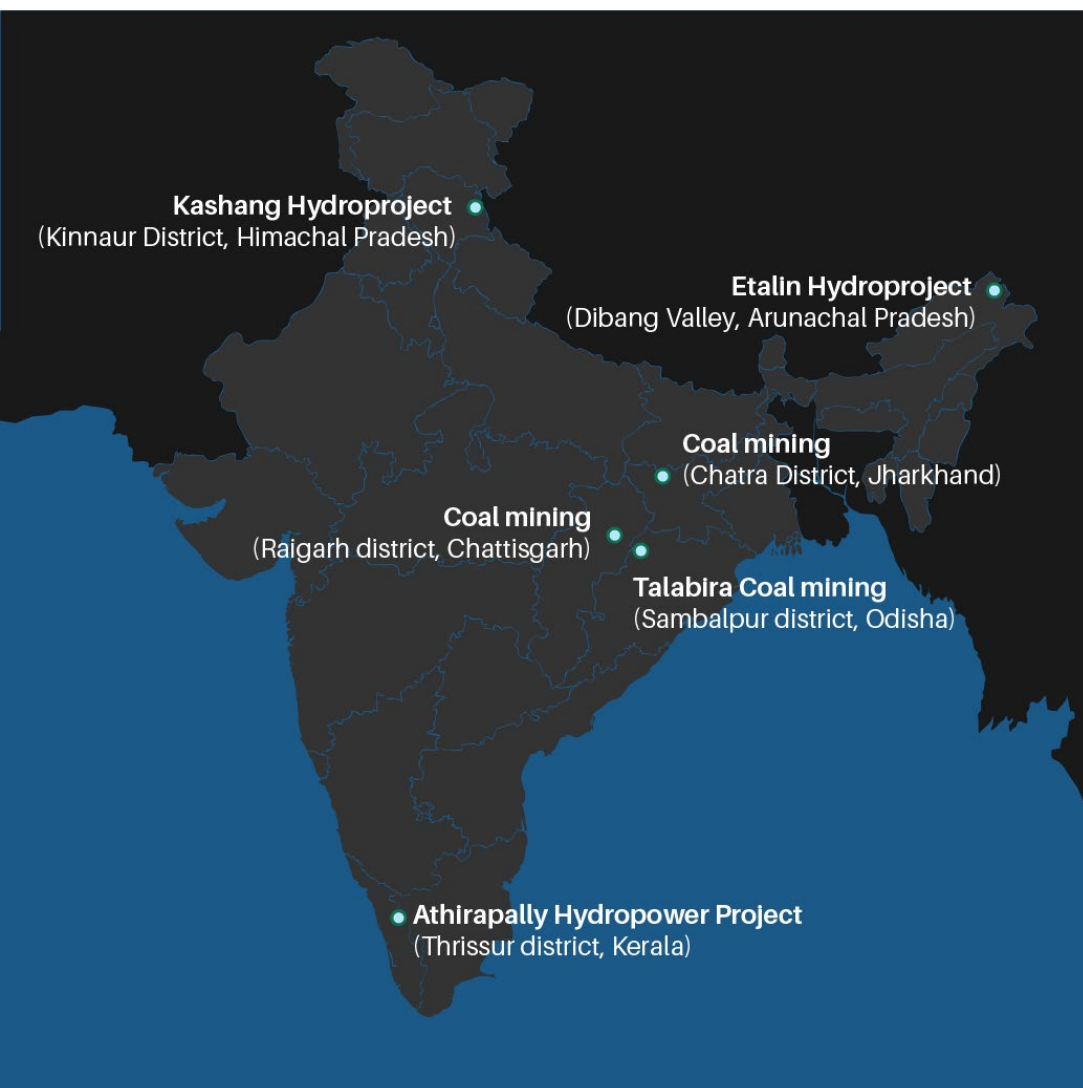
Large scale, particularly highly polluting projects on forest lands degrade local ecosystems and make indigenous and forest dependent communities more vulnerable to the virus during the pandemic. At the same time, such projects impact more than just community health as they also weaken community resilience and violate forest [autonomy](#).

An analysis of Expert Appraisal Committee (coal, hydro and river valley, thermal, non-coal mining, infrastructure, CRZ, Industrial) and Forest Advisory Committee meeting minutes during lockdown (about 40 meetings, some as short as ten minutes and others upto 5 hours) reveal that that **approximately 120 projects were recommended, 90 were deferred, 30 projects returned and only 2 projects were rejected during EAC and FAC meetings held during the lockdown. A quarter of the recommended projects fell in Fifth Schedule districts.** The analysis has not looked at the details of how many of the deferred projects fall in Fifth Schedule districts, and about many clearances made during National Board of Wildlife meetings.

During the nationwide lockdown period from March 24- June 30, the Forest and Expert Appraisal Committees within the Ministry of Environment and Forests went on a project clearing spree, for large scale industrial, mining, hydropower, roads and highway construction projects, without any due diligence and in absolute disregard to environmental laws and FRA. The ministry crammed what are usually day-long

sessions of these committees into two hour video calls (although there is no provision for video call based clearances in Indian environmental laws), and gave speedy clearances without any field visits, basing their decisions only on reports submitted by the project





In the fourth issue of the bulletin, we feature **voices of forest communities about their forest rights in the face of numerous diversions for hydropower and coal projects.** Some of these diversions came up during lockdown, whereas in others gram sabhas have been fighting for recognition and respect of their forest rights for many years. During the lockdown, several new mega [Hydro-power projects](#) were proposed by the ministry and existing ones were resumed without any due clearances. Subsequently, [commercial coal-mining auc-](#)

proponents. Furthermore, considering that many of these projects are located in Schedule 5 and 6 areas, the legal requirement of getting consent of the gram sabhas has been largely ignored. Over one hundred and twenty projects have received clearances, at least thirty in [biodiversity hotspots](#) such as the Western and Eastern Ghats, around Dehing Patkai Elephant Reserve, Bhagwan Mahavir Sanctuary, Gir National Park, Sharavathi Lion Tailed Macaque Sanctuary and others. Simultaneously, during lockdown, MoEFCC released a notification for a problematic draft [Environment Impact Assessment \(2020\)](#), which amongst many issues dilutes the processes for [public hearings](#) and consent.

[tions](#) have been launched despite the fact that the Mineral Laws (Amendment) Act (2020) lapsed on May 14 2020, and mining continued throughout lockdown as “essential” despite community voices that have been crying shrill about forest rights violations for years. Raising voices against the violations during the lockdown has proved to be a new challenge, because while forest people are under lockdown the ministries and companies clearly are not.

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FOREST DIVERSION - 1165.65 HECTARES

# HYDRO-POWER PROJECTS

## INFORMATION FROM THE GROUND ON ETALIN POWER PROJECT

The Etalin hydro-power project, proposed in the Dibang river basin in Arunachal Pradesh, was discussed during the Forest Advisory Committee (FAC) meeting on 23 April 2020. The FAC minutes recognize that the area falls within the richest biodiverse province in the Himalayan region and under one of the mega bio-diverse hotspots of the world.

A total 1165.66 hectares of forest land will be diverted for this purpose and 270000 trees will be felled in the process for the construction of Etalin Hydro Electric. **A subcommittee of the FAC working to reduce area of forest diversion and to make a conservation plan, also vaguely mentioned a plan to reduce the impact on local inhabitants by the use of additional livelihood opportunities and people's biodiversity register. While the FAC has received many representations against the commissioning and approval of the project, it is seemingly likely that the position of the sub committee may be accepted by the FAC.** The FAC further forwarded this file to the Ministry of Power for further deliberations.

Sources on the ground, who prefer not to be named, shared that it is quite clear that the communities in the North Eastern region, in this case Arunachal Pradesh are being lured through compensation packages, that are minimal in comparison to the immense value of community forest resources, to give in and agree with the diversion of land and forests that is taking place. This is a tactic which is always deployed by the user agencies and the state to break the community. This tactic has resulted in animosity among villages and clans who are fighting for compensation.

Most importantly, as per sources on the ground, **there is an emerging pattern in Arunachal Pradesh that non-implementation of FRA by the state government has made the situation more difficult for communities to defend their forest rights**, while the process under FRA is followed only when the matter comes to giving consent for diversion of forest land. Hypernationalism is also being used to ostracise any community members, often youth, who raise objections to this project.





**TESTIMONIES FROM VAZACHAL VILLAGE,  
THRISSUR DISTRICT, KERALA  
[ATHIRAPALLY HYDRO-ELECTRIC PROJECT]**

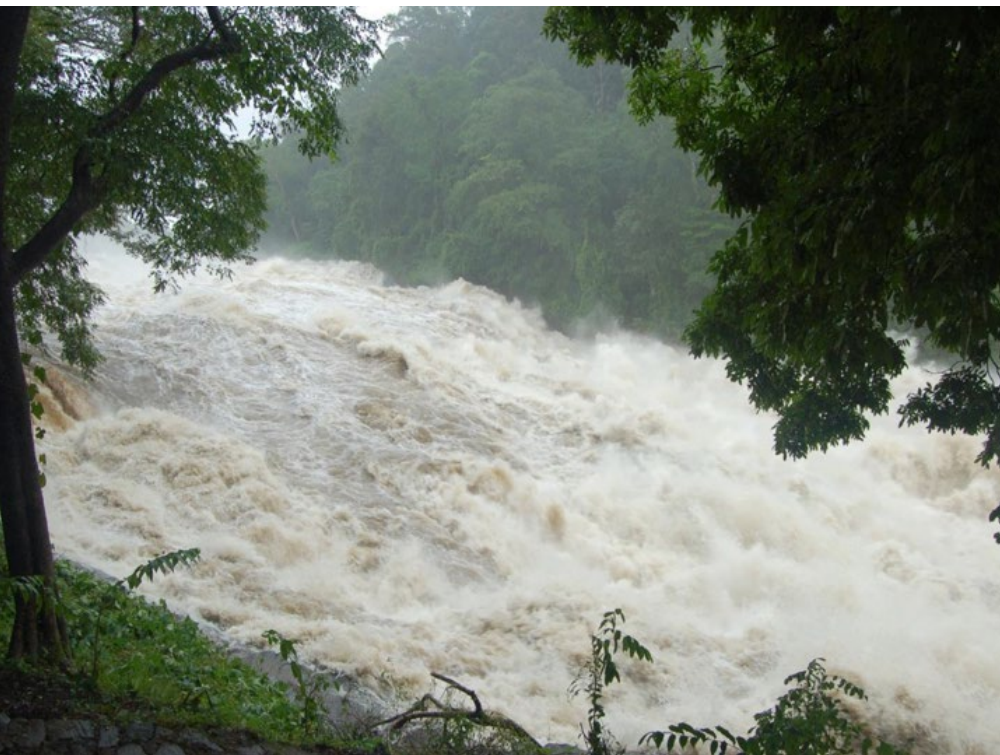
**FOREST DIVERSION  
- 138.60 HECTARES**

TESTIMONY OF A MEMBER OF THE  
**CHALAKUDY PUZHA  
SAMRAKSHANA SAMITHY**

*“Although the looming threat of the Athirapally hydro-electric project has been an ongoing issue for the Kadar Particularly Vulnerable Tribal Group (PVTG) community living in Chalakudy river basin ever since the 1980s, once Community Forest Rights (CFR) were legally recognised in 2012, and the entire river basin was part of their CFR map, people felt that they had victory on their side. However, during lockdown, Kerala State Electricity*

*Board (KSEB) approached the Kerala government to get an NOC to go ahead with the hydropower project. The Kerala Chief minister issued the required techno-economic sanction without a discussion in the cabinet. The gram sabhas of the Athirapally region completely oppose this project, and the project has received criticism from Western Ghats Expert Ecology Committee as well.*

*There are 6 other dams already in this river basin, which falls in the Annamalai landscape of the Western Ghats and is home to 24 Kadar settlements with a total population of 1994 people, most*



**PREVIOUS PAGE:** Athirapally water falls is beautiful and also mighty.

**ABOVE:** The Chalakudy river already has 6 dams on it.

*families have already lived through rehabilitation in the past. 70% of the forests were already destroyed by the course of colonial forestry, tea plantations, timber and teak forest and the construction of massive dams leaving the Kadar people with merely 8% intact of forests, of which the project threatens to destroy 28.5 hectares of riparian forests. Communities here depend on the river for fishing and the forests for MFPs such as black dammer, honey and wild minisika. **Eight Kadar settlements will be affected by the Athirapally hydro-electric project, of which Pogallapara settlement would be submerged and Vazachal would be located only 400 metres from the construction site (while the documents submitted for clearances falsely said it is 5 kms. away). We have been organised as the Chalakudy Puzha Samrakshana Samithy, a large people's front of 45 diverse organizations, to raise our voices against the project.***

## TESTIMONY OF A VILLAGE LEADER OF VAZACHAL

***“ We are not ready to go forward with the Athirapally project, our ancestors have struggled and taken care of these lands. The Forest officials never consulted us while going forward with the project. Despite our community forest rights being legally recognised, we are still not consulted! Our ancestors were also relocated due to construction of projects, receiving no compensation.***

***There are already six dams here, why do they want to construct another one? If they construct this dam then everything will go away. We cannot move to any other place. Our entire community is dependent on the forest, and during coronavirus lockdown going to the forest has been important for people. This project is a torture for us! We are Adivasi, and we suspect they are harassing us for this reason. Even the workers for this project will come from outside, and our village will no longer be safe and secure.***

*In the past as well, we have opposed projects and have filed cases in court. This time we are planning the same. We usually have a monthly gram sabha to talk about our forest rights. Ever since the lockdown, we could not conduct meetings and I have been unwell. I know that there has been a gram sabha to discuss Athirapally project in Pogallapara, where twenty-six families live just 400 m from the site and could be submerged. **Our forest management committee has tried to dialogue with forest department officials, however they refuse. We feel that the government is trying to break our community.*** ”





**LIPPA VILLAGE,**  
KINNAUR DISTRICT, HIMACHAL PRADESH  
**[KASHANG HYDRO-ELECTRIC PROJECT]**

**FOREST DIVERSION**  
**- 119.60 HECTARES**

The Ministry of Environment, Forests and Climate Change had granted an [Environment Clearance](#) to the four stages of the project back in April 2010 with the condition of a 10 year validity. Only stage I of the project has been completed and now the Himachal Pradesh Hydropower Corporation Limited is [seeking an extension of the validity](#) of the Environment Clearance from the MoEF&CC Expert Appraisal Committee, which came up for discussion on June 23 2020 (minutes of the meeting awaited). More than 1,000 people signed a [petition](#) against the extension of the Environmental Clearance.

TESTIMONY OF A MEMBER OF  
**PARYAWARAN SANGRAKSHAN**  
**SANGHARSH SAMITI IN LIPPA VILLAGE**

*“Our Kannaura scheduled tribe community has been protesting [the Kashang hydro electric project](#) for close to a decade. **The National Green Tribunal in 2016 stated that this project cannot proceed without an NOC from our community.** Our community forest rights were legally recognised in 2018, and the 61 hectare forest land on which the project is located belongs to us and we do not consent to this project. Yet, the government leased out lands for the hydro-electric project and since 2019 has started work.*



**PREVIOUS PAGE:** Work on a tunnel is causing landslides in Lippa Village



**THIS PAGE:** The road to Lippa village, where communities are protesting the Kashang Hydro power Project

**Earlier, our gram sabhas would be united and prompt in our protests against this hydro-project. Yet, during the lockdown there were tenders given out for work and many youth from our villages have taken up employment in the project. Also, due to the lockdown, which came soon after a long winter in Kinnaur, we have not been able to gather as our gram sabha. It is increasingly difficult to come together in opposition to this project.**

*There are many difficulties that are associated with the project namely that almost 70% of my community in Lippa village where the project is being constructed depends for livelihoods on apple and apricot orchards, forests and farms. From the forests we collect grass and firewood, and also harvest chilgoza pine nut, black jeera and gucchi mushrooms. We don't get heavy rain here, and therefore we depend on irrigation for farming. If during the project there is blasting, then natural springs will vanish, we will lose water, and so our farms and orchards will dry up. One more difficulty is the diversion of Pajer Khad, the main river, for the project. There are huge boulders in this khad, and there has been a lot of flooding as well as washing away of land. In April this year, one person was killed due to a landslide. If the project proceeds, then the entire village will get submerged. We do not have an option of settling somewhere else also.*

*We now have a feeling that this project is proceeding as an "without papers" affair and they will do their work and go. Our people are in fear because the police put pressure on us and now even after fighting for almost ten years in the streets and courts, they do not agree to our demands. On another piece of [our community forest](#), the army has built occupied lands and when we protest the police suppresses our voices."*



# COAL MINING PROJECTS

## COMMERCIAL COAL MINING AUCTIONS DURING LOCKDOWN: A LEGAL LENS

In mid-March this year, when the world was reeling under the novel coronavirus pandemic, Parliament quietly carried out several vital amendments to mining laws in India. With equal stealth and alacrity, these laws have been rapidly implemented while the entire nation has been in a lockdown.

One, **an amendment was made to Section 8A of the Mines and Minerals (Regulation and Development) Act, 1956**, so that a successful bidder for an existing mining lease

which is expiring, is “deemed to have acquired all valid rights, approvals, clearances, licenses and like vested with the previous lessee for a period of two years”. **Under this ‘deemed approval’, such successful bidder can continue mining operations like the previous lessee as if he has got all such clearances.** Such deeming clauses are known as “legal fiction” in legalese.

On 31 March, a circular was issued by the MoEF&CC supporting this amendment,

**BELOW:** Open cast mine in Raigarh, Chhattisgarh



stating that such a **new lessee of a mining lease will be “deemed” to have obtained forest clearance under the Forest Conservation Act, 1980, for a period of two years.** The only ‘condition’ that the MoEF&CC saw fit to include was that such a new lessee must pay the Net Present Value to the CAMPA fund. It did not, however, see fit to make such continued mining conditional upon the mandatory Gram Sabha consent for forest diversion under the Forest Rights Act 2006.

**The second amendment has been made to the Coal Mines (Special Provisions) Act, 2015, whereby coal mining operations, until now open only to government companies, can be undertaken by private companies.** This includes prospecting, reconnaissance, as well as mining operations for “own consumption, sale or any other purpose as determined by the Central government” of coal mines.

The Prime Minister personally opened the auction process for 41 coal blocks on 18 June 2020, located across 5 states in Central India. **The fact that many of these mines are located in Adivasi areas, which have been granted constitutional protections under the Fifth Schedule of the Constitution, has been completely invisibilized.** These lands and the resources they hold are also protected under the Panchayats (Extension to Scheduled Areas) Act, 1996, and numerous protective legislations which prevent alienation of tribal lands to non-tribals, which are themselves protected under the Ninth Schedule to the Constitution. While the platitude of “Atmanirbhar Bharat” is repeatedly touted in support of this enterprise, there is no mention of the constitutional mandate to the Adivasis to determine the meaning and content of such self-determination.



**ABOVE:** Coal mining destroys and loots people's forest and mineral resources



**ABOVE:** Coal mines in Raigarh, Chhattisgarh

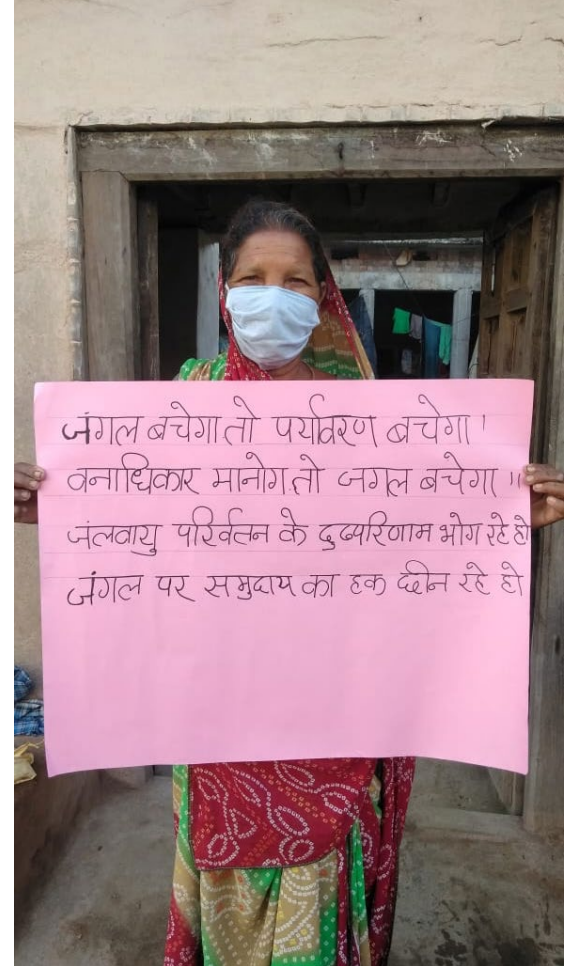




**ABOVE:** Adivasi women in Chattisgarh demanding that District Mineral Fund be provided directly to the communities affected.

**RIGHT:** Women in Chattisgarh protesting the violations of Forest Rights due to coal-mining.

**BELOW:** A woman activist looks at the mining destruction.



#### TESTIMONY OF A **COMMUNITY ORGANISER** FROM **RAIGARH DISTRICT**, CHATTISGARH

*“The legal recognition of community forest rights in mining areas of Tamnar, Gharghoda and DharamJaigarh, the three blocks of Raigarh district where coal mining auctions have been announced, has been very difficult. Ever since 2012, the government offices are refusing to respond to any forest rights claims- they say it is a mining area and therefore different. Although the Chief Minister recently directed*

*for the recognition of forest rights, the officials are willing to recognise only small parts of our claims. There is the Kelo river flowing through three big mountains, which are sacred sites for Adivasi communities in this area. Government officials are only willing to grant us small parts of these mountains as sacred sites under FRA. We demand the legal recognition of our rights to the entire mountain range.*







*In Raigarh district, Oraon, Abhuj Maria, Kol, Binjwar and Kavar as well as PVTGs Pahari Korba, Bilhor and Pandoh communities reside. **This district is a 5th schedule district and therefore as per PESA (1996) as well, we have rejected several of the coal mines.** Earlier, when Maharashtra Electricals organised a public hearing, we voiced our opposition loud and clear. Now, the new coal block allocations would go to Gujarat Electricals as well, and be mined by Adani. The Gram Sabhas are rejecting these allocations as we did to the old mines- as they are taking all our forest lands. There is so much violence carried out by mining companies towards communities*

*and we reject them. For some years now, we have been carrying out koyla satyagrahas, in which we demand that these are our forest lands and therefore the ownership and rights to mine these lands, must be in our hands.”*

**THIS PAGE:**

Stills from the Koyla Satyagraha carried out by communities across Central India last year





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TESTIMONY OF A  
**GRASSROOTS RIGHTS ADVOCATE**  
FROM **CHATRA DISTRICT** OF JHARKHAND

*“For me, the matter of coal mining blocks is very close to my heart as I live within a kilometre of the Gondalpura coal block and I know the effects of coal mining. In the recent commercial coal block allocations, **9 coal blocks were allocated in Jharkhand- mainly in Latehar, Hazaribagh and Chatra district. In all of these districts, there has been very minimal legal recognition of forest rights.** I have been a part of the struggle against mining since 2005, and it has been a difficult struggle. A challenging time was after the shootings in 2015 at the [Pakri Barwadih](#) mine. Despite demonstrating our clear opposition, in public hearings and other spaces, the companies get clearances from the centre. While forest dwellers, Adivasis, farmers and workers have been raising our voices for generations, so long as those who are in power continue to work against the Constitution, there is no change in our ground realities. **We are aware that commercial coal mining will mean more violations and there will be bigger mines and less interest in community consent.** Although it has been difficult to raise our opposition during lockdown, we have held Gram Sabhas to discuss these matters.*

Various local level protests have already been planned under various banners on 30th June that is Hul Diwas, a day to commemorate the commencement of Adivasi struggle against the colonialists in 1855. In addition to this, various social groups and left parties in the state of Jharkhand, have also decided to launch a statewide campaign from 2nd of July against commercial mining.

TESTIMONY OF A  
**COMMUNITY LEADER** FROM  
**SAMBALPUR DISTRICT**, ODISHA

The proposed Talabira II and III blocks coal mining project belongs to the Neyveli Lignite Corporation (NLC) India. The Odisha state government [submitted a proposal](#) in May 2014 to obtain approval of the Union government for diversion of the 1038 hectares of forest land. This included 4.051 hectares under the safety zone within the leasehold area of 1914.063 hectares allocated for opencast coal project (OCP) in Jharsuguda and Sambalpur Forest Divisions. Stage II clearances for the project came through in March 2019. Locals said that the permission was given based on forged Gram Sabha resolutions.

*“In this area, our forefathers told us that there was no dense forest until 1850 when they started planting and continued to do so for 100 years. **The people of our villages have been taking care of the forest with their traditional knowledge.** For many years, our community collectively cared for the forests, we had to pay 3 kgs. of rice to a forest guard to do so, and in this way we nurtured these forests. And then, all of a sudden, **in December 2019, guarded by heavy police and security forces, [tree felling](#) started in our forests without community consent.** While official sources say that **15,000 trees were cut, we know that the reality was that 40,000 trees were destroyed.***

*“Despite the Covid 19 lockdown in place, **blasting work for the mines continues even during the lockdown. Villagers are restless about the situation. Even before the lockdown, their entry to forests had been restricted, and during the lockdown they faced more hardships and couldn't***

***even access the forests to collect forest produce.***

*Meanwhile, all the shops are located far away from the village and open only for limited hours, making access to food and supplies very difficult.*

*We demand that the crores of money that has been appropriated in the name of development, should be returned for the 'actual development' of the forest and our communities."*

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NOTE: Names omitted for security reasons

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## **MEDIA REPORTS (JUNE 16-30)**

- [Nine mineral blocks in Odisha to go under hammer next month](#)
- [Lessons from Baghjan: India's Environmental Regulatory Processes Are Broken](#)
- [Chhattisgarh: 9 Sarpanchs Write to PM to Stop Mining Auction at Hasdeo Arand](#)
- [India's U-Turn on 'Clean' Energy Is a Bad Move](#)
- [Controversy returns to Athirappilly as Kerala government reactivates the hydel project proposal](#)
- [The Athirapally "conundrum" that hurts Kerala time and again](#)
- [Centre Launches Auction of Commercial Mine Blocks Amid Widespread Protests](#)
- [Govt must rethink railway projects in Uttara Kannada](#)
- [Padma Shri recipient writes to chief secy to stop alleged atrocities on Van Gujjars](#)
- [Kerala 'gives in' to ecologically destructive project, wants no confrontation with Centre](#)
- [Hemant Soren slams Centre's decision on coal mining](#)
- [Chhattisgarh opposes Modi govt on coal block auction, says move to hit elephant reserve plan](#)
- [Oil India Skipped Public Hearings Before Expanding Drilling in Assam's Baghjan](#)
- [Seeing Red Over Green: Auction List of 41 Coal Blocks Includes 14 That are Densely Forested](#)
- [After Jharkhand, Chhattisgarh and Maharashtra oppose the Centre's auction of 41 coal blocks for commercial mining](#)
- [Remembering scholar and activist Abhay Xaxa, whose death is an irreparable loss to Adivasi movements](#)
- [Coal blocks for tycoons: Rinchi villager tribals may be declared forest land encroachers](#)
- [The promises and challenges of climate change litigation in India](#)
- [Environmentalists raise concerns about draft EIA 2020 notification, demand its scraping](#)

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