

PRESS RELEASE

April 07, 2015

Randeep Singh Surjewala, Incharge Communications, AICC has issued the following statement to the press today:-

“ ‘Modi Government’ is continuing with its unabated attack on India’s ‘land, forest and environment’ in its insatiable quest to appease a handful of crony capitalists. Prime Minister, Shri Narendra Modi and BJP must remember that ‘Protection of Environment’ can’t be wished away by ‘Dadi – Nani storytelling’ but has to be stoutly preserved, cherished and protected for generations of siblings of the same ‘Dadi – Nani’ and an entire generation of young Indians. Prime Minister must remember that DNA of environment related issues cannot be founded upon a misconceived interpretation of DNA as - ‘Destruct, Negate and Abdicate’.

Having bulldozed the ‘Land Acquisition Ordinance’ aimed at grabbing the land of hapless and marginal farmer, BJP Government has now set into motion the abominable exercise of dismantling the carefully crafted regime of environment protection, sustainable development, tribal rights and equitable social development.

Principal agenda of the two-day ‘Environment and Forests Ministers Conference’ (6th & 7th April, 2015) being held by Government of India is to secure the tacit approval of the States on the ‘TSR Subramanian Report’ (www.envfor.nic.in/sites/default/files/press-releases/Final_Report_of_HLC.pdf). This Report seeks to hit at the very base of the following carefully deliberated laws that evolved over the decades and amply passed the tests of socio-economic, legislative and judicial scrutiny:-

- (i) Environment Protection Act, 1986;
- (ii) Forests Conservation Act, 1983;
- (iii) Wildlife Protection Act, 1972;
- (iv) The Water (Prevention and Control of Pollution) Act, 1974;
- (v) The Air (Prevention and Control of Pollution) Act, 1981; and
- (vi) The Indian Forests Act, 1927.

Not only these, while making final recommendations, Report also negates other important pieces of legislation like the Panchayats (Extension to Scheduled Areas) Act, 1996, Forests Act, 2006; various Constitutional provisions including Article 21, Article 48-A and Article 51-A(g); National Environmental Policy (NEP) as also various International Treaties.

Having assured and promised crores of tribals (*adivasis*) and original inhabitants (*moolvasis*) that none will be able to alienate them from their rights over their land and forests in the run-up to various elections – Lok Sabha 2014 to latest being Jharkhand Assembly – Shri Narendra Modi has set into motion a single point

agenda of grabbing land and destroying forests and environment of people of India. Congress Party believes and reiterates that land, forests and environment (*jameen, jungle and jalvayu*) are a matter of identity, livelihood and lives for crores of forest dwellers/adivasis/generations of young Indian and are not tradable commodities as BJP Government's actions/policies are making them out to be.

There are certain pertinent questions that arise out of the acts and deeds of anti-people BJP Government. Prime Minister, Shri Narendra Modi must answer the following basic fundamental questions to people of India:-

- (1) 'TSR Report' recommends withdrawal of mandatory consent of gram sabha as laid down in the Forests Rights Act, 2006. Primacy of consent by gram sabha has been recognized by law and recently upheld by Supreme Court recently (*Odisha Mining Corporation vs. MOEF – 2013 Vol.6 SCC 476*) as part of 'Right of Life and Equality' (Articles 14 and 21 of Constitution) of scheduled tribes and forests dwelling tribes.

Does Modi Government propose to take away this fundamental, constitutional and statutory protection granted to crores of scheduled tribes and forest dwellers of India? Would withdrawal of gram sabha consent not render the Panchayats (Extension to Scheduled Areas) Act, 1996 and Forests Rights Act, 2006 completely redundant and dead?

- (2) 'TSR Report' proposes to classify an area as 'No Go Area' only on the basis of 70% canopy cover i.e. forest cover. Forests with pre-density cover of 70% are called 'Very Dense Forest' (VDF). According to Forest Survey of India Report 2013, VDF is only 2.54% of the total forest cover of the country. In fact, Forest Survey of India records area with 40% crown density as 'Dense Forests'.

Does it mean that Modi Government would permit diversion of all Dense Forests even between 40% to 70% canopy cover having rich bio-diversity and providing sustenance to a large population to be razed for benefiting crony capitalists?

- (3) National Environmental Policy, 2006 specifically provides:- (i) Human beings are at the centre of sustainable development concerns; (ii) Right to Development, (iii) Environmental protection is an integral part of development process, (iv) Precautionary Approach, (v) Public Trust Doctrine and (vi) Decentralization. 'TSR Report' completely disregards the existence of NEP.

Would economic development policy of Modi Government over-ride the principles of 'human beings at the centre of sustainable development concerns, public trust doctrine and decentralization' as laid down in National Environmental Policy?

- (4) 'TSR Report' proposes to make Supreme Court the appropriate appellate forum for deciding environmental disputes by amending the existing law that allows an appeal to be filed before 'National Green Tribunal' (NGT) by an aggrieved person. It further provides that role of NGT established under the National Green Tribunals Act, 2010 be restricted to 'judicial review' as opposed to 'merit review'.

Will this change by Modi Government not set back environmental justice by decades as NGT was constituted with a sitting Supreme Court Judge on account of massive backlog of cases before the Supreme Court?

- (5) 'TSR Report' seeks to remove all environmental regulations in favour of 'over-riding good faith' compliance undertaking by the industrialists applying for environmental clearance.

Has Modi Government examined similar undertakings from industrialists that caused total degradation of environment on land and sea in areas like Vapi, Surat, Mehsana, Mundra and Ahmedabad and would a voluntary good compliance undertaking be sufficient for environmental protection?

- (6) 'TSR Report' disregards constitutional provisions, carefully deliberated and tested laws, National Environmental Policy as also International Treaties and UN Conventions that India is signatory to.

Can India as a Nation wish away these constitutional provisions, laws, International Treaties and UN Conventions on account of a motivated pro-crony capitalist agenda?"

RANDEEP SINGH SURJEWALA