



VAGAMON “ECO-TERRORISM”

Jananeethi report

I. INTRODUCTION

“NATURAL RESOURCES ARE PERMANENT ASSETS OF MANKIND AND ARE NOT INTENDED TO BE EXHAUSTED IN ONE GENERATION”.

Supreme Court of India in *Rural Litigation and Entitlement Kendra V State of UP* (AIR 1987, SC359)

Vagamon in news:

They call it ‘eco-tourism’. It may appear more sensible if you name it ‘economic tourism’. ‘Confuse, if you can not convince’ - is the new strategy Indian polity has been experiencing of late. Beginning with the Paradise, mis-representation has been the effective tool used by evil forces for the fall of man and distortion of nature. This strategy was effectively and extensively applied in Kerala state, in the context of the Global Investors’ Meet (GIM), the celebrated conglomeration of interests – market, mafia and manipulators. One of the targets in the GIM, being emerged, is the ‘dream land’ of “God’s own country” – the Vagamon Region. This has been very much in public debate in Kerala in recent times.

Importance of Vagamon:

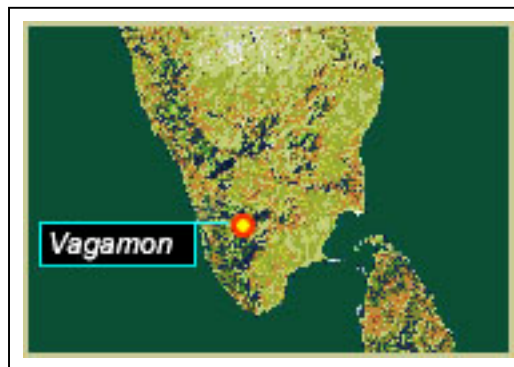
Eco-zones and bio-diversity hotspots have been the basis of diverse cultures and economic regimes. The Vagamon region is largely rural comprising tea plantations, forests and grasslands. The present scenario is pathetically poignant. The naturally formed streams are being blocked and the sudden huge inflow of people in large and medium vehicles that ply on

the silken hills have disturbed the natural quiet, have shaken the soil, loosened the rocky structures and disturbed the entire ecology of the area.

Vagamon, today, will remind us the great wise Indian Chief of Seattle who in 1854 replied to the offer of the White Chief in Washington to buy their land. The reply is profound, it is beautiful and it is timeless. It contains the wisdom of the ages. It is the first ever and the most understanding statement on environment. Let's quote him –

“.... We know that the White (elite) man does not understand our ways. One portion of land is the same to him as the next, for he is a stranger who comes in the night and takes from the land whatever he needs. The earth is not his brother but his enemy, and when he has conquered it, he moves on. He leaves his father's graves behind, and he does not care”.

“He kidnaps the earth, from his children. His father's grave and his children's birthrights are forgotten. He treats his mother, the earth, and his brother, the sky, as things to be bought, plundered and sold like sheep or bright heads. His appetite will devour the earth and leave behind only a desert.....”.



Topography:

Vagamon is located on the western fringes of Idukki district, bordering with Kottayam district. Vagamon, a relatively remote area in a sparsely populated region comprising mostly of pristine, unspoilt and natural landscape of a diverse nature and rich in endemic flora and fauna, falls within the Western Ghats, and has been identified as a biodiversity 'hotspot'. This area, unique for grasslands with laterite soil type, has an extent of 27.19 sq kms. Of this, 3147.012 hectares are agricultural land, 346.65 hectares are *purambokku* land and 108.48 hectares are wasteland, suitable for agriculture. Vagamon lies 1100 metres above sea level. Urban development in the area is generally low, with only two census towns, two key tourist nodes and 115 villages. The climate is equitable, ranging from 32 degrees celsius in summer to 16 degrees celsius in winter. With an average annual rainfall of about 376 cms, Vagamon gets rain for about 200 days an year. The famous *MEENACHIL* river takes its origin from this place. It has a tributary that is the main water source for people of *Teekoy* Panchayath and further to the people of down hills and lower plains of Kottayam district. Vagamon is also abode for two sects of the indigenous people Kerala, *Oorali* and *Ulladar*. The closest town to Vagamon is Peerumedu, about 25 kms away. Vagamon is about 140 kms away from Munnar and 80 kms away from Thekkady – the two major tourist destinations of Kerala.

II. MARKETEERING OF VAGAMON

An unresolved dispute: The labyrinth of unsettled legal and administrative disputes over the nature of land in Vagamon region - whether it was forest, grass, waste or barren land - began as early as 1940s. The concerned departments and officials made it a point that it was not resolved as in the case of similar lands in high ranges elsewhere in Kerala. Because encroachment of such lands was possible only when there was lack of clarity with respect to the documents. A close scrutiny of the land history of Kerala will reveal that where ever there was dispute, there were large scale invasions on the common land by private / corporate bodies with the wilful negligence of those in authority. This happened in the case of Vagamon most ignominiously.



Vagamon invaded: The Tourism Department of Kerala Government owned 762 hectares of land at Vagamon of which 150 hectares was forest land. Today it appears to have been enclosed by barbed wire fencing. Who has done it, for whom and for what purpose have no answer. Neither the panchayath authorities nor the concerned departments in the Government have any explanation.



Further, there is nothing on paper to satisfy a clearance from the Ministry of Environment & Forest, Government of India where as it is mandatory for the use of forest land for any other purpose. The Supreme Court of India, on many occasions, has made it clear that no such

intrusion of the land would be permissible with out proper clearances. The northern part of Vagamon is more mountainous and with the Idukki reservoir on one side. The southern part covers fabulous rolling grassland ecosystem, cliffs, and also the scenic views of the plains of Kottayam. In 1987, 440 hectares of Government land was handed over to the forest department for afforestation of which 20 hectares of pine trees are visibly present.

The Kerala Government in 1965 gave 1102 hectares of land to the Indo-Swiss Project. This land was subsequently handed over to the Kerala Livestock Development and Milk Marketing Board (KLD MM Board). The KLD MM Board, then, handed over 440 hectares of its land for forestation in order to compensate the forests felled for *Karappara*, *Kallada Chimmony* and *Kuriyarkutty* hydro-electric projects. Extensive planting of exotic trees was done here. As per records of *Peerumedu* taluk office, the land owned by KLD MM Board was encroached by private settlers who invaded 193.08 hectares of land. The Kerala Agricultural University purchased the land from KLD MM Board during the year 1998–2000 under the pretext of shifting the Dairy Science College from *Mannuthy* to *Kolahalamedu*. A portion of this land had encroachments by certain private individuals with the silent approval of those concerned. The idea of shifting the College was conveniently and dubiously shelved by the concerned authorities. Recently the Minister for Forests in Kerala Government made a statement in the State Legislative Assembly admitting that the Forest Department had at present only 255 hectares of land at Vagamon. He also informed the Assembly that 21 hectares of land was taken by individuals in possession and that it was not possible to recover the land from them. The Minister was wrong as the alienated land was much more and there has not been any single, honest attempt from the part of the Government to evacuate the invaders. Further more, two of the lakes that originally belonged to a Government-owned project were encroached by private lobbies with the connivance of those in authority. Above all there is strong evidences of political links and family connections between the invaders and those who ought to have taken action against the invaders.

The *Pannakkal Forster World Wide*, a multinational company, was requested by the Government of Kerala to prepare an 'Eco-master plan' for Vagamon region. According to the developmental master plan of the region envisaged by the Department of Tourism, there are proposals for constructions of an *Ayurveda* resort with 70 rooms, Boutique resort with 30 rooms, Vagamon ashram with 20 rooms, Vacation homes with 20 houses, Sport & Country Club and Eco-lodges with 20 rooms each. The personal involvement of some highly influential persons in the political chemistry of Kerala Government is quite obvious in the region. Precisely because of this reason, one will not get a single piece of paper from the concerned departments to prove the manipulations and the corresponding misnomers.

The technology of corruption and bribery is a sister industry with an intimate ministerial story, says Justice V.R. Krishna Iyer.

As per a MoU between the KSIDC (Kerala State Industrial Development Corporation) and a private promoter, Dr. Mohammed of Consolidated Resorts & Estate, UAE (available at the website of GIM-related Kerala Projects), a Resort Complex at Vagamon for an outlay of Rs Fifty crores was proposed. Nevertheless, Dr. Mohammed has later denied this report. Where as he said in a press conference that he otherwise had 300 acres of land at Vagamon as his projects had nothing to do with the proposals of GIM. How he happened to be the owner of

300 acres of land is further to be investigated. In another MoU between the Department of Tourism and the Inheritance India, Mumbai agreement was signed by parties for a Holistic Tourism & Education Project at Vagamon also for an outlay of Rs Fifty crores. KSIDC has also received *Expression Of Intent* for another resort at Vagamon again for Rs Fifty crores.

Besides, several private tourism players have encroached with or without permission the rich grasslands and *sholas* and also some of the tea plantations for their business promotion. They apparently have begun indiscriminate constructions on the natural grassland eco-systems, claiming that it was wasteland. The Hon. High court of Kerala has, for the time being, stayed all construction works in the region by an order of injunction

Tourism is not the only causative factor of impending disaster on Vagamon. When religion is reduced to be a power-broker and its target becomes capital and economic gain that naturally brings forth power and domination over people, it also becomes a plunderer of nature and its resources. Religion as exploiter of people and natural resources is being manifested in Vagamon region quite visibly. A number of shrines have come up on road side and in future these shrines are sure to create communal disharmony and environmental havoc polluting cult and culture. *Kurisumala* Pilgrimage and the pompous Way of the Cross on Good Friday and on the first Sunday after Easter have become a big tourist-friendly annual affair attracting thousands of devotees and tourists than an act of faith. It has been instrumental for a communal divide in the locality that is being taken shape. The ulterior motives of the organisers stand questionable since they have spilt seeds of hatred and dislike in the minds of the people of other faith too. Consequently, the spot that was called '*Thangalppara*' after the name of its owner who happened to be Muslim, was taken in possession by those who are displeased with the *Kurisumala* pilgrim business and they have put up a new temple there in the name of '*Muruga*'. Further, a mosque also is under construction at the same place. This has caused uneasiness in the minds of the local inhabitants. Unhealthy competition and capricious manoeuvring have fragmented the minds of the people already.

III. LOCAL RESISTENCE GROOMED UP:

A few young people who are members of Gandhi Yuva Mandalam met at Vagamon time and again to share their anxieties and apprehensions. They made some primary researches into the matter and took advise from those who paid serious thoughts on the topics connected there to. They invited JANANEETHI to get involved in the struggle. The Executive Director of Jananeethi was invited to some of the deliberations conducted with respect of Vagamon tourism and its aftermath on the eco-system. It was an eye opener for Jananeethi and hence it was resolved in the Board Meeting of Jananeethi that the human rights violations in Vagamon region should be explored and exposed so that appropriate action may be initiated at appropriate fora in due process of law.

IV. JANANEETHI INITIATES A FACTS FINDING STUDY:

JANANEETHI, a Non-Government Organization, is a registered charity, under the provisions of the Travancore-Cochin Literary, Scientific and Charitable Societies Act XII of 1955, with Reg. No. 193/92 Thrissur. Started in 1992 as a voluntary, non-political, non-sectarian, non-profit making and secular organization, Jananeethi has been designed to be a

corporate initiative for human rights. Jananeethi, during the past one decade of its services for the most vulnerable sections of the society, has concentrated on defending the cause of the victims of torture and injustice by empowerment, support, motivation and mobilization. Public Interest Litigation, Protection & Promotion of Human Rights, Gender Sensitization, Environmental Protection, Campaign against caste discrimination and capital punishment, Elimination of all forms of torture, Consumer protection, Legal Literacy and Legal Counseling, Suicide prevention, Para-legal Training, Alternate Dispute Settlements are the major activities of Jananeethi.

Jananeethi is an accredited voluntary organization under the provisions of the National and State Legal Services Authorities for legal education and alternate dispute settlements. It provides its services by a) undertaking public interest advocacy, b) providing free legal consultancy, c) defending the rights of the most vulnerable sections of the society ie. Women, children, backward communities, unorganized labour etc., d) organizing grass-root level workers like *Mahila Samajams*, Jananeethi Clubs etc. e) conducting legal awareness camps and training programmes, f) publishing Jananeethi monthly journal in vernacular, g) organizing public discourses as part of programmes for social change, h) networking with local voluntary groups and organizations, and i) monitoring police atrocities for a Torture-free State, j) organizing youth against crime, k) preventing suicide by befriending and intervention services, and l) providing care and support to victims of HIV and AIDS.

Jananeethi has taken up hundreds of common causes as petitions and has settled them amicably through its conflict resolution system. The first litigation-free village in the country (out of 5,75,000 villages in India) was the product of the hard labour and commitment of Jananeethi for freedom from litigation and democratisation of justice. Further, it has taken to courts cases of custodial death, torture, offences against women, domestic violence, environmental degradation, violation of constitutional rights, corruption in public offices, labour disputes, offences against children and weaker sections for appropriate remedy.

Jananeethi's involvement in environmental concerns in the past has been proved beyond doubt. Its contributions in the case of Gracim Industries at Mavoor and its pollution of Chaliyar river and the atmosphere, Protection of Chalakudy river and the forests from the proposed Athirappilly hydel project, the devastating destructions caused by the Coca Cola factory at Plachimada and the related issues, the bio-medical waste disposal plant to be set up at Thodupuzha and its consequent impacts on the most fragile organic and human conditions around, the brutalities on the tribal people of Muthanga in Wayanad district and many other ecological and environmental concerns of Jananeethi at various places of Thrissur district are ample evidences of Jananeethi intervention in similar situations.

The Board of Directors of Jananeethi resolved to delegate a team of its members and friends who are competent to go deep into the issues of Vagamon Tourism Development projects. The team was constituted of the following members:-

Adv. George Pulikuthiyil
Executive Director, Jananeethi & Jananeethi Institute.

Dr. Francis Xavier Ph.D.
*Member, IUCN (World Conservation Union, Switzerland);
Secretary, Jananeethi Institute.*

Dr. Gigi K. Joseph Ph.D.
Wildlife Scientist, Kerala Forest Department, Thekkady.

Dr. Jomy Augustin Ph.D.
Scientist and Lecturer, St.Thomas College, Palai.

Er. A.B. Prasad
IT Officer, Jananeethi.

Mr. Ajayakumar Melveetil
Video Unit, Jananeethi.

Mr. K.K. Sudevan
Technical Assistant, Jananeethi.

The team was assisted by the members of the Gandhi Yuva Mandalam and others, namely:-

Dr. Hilda Seena, *Mithra Nikethan, Vagamon.*

Mr. Eby Emmanuel

Mr. Sunny Paikada

Advocate Georgekutty Kadaplakal

Advocate Binoy Mangamthanam

Ms. Susan Kottukappully and

Mr. Francis Mathew

The team visited Vagamon on 13th and 14th of September 2003 and interviewed the local inhabitants of the place. They inspected various strategic centres of the region. They collected samples of water and soil from the spot for further examination in a laboratory. They were able to identify dozens of rare varieties of plants and insects that are endemic. They could also get into some of the mushrooming resorts despite tough resistance from the staff under strict instructions of the management.

V. WE HAVE NOTICED, WE HAVE LEARNT AND WE BELIEVE:

The team has visited five resorts under construction, two of them are partly completed, in the region. The five resorts are: (i) *Summer Sand*, (ii) *Vagamon Hideout*, (iii) *Anannya*, (iv) *Edapparambil Ventures*, and (v) *Nirmithi Kendra Constructions*. Vagamon Hideout and Anannya have opened to tourists in a limited way, though they have a long way to go. Hundreds of visitors from different parts of the country, who include families that visit Vagamon on week-end, small or larger groups of young people who visit for merry making, tourists who camp at various hotels or resorts in the nearby towns or cities, and, of course, young couples / pairs make their holidays in the exotic and gorgeous weather of Vagamon.

Biodiversity of Vagamon : From melody to malady:-

Over half of India's natural forests have vanished. One third of the wet-lands are drained. 70% of water bodies are polluted. 40% of mangroves are destroyed and almost all the grasslands of the country are invaded for agriculture and tourism development, which is also an alarming situation. The latest satellite images shocked the nation with the fact that the Indian forest has come down to a meagre 17% and, out of that 12% remains primary. The

deterioration and death of grasslands go largely un-recorded. If it were not in India, these grasslands would have been considered as national heritage as they are considered exceptionally diverse ecosystem all over the world.

Vagamon was a virgin, pristine forest eco-system till recently. In 1940, 86000 hectares of high -ranges were ear marked for plantations. There started the deterioration of the eco-system of Vagamon. There were encroachments in the region from as early as in the year 1950 at Vagamon. There was no re-survey in the region for the last 50 years. 12,500 hect. of Vagamon remained an abode of many precious flora and fauna. The foot-hills that were rich in bio-diversity, contain “humus” which is a golden storehouse for many small life forms and micro-organisms. It is from these foothills *Meenachilar* and *Manimalayar* take their origin as visible streams.

The climate of Vagamon has been shaped by this unique eco-system, floristically and faunistically, profound and prosperous. Out of the 5000 floristic varieties in the region, 2000 are endemic. This proves that there are 2000 microclimates existing in these rolling grasslands. Small holders in the agricultural sector who thrived in this region of blissful ambiance are moving to the so-called “endangered status”. The grasslands in Vagamon are deliberately and capriciously labelled as ‘waste lands’ by the authorities concerned. This could not be a casual mistake, it was intended in order to facilitate for encroachment of the land. Since the grasslands are on laterite soil hills, any damage to the grassland eco-system creates serious inroads into the mere existence of these natural heritages and will lead to severe soil erosions and landslides. The scientific community believes that one third of the floristic heritage are in grasslands. The 35 tea estates have already done damages to the eco-system.

The wetlands and *sholas* are being drained, cleared and filled at an alarming pace. The marshes that act as ‘sponge’ by absorbing and storing water are fast vanishing. The water-absorbed *humus* is disappearing. Thus the wet eco-system in these grasslands are also at an impasse. This will lead to very severe water famine in the Vagamon area. Jananeethi team was told by the residents of the place that there existed severe and acute water scarcity from December to June, every year. The new entrepreneurs and investors in the region in hotel industry and tourism promotion will obviously have to go for alternate source of water for their customers. Needless to say, they would prefer bore wells. Remember, the Vagamon region is the catchments area of Idukki dam. Any one who has little knowledge about the dam, would say that it could be suicidal to permit bore wells in a dam site. The chances are very high for earthquakes, land slides and draught rampantly.

Resorts: a case study:-

Jananeethi team took two of the resorts in the region for an impact study. The Vagamon Hideout has partly completed its infra-structures, though only 12 cottages out of 67 in plan have been completed. The 25 acres of land, originally tea estate, for the resort was procured from one Mr. Thomas Panjikunnel who is a holder of a tea estate. Whether the tea estate was a leased out land is yet to be verified. According to reports collected from the people who have some connection with the resort, the present tourism minister of Kerala has a lien in the resort. Entry to the resort was strongly objected by the staff of the resort, though wide publicity and propaganda are being given to the resort by word and letters. All the same, they

admit visitors on close scrutiny and on approval from its central office in Trivandrum. Its contact office at Kurisumala junction, Vagamon, its front office at the venue, the cottages, and the restaurant under construction etc. are all built with soil and bitumen mix to give the structures an ethnic look. The floor and the panelling all around were done with *Chandana Vembu* (*Cyndrila Tauna*) wood to substantiate their claim to be ‘eco-friendly’. The five members of the staff of the resort appeared to be very upset and agitated in the presence of the Jananeethi team, even though they were told that the team was looking for an ideal location for an international conference. Photography was strictly forbidden. The staff were not expected to disclose any thing regarding the resort, but were asking the team to get permission from Trivandrum. The damage done by the resort to the terrain was huge and shocking. It has blocked a stream that feeds the *Meenachil* river and has created an artificial lake for ‘boating’ and enjoyment of the customers. The resort management has taken pains not to allow the public to view the lake as they must be aware of the violations of law involved. In the place of fresh water, the resort management has released their sewage water to the stream which later forms the *Meenachil* river.



Artificial Lake

Private Dam

What is there to be hidden at the Hideout? Who and What? The public has a right to know it. The documents should be a public document that should be made available by the authorities on demand through proper channel. However, the Government of Kerala, the concerned departments and the corporate bodies who are in the fray of investing heavily in the region have many things to suppress intently and with malice(?). WHY ????

‘Summer Sand’:



GIM or Gimmick?

Creating a Landslide

‘Summer Sand’ is another project in the offing. We are made to understand from the sign board at the very entrance of the site that this project too belongs to many other projects ‘christened’ under the GIM scheme. If you further explore, you will realize that a part of the land was an encroachment on the land that originally belonged to Kerala Livestock

Development and Milk Marketing Board and later transferred to Kerala Agricultural University for the purpose of a Dairy Science College. However, the Agricultural University for some reason had shelved the idea of Dairy Science College and hence the designated land for the college had been illegally encroached by certain private individuals against whom there was no action.

The construction work of 'Summer Sand' has been stalled by an Order of the High Court as mentioned earlier. As in the case of 'Vagamon Hideout' here again the water course has been blocked for creating a pool, it appears. The site of 'Summer Sand' is located at a slanting terrain, slopping from north down to the south. We were told that this area too belonged to the forestland. What surprised the team was that none of the inhabitants around knew the name or whereabouts of the entrepreneur behind the project. Experts are of the opinion that during heavy monsoon there are high probability of large scale land slides in the area, because the depth of soil on the underneath granite is less than 6 feet. Hence possibility of impending land slides and associated catastrophe cannot be ruled out.

Flora of Vagamon:

The Vagamon hills are characterized by typical grassland eco-system. 200 varieties of grasses have been reported, 30 were endemic to the high ranges. The waterlogged downhill join between the grassland hills are the most important area, acting as an abodes for the rare plants and grasses. 170 endemic orchids are reported from this zone. 28 very specific herbs are also located here. A list of endemic and rare herbs and plants and trees, the team identified in the sensitive zone, are appended here to. The exotic trees are planted by the forest department as part of different projects to compensate the forest land utilized for many hydel projects in the state. The pine trees as part of these so-called 'afforestation' programmes have invaded the endemic plant life of this region.

TAXA CONSIDERED UNDER VARIOUS THREAT CATEGORIES RELOCATED FROM VAGAMON HILLS, KERALA

| Species | Family | Status |
|---|---------------|------------------------|
| <i>Actinodaphne campanulata</i> Hook. f. | Lauraceae | Rare |
| <i>Allophylus concanicus</i> Radlk. | Sapindaceae | Rare |
| <i>Amomum pterocarpum</i> Thw. | Zingiberaceae | Rare |
| <i>Anaphyllum wightii</i> Schott | Araceae | Threatened |
| <i>Andrographis explicata</i> (Clarke) Gamble | Acanthaceae | Rare |
| <i>Arthraxon lanceolatus</i> (Roxb.) Hort. | Poaceae | Threatened |
| <i>Begonia albo-coccinea</i> Hook. f. | Begoniaceae | Vulnerable |
| <i>Begonia trichocarpa</i> Clarke | Begoniaceae | Vulnerable |
| <i>Belosynapsis vivipara</i> (Dalz.) Sprag. et Fish. | Commelinaceae | Rare and Threatened |

| | | |
|---|-----------------|--------------------------|
| <i>Bentinckia condapanna</i> Berry ex Roxb. | Arecaceae | Threatened |
| <i>Boesenbergia pulcherrima</i> (Wall.) O. Ktze. | Zingiberaceae | Threatened |
| <i>Ceropegia maculata</i> Bedd. | Asclepiadaceae | Possibly extinct |
| <i>Crotalaria barbata</i> Grah. ex Wight & Arn. | Fabaceae | Rare |
| <i>Crotalaria grahamiana</i> Wight & Arn. | Fabaceae | Rare |
| <i>Crotalaria obtecta</i> Grah. ex Wight & Arn. | Fabaceae | Rare |
| <i>Cyclea fissicalyx</i> Dunn | Menispermaceae | Insuff. known |
| <i>Debregeasia ceylanica</i> Hook. f. | Urticaceae | Threatened |
| <i>Dendrobium haemoglossum</i> Thw. | Orchidaceae | Threatened |
| <i>Desmos viridiflorus</i> (Bedd.) Safford | Annonaceae | No recent collections |
| <i>Dictyospermum ovalifolium</i> Wight | Commelinaceae | Rare |
| <i>Didymocarpus fischeri</i> Gamble | Gesneriaceae | Vulnerable |
| <i>Exacum courtallense</i> Arn. | Gentianaceae | Rare |
| <i>Glochidion bourdillonii</i> Gamble | Euphorbiaceae | Rare |
| <i>Glycosmis macrocarpa</i> Wight | Rutaceae | Rare |
| <i>Hedyotis swertioides</i> Hook. f. | Rubiaceae | Rare |
| <i>Hoya retusa</i> Dalz. | Asclepiadaceae | Threatened |
| <i>Impatiens herbicola</i> Hook. f. | Balsaminaceae | Vulnerable |
| <i>Memecylon lawsonii</i> Gamble | Melastomataceae | Rare and Endangered |
| <i>Myristica malabarica</i> Lamk. | Myristicaceae | Rare |
| <i>Nothopegia racemosa</i> (Dalz.) Ramam. | Anacardiaceae | Possibly extinct |
| <i>Osbeckia aspera</i> (L.) Blume var. <i>travancorica</i> (Gamble) Hansen | Melastomataceae | Possibly extinct |
| <i>Pecteilis gigantea</i> (Smith) Rafin. | Orchidaceae | Threatened |
| <i>Peucedanum anamallayense</i> Clarke | Apiaceae | Endangered |
| <i>Phaeanthus malabaricus</i> Bedd. | Annonaceae | Vulnerable |
| <i>Premna glaberrima</i> Wight | Verbenaceae | Rare |
| <i>Pterospermum reticulatum</i> Wight. & Arn. | Sterculiaceae | Rare |
| <i>Rauvolfia micrantha</i> Hook. f. | Apocynaceae | Rare |
| <i>Semecarpus auriculata</i> Bedd. | Anacardiaceae | Vulnerable |
| <i>Smithia venkobarrowii</i> Gamble | Fabaceae | Poss. extinct |

| | | |
|---|-----------------|------------------|
| <i>Solenocarpus indica</i> Wight & Arn. | Anacardiaceae | Rare |
| <i>Sonerila sahyadrica</i> Giri & Nayar | Melastomataceae | Rare |
| <i>Syzygium mundagam</i> (Bourd.) Chitra | Myrtaceae | Rare |
| <i>Vanasushava pedata</i> (Wight) Mukh. & Const. | Apiaceae | Rare |
| <i>Vernonia multibracteata</i> Gamble | Asteraceae | Possibly extinct |



Bentinckia condapanna



Christisonia tubulosa



Lobelia nicotianifolia



Plactanthera susannae

Fauna of Vagamon:-

Vagamon grasslands are rich abode of very rare endemic big and smaller mammals, birds, insects and butterflies. The Jananeethi team could locate many evidences of this faunistic heritage of the place. The shifting of even the microbes and insects, as part of the huge displacement may wreak havoc in this area and in turn may affect the whole animal wealth of the forests of the state.

A list of Birds:

| Common Name | Zoological term |
|---------------------------|-------------------------------|
| Jungle fowl | <i>Gallus sonneratii</i> |
| Malabar grey hornbill | <i>Ocyrceros griseus</i> |
| Great hornbill | <i>Buceros bicornis</i> |
| Malabar parakeet | <i>Psittacula columboides</i> |
| Spotted dove | <i>Streptopelia</i> |
| Red wattled lapwings | <i>Vanellus indicus</i> |
| Asian fairy blue bird | <i>Irena puella</i> |
| Asian paradise fly cather | <i>Terpsiphone paradist</i> |
| Hill myanh | <i>Gracula religiosa</i> |
| Cylon frog mouth | |

A list of smaller mammals:

| Common Name |
|------------------------|
| Small Indian Civets |
| Porcupine |
| Ant eaters |
| Martens |
| Flying squirrels |
| Toddy cats |
| Hares |
| Malabar giant squirrel |
| Slender loris |

Larger mammals that were reported:

| Common Name |
|----------------|
| Tiger |
| Leopards |
| Nilgiri langur |
| Mouse deer |
| Barking deer |

Apart from all these many rare fishes, frogs and insects are located in the region. Lotches, catfishes and a host of Butterflies make this bio-diversity hot spot unique and unparalleled. Snakes like Cobras, King cobra, Krait, Vipers and many non-poisonous reptiles are also reported from the area.



Slender loris



Tiger



Langur



Frogmouth

VI. WATER AND SOIL ANALYSIS

The hydrological cycle is an ecological process. Streams, aquifers and rivers are originated and shaped by water absorbed and discharged by the eco-system on all seasons. Grasslands and shola forests have greater significance as protectors and providers of water sources. The WHO guidelines for quality of drinking water in 1993 and 1996, though they are not directly applicable in the present situation, the utility for human consumption, the micro-biological status, chemical and physical aspects and the radiological assay of water available at Vagamon hillocks had to be scientifically tested. The result of the primary water evaluation was found as follows:

| PARAMETERS | CONCENTRATIONS | UNITS |
|---------------------|--|---------------|
| Physical appearance | Tiny suspended particles are seen but settle on standing | |
| Odour | Nil | |
| pH | 5.71 | pH Units |
| Total Alkalinity | 8.8 | Mg/1 as CaCo3 |
| Total Hardness | 6.8 | Mg/1 as CaCo3 |
| Chlorides | Nil | Mg/1 |
| D.O. | 7.3 | Mg/1 |
| Turbidity | Nil | NTU |
| Iron | 0.2 | Mg/1 |
| MPN | <3 | 100 ml |

In common parlance, the water for human consumption should necessarily be:-

- (a) free from pathogens,
- (b) free from harmful chemicals,
- (c) pleasant to taste, and
- (d) usable for domestic purpose.

Water is said to be polluted or contaminated when it does not fulfill the above criteria. Every individual in normal situation will require 2 liters of water for his/her survival. Availability of pure and drinking water in plenty should be one of the major concerns for tourism promotion. Those who are inhabitants of Vagamon region for more than 4-5 decades testify that there is acute shortage of water in Vagamon region from December to May/June. The test result of water presently available in pools and water-logging joins of grassy hillocks shows that it could not be used for human consumption.

Pollution of water may be natural and man-made. Dissolved gases and dissolved minerals are good examples of natural pollution. Urbanization and industrialization are man-made causes. Tea estates and plantations of this region might have caused damage to the water sources. Sewage, chemicals and pesticides are common factors occurring obnoxiously, depriving the general public their right to healthy living environment. Indicators of pollution in water taken from the region are as follows:

1. BOD at 20 C
2. Concentration of chlorides
3. Nitrogen and phosphorous, and
4. Absence of dissolved oxygen.

pH less than 7 may cause problems with the drinking water. The ideal PH should be between 6.5 to 8. The present observation is 5.71. Dissolved oxygen content is influenced by water temperature and composition. Depletion of dissolved oxygen in water encourages microbial reduction of nitrate to nitrite and sulfate to sulfide, which may give rise to odor problems. Soft water with level of hardness less than 100 mg/l may often have a low buffer capacity and may affect the usability of water as a drinking water source.

The water collected from the region proves that it is not good for domestic use. What will be the situation if the mushrooming resorts indiscriminately attract hundreds of tourists every day and the corresponding inflow of people for trade and business start operations?

Soil examined:

Soil samples collected from the region were examined at the soil testing laboratory, Thrissur (Authority No U.377). The sample had a pH of 7.2. The dissolved salts (TSS EC in mhos/cm) was 2.0 which is slightly higher. Organic carbon percentage showed at 1.2 which is medium. The phosphorous (P kg/Ha.) level was 2.5 which is very less. The potassium level (kg/Ha) was 225 which is medium. The soil profile of this grassland is quite unique and any interference by man into this may lead to tampering the grassland which in turn will affect the flora and fauna of the region.

| SOIL TEST REPORT | | | | | |
|-------------------------|-----------|---------------------------------|---------------------------|-----------------------------------|-----------------------------------|
| Examination | pH | T.S.S. E.C. (mhos/cm) | Org. Carbon (%) | Phosphorus (P) (Kg./ha) | Potassium (K) (Kg./ha) |
| Value | 7.2 | 2.0 | 1.2 | 2.5 | 225 |
| Rating | Medium | High | Medium | Low | Medium |

VII. WHAT DOES THE LAW SAY?

Public Trust Doctrine and State’s liability to protect Environment:

“The planet Earth which is inhabited by human beings and other living creatures, including animals and birds, has been so created as to cater to the basic needs of all the living creatures. Living creatures do not necessarily mean the human beings, the animals, the birds, the fish, the worms, the serpents, the hydras, but also the plants of different varieties, the creepers, the grass and the vast forests. They survive on fresh air, fresh water and the sacred soil. They constitute the essential elements for survival of "life" on this planet. The living creatures, including human beings, lived peacefully all along. But when the human beings started acting inhumanly, the era of distress began which in its wake brought new problems for survival”. S. Saghir Ahmad, J.

The Indian Judiciary has performed its role of archangel of environment by way of judgments. Sri M.C. Mehta, the herald of conservationists in judicature, has filed a series of cases that fall at par with the present issue. The apex court of India took notice of the construction and continuance of a motel that callously impair the pristine eco system of river Beas in Kullu Manali valley of Himachal Pradesh. The court read in the public trust doctrine and held the perpetrator liable to the damage caused and cancelled the lease. (*M.C. Mehta V. Kamal Nath [(1997) 1 SCC 388]* and subsequent judgments in the series). Identifying the ecological significance of the area in dispute, the court observed thus “The area being ecologically fragile and full of scenic beauty should not have been permitted to be converted into private ownership and for commercial gains. The notion that the public has a right to expect certain lands and natural areas to retain their natural characteristic is finding its way to the law of the land”. In the instant case part of forest land which contained bed and banks of river Beas was encroached and later leased out to a private enterprise. In the result, a finding has been recorded that M/s Span Motel Ltd. had interfered with the natural flow of river and thus disturbed the environment and ecology of the area.

Considering the adverse impact on environment by the activities of the motel the court in unmistakable terms made the polluter liable. “Pollution is a civil wrong. By its very nature, it is a Tort committed against the community as a whole. A person, therefore, who is guilty of causing pollution has to pay damages (compensation) for restoration of the environment and ecology. He has also to pay damages to those who have suffered loss on account of the act of the offender...”The person guilty of causing pollution can also be held liable to pay exemplary damages so that it may act as a deterrent for others not to cause pollution in any manner”. The court further held that the Himachal Pradesh Government has committed patent breach of public trust by leasing the ecologically fragile land to the Motel.

The Allahabad High court in a judgment (*Om Prakash Butt Vs State of UP AIR 1997 All. 29*) held that it is not for man to erode the sanctity of the area in question before court. ‘It must be returned to nature to provide to whom it was meant: The sheep, the shepherd, the wild flowers, the micro-organism and the plant, the insect life below the turf and the shrubs at that altitude. Clearly, putting a tourist lodging house was a mistake’. Apart from the important ecological concerns the court went on to appreciate the right to livelihood of the local people, ie. sheep rearing. The covenant on Economic, Social and Cultural rights demands the State to preserve the right of livelihood of the people. In Vagamon too, the livelihood of the residents is seriously impaired by the current activities of environment destruction.

The mandates of Article 21, 48A make it an imperative duty of the state to protect the environment. In pursuance of duties cast by the Constitution of India and International covenants, India has formed several enactments. For example: The Forest (Conservation) Act, 1980, The Wildlife (Protection) Act, 1972, The Environment (Protection) Act, 1986. The proposed Vagamon “eco- tourism”(?) needs to get clearances from very many official sources under various Acts and Rules. Section 2 of The Forest (Conservation) Act calls for prior permission of the Central Government to lease out forestland for non- forest purposes. The Forest (Conservation) Rules,1981 requires wide range of information to be submitted and analysed before issuing lease or grants(Rule 4). The activities of the State and its agencies like the Pollution Control Board, Electricity Board etc and transparency thereof

should be verified and the same is the right of the public in pursuance of the Public Trust concept.

The Public Trust Doctrine imposes the following restrictions on governmental authority. "Three types of restrictions on governmental authority are often thought to be imposed by the public trust: *first*, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; *second*, the property may not be sold, even for a fair cash equivalent; and third property must be maintained in particular types of uses". (Prof. Joseph. L. Sax, Professor of Law, Michigan University, quoted in *M. C Mehta V. Kamal Nath*). The court subsequently held that the Public Trust Doctrine should be expanded to include all eco-systems operating in our natural resources. The State is the Trustee of all natural resources, which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea- shore, running waters, air, forests and ecologically fragile lands. The State as a Trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.

The schedules I and IV of The wild life (Protection) Act, 1972, speak about the such species under protection due to various reasons. Some of the species spotted in the Vagamon region are those protected ones and are listed as item No. 16 B and 22 of schedule I and as 11 (4,20,28,37,71) and 12 (13) of schedule IV, among others. The Environment (Protection) Rules, 1986, has mandatory provisions with respect to the location of industries as provided under Rule 5.(Kerala Government treats tourism as an industry). The restrictions will be invited in consideration of the biological diversity of the area that needs to be preserved. The Forest (Conservation) Rules, 2003 prescribes procedure to allow forest land for non- forest purposes. According to Rule 7 (2) (a), a committee designated for the purpose should consider various points, before allowing an application in prescribed format as per Rule 6(1) having considered whether the area was a habitat of any endangered or threatened species of flora and fauna. The State Government is duty bound to observe the norms fixed by such laws and are answerable to any violations there in, be it in the name of GIM or development

The Human Rights Factor:

The jurisprudence of human health and the Constitutional law of India take a holistic view and insist on ecological justice and environmental protection, as a *sine qua non* of the human rights for survival. There fore the lethal impact of ecological damage come with in the scope of Constitutional protection. Article 51A(g) poses a social obligation on every citizen and is mandatory on the preservation of natural environment including forests, lakes, rivers and wild life and ecological sensitivity is patently writ in the obligation to show compassion for living creatures. Article 48A is a command to the State in the same direction.

“In the name of tourism and reckless industrialisation, our moral order, and eco-environmental system suffer trauma. Wounded nature will avenge the human future. Our natural resources and wealth of bio-diversity are robbed. Our streams are polluted, our air contaminated and our soil is a picture of noxiousness. ‘Development’ has become a dangerous word because every macro-size project means corruption for the operators and displacement for vast human numbers” says Justice Krishna Iyyer.

In *Vellore Citizen's Welfare Forum V. The Union of India* (AIR 1986 SC180) which is known as Tennaries case the Supreme Court observed as "The Constitutional and statutory provisions protect a person's right to fresh air, clean water and pollution-free environment, but the source of the right is the inalienable common law right of clean environment". The Court further observed, "Our legal system having been founded on the British Common Law, the right of a person to pollution-free environment is part of the basic jurisprudence of the land".

VIII. HUMAN RIGHTS VIOLATIONS:

1. **Damage to the eco-system:** The importance of Vagamon is its eco-system, its bio-diversity, its weather and its scenic beauty. It is a National Heritage. Every citizen of the country has a right to enjoy at all times. Any damage or infringement caused will amount to violation of people's right to enjoy their life.
2. **Blockage of streams and rivers:** The resorts and other tourism players and also those new investors unscrupulously encroach and exploit water sources by constructing minor dams blocking the flow of water in the rivers and streams. The inhabitants of the down-hills and lower plains have their inalienable rights to have access to water that flows to the rivers. Any attempt to restrain or frustrate free flow of water in to the rivers will, therefore, be a human rights violation and violation of the forest and land rules.
3. **Lack of transparency and denial of the right to know:** The public of Kerala, more especially the people of Vagamon region, have every right to know the nature and extent of development and new entrepreneurships in their region. They also have the right to know the names of the investors, the total budget out-lay and the impacts the new schemes are going to invite on the environment and eco-systems. The local bodies and the grama sabha of the area have the right to approve or disapprove any such schemes. The people should be conversant with these facts so that they should be able to defend their rights. In the case of Vagamon, the local people are kept in blissful ignorance and they are denied their rights to know.
4. **Sons and daughters of the soil are being driven out:** Large number of local inhabitants are forced / compelled to leave the area as they have become "unfit" to the new and emerging situations. The new investors buy their land and the escalating cost of living becomes unaffordable to the local people. Further, the cultural shock consequent to the increased inflow of tourists embarrass the local people who find their life insecure and unprotected. This is more so as there are several instances of sexual exploitation and sexual violence on the local young women by the outsiders as tourists.
5. **Threat to Idukki dam and threat to life of the people in Central Kerala:** The Vagamon region even before the Vagamon projects has severe shortage of drinking water from December to June. The presence of huge number of tourists and dozens of resorts will inevitably necessitate bore wells to meet the water requirements. Vagamon being the catchment area of Idukki dam and taking into account the earlier scientific reports on the land subsequent to the huge number of land slides in the area in 1991, bore wells should not be permitted at any cost as it is probable to cause earth quakes, land slides and draughts etc.

6. Communal tension and social disharmony: The scope of financial gains and publicity across the country and overseas, the religious ‘investors’ are also very active and enthusiastic in the area, putting their best efforts to give glamour and publicity to Kurisumala hill top as ‘great pilgrim centre’. Besides, several shrines have sprouted at in few years time, though there are only few believers around. This has provoked other religions also to awake and to hammer so that they too have their pilgrim centres in the region. The seed of hatred and unhealthy competition have already been implanted in Vagamon paving the way for a future riot or colossal carnage.
7. Tourism pollutes the land, the minds and the culture: The damage already done on Vagamon region by the tourists is very alarming by the presence of tons of plastic in the land. Barrels of bottles brought in by people who come in large number to enjoy are crushed and spilt all over. The vehicles rolled over and scaled the meadows and disturbed the soil causing soil erosion from the top of the hills that will naturally fill the water-logged joins of the hill valleys. This in effect will dry out the streams that feed the *Meenachil* river, *Manimalayar* and *Periyar* leading to deprivation of drinking water to thousands of people in the lower plains.

IX. WE RECOMMEND AND WE PLEAD:

1. Vagamon region should be declared a National Heritage area and it should not be disturbed by construction works, what so ever.
2. The Eco-system of the grasslands and the bio-diversity of the region should be protected. There must be a Vagamon Protection Council and half of the seats must be reserved for representatives of local inhabitants and the rest of the seats to be shared by Government nominees, human rights activists, voluntary organizations etc.
3. Mass tourism in Vagamon region must be discouraged. The area is not ideal for mass tourism. The havoc created by mass tourism will only destroy the whole eco-system of the region and its bio-diversity.
4. Steams and water sources of the region should in no way be disturbed or blocked. The present encroachers of the water sources should be held liable for the damage caused and civil wrongs committed.
5. Religious shrines, monuments and pilgrim centres should not be encouraged in the region and that religious communities should not be permitted to put up religious structures on the road side or using common space.
6. Use of plastics in the region should be banned. Consumption of alcohol should not be permitted in public places.
7. Maintenance of law and order and guarding of social tranquillity should be ensured in the region.
8. Hotels and Rest houses in Peermade, Thekkady, Munnar, Erattupetta and Palai will provide enough accommodation for the tourists who would like to visit Vagamon. Transit to the region from these locations is within the reach. The terrain and the exotic eco-system of the region need not be disturbed for construction works.

X. CONCLUSION:

Perspectives of Developmental Continuum: Referring to man's right to development, Charles Darwin says:-

“It is interesting to contemplate an entangled bank, clothed with many plants of many kinds, with birds singing on the bushes, with various insects flitting about, and with worms crawling through the damp earth, and to reflect that these elaborately constructed forms, so different from each other, and dependent upon each other in so complex manner, have all been produced by laws acting around us”.

The purpose of Development as the Cocoyoc Declaration has emphasised, should not be to develop things, but to develop every human being. Nevertheless with few notable exceptions, development has been pragmatic, at the multiplication of and insatiable chase for material wealth.

Development must be designed, even at the humblest level, as a process of ensuring the advancement of man/woman through his/her endeavours, says UNESCO. Development must be aimed at the social, cultural, spiritual, and material advancement of the whole human being, both as a member of society and from the point of view of individual fulfilment.

In the case of Vagamon, the fundamental thesis of Development has greatly been distorted by perverted political and administrative minds and the ultramodern predilections and sensual pursuits based on the misnomer of tourism that drugs our entire society

_____ ENDED _____