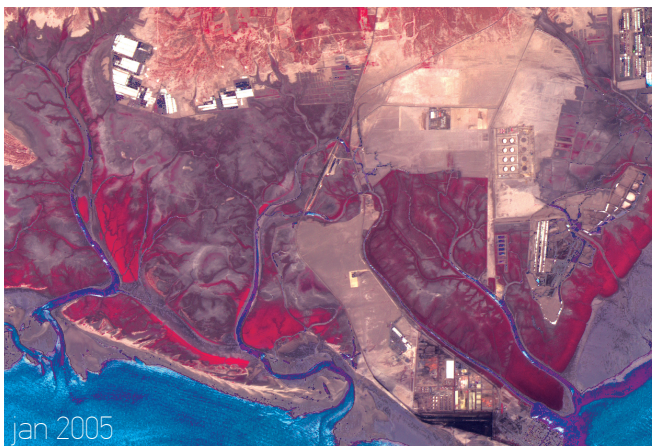
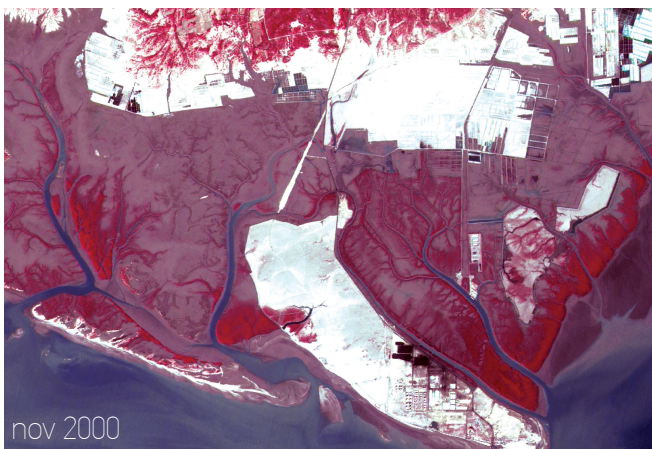




ground truthing

a note on methodology

legal empowerment for environmental compliance: using the method of groundtruthing



what is groundtruthing?

Groundtruthing broadly means to compare facts stated in official documents and maps with the ground realities at a site or in a place. As a method of physical verification of statements made on paper, groundtruthing can act as an effective tool to create evidence by collecting easily observable facts about operations that might be illegal, prohibited or causing harm. The evidence can be used in complaints directed to the relevant regulatory authority, appellate mechanism or judicial body. This method is useful for one-time investigations or the ongoing monitoring of impacts.

For instance, if an environmental approval or license of an industry states that effluents should not be discharged in a nearby river, photographic evidence with date/time/location details can be created to show if this specific condition is being complied with or not. Visual evidence can be prepared with photos taken at different times during a week to show the frequency/time table of discharge.

why is groundtruthing required?

In several countries, there are regulatory procedures in place for the setting up of industry and infrastructure projects. These procedures aim

to reduce or mitigate the environmental and social impacts of these projects. This is done through a system of conditional approvals or by binding the project to a list of mandatory safeguards that are to be implemented by them. Groundtruthing is required to assess if these conditions and safeguards are being complied with and resulting in better outcomes.

There are also MoUs (Memorandum of Understanding), lease agreements and contracts that are agreed upon and signed between a project developer, governments and communities. These documents may also contain several commitments made by various parties. Groundtruthing is useful to monitor if these commitments are being upheld and to what effect.

who can groundtruth?

The groundtruthing method can be used at three different levels:

- **Public spirited individual or small teams:** E.g. environmental or rights based organisations along with key local “informants”.
- **Group of Community representatives:** E.g. affected people or village council members.
- **Legal Empowerment/Paralegal programs for Environmental Justice (EJ):** E.g. affected communities with paralegals collect evidence of impacts and seek remedies.

at what stage to groundtruth?

- **Pre approval:** To confirm the facts and baselines presented to obtain approvals E.g. Environment Impact Assessment report and compliance with consent provisions.
- **During construction:** Corroborating the safeguards and conditions under which a project should be built. E.g. damages to households or sacred sites, dumping in rivers or agricultural

fields, construction of retaining walls, restricting encroachments and rehabilitation plans.

- **Post approval:** Monitoring the compliance of legal conditions of a license, approval and agreements even as operations are underway, E.g. preventing water pollution, safeguards related to transportation of raw materials, functional emission control devices and regulating withdrawal of groundwater.

what to groundtruth?

Identification of items for groundtruthing is an essential component of the method. The items need to be selected carefully. Some general principles, which could help with selection, include:

- **Availability of official data:** This method can be most effective when approval letters, impact assessment reports and safeguard plans are available to compare conditions with said impacts.
- **Access to site:** The method is also dependent on the possibility of access to the sites of impact to collect observable evidence like photographs, water samples, and GPS (Global Positioning System) coordinates.
- **Knowledge of institutional links:** The method also requires a person involved in evidence collection to have knowledge on the institution to which the proof will be presented. Different institutions might require their own formats or stringency of evidence types and complaints.
- **Multiple evidence:** It is best to groundtruth those statements for which multiple pieces of evidence can be provided. A thumb rule to persuade a regulatory agency or remedial body is to collect three pieces of evidence per violation, illegality or impact. This is called triangulation. E.g. a photograph of effluent discharge can be supported by an earlier show-cause notice of a regulatory agency or an approval condition along with media reports attributing the action to particular activity/agency/project.

groundtruthing as a process and outcome in legal empowerment?

Groundtruthing can be an important component in the process of legal empowerment as well as an outcome of imparting legal knowledge to communities. While implementing community paralegal programs related to social or environmental justice, the groundtruthing method can be used for collecting reliable and relevant evidence.

It is also possible to undertake this at a community level only if legal knowledge has been shared with them. It can be an exercise done to assess the effectiveness of legal trainings on environmental compliance. Community organisers and paralegals can include this method as part of their cases to seek remedies (see references below). It can be recommended as a method of monitoring of impacts by local government agencies and village councils.

for more information

Kanchi Kohli
Legal Research Director
CPR-Namati Environmental Justice Program
kanchikohli@namati.org

Manju Menon
Program Director
CPR-Namati Environmental Justice Program
manjumenon@namati.org

www.namati.org | www.cprindia.org

references

- Closing the Enforcement Gap: Findings of a community-led groundtruthing of environmental violations in Mundra, Kutch (<https://namati.org/resources/closing-the-enforcement-gap-findings-of-a-community-led-ground-truthing-of-environmental-violations-in-mundra-kutch/>), 2013
- CPR-Namati Environmental Justice Case Tracking Form, 2015
- Handbook on Legal and Administrative Remedies for Community Level Environment Justice Practitioners (Version 1), February 2016 by CPR-Namati Environmental Justice Program
- Paralegal Practice Guide, Version 1.0 by CPR-Namati Environmental Justice Program (under finalisation)
- Calling the Bluff: Revealing the state of Monitoring and Compliance of Environmental Clearance Conditions by Kanchi Kohli and Manju Menon, Kalpavriksh, New Delhi/Pune

