

“What's the use of a fine house if you haven't got a tolerable planet to put it on?”

— Henry David Thoreau

The rate at which we are exploiting the Earth at present is at its highest. A bit of awareness can help change this. *Lex Terra* is a mode of creating this very awareness! An effort made by the VII Semester Environmental Law Specialisation Students of B.A.,LL.B - it is an extension of a classroom exercise which the students under Asstt. Prof. Chiradeep Basak intend to put forward to the entire family of NLU-A. Some contributions here and some contributions there from each one of us is what the Earth desperately needs at this point of time. Through the forum of *Lex Terra*, the students intend to highlight important happenings in the field of Environment which we all must be vary of. Every issue of *Lex Terra* would be a collection of various Environment-specific news items which will be touching various facets of environmental law as well. Law is the best instrument to usher in any kind of reform and a positive approach towards our interaction with the environment is a crucial necessity right now.

# Lex Terra

## News Updates on Environmental Law

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### Message from the Vice Chancellor

We have one planet but not one world, which brings the question of inter and intra generational equity in picture. In a society of conflicting interests, it is us, the social engineers, who play a crucial role in balancing these interests. Lack of knowledge of law is one of the pivotal reasons behind weak enforcement of the laws. Centre for Environmental Law, Advocacy & Research (CELAR) aims to ameliorate this existing

gap by fostering a higher level of environmental awareness



Prof. (Dr.) Vijender Kumar

among the stakeholders involved.

CELAR intends to be a torch bearer of the National Law University, Assam's mission to transform legal knowledge and skills into an instrument

that addresses several environmental concerns of the country and especially, North Eastern India by providing the platform and tools required for brainstorming deliberations, clinical exercises and negotiations, to secure environmental justice, deeply rooted in equity. *Lex Terra* is the first footstep to attain this mission. It will highlight, report and share a wide array of news, related to environmental law both, in theory and in practice. I wish the team of CELAR, all the very best in this endeavour of theirs.

### Message from the Centre Head

*Lex Terra* is designed by the Centre for Environmental Law, Advocacy and Research (CELAR) of National Law University, Assam to develop the understanding of the contemporary issues and challenges in the field of environment. It examines



Prof. (Dr.) Yugal Kishore

the changing roles that the environmental law and advocacy have come to play in transforming the values and attitudes of the communities in the process of building a sustainable global society.

# About CELAR

The primary mission of Centre for Environmental Law, Advocacy and Research (CELAR) of National Law University, Assam is to engage in advocacy and research on public interest environmental issues. For the purpose, it will organize workshops and seminars to educate and develop skills, convene conferences to promote exchange of ideas, conduct training programmes for capacity building in environmental law issues, undertake research on legal concerns and publish

periodically, newsletters and journals.

The objectives of the CELAR are as follows:

- To inspire and educate students by providing hands-on advocacy experience and direct exposure to the issues.
- Strengthen access to justice by undertaking high quality multi – disciplinary research on contemporary legal issues pertaining to environment.
- Advocate for reforms in environmental law through

- scientifically sound legislative proposals.
- Organise training programmes for strengthening the legal capacity building on environmental laws among civil servants, law enforcement authorities, non-governmental organizations and media personnel.
- Publish periodically journals and newsletters on environmental law.

— Professor (Dr.) Yugal Kishore,  
Centre Head, CELAR

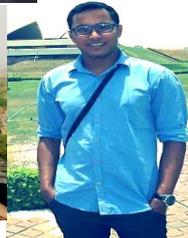
## About Us

Lex Terra is an initiative by the Seventh Semester Environmental Law Specialisation Students under the able guidance, leadership, and supervision of Assistant Professor Mr. Chiradeep Basak. It is a first of its kind initiative within the National Law University, Assam, through which the students under the umbrella of the newly-constituted CELAR are making an attempt to enhance the awareness of the society with regard to the environment. The power and capacity vested within humankind to alter the course of nature has not been channelized in a productive manner and through this platform, we seek to achieve this very status quo which we tend to lose sight of.

News is the foremost mode of communication that enlightens and keeps us at par with the affairs of the world. What better than to exploit this very



means of communion that reaches every corner of the world and touches the lives of all, to educate and inculcate sensitivity about this humble abode of ours!



Hence, through the medium of Lex Terra, the Seventh Semester Environmental Law Specialisation Students – Abhishek Chakravarty, Irfan Hasieb, Nishigandha Paniphukan, Noor Kutub Alam, Shweta Sachdeva, Sucheta Ray, Swastik and Sweden Doley under the supervision of Mr. Chiradeep Basak – are endeavoring to put forward news related to the Environment which would be published every fortnight to create an environmentally conscious populace.



*The awareness of our environment came progressively in all countries with different outlets."*  
- Jacques Yves Cousteau



## SIX 'SOLAR CITIES' TO BE DEVELOPED IN NORTHEAST

- Irfan Hasieb

The Union Ministry of New and Renewable Energy has proposed to develop six solar cities in the North-eastern region. The scheme has been proposed under the Development of Solar Cities Programmes. The six cities namely, Guwahati and Jorhat in Assam, Kohima and Dimapur in Nagaland, Itanagar in Arunachal Pradesh and Agartala in Tripura, will be developed as solar cities to reduce dependency on conventional energy. The Goal of the program is to promote the use of Renewable Energy in Urban Areas by providing support to the Municipal Corporations for preparation and implementation of a Road Map to develop their cities as Solar Cities. The programme aims to: enable

and empower Urban Local Governments to address energy challenges at City - level, provide a framework and support to prepare a Master Plan including assessment of current energy situation, future demand and action plans, build capacity in the Urban Local Bodies and create awareness among all sections of civil society, involve various stakeholders in the planning process and finally, oversee the implementation of sustainable energy options through public-private partnerships.

The importance of renewable energy has been realized by all. Hence, this comes as positive and laud worthy development in the region. Solar power helps to slow down/prevent global warming.

Global warming threatens the survival of human society, as well as that of

countless other species. It also proves to be a reliable source for energy on account of the rising and setting of the sun being generally consistent.

Additionally, the creation of solar energy requires little maintenance. Once the solar panels have been installed and are working at maximum efficiency - there is only a small level of maintenance required to be maintained per year to ensure they are in working order.

However, the feasibility of using solar energy in these areas is a question that needs to be taken into account before investing on the project as the use of solar energy in our country is still at its nascent stage. (Courtesy: **Indo-Asian News Service, Times of India, 25 July, 2015**)

## CENTRE PROPOSES TO DEVELOP 200 CITY FORESTS IN NEXT 5 YEARS

- Sucheta Ray

As part of its effort to increase and protect green cover in urban areas, the Centre has proposed to develop 200 'city forests' in the country in the next five years and launch a 'school nursery' scheme to generate awareness about environment protection. The central idea is to develop at least one 'city forest' - initially on forest land, ranging from 20 hectare to 100 hectare, in cities having municipal corporations. "The environment ministry will provide one time financial support for development of these city forests", said Union Environment and Forest Minister Prakash Javadekar.

Referring to the 'school nursery' scheme, he said, "It is proposed to create small nurseries in schools involving students from class six to class nine. The main objective is to create awareness about environment and help students identify and learn about the various benefits of trees and plants".

The ambitious vision of the government in increasing the forest covers in the country is a step essential for making India a forerunner in environmental protection and preservation among the other countries of the world.

But, these "City Forests" have to be properly looked after and protected by the government, else these will fall

prey to industries and the purpose behind them will remain unfulfilled.

The 'School nursery' on the other hand is a very impressive proposal as it will help the young minds understand the importance of environment- its benefits and the affects of degradation. If enforced properly, the scheme will be hugely successful in creating awareness and it can also be extended to a wider mass like the Universities and other Government organisations. (Courtesy: **Vishwa Mohan, TNN, 4 August 2015**)

*Oirfanhasieb*

# INDIAN GOVT SETS UP COMMITTEE TO REVIEW ENVIRONMENTAL LAWS

- Sweden Doley

The Ministry of Environment, Forests and Climate Change issued an order on 29th July 2015 to set up a 'High Level Committee' to review various Acts including the Environment (Protection) Act, 1986, Forest (Conservation) Act, 1980, Wildlife (Protection) Act, 1972, the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981.

The order stated, "It has been decided to constitute a High Level Committee to review these Acts and suggest appropriate amendments to bring them in line with their objectives." The deadline set for the completion of the work is two months from the date of the order.

India has been unsuccessful in

significantly devising a satisfactory method for environmental development. The enforcement machinery for the implementation of such laws thus makes these legislations redundant.

For these purposes, it has constituted this High Level Committee (HLC) which would review the existing laws and recommend any amendments that have to be made to bring them in line with their objectives. This has set alarm bells ringing amongst the public and attracted strong criticisms from environmentalists as what kind of changes in the environmental laws have to be brought about has not been explicitly mentioned in the order.

Also, the HLC has no subject or environment experts on the

Committee that has been set up to review these Acts. The time frame of two months given to the HLC is also too short a period for such a mammoth task. Activists have also alleged a lack of transparency in the process as the government order does not require the Committee to seek public comments and suggestions. India's environmental laws are a result of international conventions, commitments and judicial pronouncements. Any changes in it will have to adhere to those global laws. (Courtesy- **Megha Bahree, Forbes Magazine, 16 October 2014**)

# KILLING OF CECIL THE LION PRESSURIZES US TO PROTECT THE AFRICAN LION

-Shweta Sachdeva

The Endangered Species Act, 1973 of the United States is one of the most powerful animal laws in the world and has graciously been extended to include several non-US under its ambit by the US Fish and Wildlife Service.

The recent killing of Cecil the Lion, known as the pride of the Zimbabwe wilderness by an American hunting enthusiast; has put pressure on the American Government to include the African lion also within the purview of the Act. Although this move will not out rightly prohibit their hunting, but it would necessitate the procurement of licenses for the service of importing lions or their body parts to the US.

The African Lion is already protected under CITES wherein a

permit is mandatory for exporters engaged in this line of trade to possess.

Many scholars have discouraged the move touting the sport to be the main source of revenue for several African countries.

However, this move is marred by several discrepancies. The purchase and obtaining of licenses would fall victim to bribery and other malpractices, since the section of people indulged in the line of this cruel 'sport' are mostly well-off and obtain them one way or the other. The purpose for such hunting should be outlined specifically and should not be allowed for fun or recreational purposes. The penalization and punishments of all nations with respect to such offences should be harsh and stringent so as to not let the offenders go scot free easily. The actual way to prevent such future instances would be to shut shop of such

Hunting extravaganza Organizations and Companies that offer these trips to the African and other nations. These are the root cause and reason for allowing such 'enthusiasts' to easily access the forests and Parks.

Also, exploiting this manner of hunting animals and birds as part of a game is shameful; especially using it as a shield for the 'development' of LDCs is misleading. The flora and fauna of the African and Asian countries is highly revered and the link between man and animal is one of inter-dependence, not of the hunter and the prey. It is time we move past such archaic notions, more than ever in the 21st century where life and liberty are the mantras of each passing day. (Courtesy: **Barbara Liston and Jon Herskovitz, Reuters, 2 March 2015**)

## G20 SUMMIT IN TURKEY IN NOVEMBER MAY HOLD KEY TO PARIS CLIMATE TALKS OUTCOME

- Swastik

The G20 leaders Summit to be organized in Turkey in mid-November is said to hold the key to denote the success of the Paris climate talks a fortnight later.

For the richer ones among these 20 big economies are then expected to clearly spell out the modalities to fulfil their promise on climate finance and technology transfer. The target of the Summit is that once the Developed countries within the group resolve this contentious issues - it would become easier for the rest of the world to move on a lower carbon growth path based on a global climate deal. The Summit is said to be held in Turkey from 15-16 November of 2015, just before the

Paris Convention on Climate Change which takes place on November 30.

Majority of these G20 countries have already submitted their 'Climate Action Plan' called the Intended Nationality Determined Contribution and India is expected to do the same by September. Our country will flag the issue of climate finance and technology transfer in its plan while committing to certain conditional goals as well.

It is expected that the political leaders from rich and emerging economics would be able to take some firm stand during the G20 summit giving a clearer picture by mid-November as to where the all INDCs together would take the world. Since many developing countries Climate Action Plan will depend on the 'finance' and 'technology' which they would get

from their rich counterparts, the outcome of the G20 in mid-November will act as the guiding principles to resolve these two key issues.

It will also make it apparent whether the world would get some strong and effective climate deal or will it just have to be content with another weak agreement.

The result of this Summit and its impact upon the Paris Convention shall be the major areas of focus, since these will decide the fate of the world's future. (Courtesy: **Vishwa Mohan, TOI, 27 July, 2015**)

## MERCURY POISONING: KODAIKANAL'S TOXIC TRAGEDY

-Abhishek Chakravarty

Ex-workers of Hindustan Unilever's now closed Mercury Thermometer factory continue to suffer the ill effects of being exposed to toxic mercury waste. Although the Unilever factory was shut down in 2001 - the local residents continue to suffer various health hazards as a result of living in close proximity to the toxic mercury dumpsite established by the factory in Moonjikal, while it was still operational.

Reportedly, with every passing rain, toxic mercury from the contaminated factory site is being washed into the Pambar Shola Reserve Forest. The forest forms the catchment for the Pambar river, which empties into the Vaigai river's reservoir in the plains.

According to activists, hundreds of factory workers were exposed to mercury and more than 45 workers have died prematurely, while several children born to the exposed workers have also failed to survive. Other ex-workers have severe ailments such as brain damage, birth defects in their children, compromised kidneys and hearts, along with learning disabilities. For 14 long years, the ex-workers have struggled to make Unilever clean up the contaminated areas. They have also consistently requested for compensation as well as rehabilitation for children and workers affected by their acts, but all to no avail.

Unilever spends \$8 billion annually to market itself as an environmentally and socially responsible business that cares for its workers. In reality

however, activists assert that Unilever is no different from Union Carbide which abandoned the victims of the 1984 Bhopal gas tragedy, and refused to clean up the contaminated factory site. As eminent legal scholar Dr. Usha Ramanathan despairingly states: "Companies like (Unilever) have literally walked away with murder." (Courtesy- **Sanctuary Asia, 3 August 2015**)

**There has been constant request for compensation and rehabilitation for children and workers affected by mercury, but all to no avail.**

## DRONES TO CONTROL MAN-ANIMAL CONFLICT AROUND FORESTS!

-Nishigandha Paniphukan

Scientists at the Wildlife Institute of India (WII) in Dehradun have decided to use drone technology as a tool to control the increasing cases of man-animal conflict in and around forest areas. If things go according to plan, drones may soon come to the rescue of those caught in conflict with wild animals.

According to experts, drones can be particularly useful in detecting

movement of elephants which often create havoc in villages as they look around for food while crossing forests. These drones are known to have a coverage area of around 15-20 sq. Kms and thus would be of great help as the forest departments are also facing a shortage of man power. Further, the officials would also be at ease as these drones can be

controlled from one place.

The use of latest technology in wildlife conservation in India is indeed a very positive step and a delight for wildlife conservationists and very encouraging to the forest officials involved in the conservation and would be a great help to them. (Courtesy: **Indiatimes, 3 August, 2015**)

## TURKISH INVENTION FEEDS HOMELESS DOGS

Turkish inventors have invented a special vending machine which when inserted with recyclable bottles and cans - dispenses food for stray dogs. Known as the "Pugedon Smart Recycling Boxes" -after the Company's name which is behind the invention - it operates at no charge to feed the strays of the city.

Several complaints against the growing number of such animals have led the Turkish Government to draft a law that requires the translocation of the animals from the streets - the homes they have adapted themselves to - to "wildlife parks". They have also been oft targeted by poisoning

campaigns in order to reduce their numbers.

This novel and humane invention is not only eco-friendly, but also provides an ingenious solution to the problem ailing the city. The creation is such that can it be adapted by other countries as well and be a step closer in achieving true welfare of animals.

It achieves two targets with one stone so to say, since it not only effectuates a way to collect and dispose bottles and cans (which are the most common forms of pollution) and feeds the hungry mouths of the dogs and cats, who are otherwise left to starve to death.

The Company has already received queries from 61 countries who are interested in the invention which shows

that such inventions and creations are much needed by the world at large. Also, this reinstates hope within the human society by denoting that they do indeed wish to make the planet a welcome home to all beings.

Whether the invention has been patented or not - remains unclear since news pieces do not carry much information over this aspect. (Courtesy: **Kimberly Yam, Huffington Post, 23 July, 2014**)

- Shweta Sachdeva

**"When one tugs at a single thing in nature, he finds it attached to the rest of the world."**

- John Muir

## TSR SUBRAMANIAN REPORT OVERRULED BY STANDING COMMITTEE

- Abhishek Chakravarty

The Parliament's Standing Committee in the environment sector has rejected the TSR Subramanian Committee's proposal to revise existing environment laws. The Standing Committee has now retaliated by saying that the Subramanian Committee's recommendations

"would result in an unacceptable dilution of the existing legal and policy architecture established to protect our environment." The House Panel declared that one of the primary issues with the report was that it was created in a manner of haste as the time frame of 3 months was far too short to

review the country's environmental governance. (Courtesy- **Business Standard, 25 July, 2015**)

**"We don't have a society if we destroy the environment."**  
- Margaret Mead

## ENVIRONMENT LAWS WILL MAKE NOD EASY, VIOLATIONS TOUGH: PRAKASH JAVADEKAR

- Sweden Doley

In a reply to a query on the status of the High-Level Committee (HLC) recommendations and the Government's move to amend five key environmental laws based on it - Union Environment and Forest Minister, Prakash Javadekar has said that it will be easy to get permission for projects but tough in case of violations under environment laws and the views of state governments on the High-Level Committee's recommendations will be considered.

Vowing to strengthen the compliance mechanism envisaged in various environment and forest laws, he said, "We want to

strengthen the enforcement and compliance mechanism. That is the central idea; compliance was the casualty in the earlier mechanism."

This is in contrast to the number of criticisms against the lack of proper implementation mechanism of the existing laws. It is often argued that obtaining Environmental Clearances (ECs) for developmental projects is a time-consuming process in India due to which there are certain talks to bring such clearance mechanisms under one single body which will look into different aspects of such projects. Though such a step may facilitate easier clearances; it may hamper the environment protection mechanism by

giving rise to certain negative consequences such as favouritism and corruption Hence, the existing laws need to be strengthened if the Government needs to adopt such objectives in order to make it easier for getting clearance for developmental projects.

(Courtesy: India Together, 10 May 2015)

**"It will be easy to get permission for projects but tough in case of violations under environment laws."**

**Prakash Javadekar,  
Minister MoEFCC**

## FOREST DEPT. TO DOUBLE TIGER COUNT BY 2020

- Swastik

The Forest Department of Maharashtra has set a target to double the population of tigers in the state by 2020. At present there are 190 tigers in the state. The Department has focused on spreading awareness amongst people residing near tiger reserves.

With this aim, the Department is encouraging Public Participation for making the project successful for it believes without the participation of the public — the Government will be unable to save the tigers or the forests.

They have focused on public

participation as it is also the duty of the public to work and help the Government in attaining a better environment for themselves as well as for others.

The Constitution of India, 1950 provides the Right to Environment to its citizens under Article 21 guaranteeing them a clean and hygienic environment to exist and use it for their sustenance. To attain a right one has to fulfil certain obligations in order to enjoy it. Article 51-A of the Constitution, certain fundamental duties of a citizen of India are mentioned, one of them being, "to protect and

improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures."

Thus, the Constitution which provides Right to Environment to its citizens also makes it obligatory for us to work for the betterment of the environment and take steps in order to safeguard the environment. This step by the Maharashtra Forest Department is in pursuance of the same.

(Courtesy: IANS, TOI, 28 July 2015)

**"To Enjoy A Right, There is always a Duty Which is to Be Fulfilled first."**

## WITH FOCUS ON ROHTANG, OTHER ECO-SENSITIVE AREAS IN HP NEGLECTED

- *Nishigandha Paniphukan*

While entire government machinery is busy in "saving" the ecology of 13050 feet high Rohtang pass especially after seeing the tough stand of National Green Tribunal (NGT), other ecologically sensitive areas like the 21000 feet Kinner-Kailash of Kinnaur district are lying neglected with no mechanism in place to stop the open defecation and littering during the annual pilgrimage starting from Saturday.

Each year from August 1 to 15, hundreds of people visit the Kinner-Kailash located at an altitude of 21000

feet where a 79 foot Shiva lingam is located. But even after knowing that people start heading for the mountain top from August 1, Kinnaur district administration has failed to make any arrangements to preserve the fragile ecology of the area.

In this region, open defecation and littering has become a cause of concern. Right below Kinner-Kailash is located Parvati Kund Lake, which is considered sacred by the local residents while illegal plucking of Brahma Kamala (*Epiphyllum Oxypetalum*) by visitors too has

become another reason of distress.

These regions are quite eco-sensitive and large number of people entering these regions will certainly have a major impact on the ecology of the region and a loss to the biodiversity. Since this region is located in the Western Himalayan Alpine zone, certain rare species of plants and animals are found here including the snow leopard and Rhododendron trees. Thus, Himachal Pradesh should also give equal importance to this and other belts within the mountains of the state. (Courtesy- **TOI, 3 August 2015**)

## TOP EATERIES IN DELHI FLOUTING ENVIRONMENTAL LAWS DESPITE DIRECTIONS

- *Shweta Sachdeva*

CCD, KFC are names reminiscent with good times and money well spent for majority of the Indian population, but few realize that they are in strict violation of the environmental laws of the country. The Delhi Pollution Control Board has notified these outlets amongst several others to comply and on continuous refusal to do

so, the other authorities were asked to stop supply of electricity, water and seal their premises. But no such action has been taken against them. Jurisdictional conflicts and doubts with respect to the powers of the said authorities mar the furtherance of the orders.

This only goes to show that just because they are big corporations, they have the power to evade laws. The actions need to be more stringent against them for overall soundness of the environment. (Courtesy: **India Today, 11 June 2015**)

## HUNTING OF CERTAIN WILD ANIMALS TO BE LEGALISED

- *Abhishek Chakravarty*

The MOEF&CC has decided to issue permission to State Governments allowing them to hunt animals within man-animal conflict zones by categorising them as 'vermin.'

Environment Minister Prakash Javadekar has declared this as a 'rational' solution for farmers, who are losing crops to foraging animals which is not unusual in order to

maintain harmony between humans and animals. There are conditions provided for nuisance animals protected under the various Schedules of the Wildlife Protection Act, 1972. The NGO — Prevention of Cruelty to Animals (PETA) has made their opposition to this plan fairly clear by stating that this would defeat the purpose of the Wildlife Protection Act, 1972 and that the

ecological balance cannot be restored through permitted hunting. PETA's Director of Veterinary Affairs, Manilal Valliyate said, "The wild animals you see in your backyard aren't trespassing – it was their home first, before humans encroached. Humans increasingly move into animals' habitat and take away their food and other sources." (Courtesy- **Hindustan Times, 9 June, 2015**)

## NGT ADMITS APPEAL AGAINST DIBANG PROJECT

- Sucheta Ray

The Kolkata-based Eastern Zone Bench of the National Green Tribunal (NGT) admitted on 30 July 2015, an appeal by Pradip Kumar Bhuyan and another that challenged the Environment Clearance accorded by the Union Ministry of Environment, Forest and Climate Change (MoEFCC) to the 2,880 MW Dibang Multi-purpose Dam Project in Arunachal Pradesh. This dam project has been billed as the tallest dam in the world.

The appeal was filed by Pradip Kumar Bhuyan and naturalist and wildlife photographer - Jaydeep Bhuyan. The Petitioners have contended that the project would

cause serious environmental degradation and damages which will destroy the last refuge of pristine biodiversity hotspot of the world and will be disastrous to the fragile ecosystem of Arunachal Pradesh.

Admitting the appeal, the NGT Bench has said that considering the important environmental issues raised in the appeal, it has admitted the same for hearing. The NGT Bench has granted the respondents - namely the Ministry of Power, MoEFCC, NHPC, Governments of Arunachal Pradesh and Assam as well as the Arunachal Pradesh Pollution Control Board, - four weeks time to respond and reply to the issues raised by the petitioners

in their appeal. The Bench has also ordered an Environmental Impact Assessment of the project.

This shows the growing concern for preservation and protection of the environment by the common man and the judiciary alike. Development of the country is a very important factor for the growth and well-being of a nation. Projects, like the Dibang Dam, undoubtedly add to it. However, development without taking into consideration the impact it will have on the environment is not the want of the hour. Sustainability is the key to development so that environmental preservation is not compromised. (Courtesy: **The Assam Tribune, 3 August 2015**)

## VILLAGERS STEP IN TO SAVE KAZIRANGA RHINOS

-Sucheta Ray

Faced with relentless threat from poachers, the KNP authorities in coordination with the Assam police have mobilised local villagers and revived the 'Village Defence Parties' (VDP) for strengthening vigilance around the park areas. An official said VDP members guarded the area throughout the year under harsh conditions. In an effort to encourage their contribution towards protection of animals, Aaranyak, a society for conservation of biodiversity, in association with the Assam police have distributed raincoats, shoes and torches among VDPs of 14 villages in the Jokholabandha area near the KNP.

Sub-Divisional Police officer

Gaurav Upadhyay said: "In the past year, rhino poaching has declined considerably due to the combined and diligent efforts of the administration, VDPs and conservation groups like Aaranyak."

The police started motivating locals to act as guards, which helped curb poacher traffic to a great degree. The VDPs are encouraged to keep an eye on all newcomers and engage them in conversation to know about their whereabouts.

With public participation being an important element in the protection and preservation of the environment, the involvement of the locals is a great initiative taken by the Government. Moreover, including the local people in such operations gives them an upper hand as the locals are more adept to the areas and possess a greater

knowledge of the entire situation than the authorities. The willingness of the people in the initiative also reflects their concern for the environment. (Courtesy: **Bijay Sankar Bora, Tribune News Service, 3 August 2015**)

**"Only when the last of the Animals Horns, Tusks, Skin and Bones are sold, will the mankind realize that money can never buy back our wildlife."**

## YAMUNA POLLUTION THREATENS TAJ: PARLIAMENTARY PANEL

- Swastik

The Parliamentary Standing Committee on Science and Technology and Environment and Forest headed by Congress MP Ashwani Kumar has expressed concern over the pollution affecting the Taj Mahal and linked it to the polluted Yamuna River that flows along the monument in Agra. The Committee suggested a water body should be formed near the Taj Mahal to restore its sheen.

The reason provided by the committee was that the authorities haven't worked seriously to protect the Taj Mahal and leather tanneries around it.

Recommendations in this regard as provided by the committee are: Firstly, authorities should ensure that there is no dumping of solid

or liquid waste into the river without proper treatment; Secondly, strengthen the management of solid and liquid municipal waste infrastructure in Agra; and Thirdly, steps to be taken to stop the bathing of buffaloes and other animals in the Yamuna and water bodies around the Taj Mahal etc.

The pertinent issue in this regard is that the committee focused only on the part of the river which is flowing near to the Taj Mahal. Thus, the concern shown is only with respect to that of Taj Mahal as the river pollution is hampering the beauty of Taj Mahal, which is a revenue generating source for the Government. More focus has been given to a monument rather than the natural resource which is essential for

our survival. This shows the attitude of the government towards environment protection. Most of the rivers are contaminated today in India, Industries, Government etc. are violating the provisions given under the Water Pollution Act, 1974. The waste materials whether industrial or from cities is released in these water bodies without proper treatment. (Courtesy: IANS, 26 July 2015)

**The question that arises here is that whether protection of a monument is important or that of a water body which is necessary for our survival.**

## CAUGHT ON CAMERA: VULTURE CHICKS DYING WITHOUT FOOD

- Shweta Sachdeva

The Maharashtra government plans to create 'vulture restaurants' by providing carcasses of cattle for the birds to feed on at specific places, especially during the breeding season.

On trees of Western Ghats, cameras installed which showed chicks of vultures dying from hunger. The State already has four such nesting sites – one of which is active at the Phansad Wildlife Sanctuary in Raigad district.

This initiative was taken by the Maharashtra Forest Department and ELA Foundation collectively, who had used the services of expert and experienced mountaineers to install the

cameras on trees. These observations have been made these from observations of the months March – May 2015.

The aims of their study was to obtain scientific data on the ecology, breeding and behaviour patterns of vultures for conservation of two endangered species — *Gyps bengalensis* and *Gyps indicus*.

Their numbers have crashed significantly over the past years which a cause for grave concern. Especially, for the Parsi population since their funeral rites consisted of exposing the body of the dead to sunlight and letting the vultures devour the flesh as part of their 'cleanliness and

purity' ritual and beliefs. This practice of theirs has been now replaced by cremation, which they are not much happy about. This attempt by the State Government of Maharashtra is a welcome gesture and in sync with the idea of it acting as *parens patriae*. (Courtesy: Indian Express, 3 August 2015).

**"We would buy dead cattle, ensure they are diclofenac-free and then feed them to vultures at the vulture restaurants," Sunil Limaye, Chief Conservator of Forests, Wildlife Division**

## WILDLIFE BOARD CLEARS 81 PROJECTS, 9 ARE IN TIGER PARKS

The National Board for Wildlife (NBW), the apex body which clears projects around protected areas, has sanctioned 81 proposals in different parts of the country in the past seven months. More than 50% of such clearances, incidentally were for projects in four BJP-ruled states.

Though all the projects got clearances well within the provisions of the Wildlife (Protection) Act, 1972 where project proponents have to adhere

to certain do's and don'ts; the numbers may draw attention of wildlife conservationists who have been asking the Government to go slow and strengthen institutional mechanisms to monitor compliance.

The Standing Committee of the Board, chaired by Union Environment and Forest Minister Prakash Javadekar, has in the past one year met four times and taken up over 280 proposals. Though the maximum number of clearances came from its first meeting last year, the Board in its three meetings held that

- *Nishigandha Paniphukan*

this year green signals were given to 81 projects.

However, 9 of these projects fall in tiger reserves which is a cause for concern not only with respect to tiger conservation but also to all environmentalists in the country as these projects might have some dire consequences on the tiger population and the environment as a whole. (Courtesy: **Times of India, 3 August 2015**)

## NGT SLAPS RS 15 LAKH PENALTY FOR FELLING TREES

In an order passed by the circuit bench of the National Green Tribunal, a penalty of Rs. 15 lakh was slapped on a former Sarpanch and a Gram Sevak for the felling of 3000 trees in the forest area of a Rajasthan village. The villagers of the Taparwaha Gram Panchayat of Nagaur district filed a petition against a former Sarpanch of the Panchayat — Jugal Kishore and the Gram Sevak which stated that they had felled 3000 trees in 2011 without any authority or any permission to do so, which rendered a sizable part of the village's forest land to be tree-less.

The money recovered from the imposed penalty would be used in afforestation of the affected area as per the order of the NGT. A PIL was also filed by the villagers in the High Court of Rajasthan which passed an interim order stating that no tree could be felled in the region.

The most notable thing here is with respect to the aspect of public awareness and responsibility. This case was initiated by the public who have played the role of *parens patriae* which the government is expected to play. Further people have realized how important trees are to mankind and the penalty amount has

- *Irfan Hasieb & Shweta Sachdeva*

been very rightly used for afforestation purposes.

This judgment is even more important considering the intrinsic value of forests and nature to the village communities in general. They share a close bond with nature and have a bilateral relation with the environment. Nature is an integral part of their being and such transgressions by people in power are not supported by them. The NGT has strengthened this belief of theirs and at the same time shown that not all who are in power abuse it. (Courtesy: **PTI, Times of India, 31 July 2015**)

## MYSORE PAPER MILL DIRECTED TO ENSURE POLLUTION CONTROL MEASURES: NGT

- *Shweta Sachdeva*

In a decision of the NGT, a PSU located in Mysore has been directed to not operate its fourth boiler until it complies with the measures with respect to control of pollution. The Central Pollution

Control Board (CPCB) had halted its working from December 2014 on account of its failure to abide by the pollution control laws that saw the mills emission for coal-fired

boilers in non-compliance with the prescribed standards.

(Courtesy: **The Hindu, 3 August, 2015**)

# THE HOLES THAT MAKE OUR COASTS VULNERABLE

- Sweden Doley

The Department of Environment in Maharashtra and the Maradu municipality of Kerala have refused to give any building permissions in its coastal areas since February 1, 2015. The reason for this is the expiry of validity of the existing Coastal Zone Management Plans (CZMP) for all the coastal states and Union Territories on 31 January 2015. However, on 31 March 2015, the Ministry of Environment, Forests and Climate Change (MoEFCC) issued an amendment to the Coastal Regulation Zone (CRZ) Notification, 2011 extending the validity of the existing CZMP to 31 January 2016.

To understand why the extension of the validity period for CZMPs till January 2016 calls for scrutiny, one has to look back at the way the issue has been dealt with over the years. The notification mandated that the states (and Union Territories) should prepare a draft CZMP and submit the same within a period of one year from the date of the notification. However, the preparation and approval of the CZMPs took more than five years and came about only after directions from the Supreme Court. The CZMPs submitted by the coastal states were approved by the MoEF in September 1996. The CRZ Notification 2011, initially stipulated a time frame of two years for the states and UTs to prepare their

respective draft CZMPs. It also stated that the CZMPs approved in 1996 would be valid till 31 January 2013. However, the states and Union Territories had not prepared the CZMPs till the middle of 2013 for which the validity of the existing CZMPs for another year was extended till 31 January 2014.

The notification of 2011 also asked the states to prepare their CZMPs by 30 September 2013. But in May 2014, the deadline was again extended for the preparation of the new CZMP to 30 September 2014 and made the existing CZMP valid till 31 January 2015.

This practice lapsed into an ongoing cycle since after two months of the expiry of the approved CZMPs of all coastal states and UTs, the MoEFCC, recently again amended the notification for a third time - making the existing ones valid for another year. This time the MoEFCC, along with the amendments to extend the validity of the existing CZMPs (as approved in 1996) also issued reconstitution orders for the SCZMAs in Kerala and Odisha and for the National CZMA. The NCZMA's term got over in April last year and it has been reconstituted only a month back. It is pertinent to examine what this one year of non-existence of NCZMA was meant for CZMP preparation.

To understand the implications of this lapse, one must also look into key aspects of preparation of CZMP and

other associated difficulties. The CRZ Notification 2011 provides detailed guidelines for the preparation of CZMPs. It requires that the CZMPs be prepared along with maps classifying the CRZ areas. Tidal demarcation is a lengthy and expensive process. Also, since the CRZ notification does not prescribe any particular methodology, different agencies has adopted different procedures for demarcating the High Tidal Length/Low Tidal Length. The cost and time consumed in the exercise have also varied across agencies and many a time has gone much beyond what had been anticipated. The notification also mandates that public consultations be carried out to seek recommendations and objections on the draft CZMP.

However, it does not tie the two stipulations together. Also, no reference is made to state the scale of the maps to be used for public consultations. To add to these technical and administrative shortcomings, there is a larger threat of traditional uses of space being ignored in coastal planning due to loopholes in the manner of public consultations.

(Courtesy: Meenakshi Kapoor, India Together, 4 May 2015)

***“You wouldn't think you could kill an ocean, would you? But we'll do it one day. That's how negligent we are.”***

***- Ian Rankin, Blood Hunt***

## CONSENSUS REACHED ON NEW SUSTAINABLE DEVELOPMENT AGENDA TO BE ADOPTED BY WORLD LEADERS IN SEPTEMBER

- *Sucheta Ray*

Member States of the United Nations reached an agreement on the outcome document that will constitute the new Sustainable Development agenda that will be adopted this September by world leaders at the Sustainable Development Summit in New York. Concluding a negotiation process that has spanned more than two years and has featured the unprecedented participation of civil societies, countries agreed to an ambitious agenda that features 17 new sustainable development goals that aim to end poverty, promote prosperity and people's well-being while protecting the environment by 2030.

UN Secretary-General Ban Ki-Moon said

that the September Summit, where the new agenda will be adopted, "will chart a new era of Sustainable Development in which poverty will be eradicated, prosperity shared and the core drivers of climate change tackled."

The preamble of the 29-page text, "*Transforming Our World: The 2030 Agenda for Sustainable Development*," states, "We are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet." It continues, "We are determined to take the bold and transformative steps which are urgently needed to shift the world onto a sustainable and resilient path. As we embark on this collective

journey, we pledge that no one will be left behind."

The SDGs place greater demands on the scientific community than did the Millennium Development Goals (MDGs) which they replace. Addressing climate change, renewable energy, food, health and water provision however requires coordinated global monitoring and modeling of many factors — social, economic and environmental. Metrics need to be developed to measure progress towards the targets on local, national, regional and global levels and across sectors. Monitoring and evaluation procedures and standards need to be set up. (Courtesy: **UNDP HQ Report, 2 August 2015**)

## SNIFFER DOGS TO PROTECT WILDLIFE ZONES IN 7 TIGER STATES

- *Irfan Hasieb*

With the number of incidents of poaching of animals in the National Parks and other wildlife zones of the country on the rise, the Centre has decided to deploy fourteen new sniffer dogs in all the key zones of the country hoping to add teeth to the anti-poaching regime in country raising India's fleet of sniffer dogs to twenty seven. The new fleet of 14 sniffer dogs will be deputed in seven tiger states -

Madhya Pradesh, Assam, Uttarakhand, Maharashtra, Tamil Nadu, Jharkhand and Karnataka. These dogs have been trained for sniffing out wildlife products such as tiger and leopard bones and skins, elephant ivory and bear bile. They will also detect other wildlife contraband in the wildlife reserves. To deal with the menace of poaching and wildlife crimes in the protected areas, especially in tiger reserves like the

Kaziranga National Park, the Government had also recently introduced e-surveillance and drones for detecting such crimes in these areas.

Trained Sniffer Dogs are expected to be very efficient because of their exceptional qualities and are also used by various law enforcement agencies for investigative purposes. Thus the use of such dogs will give an upper hand to the anti-poaching regime of the Government. (Courtesy: **Mail Today, 26 June 2015**)

## OBAMA TO UNVEIL TOUGHER CLIMATE CHANGE PLAN

- *Nishigandha Paniphukan*

President Barack Obama unveiled the final version of his plan to tackle greenhouse gases from coal-fired power plants, kicking off what is expected to be a tumultuous legal battle between federal environmental regulators and the coal industry. The revised Clean Power Plan seeks to slash

carbon emissions from the power sector by 32% by 2030 from 2005 levels, a 9% increase over a previous proposal.

The global carbon emission has had a major impact on the phenomenon of climate change and has been one of the most integral contributors to global warming. Thus, such a step by the United States of America, which is one of the

major producers of green house gases, will surely have a positive impact across the globe. Moreover, it is a cue to the other Western European countries to take such substantive steps in order to facilitate the control of climate change. (Courtesy: **Reuters, 2 Aug 2015**)

## *Bharat Shamrao Gajendragadkar v.*

### *Shri Theatre, Maharashtra Pollution Control Board & Ors (NGT judgment dated July 22, 2015)*

- *Shweta Sachdeva*

The case pertains to the Noise pollution created by the Respondent's Movie Theatre which is surrounded by residential and commercial complexes, along with a Hospital situated on its ground floor. The high decibels had been causing health and other problems in the area and disrupting the normalcy of life per say within the neighbourhood. The Theatre has been active for 10 years now.

Little attention was paid by the authorities on complaints made to them. The Respondents were only asked to carry out general repairs on the sound system, wherein no follow-up or deadline was provided

for the compliance of the same. The MPCB had a lax approach to the situation. Also, the Government Resolution (G.R.) dated April 21, 2009 which mandated Municipalities to indicate areas as silence zone within city limits was also not conformed to.

The NGT stated in its judgment that as per the Precautionary Principle, the Respondents have to install automatic sound amplifier control system which shall not exceed beyond a certain point & the same has to be complied with within 4 months and the MCD has to ensure it. Otherwise they shall be penalized. However, it did not grant any compensation towards the Petitioner as the expenses to be incurred by them for

the installation of the systems would be high enough and would act as a measure taken for their non-compliance. The MCD was also ordered to comply with the G.R. within 8 weeks of the judgment.

Overall, NGT has again shown pro-activism in passing this judgment and has given a sound and rational judgment taking in not only the Petitioner's prayer but also that of the Respondents. However, the Respondents could have also been directed to submit some amount as compensation towards the funds of that society/locality in particular which was subjected to the noise pollution created by it. Moreover, the MCD could have also been given a more stern direction or penalized for its non-compliance with the G.R.

## *Rohit Choudhary v. Union of India and Ors. (NGT judgment dated 22 April 2015)*

-*Shweta Sachdeva*

The instant case is one of non-compliance with the Environment Clearance condition of MoEF (1992 notification) with regard to the stretching of and location of industries along & around the areas of Kaziranga National Park (KNP). The alteration and modification had been allowed by the Ministry, but only subject to strict guidelines. This particular construction undertaken by the State Government of stretching and broadening the NH 37 is of grave concern since it is leading to mortality of several KNP animals (213 animals killed in last 5-7 years). NGT had earlier also ordered the State to restrain from widening the highway and the appropriate authorities were also notified of the same.

Furthermore, the NGT also ordered

the Assam Government to file an "Action Taken Report" on the CAG Report on Kaziranga and release the funds to the Tiger-reserves (Kaziranga and Manas) within the State.

Funds provided to Assam by RBI have not been forwarded to the Tiger-reserves in the State and CAG has reported on it and has highlighted several other drawbacks with respect to the functioning of the Parks. The State has to act on the said recommendations and take action within 3 weeks from the judgment.

States not taking care of their obligations and duties is a very sad affair and the NGT reprimanding them for it is laudable. This judgment

again highlights the keen interest and consciousness of the Tribunal and their aim to achieve the welfare of the environment. These judgments signify that the people's trust is surely in good hands.

**"Activism is the Rent I pay  
for Living on this Planet."**

**- Alice Walker**

(Both judgments Courtesy: **National Green Tribunal website**)

*I don't want to protect the*

*Environment;*

*I want to create a world*

*where the Environment doesn't*

*need protection.*