

# Lex Terra

## News Updates on Environmental Law

ISSUE 5

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“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 awareness. An effort made by the Seventh 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. A bit of contribution here and a bit of contribution there from each one of us is what the Earth desperately needs at this point of time. Through *Lex Terra*, the students intend to highlight important happenings in the field of Environment which we all must be aware 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 change and change in our approach towards our interaction with the environment is a necessity right now.

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## 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 hand-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 do 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**

## Message from Team *Lex Terra*

Dear Readers,

*Lex Terra* proudly presents its fifth issue for all the would be legal eagles and scholars of NLU, Assam. With your continuous support, she will maintain her tempo and share all relevant news vis-a-vis environment, through this virtual interface.

We congratulate the *Lex Terra* team for its praiseworthy collective efforts.

The team of *Lex Terra* wishes to thank all of those who supported this initiative. We would like to express our gratitude to our respected Vice-Chancellor, Prof. (Dr.) Vijender Kumar for his continuous support and timely inputs. We would like to thank Prof. (Dr.) Yugal Kishore, the Centre Head of CELAR for his help and encouragement. Lastly, we would like to thank Mr. Chiradeep Basak, Centre Co-ordinator of CELAR, who has been a source of inspiration from the outset, along-side his unrelenting contribution to all phases of the

job, from planning, to setting clear goals and appraising the outcome.

It gives us immense delight to inform our readers that we are going to have separate segment from 6th issue on short articles, case studies/legislative/case commentaries on environmental law from NLU students, every fortnight.

Our issues go online every 1st and 16th of each month. So from 6th issue onwards, you are invited to submit your original write ups (maximum 500-1000 words) by 22nd and 8th of every month.

The same will be reviewed and then published online. Maximum of 10 write ups will be part of this segment.

Please keep pouring down your support and concern for mother nature.

Thank you

Happy Reading!



Courtesy— Google

## REGIONAL NEWS

### SAVING THE LAST REMAINING RAINFORESTS OF ASSAM

*-Abhishek Chakravarty, 4th Year*

The Dihing Patkai, a stretch of more than 575 km<sup>2</sup> of lush tropical lowland evergreen rainforest in Assam. This area is the last remaining lowland rainforest in India and the largest of its kind harbouring over 7 species of cats including tiger, leopard, clouded leopard and the rare Black Panther. The forest is often referred as "The Amazon of the east" due to its largest area and the thick forests. 42 species of mammals, 40 species of reptiles, 293 bird species (Including 13 globally endangered) and 30 species of butterflies have been listed from here.

The rainforest is spread across 4 major reserve forests namely Upper Dihing (East), Upper Dihing (West), Jeyapore and Dirak. A part of this forest has been turned into the Dihing Patkai wildlife sanctuary covering only 111.19 sq. Km. which is roughly one-fifth of the total area of the rainforest tract. The rainforest also forms a part of the Dibru-Deomali elephant reserve but is under heavy anthropogenic pressure.

Unbridled industrialisation on the fringes of the three forests and

pressure of a burgeoning population are fast taking their toll. Crude oil was discovered in India in the Assam Oil Fields, and India's first refinery was built in 1883 at Margherita. It was shifted to its present site at Digboi in 1901. Until the mid-1950s, this was the only refinery in the country.

Large scale urbanisation has taken place in the region and vast stretches of forest land have been converted to farmlands and used for agriculture or tea plantations. Over the last few decades millions of tonnes of timber, cane and other forest products had been extracted from the region and the ground was cleared for more tea plantations. The region once was the hub of sawmills and plywood industries and boasted as the highest producer of plywood in the

country due to the presence of a large number of hardwood trees like *Dipterocarpus macropus*, *Shorea assamica*, *Mesua ferrea* etc. which grow to heights of more than 50m. However, the recent ban in sawmills and timber trade has brought much relief to the forests of this region.

The Government must take adequate steps to protect the rainforests of this region and should declare the entire stretch of 575 km<sup>2</sup> into a National Park and also a Biosphere Reserve, so as to ensure all around protection of these last remaining biodiversity hotspots. Further, the oil drilling and coal mining activities as well as encroachment by tea estates should be discouraged and prohibited in the region. If adequate steps are not taken immediately, the only rainforest of the region will soon vanish.



A view of the Dihing Patkai rainforest.

*Courtesy- Abhishek Chakravarty*

## ANIMAL WELFARE LAWS

- Shweta Sachdeva

### PETITION AGAINST K'TAKA JUDGMENT THAT CALLED FOR CULLING OF DOGS

The AWBI has filed a petition in the Supreme Court against a 2006 judgment of the Karnataka High Court which allowed the local self governments to kill stray dogs. The petition was filed after the Kerala Government gave the order following several cases of dog attacks on people.

In an earlier move, the Apex Court had accepted to look into such rulings of state courts (re: Bombay HC 2009 case – wherein the Court stayed the order of the killing of dogs causing nuisance in Maharashtra by the Municipality).

Currently, municipal laws mandate that the Commissioners have the discretion of exterminating dogs on receiving complaints whereas the Central law, The Animal Birth Control Rules, 2001 (ABC Rules), allow only the killing of animals that have rabies, incurably-ill or are mortally wounded. Further, the Act directs the AWBI to take away

'trouble-causing' dogs and to have them sterilized.

The Apex Court though has not stayed the order much to the disappointment of animal rights' activists and animal welfare organizations, has agreed to have a detailed hearing on the matter along with their petition against the Bombay judgment as well. The SC's judgment is said to for once and all end the discrepancy that exists between various local and national laws and hence also conclude the confusion caused by virtue of the same.

The lack of jurisdiction and overlapping of legislations, as seen in this case, calls for the proper demarcation of authority as well as who has to be given primacy to in such matters. The man-animal conflict debate is yet again brought to the fore where we see animals being put down to secure 'human' life. What is disappointing to see is that the Courts and authorities are quick to react when the society is 'at risk' by the threat posed by non-humans, but debate for

ages over validly given death penalties to terrorists and perpetrators of vicious crimes against humanity. The anthropocentric and attitude of bigness found dominance whenever men are faced with the dangers of those races 'inferior' to them. The legislations for animals though exist, have negligible impact on their welfare and despite having proper framework, suffer from lack of proper implementation.

If the MCD had done its duty and neutered the dogs as per the ABC Rules mandate, such a situation would never have arisen. It is indeed sad to see the negligence of man borne by others while the solution they arrive at is ultimately to literally kill the problem at hand.

The Judiciary should look into this with all seriousness and come down stringently for the officials having such an anthropocentric attitude in the century when the human race is recognizing that the environment is at risk. (Courtesy- Murali Krishna, 18 September 2015, Bar and Bench )

### UNHYGIENIC MEATS BEING SOLD ACROSS PAKISTAN

Donkey, monkey and even pig meats are being sold across various meat shops in Pakistan. This comes in light after recent slaughterhouse inspections that have lead to the seizure of 300kg meat belonging to dead horses and donkeys. The Municipalities had been for long, receiving complaints regarding the quality and kind of meat being sold to customers, and has only recently begun raiding slaughterhouses and shops.

This has been a rising problem in Pakistan since the consumption of meat in the country has risen from 7kg per person in 1969 to 14 kg person (recorded by The Guardian, UK

and FAO, UN respectively) in 2009. The sellers have been and continue to be unable to meet the requirements of the public and hence have been indulging in such dubious activities to sustain the demand cycle.

The MCD has also not been regulating the markets and shirking from its responsibility to organize routinely inspections and checks in slaughterhouses along with lack of force on registrations of traders and sellers on account of which, the meat markets and shops run unchecked and thrive on the sale of other animals when chicken is not available. The cost of acquiring such meats is also cheaper

and identifying them is a difficult task – thus customers are unaware of the same.

Such situations are not only hurtful to religious morals, but also unethical on part of the shopkeepers and sellers. The Police needs to be more vigilant and regularly check the shops and slaughterhouses. The law in place needs to be enforced properly by the enforcement machinery. Islamabad lacks any slaughterhouse which comes as a shock and it is high time that the food law of the capital be amended for the same. Even the punishment for such offences is a meagre three months' imprisonment or a fine of a few hundred rupees or both. 90 per cent of gastro-diseases are said to be caused by the consumption of unhygienic meat and water. (Courtesy- Rafia Zarkaria, 17 September 2015, Scroll.in )

## INTERNATIONAL NEWS ON ENVIRONMENT

### LABOUR'S WATER BACK-FLIP: QUEENSLAND GOVERNMENT SET TO KEEP 'SHAMEFUL' LAWS GIVING MINES RIGHT TO BILLIONS OF LITRES OF GROUNDWATER

- Akanchha Srivastava

The Queensland Labour Government is set to backtrack on an election pledge by keeping controversial water reforms designed to help big mining operations. In the lead-up to this year's state election, the Australian Labor Party (ALP) vowed that it would scrap Newman government laws giving resources companies, coal miners, the right to extract vast amounts of groundwater for their operations.

At the time, labour described the package reforms as "shameful" and "an utter disgrace", warning they would have, "a detrimental effect on the Great Barrier Reef catchment systems and allow for over-allocation of Queensland's precious water resources"

The Water Reforms and Other Legislation Amendment Act (WROLA) was introduced by Campbell Newman's Liberal National Party government in November last year. Heated debate sparked over Part 4 of the Bill, which de-regulated the use of groundwater by resource companies, expanding on a model already enjoyed by coal steam gas operators in Queensland.

The changes would give the mining industry statutory rights to take associated underground water, or water

that has to be removed to allow for the extraction of the resource. The public would no longer be able to challenge miners taking this groundwater.

But a leaked document, from the Department of Natural Resources and Mines, suggests the Palaszczuk Government has changed its tune significantly and is set to back-flip on its commitment. Critics wanted the new provisions would allow mining companies to take billions of litres of water without the need for a license and could even have an impact on water supplies to regional towns.

When the act was passed, it was not proclaimed before the January state election which saw the LNP lose office. If it is not amended or repealed, the act will come into force in November.

In the lead-up to the State election this year, Labor vowed to repeal the legislation, warning it would allow for too much water to be taken from the Great Artesian Basin and would harm the Great Barrier Reef. But the leaked document suggests key aspects of the water reforms will go ahead in order to implement "a more consistent framework for underground water rights and obligations."

It further says the reforms will

provide "certainty for landholders and the resource sector. Statutory rights to groundwater for both the mines resources and [petroleum and gas] sectors will enable a consistent approach and provide certainty for landholders through make good obligations on resource tenure holders."

Sources have told the ABC that the Palaszczuk Government will move to scrap several other Newman Government water reforms. The Labor party is expected to over-turn the LNP's stripping of the principle of ecologically sustainable development from the Water Act, and it will not go ahead with the so-called water development options. This would have allowed the Government to give major resource projects "an upfront commitment over future access to water and exclusivity of access for the project before the start of the environmental impact assessment process".

The office of the Natural resources and mines minister Anthony Lynham was contacted for comment on Monday. The ABC is still waiting for a response.

*Oirfanhasieb*

## UNEP AND PARTNERS JOIN FORCES TO ASSIST NATIONS IN DELIVERING ON OCEANS SUSTAINABLE DEVELOPMENT GOALS

— Tushar Solanki

The United Nations Environment Program (UNEP) and other partners announced a new enterprise targeted at assisting states and regional systems in creating innovative regional strategies that will guarantee delivery of the Sustainable Development Goals relevant to Oceans.

Launched at the UNEP Regional Seas Meeting in Istanbul, under the Partnership for Regional Oceans Governance (PROG), the initiative on the Oceans, Sustainable Development Goals are a partnership between UNEP, the German Federal Ministry for Economic Cooperation and Development (BMZ), the Institute for Advanced Sustainability Studies (IASS) and the Institute for Sustainable Development and International Relations (IDDRI).

Sustainable Development Goal 14 calls for the conservation and sustain-

able use of the oceans, seas and marine resources, while oceans and coasts are also represented in crosscutting goals and objectives in climate, land resources, food, and others.

Making tangible progress to meet the goal will prove a complex task, as Oceans comprise a global system covered by many different national and international legal frameworks. The project aims to fill existing gaps in ocean management and governance to meet Goal 14 and other objectives relevant to Oceans.

Working on inter, intra and super regional levels, the initiative under PROG will support the 2030 Sustainable Development Agenda by:

Identifying lessons learned and developing innovative approaches to regional ocean governance;

Promoting regional exchange and, wherever requested, assisting in

strengthening regional capacities and ocean governance structures;

Fostering the role of regional ocean governance approaches at the global level through engaging in multi-stakeholder processes, and by partnering with key players including intergovernmental and non-governmental organizations, research centres and think tanks.

The initiative will kick away with papers scoping the current state of play in regional oceans governance and the role oceans and coasts will play in the 2030 Agenda. The initiative, then plans to support operations in selected pioneer regions aimed at matching the relevant goals and monitoring their progress.

PROG was formulated by a group of policy inquiry and international systems, including UNEP.

## THE FORESTS WE WANT BEYOND 2015

The UNFF Secretariat recently published a set of four Issue Briefs on the UN Forum on Forests, the UN Forest Instrument, the UNFF Global Forest Financing Facilitation Network and the International Arrangement on Forests (IAF) beyond 2015. The issue briefs provide a succinct overview of some of the key developments emanating from the 11th Session of the UN Forum on Forests (UNFF11) in May 2015.

The member states adopted a historic resolution on the International Arrangement on Forests (IAF) beyond 2015, which strengthened the IAF and defined its strategic direction until 2030, with specific focus for the need to strengthen the capacity of the IAF to foster coherence on forest-related policies, catalyze implementation and

financing for Sustainable Forest Management (SFM) and promote coordination and collaboration on forest issues at all levels, as well as coherence between the international arrangement on forests and the post-2015 development agenda.

It was also decided that the UNFF should develop a concise Strategic Plan for 2017-2030 to enhance the coherence and guide the work of the IAF and its components. The UNFF is expected to operationalise the Strategic Plan through quadrennial programmes of work that set out priority actions and resource needs, beginning with the period 2017-2020, with a mid-term review of the effectiveness of the IAF taking place in 2024. The IAF Strategic Plan will:

- incorporate a mission and a

vision, the Global Objectives on Forests and the forest-related aspects of the post-2015 development agenda;

- take into account significant forest-related developments in other forums;
- identify the roles of different actors;
- provide a framework for reviewing implementation; and
- outline a communication strategy to raise awareness of the work of the IAF.

- Sweden Doley

## BAHAMAS EXPAND MARINE PROTECTED AREAS BY MORE THAN 3 MILLION HECTARES

-Tushar Solanki

The Minister of the Environment and Housing of The Bahamas, Hon. Kenred Dorset announced the creation of 24 new marine protected areas and the expansion of 3 existing national parks, thus adding around 3 million hectares (7.5 million acres) to The Bahamas Marine Protected Areas and Reserves System.

In 2008, The Bahamas announced its commitment to Program of Work on Protected Areas (POWPA) of the Convention on Biological Diversity (CBD) and launched the Caribbean Challenge Initiative (CCI). The ten Caribbean States that have signed up to CCI have agreed to a goal of protecting 20 per penny of their coastal and marine ecosystems by 2020.

The new protected areas, which let in the new San Salvador National Parks announced in April this year, have undergone scientific assessment and broad community outreach. Their selection was prioritized to conserve and protect habitat for Grouper and Bonefish spawning aggregations, coral reefs, sea grass meadows, mangrove nurseries, important bird areas and consider both contributing and potential for resilience.

Since 2009, the Government of The Bahamas, with financial support from the United Nations Environment Program (UNEP) and the Global Environmental Facility (GEF) has been implementing a big task to extend the country's marine protected area system to 2.5 million hectares. With these latest additions that goal has now been passed, bringing more than 10 per cent of The Bahamas' marine

and coastal ecosystems under protection.

The newly declared areas have been mapped and defined, and their legal gazetting is expected to be finished before the close of 2015. The Bahamian Government will solve and confer with partners, stakeholders and local communities to produce management programs associated with these fields.

The Bahamas have also succeeded in establishing a legal trust fund dedicated to financing protected areas management. Initial capitalization of The Bahamas Protected Areas Fund is US\$ 2 million, funded by the Government of The Bahamas, complemented by an additional US\$ 500,000 from the GEF.

The new additions to The Bahamas protected areas system are:

### **In Abaco:**

The Marls of Abaco National Park  
East Abaco Creeks National Park  
Cross Harbour National Park  
South Abaco Blue Holes National Park  
East Abaco Creeks - The Bight  
East Abaco Creek - Snake Cays  
East Abaco Creek - Cherokee  
South Abaco Blue Holes National Park

### **In Crooked Island / Acklins:**

Southeast Bahamas Marine Managed Area  
Bight of Acklins National Park

### **In Andros:**

Andros Green Cay National Park

The Joulter Cays National Park

The Cay Sal Marine Managed Area

### **In Grand Bahama:**

The North Shore - The Gap National Park

East Grand Bahamas National Park

Hogsty Reef Protected Area

Lucayan National Park Expansion

Peterson Cay National Park expansion (further consultations are being held with the key Grand Bahama Stakeholders)

(All Grand Bahama Parks exclude Grand Bahama Development Company holdings)

### **In Mayaguana:**

Booby Cay National Park

### **In New Providence:**

Southwest New Providence Marine Managed Area

Perpall Tract National Park

### **In Great Exuma:**

Moriah Harbour Cay National Park expansion

### **Previously declared, in San Salvador**

Great Lake

Graham's Harbour

Greens Bay National Park

West Coast Dive Site

## THE NEW GLOBAL OBJECTIVE: SUSTAINABLE DEVELOPMENT GOALS!!!

- Sucheta Ray

The 193-Member United Nations General Assembly adopted the 2030 Agenda for Sustainable Development on 25<sup>th</sup> September 2015, along with a set of bold new Global Goals. The Assembly's formal adoption of the new framework, **Transforming Our World: the 2030 Agenda for Sustainable Development**, is composed of 17 goals and 169 targets to wipe out poverty, fight inequality and tackle climate change over the next 15 years. While discussing about these goals, Secretary-General Ban Ki-moon hailed them as a universal, integrated and transformative vision for a better world. The Goals aim to build on the work of the historic Millennium Development Goals (MDGs), which in September 2000, rallied the world around a common 15-year agenda to tackle the indignity of poverty.

The Rio+20 Outcome Document called for the Sustainable Development Goals (SDGs) to be “*global in nature and universally applicable to all countries, while taking into account different national realities, capacities and levels of development.*” The developing countries are, however, increasingly associating itself the principle of Common But Differentiated Responsibility (CBDR). They consistently stressed that while

the SDGs framework is universally significant to all countries, the roles and responsibilities in the implementation of the goals should be differentiated with respect to the different national realities, capacities and levels of development, as well as to national policies and priorities. Developed countries, on the other hand, tend not to support the application of CBDR as it would increase their global development contribution liability.

As the international legal framework is somewhat unclear on CBDR's application to sustainable development broadly speaking and hence to the SDGs, both sides can find grounds to bolster their arguments from past UN agreements.

In order to implement the SDGs and their associated targets, each government not only needs to define their specified targets and timelines of their own in concurrence with the universal timeline set to achieve the goals reflecting its national circumstances, but also need to design corresponding processes for implementation. Specific mindful approaches and means are necessary to achieve the goals. Higher education with skill development, particularly with the help of developed countries, would be

required to establish educational institutions of international standard quality in the developing countries. There is also a need to decide how to incorporate the contributions of regions, cities, companies and others into national and international pledges; consider national or local circumstances when evaluating progress; and check whether sustainable development has been incorporated into planning processes and strategies at all levels. Developed countries also of course continue to have a major responsibility to help developing countries in their own transition to sustainability through Official Development Assistance, international development policies, global cooperation and other means. Inter-governmental co-operation is of prime importance. No state can attain development without the help and co-operation of other countries. Without the collaboration of the developed countries and the developing countries for capacity building for the implementation of policies and realization of the targets, attainment of the SDGs at the Global level will be at cross-roads.

*“The 2030 Agenda compels us to look beyond national boundaries and short-term interests and act in solidarity for the long-term. We can no longer afford to think and work in silos.”*

— Ban Ki- Moon, UN Secretary General

## CASE ANALYSIS

### *Animal and Birds Charitable Trust and Others*

v.

### *Municipal Corporation of Greater Mumbai and others, dated 08.06.2015*

- *Shweta Sachdeva*

The Bombay High Court has banned the use of horses as public conveyance or for joy-riding through this laudable judgment and called for a rehabilitation scheme to be drawn out by the State Government for the families who depended on it for livelihood at the earliest. The ban has set out a 2016 deadline to phase them out and the use of horses for joy riding has been branded as completely illegal. The PIL was filed by an organization working for the welfare of animals and was supported by PETA as well. These horse-drawn carriages – “Victorias” – also posed a threat to safety and were said to be traffic hazards whilst also violating Section

3 and 11 of the Prevention of Cruelty Act, 1960.

The horses which were used for these activities have to also be rehabilitated and tended to once their use is stopped entirely. The mechanism for the same has to be well thought out and implemented by the concerned authorities as well.

What can be seen as a critique of the judgment is the fact that the bench pointed out that if the “animals were used for transportation or work purposes, then it would be allowed – but just because it is used for the purpose of joyriding, it becomes unacceptable”. This essentially portrays a wrong image. These horses are abused and suffer from various problems which are not looked after,

whether used for entertainment or work purposes. Even when employed for other tasks they are made to carry weights more than they can endure or made to work excessively without proper breaks and nutrition. They are also disposed off once they become ‘unemployable’ either due to illness or old age. These are serious problems that the law and Judiciary should look into, especially the NGT to which all the environmental cases have been directed to be looked into by the Supreme Court of India from here on after.

*“Humanity's true moral test, its fundamental test... consists of its attitude towards those who are at its mercy: animals.”*

— **Milan Kundera**

## CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

- Adrita Bhuyan

**When was the Convention on Biological Diversity adopted?**

Ans. At the 1992 Earth Summit in Rio de Janeiro, to meet current needs while ensuring a living planet for future generations.

**How many countries agreed to sign the convention?**

Ans. 193 countries

**What are the goals that were listed as guiding principles for the Convention on Biological Diversity?**

Ans. The Convention has 3 main goals:

- (a) the conservation of biological diversity,
- (b) the sustainable use of its components, and
- (c) the fair and equitable sharing of the benefits from the use of genetic resource

**Name some international bodies established by the CBD?**

- Ans.
- (a) Conference of the Parties - Governing Body of the Convention consists of all governments (and regional economic integration organizations) that have ratified the treaty.
  - (b) The CBD Secretariat, based in Montreal, operates under the United Nations Environment Programme. It organizes meetings, draft documents, assist member governments in the implementation of the programme of work, coordinate with other international organizations, and collect and disseminate information.
  - (c) Subsidiary body for Scientific, Technical and Technological Advice (SBSTTA), a committee composed of experts from member governments competent in relevant fields.

**Who is the current executive secretary to the convention?**

Ans. Braulio Ferreira de Souza Dias (took up this post on 15 February 2012).

## CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

-Anubhab Atreya

**When was the CITES adopted? How many countries are part of it?**

Ans: The CITES, also known as the Washington Convention, is a multilateral treaty to protect endangered plants and animals was adopted in 1963 by the International Union for Conservation of Nature (IUCN). It has 181 countries (including 180 states of European Union) are part of it as of now.

**Where is the CITES HQ located?**

Ans: Washington D.C

**How does CITES function?**

Ans: CITES functions by subjecting international trade of selected specimens by imposing controls in the form of licences and liaising with the designated authorities of the Parties to the convention.

**How many species of plants and animals are protected by CITES?**

Ans: Around 5000 species of animals and 29000 species of plants are protected by CITES.

**What are the notable reservations made by Parties to CITES?**

Ans: Iceland, Japan and Norway have included reservations on various Baleen whale species and Falconiformes by Saudi Arabia.

**What are the general shortcomings of CITES?**

Ans: CITES focuses on negative monitoring by the imposition of controls rather than addressing issues like sustainable development, habitat loss etc.

**What kind of Committees are included under CITES and what are the frequency of their meetings?**

Ans: The CITES Committees are of various types including the Animals Committee, Plants Committee and Standing Committee. They hold meetings each year that does not have a CoP while the Standing Committee meets even in years when the CoP is being held.

## COASTAL REGULATION ZONE NOTIFICATION

- Lidia Kharmih

**Under which section of the Environment Protection Act, 1986 is the CRZ notification issued?**

Ans. Section 3

**Between 1991 and 2009, how many amendments have been passed to the CRZ notification?**

Ans. Twenty five (25) amendments.

**The CRZ notification passed on the 6<sup>th</sup> of January, 2011, was expanded to include what other body under the protected zones?**

Ans. Territorial water bodies.

**Why was the concept of hazard line introduced in the CRZ notification, 2011?**

Ans. Essentially due to the realisation of natural disasters, such as tsunami and floods.

**Which zones are expounded in the first category (CRZ I) of the CRZ notification, 2011?**

Ans. CRZ I- ecologically sensitive areas such as mangroves, coral reefs, salt marshes, turtle nesting ground and the inter-tidal zone

**Name an exception that has been incorporated in the list of prohibited activities, in the CRZ notification, 2011.**

Ans. Projects of Department of Atomic Energy

**What is the significance of the Coastal Zone Management Plans?**

Ans. To regulate coastal development activity, which are to be formulated by the State Governments or the administration of Union Territories

**With regard to local traditional communities, what was not allowed in the CRZ Notification, 2011?**

Ans. Special Economic Zone (SEZ) projects.

## BIOLOGICAL DIVERSITY ACT, 2002

- Pushpanjali Medhi

**What is the main purpose of this Act?**

Ans.: Preservation of biological diversity in India, sustainable use of its components and fair and equitable sharing of the benefits arising out of the biological resources.

**To which treaty does this Act affiliate to?**

Ans.: United Nations Convention on Biological Diversity (Rio de Janeiro; June 5, 1992)

**By the virtue of this Act which Central Government body was established?**

Ans.: National Biodiversity Authority

**Where were the headquarters of National Biodiversity Authority set up?**

Ans.: Chennai

**According to this Act whose approval is required to obtain any biological resource occurring in India for commercial or any other utilization?**

Ans.: National Biodiversity Authority

**Which are the persons or organisations that need to take approval from the NBA?**

Ans.: (a) a person who is not a citizen of India

(b) a citizen who is a non-resident.

(c) a body corporate, association or organisation not incorporated or registered in India.

**Which State Government body was set up under this Act?**

Ans.: State Diversity Board

**Which are the persons or organisations that need to take approval from the SBB for obtaining biological resource?**

Ans.: Indian citizens and body corporate registered in India.

## ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994 TASMANIA

- Sanjukta Gogoi

**What was the driving force behind the implementation of the EMPCA?**

Ans: To replace the Environment Protection Act 1973.

**Under which department does the EMPCA fall?**

Ans- It falls under the Resource Management and Planning System of Tasmania commonly known as RMPS which was later taken over by the Tasmanian Planning Commission.

**What is the first regulation made under the EMPCA?**

Ans: The Environmental Management and Pollution Control (Miscellaneous Noise) Regulations, 2014.

**What are the two reviews undergone by the EMPCA?**

Ans: A) A statutory review as required by Section 108.

B) The other as required by the Tasmanian Legislation Review Program.

**What are the two environmental protection policies (EEPs) implemented under the EMPCA?**

Ans- 1) Environment Protection Policy (Air Quality) 2004 - commenced 1 June. 2005.

2) Environment Protection Policy (Noise) 2009 - commenced 29 May 2009.

**What is the name of the Act that the EMPCA intended to amend?**

Ans- Local Government (Building and Miscellaneous Provisions) Act 1993.

**Which is the civil enforcement option under the EMPCA?**

Ans- Environment Improvement Programmes (EIPs) aims to assist a person in achieving compliance with EMPCA by reducing environmental harm or transitioning to a new environmental standard.

## Engagement of Law Clerks in the National Green Tribunal for year 2016-2017

**The National Green Tribunal has proposed to engage Law clerks to be provided the Principal Bench at New Delhi and its zonal benches functioning at Bhopal, Chennai, Pune and Kolkata. The candidates desirous of applying for the position of Law Clerks at the Principal Bench or the Zonal benches is required to submit their applications to the Registrar General, NGT, Principal Bench, New Delhi.**

**Applications are invited by the NGT for the engagement , initially, for a period of one year.**

**For more information on the same, visit- <http://www.greentribunal.gov.in/writereaddata/notice/Recruitment-LawClerks-8thOct2015.pdf>**

**CENTRE FOR ENVIRONMENTAL LAW, ADVOCACY & RESEARCH  
NATIONAL LAW UNIVERSITY, ASSAM**

PRESENTS

**Two Day Symposium on Evolving a Strategic International and National Climate Change Arrangement**

**Date: 21st-22<sup>nd</sup> November, 2015**

**Venue: Conference Hall, National Law University, Assam**

**Concept Note**

*The post Kyoto Protocol scenario concerning Climate Change, presents an interesting picture in international relations and negotiations. Serious deliberations are underway as to what shape and form, the Climate Change arrangement should take in achieving the goals visualized but not realized, under the United Nations Framework Convention on Climate Change, 1992. The issues that dominate such negotiation includes: Common but Differentiated Responsibilities, Equity among others. The challenge is how India would position itself as to make its voice heard, interests safeguarded while contributing, substantially to the realization of the goals under UNFCCC*

*The objective of this symposium is to bring together a very well informed group of faculty members and students to deliberate over climate change related concerns.*

*To address these concerns, we wish to delve into the following issues (inclusive):*

*Countering and responding to the demands made by countries like United States. The developing countries like India, China shoulder the climate change negotiation by mitigation;*

*How can we build a possible alternative as argument for India focussing on adaptation and capacity building as the nature and kind of responsibility that countries like India can shoulder;*

*Make a case for demanding and securing financial and technical assistance for realizing the objective under UNFCCC;*

*Responding to various bilateral and multilateral arrangements stitched by us and a few other countries.*

*Effective implementation of National Climate Action Plans and INDCs*

*The symposium welcomes papers (2000-3000 words- SILC) that provide theoretical analysis, environmental, economic and social analysis of Climate Change Law (Bothe International and National) case studies of the implementation of action plans, practices and analysis of case laws related to Climate law. We particularly encourage students who can imaginatively approach the International and National climate change related legal issues even if their ideas are pioneering.*

***Symposium Dates :***

Day 1 : 21<sup>st</sup> November, 2015- International Legal Framework of Climate Law

Day 2 : 22<sup>nd</sup> November, 2015- National Legal Framework of Climate Law

***Last date of Submission :***

14<sup>th</sup> November, 2015 (11:59 PM)

***Submit your paper to :***

[celar@nluassam.ac.in](mailto:celar@nluassam.ac.in)

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