

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

— Henry David Thoreau

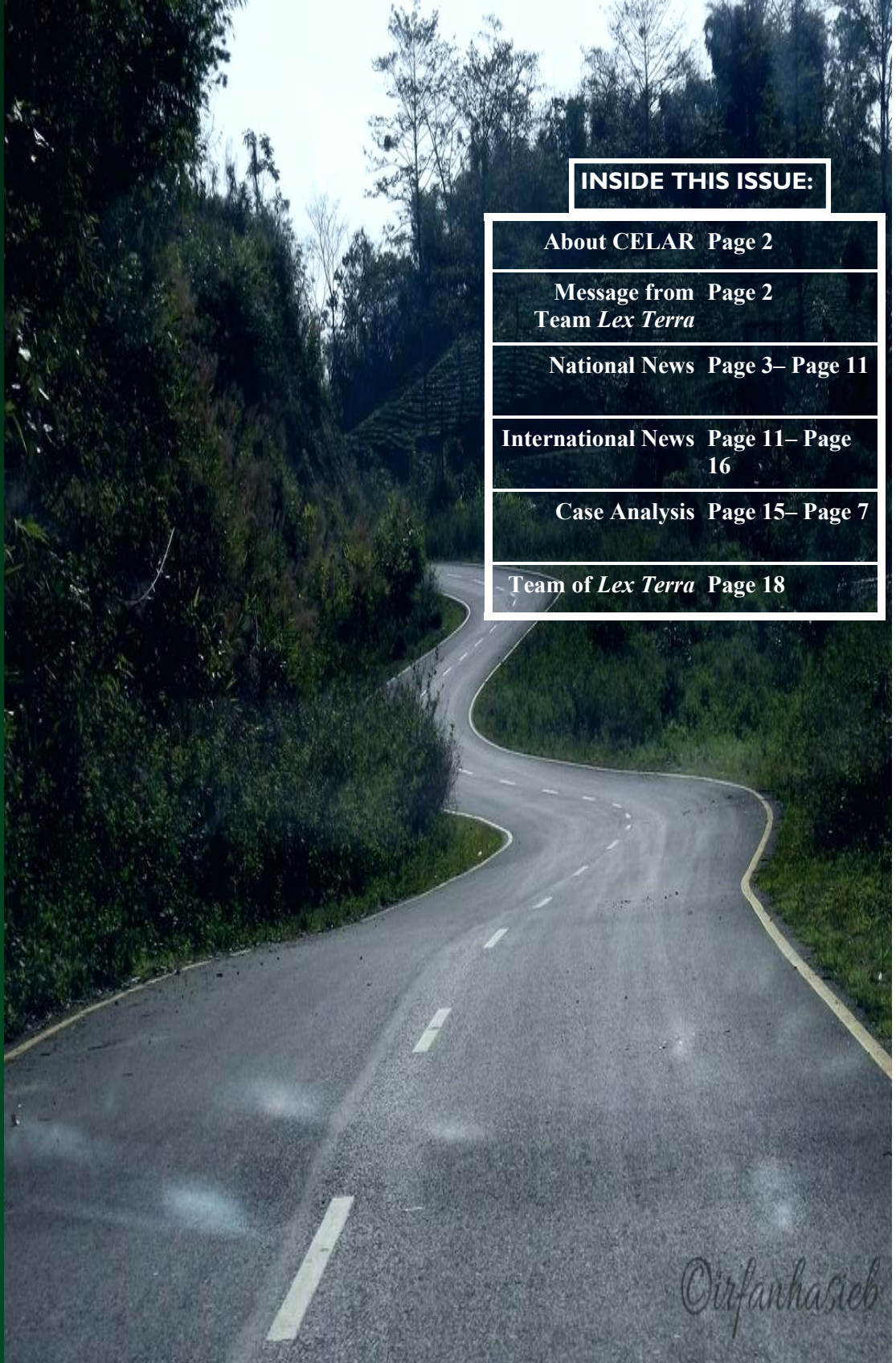
Lex Terra

News Updates on Environmental Law

ISSUE 3

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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.



INSIDE THIS ISSUE:

About CELAR Page 2

Message from Page 2
Team *Lex Terra*

National News Page 3– Page 11

International News Page 11– Page 16

Case Analysis Page 15– Page 7

Team of *Lex Terra* Page 18

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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 doe 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*

Lex Terra proudly presents its third edition 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.

This edition of Lex Terra highlights some noteworthy eco-news, both at global as well as national arena. These news analysis have been extensively prepared by the founding terrans of CELAR.

Our fourth edition will enhance its news coverage to a whole new level. We are going to widen the amplitude of our eco news and views. The upcoming issues will also cover short articles from the esteemed faculty members of NLU, Assam.

The team of *Lex Terra* wishes to

thank all of those who supported this initiative. We would like to express out 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.

Please keep pouring down your never ending support and concern for mother nature.

Thank you
Happy Reading!



Courtesy– Google

NATIONAL NEWS

GREENPEACE IN INDIA BARRED FROM RECEIVING FOREIGN FUNDING

-Sucheta Ray

Indian government cancels license allowing Greenpeace to collect money from overseas, claiming NGO violated funding rules and withheld information. India's government claims the NGO violated rules governing foreign funding under Section 13 of the Foreign Contribution Regulations Act (FCRA) and withheld information on transactions. The government also accuses it of damaging the country's economic interests by campaigning against mining and nuclear projects.

Greenpeace, which has been at loggerheads with the government over claims of environmental damage caused by India's heavy reliance on coal and the impact of deforestation and nuclear projects, accuses the

government of waging a "malicious campaign" against it.

The conflict between the two sides shows how a fight over vested interests of the parties makes the core issues like environmental protection a backseat. While on one hand, the Government claims are the violation FCRA has led to hamper of the country's economic growth which is pivotal for India's development; one the other hand, Greenpeace alleges that the State is trying to curb their campaigns against the total crackdown of the civil liberties and a desperate attempt to get them cease their work. The community has a right to dissent from the government's policies and to voice their opinion.

Article 19(1)(a) of the Constitution guarantees us the freedom of

speech and expression. Thus, any action by the government which attempts to silence the protests against the government jeopardises the fundamental right of the public.

While the claims of the NGO is not yet proved, such allegation against the government to silence campaigns for a more sustainable future and transparency in public processes creates a sense of disillusionment among the mass which is unhealthy and uncalled for in a democracy as large as ours.

(Courtesy- Agence France-Presse, The Guardian, 4 September 2015)

EXTRA WATER FOR KUMBH DURING DROUGHT IS ILLEGAL: HC

- Abhishek Chakravarty

The Bombay High Court on Monday said the decision of the BJP-led State government to release water from the Gangapur dam for 'shahi snan' at the Kumbh Mela instead of using it for areas with scarcity was "illegal."

A Division Bench of Justices A.S. Oka and V.L. Achliya was hearing a Public Interest Litigation (PIL) petition filed by veteran water conservation activist H.M. Desarda, for quashing the State government's decision to release

one tmc ft of water for every royal bath.

"The government has a priority list as regards supply of water. Supply of water for drinking comes first; supply of water for purposes as 'shahi snan' comes in the last and fourth category. When the State is reeling under drought, what you [government] have done is illegal," the court observed.

In India there has been a grave implication of religious and cultural activities on the environment. The Hindus believe in idol worship and

after most of their festivals they immerse the idol into sea or river which causes a lot of pollution. Similarly during Kumbh mela too there is a lot of pollution caused to the rivers and a lot water is wasted which is a major problem during droughts.

This step taken by the High Court is appreciable especially saying that 'drinking is the first priority' and such positive steps are beneficial for environment in India and judiciary plays the most significant role in it. (Courtesy- Alok Deshpande, The Hindu, 15 September, 2015)

CBI MUST TAKE SUO MOTU NOTE OF RHINO POACHING, SAYS NTCA REPORT

- Irfan Hasieb

The National Tiger Conservation Authority (NTCA)'s rhino task force has suggested that the CBI should be given the mandate to investigate, suo motu, those cases of rhino poaching in which the horn of the animal is not found within two days of the crime being committed unless intelligence inputs confirm that the horns have not been smuggled out of Kaziranga tiger reserve.

The task force was constituted by the Union ministry of environment, forests and climate change last year after a spate of rhino poaching cases in Kaziranga, a Unesco World Heritage Site and tiger reserve about 250 km from here, grabbed headlines.

The report, provided to activist Rohit Choudhury by NTCA following an RTI application, says, if CBI is engaged to probe rhino poaching on the recommendation of the state government, the investigation process will get delayed unnecessarily. The entire process of investigating wildlife crime like rhino poaching needs to be overhauled, the report adds.

The NTCA said CBI should equip itself for investigating rhino poaching cases and develop manpower, infrastructure and capacity accordingly.

Noting that the poaching network spans inter-state and international boundaries

and involves multiple operators, the report suggests that CBI should be ordered to investigate the agents dealing in rhino horns in the grey markets of different states.

The report stresses that there will be a significant drop in rhino poaching if the authorities can keep a tab on illegal arms and do not allow these to enter a 15-km area around Kaziranga.

"The police, paramilitary forces and the Armed Forces also have to pitch in and help control the movement of illegal arms around the Kaziranga tiger reserve. Forest personnel should be blamed if they fail to protect rhinos. Police, paramilitary forces, Army and other law-enforcing agencies should be taken to task for their inability to curb poaching, especially when their intelligence network fails to prevent criminal elements from carrying out poaching activities," the task force report says. The task force has sought making the Wildlife Crime Control Bureau (WCCB) more effective by setting up a full-fledged office in Guwahati and branches in Dimapur, Imphal and Itanagar.

"The WCCB should also run wildlife forensic and ballistic expertise laboratories to handle such cases. Such facilities should either be set up at Kaziranga or in Guwahati in a time-bound manner," it

says. The report adds that WCCB and CBI must join hands in investigating wildlife crime and the two agencies must coordinate with Interpol to track criminals who cross international borders.

"These agencies must also maintain close links with similar wildlife crime investigating agencies in Nepal, Myanmar, Vietnam, Cambodia, China, Taiwan, Australia, South Africa, among others," it adds.

The forest department has not been able to successfully keep a check on rhino poaching in Assam. Most of the times the poachers tend to outsmart the forest department officials and police. Further the forest guards entrusted with the task of protecting the animals also face various logistical problems. Hence, a comprehensive overhaul of controlling the wildlife crimes and investigating them is very necessary. Further, there are various stake holders in this trade of animal organs. Hence, the local police also tend to face jurisdictional difficulties and issues with respect to getting support from other agencies. Thus, the NTCA suggestion is possibly a good one which will help in effective and efficient protection of animals. (Courtesy- Shreeshan Venkatesh, Down To Earth, 11th September, 2015)

IRREGULARITIES IN CONVERSION OF AGRICULTURAL LAND: CAG

-Shweta Sachdeva

The Comptroller and Auditor General of India has pointed out in a recent report that agricultural lands in Odisha were being converted to non-agricultural lands without any merits taken into consideration. Sixty per cent of the cases of converted lands showed no maps or other requirements necessary for a valid conversion. Prior to conversion, it is re-

quired to be showed that no obstruction to flow of natural water would occur were also not presented.

Additionally, on physical inspections it was found that agricultural lands leased to various persons were not being used for agricultural purposes, which stands in strict violation of the terms on which these lands are given out by the State.

With scuffles over agricultural lands predominating the Indian scene, such illegal conversions and non-usage of fit agricultural lands shows the callousness of the authorities with respect to land management. With farmers and peasants losing their cultivable lands, this portrays a solemn predicament for the Indian agricultural and administrative scene. (Coutesy- The Hindu, 31st August 2015)

PM CALLS IN SHIFT IN FOCUS FROM CLIMATE CHANGE TO CLIMATE JUSTICE

- Shweta Sachdeva

Prime Minister Narendra Modi in yet another move making the developed and rich nations responsible for their actions has called for the movement of 'climate justice' to replace focus on climate change and other environmental issues.

In his speech at an event held by the Vivekananda International Foundation, he said that it was the poor and downtrodden who most severely affected by environmental disasters and change in climate patterns. Since they had little means of mitigation and prevention available to them, they ended up losing whatever little they had. He called for a collective action by the global community, majorly directed towards industrialized states to take stock of the situation and hold up their responsibilities.

He further said that environmental consciousness was an aspect deeply

rooted within Hinduism and Buddhism, and the approaches of these religions towards environment & nature should be incorporated in society's approach to handle the situation at hand.

This angle of the Prime Minister is laudable as by intermixing problems of the society with religion; since religion attracts majority of the Indians, this would hence aid in promoting environmental sensitivity and protection. Climate Justice is also a well-called for concept that needs to gain more prominence since currently nations are only catering to their choice of solutions which ends up only benefitting them. The globe should think of themselves as one whole rather than independent entities, in line with the common but differentiated responsibilities principle. All across the world, it is mostly the poor who are hit the hardest and suffer the brunt of climate change. The rich

and those at better-placed positions are able to fend for themselves, leaving a majority of the population in tatters. It then takes years for the State to re-establish these persons who are displaced and danger-prone.

(Courtesy- TNN, Times of India, 4th September 2015)

Environmental consciousness was an aspect deeply rooted within Hinduism and Buddhism, and the approaches of these religions towards environment & nature should be incorporated in society's approach to handle the situation at hand.

ELEPHANT ELECTROCUTED IN KAZIRANGA

On September 4, 2015 one of two tuskers that tried to cross a highway during the night was electrocuted by a sagging high tension electric cable in Kaziranga National Park, Assam.

Sandesh Kadur, a wildlife filmmaker who happened to be in the area, says the cable was just 1.57 m. off the ground. Successive years of water logging had eroded the base of the posts, making them lean at an angle and resulting in sagging lines. Sandesh says that the range officer, in the vicinity at the time of the accident, heard a loud explosion. A spotlight search revealed a dead tusker in the water while another had a lucky escape. Assam has seen the deaths of four elephants and a young boy due to electrocution in the past one year.

In Assam electrocution is a very serious problem for wildlife. In parts of India, electricity kills more elephants than poachers. In Karnataka, the number of elephants that are electrocuted is three to four times higher than poaching cases. Similar is the case of Assam where we frequently see in the news the death of elephants due to electrocution especially near tea estates. The recent case of Assam is a case of negligence by state power distribution companies, and is responsible for endangering the lives of animals protected by the Wildlife Protection Act, 1972. In many parts of the country, lines don't conform to the standard 6 m. height set by the Indian Electricity Rules, and thus elephants continue to die.

-Nishigandha Paniphukan

In 2010, the Mahesh Rangarajan-headed Elephant Task Force submitted a report on power lines and protection. In the five years that followed, many wildlife reserves and power companies came together to save terrestrial, aerial and arboreal species at risk. In Periyar Tiger Reserve, Kerala, power companies buried approximately 5 km. of power lines that were in the way of elephants. Similarly in Kutch, Gujarat, after 400 flamingos hit overhead electric cables, the lines were laid in an 8 km. underground stretch. But no such steps have been taken in Assam where each year a number of elephants die of electrocution.

(Courtesy- Janaki Lenin, The Guardian, 15th September, 2015)

WHY ARE YOUR BUSES SO NOISY: NGT ASKS MANUFACTURERS

— Swastik

The National Green Tribunal on Tuesday asked Tata Motors and Ashok Leyland, which supply buses to Delhi Transport Corporation, why these vehicles caused noise pollution on roads and directed them to submit details, including their designs.

"Why don't you design such buses where the seat of the driver is at a lower level so that he has greater vision on the roads? This would help in minimising the accidents," a bench headed by NGT Chairperson Justice Swatanter Kumar said.

The green panel also directed both bus manufacturers to inform it about whether they were capable of running high-powered CNG buses which can even ply on hill stations.

"The buses which you supply should be smaller in size. Can you supply buses which would be (used as) link buses," the bench said favouring

smaller buses during lean traffic period.

The Tribunal had issued notices to Tata Motors and Ashok Leyland companies through their Managing Directors and directed their senior-most officials to appear before it.

Earlier, the Tribunal had flayed Delhi Transport Corporation (DTC) for running its air-conditioned buses without passengers for a major part of the day.

"Unfortunately, we also live in Delhi. Your huge buses ply empty for at least five hours a day. Have you rationalised this aspect? It is shocking that nobody listens in DTC. Your buses are more than overcrowded.

"We are thinking about afternoon when most of your AC buses, which have a capacity of 60, are empty. After 9:30 pm, most of your buses which go to airport have only one or two passengers. You are wasting government revenue, creating traffic chaos and causing

environmental pollution," the bench had said.

National Green Tribunal is a judicial body which deal with environment related issues and has five places of sitting. In accordance with the Noise Pollution (Regulation and Control) Rules, 2000 it is the responsibility of the government to take measures in order to control the amount of noise pollution created by different objects in different localities under the Rule 3 of the notification and can take action on complaint filed against the noise producer under Rule 7 of the notification. In the above case the NGT has asked Tata Motors and Ashok Leyland to comply with the norms of the notification and manufacture their vehicles accordingly. Secondly, NGT notified the Delhi Transportation Corporation regarding wastage of resources by running empty buses which effects the environment.

INDIA READY WITH COMPREHENSIVE CLIMATE PLAN

- Noor Kutub Alam

India is scheduled to announce its contribution to the global fight against climate change on October 1, according to a leaked version of the preamble to the document.

The preamble to the country's Intended Nationally Determined Contribution (INDC) does not contain any firm proposals, nor does it reveal the extent to which the world's third biggest carbon polluter wants to rein in its emissions between 2020 and 2030. Prakash Javadekar, India's Environment Minister told India Climate Dialogue on September 23 that these were the "broad contours" of India's low-carbon development policy. India's proposal is eagerly awaited because these INDCs form the bedrock of a global agreement

which is expected to be signed at the UNFCCC climate summit in Paris this December.

Rich nations have been pressing India to announce an ambitious target to reduce its carbon emissions. However, many policymakers within the country and in the rest of the developing world pointed out that most of the carbon dioxide blamed for warming the atmosphere has been put there by developed countries and added that India's per capita emissions are just one-tenth of those of the US and a quarter of China's.

Javadekar participated in a panel discussion with Amber Rudd, Britain's Secretary of State for Energy and Climate Change where the latter cited

the New Climate Economy report which outlines paths to achieve economic growth while minimizing carbon emissions. Javadekar talked about the need for technologies that would enable "carbon capture and use".

This is the most awaited Plan with regard to climate change and how India will be putting up its demands in front of the globe in order to gain climate justice as PM has stated in his recent speeches. India has been silent on this topic for a while and decided to reveal its plan just two months before the convention. This plan can be the key player in regard to demands for the developing nation in front of the developed nation (Courtesy- Joydeep Gupta, The Third Pole, 25 September 2015)

INDIA CONDUCTS ITS FIRST LEOPARD CENSUS

The findings of India's first ever leopard count have made happy headlines. The numbers, however, deserve closer scrutiny.

The census put the total leopard population of the country at 12,000-14,000. It did not, however, account for 12,000-14,000 leopards in the country. Neither did it survey the entire country. It was restricted to the tiger states, except West Bengal and the North-East states. Non-tiger states — s u c h a s Himachal, Jammu and Kashmir, Haryana or Punjab — were not covered. Even within the tiger states, the census left out areas — north-west Rajasthan, for example — where chances of spotting tigers were remote. After all,

these findings on leopards were an offshoot of the all-important tiger census.

Madhya Pradesh (1,817) emerged as the state with the highest leopard population. Close on its heels was Karnataka (1,129) followed by Uttarakhand (703). The study showed the species well scattered across the country, indicating that the population is quite healthy. "Most of the leopard populations are contiguous, ensuring a healthy genetic exchange. So, leopards do not face the problems of isolated populations that plague Indian tigers," said Yadvendradev V Jhala, lead scientist of the nation-wide tiger census exercise, who presented the leopard figures at Wildlife Institute of India's annual research seminar in Dehradun.

- *Nishigandha Paniphukan*

Leopard numbers are better than those of the national animal because the former can survive in scrublands and areas encroached by humans. However, the quality of forests should improve to increase the spotted cat's population, and a detailed census on only the leopards must be conducted across all the forests of India to reach an exact number. Even though for every one wild tiger, there are on an average four wild leopards in India, the grim reality is that CBI reports indicate that for every tiger pelt, there are seven leopard pelts being smuggled. (Courtesy- Jay Mazoomdar, Indian Express, 7 September, 2015)

NO GREEN NOD FOR CIL TO EXPAND OUTPUT IN EXISTING UNITS

State-owned Coal India, which is targeting 908 million tonnes of output by 2020, has been denied environment clearance for expansion of one-time production capacity by 50 per cent in existing operations without public hearing.

"Blanket permission for 50 per cent expansion without public hearing under 7(ii) of EIA Notification, 2015, and without capping for sustainable mining cannot be given," an Expert Appraisal Committee (EAC) of the Environment Ministry said after assessing the proposal at a recent meeting.

As per the EAC, enhancement in production capacity will automatically reduce the mine life and adversely impact livelihood of local communities. It may also impact air quality, coal handling and transportation.

CIL, however, clarified that environment impact of expansion of production by 50 per cent from the existing operations would be confined to only additional dust generation while removal and backfilling of overburden — the layer of earth above coal seams that has to be dug out before mining coal — will not be affected.

The other environmental parameters would remain within prescribed standards due to mitigation measures to be undertaken, it said, adding that there will not be any additional component in public hearing because there is no increase in leasehold and all the issues of public hearing remain addressed.

Public hearing is an integral part for clearing any development project as per the EIA Notifications. Thus, before any expansion, the same is mandatory even though the impact of the expansion on the environment and public might not

be high. On one hand, the EAC has taken into account the impact of the expansion project of the CIL, and rejected the same on the ground of negative effect of the same. However, denying the public the right to assess the project is a loophole in the process which was followed by the committee. (Courtesy- Press Trust of India, 4 September 2015)

- *Sucheta Ray*

The integration of public participation/involvement of stakeholders in Environmental Impact Assessment is very important in terms of its implication for sound decision making and the sustainability of development activities.

PLEA IN NGT ON MISUSE OF PAPER IN DU POLLS

A first-year Faculty of Law student of Delhi University has filed a petition before the National Green Tribunal (NGT) against the gross misuse of paper, used to make posters, pamphlets and cards, by candidates contesting students' union elections.

Citing the recently-conducted Delhi University Students' Union polls, the petitioner, Nithin Chandran, has requested that henceforth paperless campaigning be done during the elections conducted by DU. He has asked the tribunal to ensure that alternative environmental-friendly modes of canvassing are adopted. The petition will come up for hearing on Wednesday.

If we look into Paper Waste and its

Environmental Effects, it is said that pulp and paper industry is one of the most polluting industries, as identified and categorized by the Central Pollution Control Board (CPCB). Nearly 324 litres of water is used to make 1kg paper and 10 litres to make one piece of A4 paper, 93% of papers come from trees, 50% of office waste is composed of paper, recycling one tonne of paper saves around 682.5 gallons of oil, 26,500 litres of water and 17 trees, and paper accounts for 25% of the landfill waste and 33% of municipal waste. Moreover the Lyngdoh Committee also suggested for minimal use of paper in the student body elections to save the environment, but it was not followed

during the elections.

These kinds of elections are held across the country in lakhs of colleges and the amount of paper waste generated is huge and the damage therein to the environment is irreparable. There is no accountability for the usage of paper and there is no norm or procedure to recycle the waste papers. The Government along with the civil societies must take stern steps not only to tackle the issues but also come up with solution and alternative methods for the same. Social/Online media can also be a good platform to aware students of the ill effects of such wastage of paper on the environment. (Courtesy- Manash Pratim Gohain, TNN, 15th September, 2015)

-Abhishek Chakravarty

CLIMATE DEAL: INDIA SEEKS DEBATE ON 'LIFESTYLES'

India has appealed to countries across the globe to include a debate on "lifestyles" while arriving at a climate deal when they assemble in Paris later this year. India also hit out at rich nations for their extravagant consumption and asked them to seriously look at the needs of developing and poor countries which have a right to emerge out of poverty. It was a clear indication that India is more keen to keep the focus on 'adaptation' to deal with the climate change as against the developed countries' formulation of 'mitigation' to save the world from disastrous consequences of global warming.

India's stand was articulated by the country's environment minister Prakash Javadekar while making his intervention during a meeting on climate change negotiations in Paris. He said, "Lifestyle adopted in developed countries is unsustainable" and it will require five

earths to fulfill their lifestyle demands. On the other hand, Indian lifestyle is sustainable where one earth is sufficient.

"This is not because of poverty, but because of Indian value systems. We believe in need-based consumption and our lifestyle is against extravagant consumption. We have ingrained sense of responsibility where wasteful consumption is abhorred".

Javadekar quoting the latest 'Earth Overshoot Report', the report brought every year by the Global Footprint Network (GFN) which presents objective analysis on 'ecological footprint', mapping consumption and requirement of natural resources to sustain it, said that the world must debate seriously the sustainable lifestyle issue, as only sustainable lifestyle can mitigate the challenge of climate change". Javadekar also noted that India

and other developing countries have priority of eradicating poverty.

It has been correctly pointed out by the minister that the main cause for climate change is the lifestyle of people and its affect thereafter upon the environment. Human being tend to live a luxuries life and exploit excessive resources in order to fulfil their demands. Gandhi said that there is enough for one's need but not for greed and that is the main reason why such a problem has emerged. There is need in change of lifestyle of people in order to effectively tackle with the problem of climate change. Making legislations, signing convention alone can't help the world to tackle with the problem of climate change. It is the people who have to bring change in themselves in order to make the Paris convention a success. (Courtesy- Vishwa Mohan, TNN, 8th Sept, 2015)

- Noor Kutub Alam

WE HAVE CONSUMED MORE THAN THE EARTH CAN PRODUCE THIS YEAR

- Sweden Doley

Mankind have been totally dependent on the earth's resources for his survival. And for our survival, we have been consuming the earth's resources for satisfying our "comfortable life" to such an extent that it has reached a point that the planet is suffering from the issue of over extraction of resources. Thursday, August 13 was the Earth Overshoot Day for this Year. It is observed to mark humanity's ecological footprint exceeding what the earth can regenerate in a year. Every year the Global Footprint Network calculates the number of days in that year for which the earth can support humanity's ecological footprint with its available natural resources. The remainder of the year corresponds to

the global overshoot. According to WWF, in 2000, Earth Overshoot Day fell in the month of October, but over the last decade it has moved to an earlier date in August. And given the rate at which increasing global consumption and population has been exerting pressure on available natural resources, this day would eventually move to May 8. The prolonged pattern of over consumption has led to an inevitable degradation and the destruction of the planet's limited resources that the question of the earth's existence has put a serious threat to the world. We would probably blame the change of climate to increase of population or the over extraction of resources by MNCs, however, if we trace back question of over exploita-

tion of resources, we would find that each individual is responsible. We may not realise the fact that the developed countries get a lion's share of the overall resources while majority of the population gets only a small share. Even then, the list of things we depend upon the earth is endless. We cannot forget the fact that the over extraction of resources by the MNCs is supported by our ever increasing consumption and demand for more, desire more, buy more; and pollute more and waste more resulting in degraded and collapsing ecosystems, habitats and species. (Courtesy- The National Geographic Magazine, August, 2015)

NGO SEEKS CLOSURE OF ILLEGAL STONE QUARRIES

- Sucheta Ray

An NGO named FKJGP of West Garo Hills Zone has sought the intervention of the Chief Forest Officer, GHADC to stop the quarrying of stones throughout the belt from Garobadha right up to Hallidayganj.

The NGO further sought the intervention of the Divisional Forest Officer (DFO), after the discovery of a bat cave near Pipulbari in West Garo Hills to ensure safety for the animals in view of the threat quarrying has posed to the species.

"Our preliminary investigation revealed that a majority of the stone quarries have no valid NOC from

concerned departments and are being operated illegally. The mushrooming of illegal stone quarries is causing environmental hazards in terms of deforestation, soil erosion, pollution of water bodies and loss of wild life", said Nicovantes N Marak, the environment secretary of FKJGP.

"We have located a cave with plenty of rare variety of bats in the remote village of Dhanua, Pipul Bari. However, the illegal mining activities in the region are a huge threat to the safety of the species", added Marak.

The Federation has asked for immediate action to be taken against the erring

quarries as well as for steps to be taken to protect the bat species.

This brings to light that the pro-activeness of the members of the community is important to protect the environment and stop any activity which is causing the deterioration of the environment. It is necessary that the humans act as the trustee of the nature and protect it. Any imbalance caused because the ambitious developmental activities will, in the long run, adversely affect the generations of the human beings. (Courtesy- The Assam Tribune, 1st September 2015)

Conservation is a state of harmony between men and land.

- Aldo Leopold

CENTRE MAY USE TIGERS TO AMBUSH LION TRANSLOCATION

- Swastik

The government issued a fresh draft notification last week, demarcating eco-sensitive zones (ESZ) in the Western Ghats. The draft notification, dated September 4, has not made any changes to the list of areas proposed as ESZs in an earlier draft issued on March 10, 2014.

The previous draft notification had set a 545-day deadline for identification of ESZs. Issued under provisions of the Environment (Protection) Act, 1986, it had directed governments of six states—Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu—to physically verify eco-sensitive zones in their areas of the Western Ghats and to submit recommendations.

In order to protect the Western Ghats from unplanned industrialisation, the government had appointed two expert panels to make recommendations on ways to protect the rich biodiversity in the 1500-km stretch from exploitation and degradation. The Western Ghats Ecology Expert Panel, headed by environmentalist Madhav Gadgil, had stated that no fresh industrial activity should be al-

lowed anywhere along the stretch. The second expert committee, headed by K Kasturirangan, had suggested that 37 per cent of the region be demarcated as ecologically sensitive.

Following these reports, 4,156 villages across the six states were identified as ecologically sensitive and inappropriate for industrialisation and development. The move sparked fear among local populations that saw the demarcation as a threat to their livelihoods, agriculture and development activity.

The government sought to assuage their fears in March last year when it issued a notification directing all six state governments to verify the proposed demarcated areas and submit specific recommendations and objections. Since only four states have completed the process so far, an extension of 60 days has been given to Maharashtra and Tamil Nadu to submit their reports after which a final notification shall be issued.

The fresh notification has not made any changes to the proposed eco-sensitive areas as per the 2014 notice which recommends 20,668 sq km in Karnataka,

17,340 sq km in Maharashtra, 6,914 sq km in Tamil Nadu, 1,461 sq km in Goa and 449 sq km in Gujarat to be delineated as ESZs. There is, however, no indication about Kerala which had protested the proposal to declare 9,993 sq km as eco-sensitive area.

Unplanned development has been one of the prime factors behind various environment problems across India. Unplanned development leads to population redistribution and haphazard urbanisation and hence there occurs sudden changes in the demand and supply chain and it contributes to increasing pollution. Classifying any area into ESZ is only a step taken to control the unplanned development taking place and check pollution ensuring that the environment is not damaged and if in case there are chances of damage, they can be controlled. Hence, it is a positive step and people should be made aware of the reason why the Govt. is trying to do the same and their cooperation should be sought. (Courtesy- Shreeshan Venkatesh, Down To Earth, 11th September, 2015)

INDIAN APP TO AID IN WORK OF ANIMAL WELFARE

- Shweta Sachdeva

A web-based app has been created by ThinQuity Enterprise Pvt. Ltd. to make it easier to reach out to volunteers for NGOs and will be used by Blue Cross, Hyderabad to begin the flagship venture. It was launched in September 2014 in Surat and is as of yet not available to the public, since it is still operational in an experimental stage.

The app shall also contain information of injured animals, birds

which will be easily provided to organizations present in the vicinity of the neighbourhood so that quick actions can be undertaken. The app also plans to compile a database with respect to injuries and accidents that happen to animals in a bid to create awareness and generate sensitivity amongst the populace. The noble creation will also try to track where the animals are and have been prone to accidents and injuries to better mitigate and prevent such instances. Helping trace missing

animals is also one of the objectives of the App.

With organizations and corporations using innovations for such purposes, there seems that hope is not lost for the human race. The creation of this app signifies that technology and development can undeniably develop simultaneously rather being hurdles in each other's path as if oft stated. (Courtesy- Sangheeta Devi Dundoo, The Hindu 31st August 2015)

LAW COMMISSION RECOMMENDS NEED TO REGULATE DOG BREEDERS, PET SHOPS AND AQUARIUMS

In its report no. 261 titled “Need to regulate pet shops, dog breeding and aquarium fish breeding”, the Law Commission of India has finally nudged the Centre to take cognizance of the matter and the implement the Draft Pet Shop Rules – which have pending since 2010 – to be enforced at the earliest. This nod by the Law Commission of India comes after years of NGOs and other bodies pressurizing the State to take stock of the pet shop business that is being run unregulated and thus marring any scope for animal welfare and protection.

Since the current animal legislations (Wildlife Act, Prevention of Cruelty to Animals Act, CITES and others in force at the time) do not specifically normalize or oversee the activities and operations within the trade of pets – there had been a growing need to bring

about a law ensuring the same. With numerous puppy mills, illegal poaching, exotic animals & birds being sold, puppies and animals being abused and provided little to no-care, practices like de-beaking, de-clawing, tail-docking pepper this trade, the Pet Shop rules will put a stop to such atrocities and cruelty meted out to these animals. With authorities and enforcement mechanisms laid out properly within these rules, it shall surely create a standstill in this arena and change the situation for better.

The Indian animal trade business is said to be worth several thousand crores. With no checks or regulation, the money goes unaccounted for and comes under the category of ‘Black money’ which hurts the growth of the economy also.

For the report, representations were

- *Shweta Sachdeva*

made by several prominent NGOs – Blue Cross, People for Animals as well as Honorary Wildlife Wardens of various states.

A proper legal analysis was done with respect to the position of the Centre, as to whether the Parliament had delegated power to it under the PCA Act to draft the rules. It was held that there was a delegation of power by the Parliament which was supported by constitutional provisions as well as provisions under the PCA Act as well.

Now simply a formal enforcement of the rules by the Government is awaited. (Courtesy- Press Information Bureau, Ministry of Environment, Forests and Climate Change, 28th August 2015)

INTERNATIONAL NEWS

LAHORE COURT ORDERS PAKISTAN TO ENFORCE CLIMATE CHANGE POLICIES

- *Abhishek Chakravarty*

In a landmark ruling on September 14, 2015, Judge Syed Mansoor Ali Shah of the Lahore High Court ordered Pakistan’s Federal Government to implement climate change laws at the earliest. The country has had a National Climate Change Policy in place since 2012, but no action had been taken to execute the plans.

In his judgment, Shah ordered the establishment of a National Climate Change Commission with a clear agreement to ensure effective implementation of the policies, along with various institutional measures. The verdict was passed within a month of

farmer Asghar Leghari’s Public Interest Litigation (PIL) presentation to the Lahore High Court’s Green Bench. He charged the passivity of government and the officials with failing him as a citizen, and brought to light the serious threats the country could face as a consequence of climate change.

Today the most serious threat faced by Pakistan apart from is climate change which is killing more people than terrorism in the country. Pakistan has faced the wreath of climate change especially this year where more than 2,000 people died due to heat waves in Karachi. Moreover, the country has

been reeling under floods in the Northern Areas while there has been severe drought and heat waves in Sindh. This in fact is a very threatening situation for the country which also holds some of the biggest glaciers on earth outside the Polar Regions. Pakistan is currently the third most polluted state in Asia after India and China. Therefore, the step taken by the High Court is very positive and similar steps must also be taken by the Supreme Court of Pakistan to ensure that Climate Change Policies are well implemented by the Government. (Courtesy- Malini Mehra, RTCC, 20th September, 2015)

VOLKSWAGEN FACES \$18 BILLION IN FINES FOR POLLUTION IN US

- Irfan Hasieb

The US Environmental Protection Agency said that Volkswagen intentionally skirted clean-air laws by using a piece of software that enabled about 500,000 of its diesel cars to emit fewer smog-causing pollutants during testing than in real-world driving conditions.

The cars, all built in the last seven years, include the VW Jetta, Beetle, Golf and Passat models, as well as the Audi A3. The vehicles all contain a device programmed to detect when they are undergoing official emissions testing, the EPA said. The cars only turn on full emissions control systems during that testing. The controls are turned off during normal driving situations, the EPA said, allowing the cars to emit more than the legal limit of pollutants.

The EPA called the company's use of the so-called "defeat device" illegal

and a threat to public health. The EPA called on VW to fix the cars' emissions systems, but said car owners do not need to take any immediate action.

The EPA said VW faces fines of up to \$37,500 per vehicle for the violations — a total of more than \$18 billion. No final total was announced. California issued a separate compliance order to VW, and officials announced an investigation by the California air resources board. Despite the seriousness of the violation, the EPA said VW will be given "a reasonable amount of time to develop a plan to complete the repairs," including both the repair procedure and manufacture of any needed parts.

It could take up to a year to identify corrective actions, develop a recall plan and issue recall notices, the EPA said. Environmental groups hailed the EPA and California for moving aggressively to en-

force clean air laws.

Often it becomes very easy for big companies to flout Environmental Norms as the mechanism for enforcement is very weak in countries like India. Imposing a meagre fine is not enough as for any big company; it becomes convenient to push into the market products causing harm to the environment by paying a small sum to the government. However, the decision taken by EPA is encouraging because of the amount of fine they have imposed which has gone past \$ 18 Million. It goes on to set an example as to how serious the enforcement agencies are with respect to their job and how difficult it is for any company to flout such norms. (Courtesy- AP, Times of India 19th September, 2015)

CONSERVATIONISTS PROTEST KILLING OF ENDANGERED NORTH CAROLINA RED WOLVES

- Shweta Sachdeva

The US Fish and Wildlife Service made little to no-attempts to relocate the wolves which had entered private property between 2014-2015 and easily allowed their killing in violation of the Endangered Species Act, despite plans of conservationists to sue them for their (non) actions.

The US Fish and Wildlife Service is said to be one of the strongest pieces of environmental legislation in the world, but such negligence and callousness displayed by the enforcement authorities make the

Act weaker.

If the concerned authorities themselves do not take action on such matters, it shall become indeed very difficult for the citizens and other persons of the society to take their duty towards the environment seriously as well.

Violation of such a duty falls under breach of trust since the State and its agencies are trustees of the environment [re: *Illinois Central Railroad Co. v. Illinois*, 146 U.S. 387 (1892)]. This causes serious concern for the preservation and protection of existing and endangered

species and becomes another case of human-animal conflict wherein the wildlife suffers yet again. (Courtesy- Barbara Liston, Reuters, 4th September 2015)

FRENCH PRESIDENT WARNS UN CLIMATE TALKS COULD FAIL

- Swastik

France's President, Francois Hollande, has said that major UN climate talks in Paris could fail to produce a global deal in December, and is urging faster action.

Hollande has pushed for agreement ahead of the talks on how to pay for adapting to and reducing global warming. He warned that poorer countries will not agree to a global accord if there is no commitment from richer countries to help with financing.

Hollande is pushing his counterparts around the world to make strong, lasting plans to reduce the emissions that are

warming the planet, but said "a risk of failure exists."

If there is no deal, he added, that could worsen the world's migrant crises, saying there could be millions of refugees fleeing rising seas, droughts and other climate emergencies.

Climate Change has emerged as a threat to the existence of life on Earth. As President Francois Hollande urged that there is a need for the world to come together and to curb this problem as it can lead to great

disasters which can lead to extinction of the world. There is a need for the developed countries to take the responsibility and come to an agreement with the developing and under developing countries in order to make the Paris agreement a success. There is a need for every nation to participate in this conference with an idea to agree on terms for the greater good of the world not their respective countries only then this convention in true terms will be successful. (Courtesy- AP, The Times of India, 7th September 2015)

CHINA PLEDGES \$3.1BN OF CLIMATE FINANCE

- Noor Kutub Alam

China has promised around US\$3 billion of finance for developing countries to cut carbon emissions and adapt to climate change, the first big commitment by Beijing on helping vulnerable nations deal with impacts of a warming climate. In a joint announcement by Xi Jinping and Barack Obama in Washington DC, China and US promised to take further joint action in a "common vision" aimed at delivering a meaningful climate deal in Paris at the end of this year. The agreement builds on an announcement last November through which China promised to peak its carbon dioxide emissions by 2030 or before, and the US undertook to cut greenhouse gases 26-28% from 2005 levels by 2025. Today's announcement builds on a pledge earlier this month by US and Chinese regional governments to peak greenhouse gases and share know-how on low-carbon technologies and accounting of emissions.

The other measures agreed in Friday's joint announcement include:

The need for enhanced transparency to build trust and confidence on the implementation of carbon cutting measures, including methods of reporting and review. A White House factsheet said the US and China had made "new progress" on the thorny issue of differentiating between developed and developing countries;

The importance of a successful agreement that ramps up ambition on cutting carbon over time, pointing toward a transformation of the global economy to low carbon energy this century; and

China's confirmation that it will launch a national emissions trading system in 2017 covering power generation, steel, cement, and other key industrial sectors, as well as implementation of a "green dispatch" system to favour low-carbon sources in the country's electricity grid.

These measures would complement the recent finalisation of the US Clean Power Plan, which aims to cut emis-

sions in the US power sector 32% by 2030. Both countries are developing new heavy-duty vehicle fuel efficiency standards, to be finalised in 2016 and implemented in 2019. Both countries have also agreed to step up their work to reduce super-polluting hydro fluoro-carbons (HFCs). Analysts of climate talks said the announcement was welcome, as it cemented the US-China initiatives on climate, but cautioned that many other big emitters need to step up their efforts.

This can be the first step towards a successful Paris convention on climate change as China has agreed to provide financial help to the developing nation which was demanded in order to curb problem relating to climate change in these countries and provides assurance to them. This can encourage other developed nation to help developing nations and more countries will eagerly participate in the convention. (Courtesy- John McGarrity, China Dialogue 26 September 2015)

LIONS RESCUED FROM ILLEGAL CIRCUSES TO BE SENT TO SANCTUARY IN SOUTH AFRICA

- *Shweta Sachdeva*

Thirty-three lions were rescued from the circuses of Peru and Colombia by the Charity Animal Defenders International (ADI) – an organization fighting for the welfare of animals- and they will be transported to the Emoya Big Cat Sanctuary, South Africa as part of the international NGO's month-long "Operation Spirit of Freedom" campaign. Ninety animals in toto were rescued as part of the operation. ADI has been trying to track down illegal wildlife trade in the countries for some time now and has also been quite successful in ensuring their better treatment.

Most of the lions rescued have been so badly treated; extreme cruelty was meted out to them to tame the wild beasts. Their paws were mutilated by "declawing", along with severe tooth injuries and other deep bruises which they had been subjected to since their captivity. Currently, they have been housed in rescue compound at Lima,

Peru.

Despite the existence of a ban on live animal acts in Peru in 2011 and 2013 in Colombia (brought about by ADI's evidence of their mistreatment), they are kept in tiny rusted cages with minimal care and attention and continue to be used as means of entertainment.

More than fifty wild animals, including bears, six species of monkeys and a puma, already have or will soon be relocated to two Amazon sanctuaries in the following months.

Since the animals are no longer wild, they are being sent to the Sanctuary where they will get to live a life that they had been robbed of. Such cases of cruelty and imprisonment of animals only go on to show that men have become ruthless in their greed for making money and will not stop at anything to make it. These wild animals belong in their

natural adobes and nowhere else and have an inherent right to live as much as we do, are sadly made slaves to human will. Lions as we all know are the rulers of the jungle and have a unique presence of their own; but such instances of brutality shatter the images we have of them since our childhood.

The use of animals for entertainment is an archaic practice. The twenty-first century is an era of awareness and sensitivity however the educated and literate themselves encourage such activities by visiting these melas and circuses where animals are used. There has been a long history of severe abuse of animals and birds that are used in circus acts, if the public itself refrains from visiting such places – their use will automatically turn futile. (Courtesy- Jennifer Newton, Mail Online, 7th September 2015)

WILL THE BLACK-NECKED CRANES GO THE WAY OF THE SIBERIAN CRANE?

- *Nishigandha Paniphukan*

The case against building the Nyamjang Chhu dam in the Tawang district of Arunachal Pradesh was heard by the National Green Tribunal on September 1, 2015. If built, the dam will inundate Zemithang, one of just two wintering sites of the Black-necked Cranes in India.

The lawyers for the dam continued to argue that there are no Black-necked Cranes in the area, despite photographic evidence to the contrary. They further argued that even if the birds do winter at the site, their numbers are not large enough to delay development. The lawyers also stated that there were 'no threatened species as described by IUCN' found on the project site. This is factually incorrect, Black-necked Cranes are listed as 'Vulnerable', and with a decreasing population, on the IUCN Red

List.

When asked by the bench to show the provisions made for Black-necked Cranes in the Environment Impact Assessment and Environmental Management Plan, the developers mentioned an 'Overall Biodiversity Management Plan'. As part of their mitigation proposal, the developers have offered a laughable solution by proposing the provision of nesting boxes for the cranes.

The local Monpa Buddhist community protects and conserves the remote area of Zemithang even during the cold winter months, and is determined to oppose the dam with all their strength. Based on their experiences and records, it is very hard to believe that a biodiversity hotspot like Zemithang does not have any threatened

species, as argued by the developers.

The Himalayan region of Tawang district is very rich in biodiversity and falls under the Eastern Himalayan biodiversity hotspot and is also home to rare animals like red panda, snow leopard, takin etc. But the upcoming dams have been very dangerous for the wildlife in the area. The black necked crane is a winter visitor in India and the region serves as a nesting area for the species. If the dam is built then the black necked cranes as well as other species in the region might face a lot of problems and would threaten their existence. (Courtesy- Neha Sinha, Sanctuary Asia, September 1st Week, 2015)

CLIMATE CHANGE NEGOTIATORS ARE UNDETERRED BY SLOW PROGRESS

- Sucheta Ray

Climate change advocates at a conference in Bonn, Germany last week of August 2015 lamented the slow pace of crucial negotiations on how to curb global warming—but several leaders said they remained optimistic that a final deal is within reach.

Negotiators had yet to agree on a slew of key details on how to address climate change, after the conclusion of the conference, which means there is still much work to do less than three months before a landmark conference in Paris aimed at developing a binding global agreement to cut greenhouse gas emissions. Many key pieces of a

potential deal remain undecided, from how to fund climate change initiatives in developing countries to how to ensure transparency.

Rather than relying on a top-down mandate for emissions cuts, the upcoming U.N. conference calls for countries to outline their own commitments, called Intended Nationally Determined Contributions (INDCs), and agree to follow them in the following years and decades.

The commitments have been substantial, but many key countries like India, the world's third-largest emitter, and

Saudi Arabia, home to one of the world's largest oil supplies, have yet to submit their plans.

The full well-planned mandate is a necessity before the Paris Convention as it is likely to show the commitment of the 200 member states towards curbing the serious threat of climate change. Every country needs to understand the position that they are in plan accordingly in order to aim the mandated goals.

(Courtesy- Justin Worland, TIME, Sept. 4, 2015)

SRI LANKA TO GET \$100 MN LOAN FOR WIND ENERGY PROGRAM

- Shweta Sachdeva

In another initiative to promote the use of non-conventional resources and counter climate change, the Asian Development Bank is going to provide debt finance to Sri Lanka for its wind energy program.

The Wind Power Generation Project does not provide quantitative data about capacity addition but only cites 2018 as a landmark year.

Sri Lanka has estimated its theoretical wind energy potential as 35 GW but the actual is expected to be much lower than that.

SL's Sustainable Energy Authority has dedicated 10% of installed power capacity in the country to be based on renewable energy sources. The pro-

gress made against this target is not known, but to achieve the target the country would require having 460 MW of renewable energy capacity installed.

Hydro power is expected to be the leading technology, followed by wind energy and biomass, in the renewable energy installed capacity mix.

The National Renewal Energy Laboratory (NREL) of United States conducted a study to map the potential of wind energy in Sri Lanka, which came out to be around 20,740 MW. Thereafter, with this information the Sri Lanka Sustainable Energy Authority (SEA) in 2007 began developing the same and started initiatives to tap the wind energy in the country. In pursuance of it,

they began installing wind projects in potential areas and the ADB lending a helping hand to them – financially – shall go a big way in helping them to achieve sustainable development along with greater productivity in general.

Additionally, encouraging developing and least-developed nations to use renewable energy in their pre-development phase is more recommendable and feasible for they can ensure climate and environmental protection along the way rather than undertaking counter measures later on to reverse the damage, which will make them struggle as is being seen with the industrialized nations today. (Courtesy- Smita Mittal, Clean Technica 31st August 2015)

CLIMATE CHANGE: WESTERN STATES FAIL TO FULFIL PLEDGES TO DEVELOPING COUNTRIES

Billions were pledged to help poor nations adapt to global warming but trust is eroding as countries such as the US fail to put up the cash.

Green Climate Fund (GCF) executive director Hela Cheikhrouhou said leaving 43% of pledges unfulfilled would damage developing countries' trust that the rich world is serious about helping them adjust to the changing climate. "It certainly would erode the confidence because climate finance is one of the most difficult negotiation themes," she said. "We need a stronger push from a high level."

The GCF is often considered the sole shining light from the dismal climate conference in Copenhagen in 2009. It was set up as the main mechanism to raise \$100bn a year in climate finance from rich

countries by 2020 to assist poor nations that contributed little to global emissions to move to greener economies and build resilience to the effects of climate change. The fund would not run the projects itself, but accredit NGOs, development banks and the governments of developing nations to receive the money.

However governments have been reluctant to contribute money into the fund. During the lead-up to last year's climate talks in Lima \$10.2bn was eventually pledged, but even that is now proving difficult to secure.

The governments of Sweden and the Marshall Islands and the UN Development Programme (UNDP) joined Cheikhrouhou in urging those countries to fulfil financial promises they made before the Lima climate talks in 2014. Sweden is currently the largest

- Sucheta Ray

per capita donor to the fund at \$60.50 per person – six times more for each citizen than the US has pledged.

Fulfilling the pledges is also critical for the impetus for the climate talks in Paris, said Saleemul Huq, the director of the International Centre for Climate Change and Development.

The influx of cash from the developing and 'rich' countries to the developing countries and the LDCs is important as it will help the latter to plan the way in which they can fight the global issue of climate change. These countries do not have the resources to adapt to technologies and strategies which will help in achieving the goals. So, the other economically sound countries need to make an endeavor to provide aid and support of these countries. (Courtesy- Karl Mathiesen, The Guardian, 4th September 2015)



Climate change is destroying our path to sustainability. Ours is a world of looming challenges and increasingly limited resources. Sustainable development offers the best chance to adjust our course.

—Ban Ki-moon

CASE ANALYSIS

Dr. C.V. Singh v. Union of India & Ors. (Order dated 2nd September 2015)

- Sucheta Ray

A retired scientist's concern over the upcoming construction within 10-km radius of the Asola Wildlife Sanctuary has led the National Green Tribunal to seek a response from the Centre on the issue.

A bench headed by NGT chairperson Justice Swatanter Kumar issued notice to the ministry of environment and forests, Delhi government, National Board For Wildlife and others while seeking their replies by September 14.

The Tribunal's direction came while hearing a plea filed by CV Singh, retired scientist of Haryana Pollution Control Board, seeking directions to prevent illegal and unauthorised construction works undertaken by the developers within 10-km radius of the Asola Wildlife Sanctuary as the said projects have no clearance

from the National Board for Wildlife.

The plea, filed through advocate Gaurav Bansal, said that despite continuous and repeated request from MoEF, the Delhi Government has not notified the eco sensitive zone of the Asola Wildlife Sanctuary, which is continuous violation of the Environment Protection Act and its rules.

The plea has also sought directions to declare the Eco Sensitive Zone (ESZ) around the Asola Wildlife Sanctuary and not to issue Completion Certificate to the projects coming within 10-km radius of the sanctuary.

In accordance with Section 6(2)(e) of the Environment Protection Act, Central government has the power to formulate rules and regulation and can impose Prohibition or Restriction on the location of industries and carrying any process or operation in this

regard in order to protect Environment and the act empowers the government to close, prohibit or regulate an industry under Section 5. Therefore it can be inferred that in the present case the Industries within 10km radius of a Wildlife Sanctuary which can cause damage to the environment thus, government should act accordingly.

Also, The construction in and around the eco-sensitive areas will result in negative impact on the environment. Also, the dichotomy between growth and environmental protection is a false one. Certainly, compromising the latter can provide shortcuts in pursuit of the latter. But this is a short-term tactic at best with hidden costs that will emerge in the long haul. (Courtesy- Press Trust of India, 6th September, 2015)

*A nation that destroys its
soils destroys itself.
Forests are the lungs of
our land, purifying the air
and giving fresh strength
to our people."*

—Franklin D. Roosevelt



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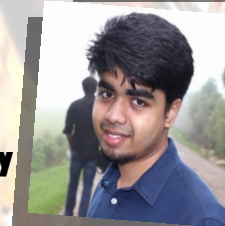
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