

Lex Terra

News Updates on Environmental Law

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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 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*

Dear Readers,

Lex Terra proudly presents it's ninth 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 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.

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 NLUA students, every fortnight.

Our issues goes online every 1st and 16th of each month. Contributions for the next issues are invited. 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

Have a prosperous year ahead!

Happy Reading!



Courtesy- Google

NATIONAL AUTO FUEL POLICY 2003: A BRIEF INSIGHT

Rashmi Patowary

As the year 2015 comes to a close, news bulletins enthusiastically and extensively pen on the sweeping measures taken up by the Hon'ble Supreme Court of India to tackle the alarming level of air pollution in National Capital Region (NCR) (owing to the escalating use of vehicles). Acknowledging this long drawn concern of tackling vehicular air pollution, this small column of the 9th edition of Lex Terra feels necessary to devote an insight to the National Auto Fuel Policy of India, 2003.

The concern of vehicular pollution is as old as the eighties, with the rapid proliferation of gasoline/diesel vehicles. With the notification under the Environment (Protection) Act 1996, major steps were undertaken with regard to reduction of vehicular emissions and improvement of auto fuel. Significant steps were also undertaken in 1996 and 2000 (such as introduction of lead free catalytic converters and many more). However, with the dawn of the millennium, it was found that a plethora of Public Interest Litigations (PILs) had been filed in courts across the nation for controlling vehicular pollution. Thus, a need arose to examine and treat the problems with regard to the diverse aspects (including costs and security) of auto emissions, auto technologies and auto fuel quality. Thus, in a meeting dated 30 August 2001 chaired by the Prime Minister, it was decided that an Expert Committee would be set up with regard to the same. Consequently, the Ministry of Petroleum and Natural Gas constituted an Expert Committee on 13 September 2001 to –

- Suggest an Auto Fuel Policy for India.
- Suggest a roadmap for its implementation to attain the desired objectives [such as; suitable auto fuels, automobile technologies, etc.]

Dr. R.A. Mashelkar, Director General, Council of Scientific & Industrial Research (CSIR) headed it. The Final Report by the Committee was

submitted on 25 September 2002. This was further examined by the Ministry of Petroleum and Natural Gas in consultation with the Ministries of Finance, Environment & Forests, Road Transport & Highways, Non-Conventional Energy Sources, Planning Commission and State Governments. What came out from the intense evaluation and deliberation was the National Auto Fuel Policy 2003.

The salient features of the National Auto Fuel Policy 2003 are as given below-

It lays down a strategy (in other words, a roadmap) for achieving various vehicular emission norms over a period of time and the corresponding fuel quality up-gradation requirements (cities facing serious pollution levels have been brought under a separate road map for quicker adoption of emission norms). However, it does not recommend any particular fuel or technology for achieving the desired emission norms.

It states that, liquid fuels should remain as main auto fuels throughout the country and that the use of Compressed Natural Gas/ Liquid Petroleum Gas (CNG/LPG) be encouraged in cities affected by higher pollution levels so as to enable vehicle owners to have the choice of the fuel and technology combination.

It mentions that, technologies that produce biofuels and vehicles that uses these biofuels should be encouraged by providing research and development incentives and other forms of financial support.

- It suggested the following measures for reduction of pollution from in-use vehicles:
- New improved Pollution Under Control (PUC) checking system for vehicles.
- Inspection & maintenance (I&M) system for vehicles.
- Performance checking system of catalytic converter and conversion kits for CNG/LPG.
- Augmentation of city public transport system.
- Compliance of emission norms by city public service vehicles and inter State vehicles.

It states that, studies should be undertaken for

scientific data collection and that the interface between regulatory authorities and health administration should be improved for devising the effective strategies.

On 07 May 2015, the Standing Committee on Petroleum & Natural Gas (Chaired by Pralhad Joshi) submitted its report on the National Auto Fuel Policy 2003. The Committee made observations and recommendations on the Auto Fuel Policy, 2003 and the Expert Committee Report (that was borne out from the Expert Committee, set up in January 2013, under the chairmanship of Saumitra Chaudhari to review the Auto Fuel Policy, 2003 and draft Auto Fuel Vision and Policy 2025). Some of the important recommendations made by the Standing Committee are as follows:

Implementation of Expert Committee Report on Auto Fuel Vision & Policy, 2025.

Constitution of an inter-ministerial committee of secretaries of the following Ministries to attain better coordination:

1. the Ministry of Petroleum & Natural Gas (act as the nodal agency),
2. the Ministry of Environment, Forest and Climate Change,
3. the Ministry of Urban Development,
4. State Governments etc.

Implementation of the Bharat Stage (BS)-IV quality of fuel standard across the country by 2017 and BS-VI quality of fuel standard by 2020, so as to achieve the unified fuel norm.

All refineries be upgraded in a phase wise manner to produce BS-IV quality of fuel.

Ministry to give high priority to coverage of more areas under CNG.

Ministry must assess the commercial viability of non-conventional fuels.

Establishment of a centralised National Data Centre for collecting information regarding polluting vehicles (If needed: formulation of a plan scheme and specific fund allocation).

Formulation of a Vehicle Retirement Policy (i.e., formulation of an age limit for retirement of vehicles by applying the provisions under the Motor

Vehicles Act, 1988).

Implementation of the Inspection and Maintenance System so as to enhance the safety and emission performance of vehicles.

The National Auto Fuel Policy 2003 is strategic and smartly takes care of two essential needs to reduce carbon emissions:

mitigation (by setting down norms and standards) and

adaptation (by encouraging use of biofuels and research with regard to the same.)

The policy is visionary. The challenge is! - the implementation. Hence, it is incumbent upon the Government to execute these recommendations at the earliest in order to ensure a timely and effective regulation of the growing problem of vehicular pollution.

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Oirfanhasieb

INDIA STATE OF FOREST REPORT 2015- AN OVERVIEW

Sucheta Ray

The Forest Survey of India released India State of Forest Report (ISFR) 2015 on 05 December 2015. It is the Fourteenth Report in the series, which uses various types of method for the collection of data like the ISS (Linear Imaging Self-Scanning Sensor) III, data of indigenous remote sensing satellite, Resource sat-II etc. The satellite data Interpretation is based on extensive and rigorous ground truthing. This Report shows the current status of the Indian forests.

According to the Report, between 2013 and 2015, India's forest and tree cover has increased by 5081 Square Kilometer (sq. km). It is a great achievement by India with respect to afforestation. Since, afforestation is an important tool for curbing the impending doom of climate change, India follows the policy of keeping at least one-third of the country's total land under forest or tree cover. According to ISFR, the total forest and tree cover in the country is 79.42 million hectare, which accounts for 24.16% of the total geographical area. The total forest cover of the country has increased by 3, 775 sq. km and the tree cover has gone up by 1, 306 sq. km. "The majority of the increase in forest cover has been observed in 'Open Forest' category mainly outside forest areas followed by 'Very Dense Forest'." At present, 'Very Dense Forests' in India cover 2.61% of the total forest area and have increased by 2404 sq. km, 'Moderately Dense Forests' account for 9.59% while 'Open Forests' area has increased by 4744 sq., km and stands at 9.14%.

Considerable increase in the forest cover is also observed among various states. The state with the maximum increase in forest

cover is Tamil Nadu amounting up to 2, 501 sq. km followed by Kerala (1, 317 sq km) and Jammu & Kashmir (450 sq. km). Among the twenty-nine and seven union territories of India, 15 of these regions have forest cover of more than 33% of their respective geographical areas. Out of these, a total of seven of these regions have more than 75% of forest cover. These states and UTs are: Mizoram, Lakshadweep, Andaman & Nicobar Island, Arunachal Pradesh, Nagaland, Meghalaya and Manipur. The other eight regions, which have a forest cover between 33 & 75 %, include Tripura, Goa, Sikkim, Kerala, Uttarakhand, Dadra & Nagar Haveli, Chhattisgarh and Assam. The title of the largest forest cover in terms of area goes to Madhya Pradesh with 77,462 sq. km of area under forest cover. Arunachal Pradesh (67, 248 sq. km) and Chhattisgarh (55, 586 sq km) occupy the second and third position respectively in this category. Mizoram is the state with highest percentage of forest cover, that is, 88.93% while Lakshadweep has the highest percentage of forest cover among the Union Territories (84.56 %). Another positive side highlighted in the ISFR 2015 is the increase in the country's carbon stock. According to the report, the total carbon stock has increased by 1.48%, which is equivalent to 103 million tonnes and is estimated to be 7, 044 million tonnes in the country's forest. There has also been increase in the mangrove cover in India by 112 sq. km as a result of the acute conservation policies in the Sunderbans and Bhitakanika forest. Thus, there is an air of positivity with respect to the forest cover of the country.

However, there also exists certain grey area, which cannot be ignored. Although there is an increase in the total forest cover of the

country, around 2,510 sq. km of very dense and mid-dense forests have been wiped out since 2013. Also, even though a number of Northeastern states like Assam, Arunachal Pradesh, Tripura, Mizoram, Nagaland and Sikkim features among the states having forest area between 33 and 75 percent, these NE states have experienced a decline in the forest cover except in case of Manipur. Other States like, Jammu and Kashmir, Uttarakhand, Kerala, Karnataka and Telangana have suffered huge loss of forest cover. The reports, further brings into notice that around 2,254 sq. km of 'Mid-Dense Forest' cover has turned into Non-Forest lands in the past two years. This rapid conversion in the forest lands will lead to a multitude of problems like increase loss of habitat of the indigenous species of birds, animals and insects along with the massive loss of biodiversity

An evaluation of the ISFR Report of 2015 shows that, on one hand with the combined efforts of the Government and the public, the forest cover of the country is on an increase, which is commendable. However, there is also an impending danger of conversion of forestland for non-forest purposes like housing, industries, communication etc. But, the side effects of these actions cannot be ignored. Also, a decline in the forest cover is also seen in states, which pre-dominantly had the country's largest forest areas. These are also the states rich in bio-diversity. Therefore, the decline in the forest cover not only disturbs the existing status quo, but also leads to an increased man-animal conflict along with the loss and extinction of indigenous species. Hence, there is a need to evolve effective measures in order to cancel

out the negatives and a constant diligence on the part of not only the state machinery but also the common mass so that the progress achieved does not take a back seat.

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THE TROUBLED 2015 OF MAGGI

- Shristi Talukdar

Maggi has managed to enter Indian homes to change the traditional food habits of Indian children on its promise of convenience. This brand has understood the psychology of Indian mothers and positioned itself for mother-child indulgence.

The Business Week Magazine (2006)

Sadly, the promise of convenience was thwarted in May 2015, when it was found that Maggi 2-Minutes Noodles contain traces of lead beyond permissible limits and added monosodium glutamate according to the Indian Food Safety Regulators of the State of Uttar Pradesh. It was then temporarily banned in Uttar Pradesh. Gujarat and Assam were also amongst the states that banned Maggi. A test conducted by the Delhi Government, where too they found excessive lead in Maggi because of which Maggi was banned in Delhi as well for 15 days. Tests were also conducted in Goa, Punjab and Kerala but there however, no excessive lead was found in Nestle Maggi Noodles. A Court in Muzaffarpur, Bihar ordered to file an First Information Report (FIR) against celebrities like Amitabh Bachchan, Madhuri Dixit and Preity Zinta as all three of them were Brand Ambassador of Maggi at some point of time. India's biggest retailers like Future Group, Big Bazaar, Easyday and Nilgiris had imposed a nationwide ban on Maggi because

of the excessive lead found in the product. Government Lab of India, tests conducted in UK and USA also found sample of Maggi all right. Nestle India in their statement stated that, they do not add MSG (a salt in concentrated form added to foods to enhance the flavour) to their Maggi noodles sold in India and that the same is mentioned on the concerned product. However, they do use hydrolysed groundnut protein, onion powder and wheat flour to make Maggi noodles sold in India, which all contain glutamate. They also stated that, they believe that the authorities' tests might have detected glutamate, which occurs naturally in many food items.¹³ August 2015 Bombay High Court cancelled the ban on Maggi and asked for fresh test to be conducted.

The Food Safety and Standards Authority of India (FSSAI) moved to the Supreme Court against the Bombay High Court order lifting the ban on Maggi noodles in the country. The food safety regulator also sought removing of certain adverse remarks made against it by the Bombay high

court. The FSSAI in its petition termed the Bombay High Court's decision as "erroneous" and questioned the sanctity of the samples provided for re-test to government-approved labs. It insisted and maintained that the authority should be allowed to use labs under the relevant law without insistence being placed on using only the government-accredited labs which were few in number. While quashing the FSSAI Order banning 9 variants of Maggi noodles, the High Court had said that the Principle of Natural Justice was not followed in executing the ban as the manufacturer was not given a hearing. Accredited with National Accreditation Board for Testing and Calibration Laboratories (NABL) the court had allowed Nestle to go in for fresh testing of five samples of each variant of the noodles in three independent laboratories in Punjab, Hyderabad and Jaipur. It had clarified that, these samples would be taken out of the 750 samples preserved by the company following the ban and if lead

content was found below permissible limits by the three labs, Nestle India will be allowed to manufacture Maggi noodles.

The Bench in the SC was headed by Dipak Misra, the lawyer representing Nestle was Harish Salva and Attorney, General Mukul Rohatgi for FSSAI. FSSAI said that, the laboratories, accredited under the statute, should be allowed to conduct tests on such food products. The question of law in this case was whether the main duty of the food authority (FSSAI) is to regulate and monitor the food products at any stage of production or is their primary concern the safety of the food products being consumed by the people in the country? There are many controversies regarding the FSSAI ban on maggi, it said that the manufacturer was not given a hearing while executing the ban in which principles of natural justice were not followed. Another question that was aroused by the Bombay HC was whether FSSAI had authority to impose nationwide ban and whether Maggi is a proprietary product under Section 22 of FSS Act, 2006 which requires prior approval from the regulator. Senior counsel Iqbal Chagla who represents Nestle along with senior counsel Amit Desai questioned the quality of water used during the tests and said

that the water used for the test can also have lead present in them. He also put forward that "Maggie can't be termed unsafe or injurious to human health as per the definition of unsafe and substandard food given in FSS Act, 2006, itself." He said, " FSSAI must decide whether Maggi is unsafe or substandard,"

The SC clarified that the samples would be taken out of the 750 samples preserved by the company following the ban and if the lead content was found below permissible limits by the three labs, Nestle India will be allowed to manufacture Maggi noodles. Nestle afterwards announced that tests done on fresh Maggi samples provided to government approved labs were found safe. The ban was lifted and now Maggi is back in the market.

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THE BREAKDOWN ON THE PARIS CONFERENCE: WHAT IT SPELLS FOR THE WORLD

- Shweta Sachdeva

With the much-awaited Conference now done and dusted with, the talks that have emerged from it are said to carry forward the beacon of the international community's seriousness towards environment. India for one, seems quite pleased with the Conference, for its targets have been fulfilled at the international level per say.

The segregation that existed in the past and even in the implementation of the Kyoto Protocol (Annex I and non-Annex countries etc.) have been done away with, but the focus on Common but Differentiated Responsibility (CBDR) remains strong in the agreement that has culminated among the nations, on which the Indian position remained staunch throughout. This squarely puts a major chunk of responsibility upon the developed nations to cut down their emissions as well as provide for the necessary finance, technology and capacity building to the developing economies for combating climate change.

But the success of the Conference of Parties (COP) 21 remains bound to the will and actual enforcement of not the developing nations, but that of the developed nations. As always, the developed nations are being

frigid in their approach to some of the objectives and goals of the agreement, such as opposing the 2 degree Celsius tighter temperature target and preferring 1.5 degree Celsius among others. The major drawbacks primarily seem to be the absence of any form of obligation or penalty upon the developed nations for non-achievement of their targets or non-compliance to the climate finance mechanism. Naming and Shaming (or 'Name and Encourage' plan as per Janos Pasztor, UN Assistant Secretary-General on climate change), remains the weapon to bring about the desired changes as any other system or apparatus to do so remains out of the picture for the actualization of the said targets. However, the Agreement remains shrouded under a cloak of doubt since 55 countries that produce 55% of the greenhouse emissions need to sign the agreement to make it enforceable. Additionally, the target for emission reduction has been left to be chosen by the members to decide on their own, which they will need to abide by.

In the wake of the same, Narendra Modi, Prime Minister of India, has sought an alliance with other nations in collaboration with the French President Francois Hol-

lande, for the formation of a 'Solar alliance' along the lines of the Organization of the Petroleum Exporting Countries (OPEC); in a bid to facilitate infrastructure for solar projects. India has launched the tool "IESS 2047" (India Energy Security Scenarios 2047 calculator) to explore the potential future energy scenarios in India. This is seen as an initiative by the developing nations to come up with a sustainable energy management system to make their economies more green and clean in nature.

The Agreement overall is seen to be weak in its enforcement and has since faced oppositions from various groups across the world.

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THE 'NATIONAL RIVER LINKING PROJECT' (NRLP): A CAUSE FOR ENVIRONMENTAL CONCERN OR A BLESSING IN DISGUISE?

- Subornadeep Bhattacharjee

India as a Nation is set across varied geographical features which plays its significant part in enriching its diversity. While we witness the mighty Himalayas that standing tall across the Northern States, there lies the Thar Desert to the West of India, engulfing the States of Gujarat and Rajasthan, and there are the States on the Eastern and Western fronts having an access to a vast coastline. Such is India's rather unique setting!

However, such a setup brings with it its own fair share of troubles. India is highly vulnerable to natural disasters, both- natural as well as man-made. The rapid growth in population, measures for rapid industrialization and development also has its share to contribute to the disasters, yet certain natural disasters are so perennial that it actually costs severe loss in terms of both human lives as well as economically. According to the Global Assessment Report (GAR 2015), produced by the United Nations Office for Disaster Risk Reduction (UNISDR), has urged countries, particularly in Asia, to treat this as a wake-up call and make adequate investment in disaster risk reduction (DRR) or it will hinder their development. According to the GAR 2015, India's average annual economic loss due to disasters is estimated

to be \$9.8 billion. This includes more than \$7 billion loss on account of floods. The India Disaster Reports, as the name goes onto suggest, conceptualizes the documenting of the disastrous events in a respective calendar year (January-December). The Report was first published as recently as 2011, and though quite nascent in its stage it gives a significant idea of the financial as well as human loss natural disasters cause to the nation. The main purpose of the Report was to document to the various reasons for such events so that the nation can learn from the mistakes, to take stock of it and accordingly build a resilient society so that we can collectively involve as a country. The relevance of the India Disaster Reports has in its short span attained prime importance. The Report points out that that India, with its unique geophysical setting and socio-economic conditions is highly vulnerable to disasters. As far as geographic dimensions of the country are concerned, the five distinctive regions of the country i.e. Himalayan region, the Alluvial Plains, the hilly part of the Peninsula, and the coastal zone have their own specific problems. While on one hand the Himalayan Region is prone to disasters like earthquakes and

landslides, the Plain is affected by floods almost every year. The desert part of the country is affected by droughts while the coastal zone is susceptible to cyclones and storms. Statistically speaking, out of 35 States and Union Territories in the country, 27 of them are disaster prone. Almost 58.6% of the landmass is prone to earthquakes of moderate to very high intensity; over 40 million hectares (12% of land) are prone to floods and river erosion; of the 7,516 km long coastline, close to 5,700 km, is prone to cyclones and tsunamis; 68% of the cultivable area is vulnerable to drought.

The above statistics strongly highlight the tremendous challenge that the geographical diversity poses. However, there are policies and projects that intend to exploit this diversity to the fullest extent. The 'National River Linking Project' (NRLP) being one of them! The NRLP envisages promoting and enhancing food production as well as food security.

According to Prof. S Janakrajan (A specialist in water management, water conflicts, disaster management and livelihood at the Madras Institute of Development Studies), the mega project

would involve linking of 37 rivers through 30 links. These 30 links will have to travel a distance of 9,600 km in order to deliver 173 billion cubic metres of water through 4,500 km-long canals. The estimated irrigation potential to be created is 34 million hectares of land. This project is expected to provide drinking water to five metropolitan cities as well as 101 districts. Though, the project sounds very good on paper and seems like a grand plan to eradicate the problem of droughts, sociologically speaking many villages are going to be submerged, to acquire the astonishing 8,000 sq. km of land! Astonishingly while a blueprint for the implementation of the NRLP is on the table, surprisingly nobody has any action plan to rehabilitate lakhs of tribal population (who will be the most hit according to Prof. S Janakrajan) if the project is to be implemented. Not restraining himself, Prof Janakrajan also goes onto suggest the NRLP is an impending ecological disaster, as the move will impact the flora and fauna, the livelihood, life support systems and levels of groundwater that the course of a river is known to generate (another irony!). However, in a historic step which provides impetus to the NRLP, the river Godavari was formally connected with the river Krishna in Andhra Pradesh on the 16 September 2015. The formal linking of two mighty rivers down in the Southern State ensures that, henceforth Godavari's waters that now flow into the sea, and

diverting it towards the Krishna River in the neighbouring parched Rayalaseema region. It provides relief to the farmers of the region, who have been facing acute water shortage for irrigation purposes.

Thus, food security and reduced drought chances across the country on one hand *versus* ecological doom (as professed by experts as witnessed above) on the other hand, surely the present Governments across States as well as at the Centre have to take some really tough decisions, whereby in steps to increase food security and prevent droughts, the environment should be harmed to the least extent possible. So, is the NRLP a boon or a curse? Surely, only time can answer this intensely complicated question.

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MAJOR JUDGEMENTS/ORDERS BY NATIONAL GREEN TRIBUNAL

DATED: JANUARY 2015 TO JUNE 2015

- Sweden Doley

Himmat Singh Shekhawat,

v.

State of Rajasthan Through Principal Secretary, Mines Department, Government of Rajasthan, Secretariat, & Others.

(13 January 2015, Principal Bench, New Delhi)

Held – The Principal Bench held and declared that the Notification dated 9th September, 2013, which the Ministry of Environment & Forests (MoEF), in exercise of its powers under the Environment (Protection) Act and Rules of 1986, dispensed with the requirement of notice and amended the Environment Impact Assessment Notification of 2006, is invalid and inoperative for non-compliance of the statutorily prescribed procedure under the Environment (Protection) Rules, 1986 and 90 for absence of any justifiable reason for dispensation of such procedure.

Goa Paryavaran Savrakshan Sangharsh Samitee (Through its President, Mr. Bruno Rodrigues)

v.

M/s H.L. Nathurmal, Rizvi Chambers & Others.

(13 January 2015, Principal Bench, New Delhi)

Held - Adherence to the Principle of 'Judicial Discipline' is one of the essential prerequisites of judicial administration. Once a matter is directly or indirectly pending adjudication before the highest court of the land, it will not be appropriate for the Tribunal to proceed with the determination of the application, even if we were to accept the contention raised on behalf of the applicant.

Manoj Misra

v.

Union of India (Through the Secretary Ministry of Environment and Forests Paryavaran Bhawan)

(13 January 2015, Principal Bench, New Delhi)

Held – Prohibited any person from throwing puja material or any other material like, food-grain, oil, etc into River Yamuna, except on the designated site. Directed the Irrigation Department and other concerned authorities to build special Ghats where people could offer or immerse such materials.

Dr. Irfan Ahmad S/o Mohammad Aslam Khan & Others

v.

Mr. Nawang Rigzin Jora Minister for Urban Development & Urban Local Bodies, J & K State, & Others.

(13 January 2015, Principal Bench, New Delhi)

Held – Ordered the Srinagar Municipal Corporation to pay Rs. 14 lakhs (at a rate of Rs. 1 lakh per year) for failing to take appropriate steps in collection, dumping and disposal of the Municipal Solid Waste in Srinagar in accordance with the Municipal Solid Waste (Management, handling & Disposal) Rules of 2000 on the basis of Polluters Pay Principle. Every person, industry, hotel, Government Department, cinema

hall, market and all other places including each resident of the city of Srinagar must also share the cost in whatever proportion it is reasonable and proper to pay compensation charges titled as 'Environmental Charges'.

Vikrant Kumar Tongad

v.

**Delhi Tourism and Transportation Corporation (Through its Chairman) & Others.
(12 February 2015, Principal Bench, New Delhi)**

Held – The Bench directed that, the construction of Signature Bridge over the Yamuna River, which commenced without prior Environmental Clearance, is not to be demolished for the interest of the public thereof. However, direct State Environmental Impact Assessment Authority (SEIAA) to put such terms and conditions as may be necessary to ensure that there are no adverse impacts on environment, ecology, biodiversity and environmental flow of River Yamuna and its floodplain.

M/s. Jai Hanuman Ent. Udyog (Through its Proprietor Smt. Neelam Singh)

v.

**U.P. Pollution Control Board (Through its Regional Officer/Regional Office) & Anr.
(07 May 2015, Principal Bench, New Delhi)**

Held - In terms of Section 21 (6) of the Air (Prevention and Control of Pollution) Act, 1981 no person shall, without the previous consent of the UP Pollution Control Board, establish or operate any industrial plant in an air pollution control area.

DATED: JULY 2015 TO DECEMBER 2015

- Irfan Hasieb

Bharat Shamrao Gajendragadkar

v.

**Shri Theatre and Ors.
(22 July 2015, Western Zone Bench, Pune)**

Held: Municipal Council, Osmanabad directed to comply with G.R dated 21 April 2009, within period of eight (8) weeks and declare appropriate places as per the G.R. as 'Silence Zones' and report the compliance thereof to this Tribunal or to face penal action, as may be required under Section 26 of the National Green Tribunal Act, 2010, which would be initiated in the circumstances of the matter.

Lakhan Musafir and Ors.

v.

**Sardar Sarovar Narmada Nigam Limited and Ors.
(01 September 2015, Western Zone Bench, Pune)**

Held: Environmental issues are not static and decision may not be binding on the same parties if the issues are directly involved in the earlier litigation with different identity on findings of such issues.

Animal Rescue Squad & Ors.

v.

Goa Pollution Control Board & Ors.

(6 November 2015, Western Zone Bench, Pune)

Held: The Respondent Nos.1, 5 and 6 were directed to ensure that an appropriate record of sourcing of slaughtered animal along with necessary details like consent/clearance available with those slaughter houses is available and maintained by the Municipal authorities in view of the precautionary principle and the burden of proof principle, laid down by the Hon'ble Apex Court. The Municipal Authorities and the District Collector shall ensure the compliance of these directions with immediate effect. The Goa State Pollution Control Board (GSPCB), Collector and the Municipal Authority shall ensure that the meat shops do not cause any pollution and the waste generated in the process is disposed of scientifically.

Indian Council for Enviro-Legal Action

v.

National Ganga River Basin Authority & Ors. And M.C. Mehta

v.

Union of India & Ors.

(10 December 2015, Principal Bench, New Delhi)

Held: The State Governments are not only expected but it is their obligation to contribute and ensure effective implementation and operationalization of these projects (Ganga pollution control).

Indian Council for Enviro-legal Action

v.

Ministry of Environment, Forest and Climate Change and Ors.

(10 December 2015, Principal Bench, New Delhi)

Held: Ministry of Environment and Forests & Climate Change (MoEF & CC) and Central Pollution Control Board (CPCB) directed to examine the entire regulatory regime in relation to HFC-23 a by-product of HCFC-22 and issue appropriate guidelines in all aspects thereof. Also directed them to issue interim and long term measures in terms of section 3 of the Environment Protection Act of 1986.

National Green Tribunal Bar Association

v.

Ministry of Environment and Forest & Ors.

(10 December 2015, Principal Bench, New Delhi)

Held: The State Environment Impact Assessment Authority (SEIAA), Karnataka and State of Karnataka shall direct and ensure the closure of all the mines which are operating in the area and which have not applied for grant of Environmental Clearance. SEIAA, Karnataka shall dispose of all the applications that are pending before it as on 01 September 2015 which were stated to be 88, positively by 31 December 2015. It was further made clear and mandatory that with effect from 1 January 2016 no mining operations by the operators who are not provided with the Environmental Clearance in their favour would be permitted in the entire State of Karnataka by SEAA and State Government of Karnataka.

Ms. Nidhi

v.

Govt. of NCT, Delhi & Ors.

(10 December 2015, Principal Bench, New Delhi)

Held: Warning issued to the Administrative, Executive as well as the Police Authorities, to ensure that there are no recurrences of burning of 'upale' or of generating noise pollution from using instruments, DJ sets, music systems, etc. above the prescribed decibels. Furthermore, the fixed hours for playing such music etc. should be strictly adhered to not only by the SDM and SHO concerned in Palam, but even in the entire NCR.

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