

THE GREEN ADVOCATE

ENVIRO-LEGAL NEWS & VIEWS

ISSUE I

CENTRE FOR ENVIRONMENTAL LAW,
ADVOCACY & RESEARCH

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NLU

NATIONAL LAW UNIVERSITY, ASSAM

“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 Assistant 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.

Lex Terra

News Updates on Environmental Law

ISSUE 4

16 OCTOBER 2015

Message from Team *Lex Terra*

“*Lex Terra* is an initiative by the members of Centre for Environmental Law, Advocay and Research(CELAR) of National Law University. Through *Lex Terra*, we are making an effort to put forward news reports from different sources related to Environment which would be published every fortnight among the society so that a community of environmentally conscious people emerge out of the University.

With your continuous support, she will maintain her tempo and share all relevant news vis-a-vis environment, through this virtual interface.

Each edition of *Lex Terra* highlights some noteworthy eco-news, both at global as well as national arena. These news analysis are extensively prepared by the members and researchers of CELAR. 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!

Visit us at:

<http://www.nluassam.ac.in/cel.htm>

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About NLUA

The North-Eastern region of India has traditionally been one of the underdeveloped and marginalized areas of the Indian nation. The scenario of legal education in the area remained far from the potential of possible proliferation of excellence in the realm of legal profession. Thus, to fulfill the aspirations of the people, the Government of Assam decided to initiate and facilitate the establishment of a National Law University in Assam.

The NLUA is one of the youngest members in the family of National Law Universities established across the country. The Law University is also the proud member of a number of International academic institutions and associations from across the world.



ABOUT CELAR

Center for Environmental Law, Advocacy and Research (CELAR), the first of its kind in North East India, is a centre devoted for strengthening and evolving the jurisprudence on environmental law, under the auspices of NATIONAL LAW UNIVERSITY, ASSAM (NLUA). CELAR intends to be a torch bearer of the NLUA's mission to translate legal knowledge and skills into an instrument that addresses the various environmental concerns of the country and especially North Eastern India by providing the forum, facility and tools required for dialogue, deliberations, counseling and negotiations, to arrive at well informed decisions, to secure environmental justice, rooted in equity.

OBJECTIVES

- To inspire and educate students by providing hands-on advocacy experience and direct exposure to the issues.
- Strengthen access to justice by undertaking high quality multi – disciplinary research on contemporary legal issues pertaining to environment.
- Advocate for reforms in environmental law through scientifically sound legislative proposals.
- Organise training programmes for strengthening the legal capacity of civil servants, law enforcement authorities, non-governmental organizations and media personnel.

MESSAGE FROM THE VICE - CHANCELLOR

We have one planet but not one world, which brings the question of inter and intra generational equity into picture. In a society of conflicting interests, the social engineers play a crucial role in balancing these interests. Lack of knowledge of law is one of the pivotal reasons behind weak enforcement of the laws. Centre for Environmental Law, Advocacy & Research (CELAR) aims to fill this existing gap by fostering a higher level of environmental awareness among the stakeholders involved.



Prof. (Dr.) Vijender Kumar
Vice - Chancellor, NLUA

MESSAGE FROM THE CELAR HEAD

The affluent strata of global society with high-consumption and exploitation through massive industrialization and mismanaged urbanization are causing destruction of natural resource base and emission of anthropogenic green house gases. The poor strata of society with widespread deprivation are causing human behavior which are environmentally damaging and reducing the sink of green house gases. The Green Advocate is a humble attempt towards knowledge and skills as well as attitudes and behaviors to fulfill Sustainable Development Goals and Climate of the future we want.



Prof. (Dr.) Yugal Kishore
Professor of Law, NLUA

2015

MESSAGE FROM FACULTY MEMBERS

Since the beginning of mankind and throughout our evolution, we have been condemned. We have been limited, we have been suppressed by life itself and fear of the unknown that tomorrow will be worse than today. We have pushed ourselves for a better tomorrow but the same has boomeranged today. Our desire for a better living, triggered our neurons to think faster and build. We kept building, without realizing that we were on a one way trip towards the end. We forgot that the thing that defines us, our race, our human nature; limits us. Now human nature has brought us this far that the global consequences are too obvious.

What if we could finally make this world, a utopia for the generations to come?

We have a common concern to save this blue vulnerable planet from our own rampant actions. This concern of ours is driving us to rethink. Should we go ahead with what we have been doing since time immemorial or should we change the trajectory of our policy making to shape a new projectile, which will set a new course of our future actions?

In a world, where there are numerous environmental law research outfits, this small venture of ours; CELAR under the auspices of National Law University, Assam, not only stands as Centre for Environmental Law, Advocacy and Research but also phonetically sends a message: *'see all around'*.

The Green Advocate is our Launchpad, which aims to propagate a socially relevant, pragmatic and environmentally sound awareness for all. We look forward to having you join us in our intellectual journey.

Happy Reading!



Chiradeep Basak
(Centre Co-ordinator)



Shannu Narayan
(Faculty Advisor)



Nayan Jyoti Pathak
(Faculty Advisor)

MESSAGE FROM THE GREEN RESEARCHERS

The Green Advocate is a humble attempt to fructify the visions of Centre for Environmental Law Advocacy and Research. We feel grateful to have served as helping hands in this endeavour. Being the first issue, we had our own doubts and suppositions, as regards to the contents of the newsletter. Thus, we decided to keep it simple! And Voila! Here we are!

We sincerely hope that this issue of The Green Advocate will be liked by our readers. Last but not the least, we would like to thank our Honourable Vice Chancellor Prof. (Dr.) Vijender Kumar, Honourable Centre Head Prof. (Dr.) Yugal Kishore and Respected Faculty Advisors – Chiradeep Basak (Centre Coordinator), Shannu Narayan and Nayan Jyoti Pathak for their encouragement, support and for bestowing the confidence in us. A special thanks to Sachin Sharma (Assistant Professor of Law) for his first contribution to the first issue of the Green Advocate and Satyajit Deb (System Operator) for layout designing. We would also like to thank – Sucheta, Irfan, Sweden and Abhishek for their help and suggestions.



NATURAL HERITAGE OF NORTH EAST INDIA



BY- ANURUPA CHETIA
IX Semester - V Year, B.A.,LL.B (Hons.)

India is famous for its diversity of culture and climatic zones. The region of north-east is full of natural heritage and has various places of eco tourism to visit. It is located at 26.0000° N longitude and 92.7000° E latitude. It is commonly known as the seven sister states of India. The names of the seven sister states are Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. Each state has its rich natural heritage, cultures and customs which is related with conservation of nature. North East India contributes to the highest bird diversity of about 836 out of 1200 bird species known from Indian subcontinent. The discovery of the Tawang Macaque, the Leaf Deer, the Chinese Goral and recently the Scimitar Babbler have paved the way in exploring new species from the region.

The Forest Survey of India, Ministry of Environment and Forest, Government of India submitted a State of Forest Report, 2003 wherein it is found that the region consists of six major forest types viz., tropical moist deciduous, tropical semi evergreen, tropical wet evergreen, subtropical, temperate and Alpine forests. These forests harbour maximum species of flowering plants. The Survey explicitly

spelt out certain important famous biosphere of the states among the seven sisters which are rich in flora and fauna and huge biosphere reserve. The states having famous biospheres reserves are as follows:

Assam

The state of Assam in which the Brahmaputra river flows is rich with flora and fauna of the State. The river water consists of dolphins also. Apart from this Assam has certain other biosphere reserves namely, Dibru Saikhowa, North and East Karbi Anglong, Garampani and Namboor Wildlife Sanctuary, Jatinga Bird Mystery, Kaziranga National Park, Lumding Endemic Bird area, Nameri National Park, Orang National Park, Ripu Chirang, and Sonai Rupai, Upper Dihang which are rich with 20 species of globally threatened Vertebrates, largest population of One-Horned Rhinoceros, Pygmy Hog, Tiger, Wild Buffalo, Hispid Hare, Indian Flying frog, Orang Sticky Frog, Golden Langur, Bengal Florican, 4 species of turtles, White Winged Duck, White Bellied Heron, and Baikal Teal.

Manipur

The state of Manipur, famous for its hanging lake known as Loktak Lake is full of biosphere reserve namely, Dzuko and Siroi which is famous for Keeled Box Turtle, Hume's Pheasant, Blyth's Tragopan, Manipur Bush Quail, Humes Pheasant, Blyth's Tragopan, Hoolock Gibbon.

Meghalaya

The state of Meghalaya is famous for its highest rainfall in Cherrapunjee and Mawsynram. The nature has gifted this state with beautiful falls and natu-

ral scenic beauties which are rich in biosphere namely Cherrapunjee Cliffs, Gorges and Sacred Groves, Khasi Hills, Rongrenigiri, Siju Caves, Tura Nokrek Range with famous for Khasi Hills Toad X, Mash Hush Frog, Xmas Bush Frog, Tawny Breasted Wren Babbler, Kashmir Cave Bat, Garo Hills Bush Frog, Northern Frog.

Nagaland

The state of Nagaland famous for Itanki National Park, Maratlongiri and Dhansiri are important for conservation of landscape species.

Though these states have rich biosphere reserve but certain problems due to tug of war between developmental projects and environmental protection continue to cause a great danger for the biological imbalance and the extinction of endangered species. The basic issue is the pressure from the increasing population and illegal encroachment of the forest land. Great threats of poachers for horns of the one-horned rhinos are very rampant in the state of Assam. The exotic plant varieties as well as many unidentified plant varieties have been facing the threat of extinction due to the unsustainable logging and jhum cultivation.

The socio-religious beliefs of conservation of nature for

many decades have been fast eroding due to changing pattern of life. On the other hand during the British rule, the villagers and local communities were prohibited to enter into the forest areas under the Forest Act of 1927 as these were considered as the 'people free zones'. But on the contrary certain conservationist considered that people, specially the tribal people must remain as integral part of the Forest conservation for they can better take care of their local property. As a result of complex structure of forest laws which restricted the villagers to access the forest resources lead to smuggling and poaching. Whereas a very good example of forest conservation by the villagers is of Sopaloga located in the fringe area of Nameri National Park in the North-east India, where with the formation of the forest villages (*Ban gaon*) in the area, various conservation initiatives have been taken to explicate the specific nature of the interaction between man and forest in Assam. The main cause of depletion of forest in the present times is not due to landless people's encroachment but due to lack of proper enforcement. The destruction of forest due to wrongful man forest relationship is basically causing the wild animals to disturb the village areas and damage their houses and crops resulting in their killing.

Therefore, there should be wider view to solve the issues of these regions and there must be more people's contribution for the conservation of forest areas because no one can better protect and preserve the resources of the forest than the local communities as their livelihood rests on it. Even if the Government wants to develop the region by means of extracting the forest resources, these local people will be a helping hand for that goal of the Government. Hence, there must be new laws which will give certain powers to the local communities not only to extract the forest resources but also to conserve the forest even the demarcated area known as protected forest as well.

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Marine Biodiversity: A Philosophical Thought



Sachin Sharma
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ARC (Australian Research Council) the Centre for Excellence in Coral Reef Studies in its recent report found that present climate change is going to badly affect the marine biodiversity. In a recent study, published in Journal Nature Climate Change it is found that the climate change is going to affect the almost 13,000 marine species, this is twelve times more than the previous studies.

It is said that about 70% of the mother earth is covered by the oceans. The point is justified from the opening quote of this article. The term biodiversity, in its simple literal sense means the varieties of plants, animals and microorganisms evolving and living in the planet. In other words it can be defined as the life and its different faces on this planet. In the words of the *de Fontaubert et al*, the variability among living organisms from all sources including terrestrial, marine and other aquatic inter alia ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems. Further United Nations Convention on Biological Diversity defines biodiversity or biological diversity:

'The variability among living organisms from all sources, including, inter alia among other things, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems'. Hence this definition suggests the three levels of biodiversity i.e. genetic diversity, species diversity, and ecosystem diversity.

In the same light there exists a very diverse nature of marine life. Oceans are the homes for infinite flora and fauna. Each day we are discovering a new segment of marine biodiversity. This is the reason that marine biologists for example Dr. Isobel Eliza devoted their entire life for

studying the life under water. It is clear from various evidences that oceans are life line for human beings. It provides rich collections of infinite living organisms and maintains the ecological order of our surroundings. The point is very well recognized by UNEP, as according to it (United Nations Environment program):

The loss of biodiversity often reduces the productivity of ecosystems, thereby shrinking nature's basket of goods and services, from which we constantly draw. It destabilizes ecosystems, and weakens their ability to deal with natural disasters such as floods, droughts, and hurricanes, and with human-caused stresses, such as pollution and climate change. Hence marine life plays a crucial role in development and growth of human beings.

Human Greed and Sea: A Philosophical Appraisal

With the growth of science and technology, we started exploring and exploiting sea to its highest level. The same is resulting into filtering the entire natural resources and their habitats. The evidences of human invasions can be now traced deep into the sea. This is the only reflection of greed and selfish nature of human beings, where we are proudly acknowledging our scientific and technological growth while destroying the nature and its resources. The point is easily related to the 'economic prosperity' that we dream. In order to get economic benefit/ profit, people don't hesitate to exploit marine diversity up to any limit. By following the same scale of monetary gain we classified few resources which are more important with their high demand all across. Bluefin tuna, for example are one of the most important expensive fish of the world. In Japan buyers used to pay 80 dollar (\$) a pound for a high quality of Bluefin tuna for sushi and since Bluefin tuna can grow up to 1500 pounds, a single fish can be worth \$ 45,000 or more. Blue-

"From space, the planet is blue. From space, the planet is the territory. Not of humans, but of the whale."

- Heathcote Williams, Whale

- Heathcote Williams, Whale Nation

fin tuna have a wide geographic range and are distributed throughout the Atlantic and Pacific Oceans in subtropical and temperate waters. There are different international conventions and treaties to regulate the fishing of the same, but it is always the human selfish nature, which act as the hurdle in implementing principles of such policies. Hence the situation is finally leading us to the unhappy state.

Philosophical Justification of the argument

There is no hesitation to believe that, over-exploitation of anything in the nature has always lead to trouble. The point has its well-recognized philosophical foundations. While defining the concept of property, great philosopher John Locke argued that originally there is a common property (resources), available for all, and as per requirements, everyone is free to use the same. But one is not allowed to over exploit the property beyond one's need, any attempt for the same will be consider as the sin and punishable by nature itself. Hence Lockean approach of property clearly insight the modern day deliberated concept of sustainable development. Hence exploiting nature in order to fulfil our greed is morally and ethically wrong. In the same line, libertarian Philosopher Robert Nozick argued in his '*Entitlement theory*' that if one is enjoying the holdings due to any unfair means or advantage, the enjoyment of that holding will amount to injustice. Hence, according to entitlement theory this injustice has to be recertified. Hence, one who is exploiting the marine diversity, simply due to the reason of his being in an advantageous position, cannot be entitled to hold that property. On the same point, great Indian Philosopher and environmentalist Chhatrapati Singh wrote a book titled, 'Common Property and Common Poverty'. The title of the book itself justifying the point that excessive exploitation of environment will lead us to its degradation. Here we have to make a balance between so called '**Economic growth**' and '**Biological growth**'. Later is always conditional for the achievement of the former. The thought is rightly recognized by Indian economist and philosopher Amaratya Sen in his book titled, 'Development as Freedom'. Hence the present unhappy state of nature is never going to reach to the philosophical point of Justice and true happiness. There is need to apply immediate *Impact Assessment* (IA) Method Scale in J.S. Mill's sense, which define 'utility' in a long run. We have to analyze the duration, intensity of the present pleasure that we are driving from the over-exploitation of the marine life.

Conclusion

It can be concluded from the above discussion that Marine Diversity is one of the most significant gifts of the nature to mankind. It provides the plenty for the 'needy' and nothing for the 'greedy'. Hence it is up to us as human beings, in which manner we want to use or misuse it. It is very difficult to have a complete deliberation on the Marine diversity with a limited knowledge. But here still an attempt is made to understand the concept and its significance for mankind and their survival. In order to dream a happy and prosperous world community, there is need to rise above from the selfish needs. All Nations, irrespective of their power and size must join hands in order to preserve, protect their mother nature. The foundation is already laid down by formulating and concluding various conventions and treaties. There is only need to have a true political willingness in its implementation, while going through the impact assessment of the present attitudes. The provisions of conventions like UNCLOS are very noble and foreseeable; hence there is just a need to work on the functional aspects of issue. It is the only way by which we can complete the dream of '*Vasudeva Kutumbhakam*', which simply signifies the stoic philosophy, i.e. the concept of universal brotherhood.

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CONFERENCE UPDATES

BY- ANURUPA CHETIA
IX Semester - V Year, B.A.,LL.B (Hons.)

The United Nation Climate Change Conference, 2014 was held at Lima, Peru. This is the 20th Yearly session of the Conferences of Parties (COP) to the 1992 United Nations Climate Change Conference (UNFCCC) and the 10th Session of the Conference of Parties serving as the meeting of the Parties (CMP) to the 1997 Kyoto Protocol. This conference was also known as the Lima Call for Climate Action started from 1st December to 12th December 2014. The main goal of this conference was to limit global warming to less than two degrees and also, attempt to resolve some of the pressing issues to be agreed upon in the meetings to be held at Paris, 2015.

Background

In the background of the climate talks in Lima were issues related to the killing of environmental activists, who were demanding rights in the Amazon against the destruction of forests and easy concessions for mining and oil exploration. A new climate deal has to take the future of the planet into consideration. This cannot be achieved by endless squabbling but by accepting responsibility and acting decisively. Lima marks a new low for climate action and while the multilateral process has been kept alive, there needs to be a real and immediate momentum for change on the ground.

India's take in the conference

India's take in the conference is optimistic. India, as among the other developing countries, could not control their position to demand stronger commitments. Minister of State for Environment and Forests, Prakash Javadekar had said that, India was committed to protecting the interests of the poor. Even though the final agreement in Lima was against that spirit, he expressed happiness that it had addressed the concerns of developing countries and that the efforts of some countries to rewrite the United Nations Climate Change Conference (UNFCCC) have not fructified. It gives enough space for the developing world to grow and take appropriate nationally determined steps.

Issues to be taken up in the Paris Convention 2015

The United Nations Climate Change Conference (UNFCCC) will publish on its website the Intended Nationally Determined Contributions (INDCs) as communicated, and prepare by November 1, 2015, a synthesis report on the aggregate effect of the Intended Nationally Determined Contributions (INDCs) communicated by countries by October 1, 2015. While there is a brief mention of loss and damage in the text of the convention, the idea was to link it with adaptation which was opposed by developing countries. The climate summit in Warsaw agreed to create a separate mechanism for loss and damage and groups like the Alliance of Small Island States want this to be anchored in the 2015 agreement, distinct from adaptation. France will host and preside the 21st Session of the Conference of Parties to the United Nations Climate Change Conference (UNFCCC). It's the First Session of the informal Ministerial Consultation to be held on 20nd and 21st July at Paris, France.

Reference

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CASE COMMENTS

Lokendra Kumar vs. State of U.P. & Ors. (Dated : 14th January, 2015)

Facts of the case

The District Bahgpat in Uttar Pradesh is comprised of many villages. Nearly 282 brick kilns were established in these villages. They were permitted by the District Administration without requiring them to obtain environmental clearance. According to the petitioners the quarrying of brick earth in the brick kiln causes damage to environment and airable land. The excavation of the said minor mineral indiscriminately, affects the underground water recharge. The Government of India through the MoEF in 2006 issued a notification providing for prior environment clearance before such mining and other activities contained therein.

According to the applicants, the State Governments in order to circumvent the notification of the Government as well as the order of the High Court had started permitting excavation of the minor mineral in the extent less than 5 hectares. When the matter was taken to the Apex Court in *Deepak Kumar v. State of Haryana*, Supreme Court while directing the State Governments to immediately frame rules under Section 15 of the Minor and Mineral Development and Regulation Act, 1957, had directed that, prior environment clearance is required even if it is less than 5 hectares as MoEF has issued an office memorandum in 2012 directing that all mining projects of minor minerals including their renewal, irrespective of the size of the lease would henceforth require prior environment clearance. It was therefore stated that the Government of U.P. had not complied with the directions of the High Court of Allahabad.

Issue Raised

The common issue involved in all these cases pertains to the quarrying of brick earth in the State of U.P. without obtaining environmental clearance and also for a direction against the respondents to comply with the directions of the Ministry of Environment and Forestry (MoEF) and the order of the Hon'ble Supreme Court rendered in *Deepak Kumar vs. State of Haryana* dated 27th February, 2012.

Applicant's Standing

It was stated by the applicant that Directorate of Environment in a letter dated 05.07.2013 addressed to the State Government of U.P. had indicated that excavation or quarrying of brick earth requires prior environmental clearance. However, the District Authorities of Bahgpat District had ignored all the letters including the Judgments of the Supreme Court. Again, the applicant complained to the District Magistrate



BY- GEETASHREE S KURUP
IX Semester - V Year, B.A.,LL.B (Hons.)

Baghpat in 2013 about the illegal activities of quarrying brick earth by the brick kiln owners without obtaining environment clearance as the District Magistrate had been accepting the payment of royalty and permitting the owners to excavate earth without environment clearance which was illegal.

The applicant prayed to the Hon'ble court to issue appropriate directions to the Government OF U.P. and the State Environment Impact Assessment Authority (SEIAA), Lucknow U.P. to dispose off its application for grant of environmental clearance as per the memorandum of the Ministry of Environment and Forestry (MoEF) in 2013. It was the case of the applicant that on the representation of the brick kiln owners, the MoEF had constituted an expert committee for issuing recommendations in the matter of grant for environment clearance to brick kiln owners. It was based on the report of the expert committee, the MoEF had issued guidelines by which the excavation of brick earth was categorized as B2 category and accordingly the State Environment Impact Assessment Authority (SEIAA), in the States, are empowered to grant environment clearance after fulfilling of various conditions contemplated therein. The applicant has applied to SEIAA on in 2013 asking for environment clearance. However, there was no action taken based on the said application which resulted in a further representation.

In response to the respondent's argument the applicant stated that, the U.P. Minor Minerals (Concession 35thAmendment) Rules, 2012 as well as it's 37th Amendment are not in accordance with the terms of the Judgment of the Supreme Court. Therefore, in spite of the stated amendments carried out by U.P. Government, they are to be ignored since, they are against the Judgment

of the Supreme Court and excavation of soil for brick manufacturing is already covered under the EIA Notification.

Respondent's Standing

According to respondents the MoEF of 2006 had not included manufacturing of brick kiln in its Schedule and therefore, for the purpose of excavation of earth soil for manufacturing brick kiln, environmental clearance was not required so the application was liable to be dismissed. It was also stated that the applicants have not mentioned as to what violation has been committed by the brick kiln owners in making excavation. Also, as per the arguments of other respondents it was stated that under the MoEF notification of 2006, it is mandatory to obtain Environmental Clearance for establishment of the projects listed in the Schedule and that mining of minerals is listed in Item No. 1. It is stated that in case of mining lease of area more than 50 ha, Environmental Clearance should be obtained from MoEF while in respect of less than or upto 50 ha, the clearance is obtained from the SEIAA further the case of the Mining Department of Uttar Pradesh that the Department has issued a Notification called Uttar Pradesh Minor Mineral (35th Revision) Rules, 2012 by virtue of its powers under Section 15 of MMDR Act, 1957. Under the said notification, the rules were amended to provide that the manual excavation of ordinary soil/brick earth up to 02 m shall not be included as a mining activity.

Decision Of The Court

Accordingly, the Tribunal held that the amendments brought in by the State Government U.P. were to be ignored and until and unless the State of U.P. passed appropriate amendments to their respective mining rules in accordance with the directions issued by the Supreme Court in the Deepak Kumar case, the last portion of the Judgment of the Supreme Court shall continue to be in operation. Accordingly, all the applications were allowed.

***Michigan v. Environmental Protection Agency
(Argued: March 25, 2015, Decided: June 29, 2015)***

Facts of the case

The 1990 amendments to the Clean Air of United State Act require that the Environmental Protection Agency (EPA) regulate electric utility steam generating units (EGUs) if it

finds that such regulation was “appropriate and necessary” after conducting a utility study. In December 2000, the EPA issued a notice that such regulation was necessary based on the results of the utility study, which showed that the mercury emissions from EGUs were a threat to public health. In 2005, the EPA reversed its findings and determined that it was not “appropriate and necessary” to regulate coal- and oil-fired EGUs. States and other groups petitioned for review, and the U.S. Court of Appeals for the District of Columbia Circuit held that the EPA’s attempt to reverse its findings was unlawful because it could not remove pollutant sources from the regulation list once they were on it. In 2012, the EPA confirmed that EGU regulation was appropriate and necessary and promulgated emission standards. State, industry, and labor groups petitioned the appellate court for review of the EPA’s interpretation of the “appropriate and necessary” requirement with respect to these regulations. The appellate court denied the petition.

Issues Raised

Whether the EPA is required to consider costs of EGU when determining whether it is appropriate and necessary to regulate hazardous air pollutants emitted by electric utilities?

Decision Of The Court

Justice Antonin Scalia delivered the opinion of the 5-4 majority. The Court held that federal administrative agencies must engage in “reasoned decision making,” which requires the agency to consider all relevant factors. Because the cost to power plants is certainly a relevant factor when deciding whether to regulate electric utility steam generating units (EGUs), the Environmental Protection Agency (EPA), should have considered the cost to power plants in making its decision. The EPA has in interpreting the “appropriate and necessary” requirement of the Clean Air Act because it was unreasonable to interpret the phrase as not requiring the EPA to consider all relevant factors, including cost to power plants. The opinion was also supported by Justice Clarence Thomas who opined that although precedent established that the courts grant agencies a great deal of deference when agencies interpret statutes that Congress left ambiguous, such deference might result in courts allowing an unconstitutional delegation of legislative power.

Dissenting Opinion

Justice Elena Kagan had a dissenting opinion in which she argued that the EPA's decision was reasonable because it fully intended to consider the cost-benefit analysis at a later stage in its decision making process and in fact did so. Therefore, the majority opinion essentially finds the EPA's decision unreasonable because the EPA did not conduct a thorough cost-benefit analysis as the initial step of its decision-making. Because it is reasonable for the EPA to decide to consider costs after determining that regulation was "appropriate and necessary," the courts cannot interfere in the agency's regulatory decisions. Justices Ruth Bader Ginsburg, Stephen G. Breyer, and Sonia Sotomayor joined in the dissent.



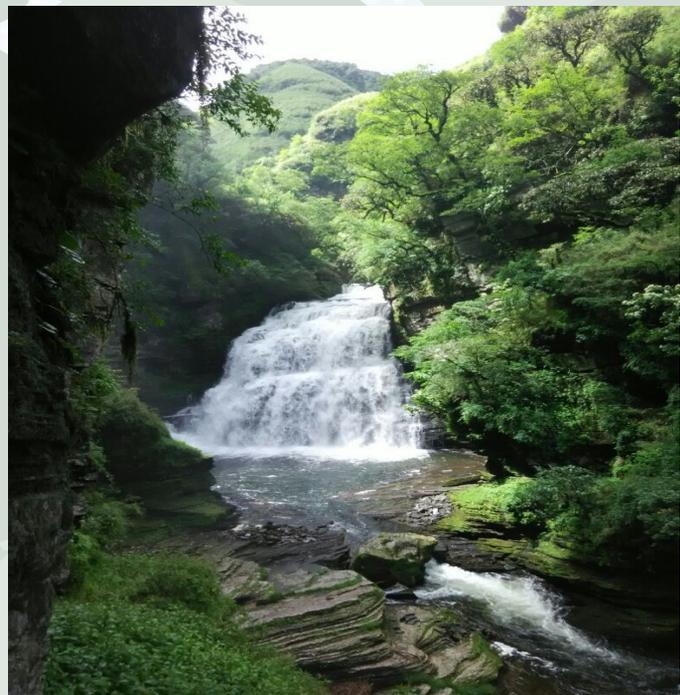
**The conservation of natural
resources**

is the fundamental problem.

Unless we solve that problem

**it will avail us little to solve all
others**

- Theodore Roosevelt



LEGISLATIVE COMMENTS

Lately, the new government has taken deep interest in enhancing the environmental legislation in India. The government has strategically applied Pareto Optimality and considering the economy of the state where a decentralized economic system induced by self interest would be compatible with coherent disposition of economic resources that would be regarded as superior to a large class of economic systems. A number of bills have been proposed so far with its separate demand to incorporate in the already existing laws or enact independent laws.

An expanded view towards the Prevention of Cruelty, Act 1961

The Hon'ble Supreme Court of India in *Animal Welfare Board of India Vs. A. Nagaraj* (2014) 7 SCC 547 case stated:

“Parliament is expected to make proper amendment of the Prevention of Cruelty, Act, 1960 to provide an effective deterrent to achieve the object and purpose of the Act and for the violation of section 11, adequate penalties and punishments should be imposed.”

Therefore in accordance with the judgment laid down by the Hon'ble Supreme Court, Humane Society International, India chapter is working to ensure that Parliament passes the 2014 legislation, a paradigm shift from preventing cruelty to promoting animal welfare.

Keeping in mind the penalty and structure of the law where fines stand at a meager 50 rupees is unjustified. Other cruelties like bull fights, banning of animal sacrifice is being dealt with great precaution in the proposed bill.

Emission standards for power plants

On 15 May 2015, the Government of India released a draft notification which is still open for public comments on the emission standards for coal based thermal power plants. This notification emerged as a result of the rapid industrialization motives of the government. The existing standards for emission are much more relaxed. The new notification sets up water consumption limits of these plants. Since India is a water-stressed country therefore by doing so it sets a target that can only be consumed and not beyond that. If this notification is strictly fol-



BY– ARCHANA DHEKIAL PHUKAN
IX Semester - V year, B.A.,LL.B (Hons.)

lowed a huge impact shall be made on the environment. It covers important aspects like setting mandatory standard for toxic metals and other hazardous substances. It will eventually have a huge impact on the climate change as well and it will ensure that standards are met by the monitoring agencies so that the environment is not neglected in the industrialization process.

Wildlife Protection Act, 1972: A bleak future

Recently the Modi-led Government constituted a truncated National Board for Wildlife (NBWL) and hastened project clearances through its Standing Committee (SC-NBWL). As this board is the apex body for the protection of the wildlife, it is seen that there has been an attempt to undercut the objectives of the Act. On 22 July, a committee was set up without meeting the standard laid down in the Act, that required non-official members to be present who are experts in environment science.

The Supreme Court had put a stay order on the resolutions of the SC-NBWL after a PIL was filed. It is an absolute necessity to include experts in scrutinising environmental projects in order to have less negative effect on the environment.

In the last week of August, keeping in mind the environmental concerns, the Central government placed five of India's environmental laws under review. The Wildlife (Protection) Act 1972, Environmental (Protection) Act 1986, Forest (Conservation) Act, 1980 and the Air and Water Acts are being examined by a four-member committee to identify amendments that will bring the Acts “in line with current requirements to meet objectives”.



GREENING THE FIELDS & THE DINING

The success stories of organic farming from the saline soils of Nagapatnam, (a coastal district in the southern Indian state of Tamil Nadu) post tsunami coupled with those from Andhra Pradesh, shed light on the pristine sustainability of organic farming. It is a fresh breath of air not just for farmers, agronomists and environmentalists but the consumers too, who can help themselves with healthier and 'greener' food! Organic farming, or popularly known as sustainable/ green farming is a method of agriculture which involves usage of organic manure instead of chemical fertilizers and pesticides.

The initiative of the year 2000, of Ministry of Commerce and Industry of India, National Programme on Organic Production summarizes the legal framework of organic agriculture and law in India.

The objectives are as follows –

- (a) To provide the means of evaluation of certification programmes for organic agriculture and products as per approved criteria;
- (b) To accredit certification programmes;
- (c) To facilitate certification of organic products in conformity to the National Standards for Organic Products; and
- (d) To encourage the development of organic farming and organic processing.

The first newsletter of CELAR, dedicate its interview column to an entrepreneur of organic farming based in Pabhoi, Assam— Neelam Dutta. He was invited by the World Food System Centre of the Swiss Federal Institute of Technology in Zurich, Switzerland to attend the World Food System Summer School on “Organic Production Systems” mainly on How to tackle “World Food Hunger” [from August 01-16, 2015].



Please, tell us about your self and the work you do.

I am a farmer. I am involved in organic farming through my farm Pabhoi Greens. My work basically includes organic cultivation of paddy, vegetables like cabbage, lettuce etc., chemical free processes of fish rearing and breeding, production of bio-pesticides like vermi-wash and vermicomposting, maintenance of duckery, dairy and nursery (mainly of flowering plants). Since 2009, my farm



BY- RASHMI PATOWARY

IX Semester - V Year, B.A.,LL.B (Hons.)

has been dedicated to the endeavor of creating and preserving a paddy gene pool of indigenous varieties from North East India. We are also working as a consultant to WWF regarding issues of human-elephant conflict. Apart from this, we provide training in collaboration with *Aaranyak*, an NGO, on organic methods of paddy cultivation in fringe areas of Manas National Park. We have also started a school that provides students with vocational training as well as moral teachings.

How did Pabhoi Greens happen?

My father has been my role model and whatever I am today, I owe to him. My father Lt. Dr. Heman Dutta had a keen interest in farming since childhood. After graduating from Guwahati Medical College in 1973 and working for a few years in Government hospitals and tea gardens returned to his village, Pabhoi. Following which, his dream of farming began to fructify in 1978-79 with 3 hectares of land. It started off with digging ponds for fisheries along with paddy cultivation. Now, it has blossomed to around 12 hectares of land where we have fisheries, vermicompost, dairy, duckery, organic vegetables as well as organic paddy fields along with various plantations and a small nursery. I am happy to let you know that Pabhoi Greens have come a long way to receive the “Food for the Future Award” from the Balipara Foundation at Guwahati in 2013 for sustainability and innovation in organic farming.

What are the challenges that you have faced as a farmer?

One of the core challenges has been the society's outlook. A profession, so noble, keeping the stomachs of the world fed is looked down upon by the society. It is not seen as a

respectable profession. It is an ordeal to convince people that farming is capable to be a good source of income and livelihood and at the same time can contribute to the society.

My limited knowledge on organic farming is another challenge for me. When it comes to scientific and chemical farming, there are lots of information and packages with instructions given on it but very negligible in case of organic farming. I am in a never-ending process of learning and doing better. I have grown with my mistakes. Our generation should take up agriculture not for the sake of money but also for a better living. It's a way of life where one can live with nature.

You said that your limited knowledge is one of your barriers. What about the various government initiatives such as Krishi Vigyan Kendra, National Programme on Organic Production (NPOP)? or any other programmes, haven't they been of any help and support to you?

Well! As far as I know, Krishi Vigyan Kendra provides extension services and technical knowhow. I have not received any significant help from them. And, with regard to NPOP, I am sorry but I am not aware of the same. To the best of my knowledge the government policies or programmes have not been of any help to me. They are mostly concerned with inorganic farming. India has still a long way to go before organic farming becomes the trend of the Indian agricultural fields.

As per Ministry of Earth Sciences India Meteorological Department Report on farmer awareness programme, in 2010-2011, there was a farmer awareness programme Department stationed at sontipur, are you aware of that?

The government might promote organic farming in their circulars and notifications, but from my experience there have been no concern as to what nature of seeds farmers indulging in organic farming should use. My farm has to rely on the seeds produced by the companies. We lack in seed sovereignty owing to which, we fail to preserve the traditional seeds that were used by our ancestors. The only breeds surviving are of paddy.



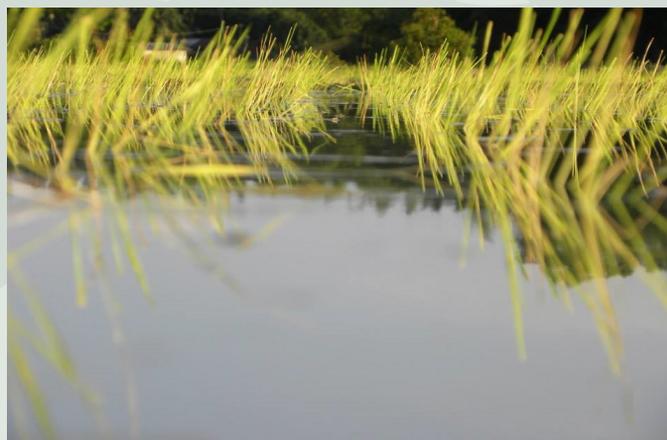
Our Generation Should Take Up Agriculture Not For The Sake Of Money But Also For A Better Living. It's A Way Of Life Where One Can Live With Nature.

Any lessons for India, from your experiences in World Food Hunger Summer School at Zurich (especially in the legal field)?

The main difference is the attitude of the Swiss Government towards its farmers, they want them to do farming and sincerely take initiatives of helping their farmers in terms of providing subsidies is quite unique. The process over there is very transparent and the deserved farmers get government subsidies.

However, in Assam, the deserving farmer (real farmer), needs more help from the government.

Switzerland has started a new policy called the 'Fair Food Initiative' which is quite unique. We should learn from them and adopt these good practices.





Picture credits for “Greening the fields & the dinning” - Neelam Dutta

The Fair Food Popular Initiative of Switzerland: A Glimpse

Switzerland is not self sufficient in food production and imports on an average of 40% of the food products. The problem that lies is that, many of the imported food products fail to meet the high ecological and social standards of the Swiss domestic products and hence, are generally cheaper. This increases the pressure on domestic market (which is largely subsidized by their government).

To tackle this, Switzerland launched a popular initiative in 2014. A popular initiative is a form of direct democracy in Switzerland: citizens can propose a new article for the constitution, which must collect enough signatures of support among the population, and is then subjected to national vote for acceptance or rejection.

It proposed a modification of the Swiss Constitution. It added Article 104a - obliging the state to take measures ensuring all food products imported to Switzerland meet the high Swiss social and ecological standards. These measures include customs control and differential taxation, standard setting and verification, constraining agreements with traders and retailers, and support of domestic value chains.

Reference

- <https://polybox.ethz.ch/public.php?service=files&t=ebfba3d7abfac162e93368628defe12fc>



Being a farmer means
shaking hands with nature





Picture credits for “Greening the fields & the dinning” - Neelam Dutta

Environmental News

Yamuna, A Dead River - Focus on Clean Ganga

The Central Pollution Control Board (CPCB) having declared Yamuna as dead; has now turned its attention in salvaging the Ganga overlooking the filthy river at its doorstep.

Sashi Shekhar, Pollution Control Board Chairman and Special Secretary in Environment Ministry has brought into glaring focus that, the state of several other rivers across the country are reeling under unprecedented load of urban waste and industrial effluents.

As the reporter says, about 66% of stretches monitored during a three-year study of water in 290 rivers have high organic pollution, measured in terms of biological oxygen demand (BOD). The decline in the quantity and quality of water flow has reduced the productivity of many terrestrial, aquatic, and coastal zone ecosystems and led to loss of biodiversity. This means, 8,400km of these rivers are badly polluted and not fit to support aquatic life.

A recent report has laid down that over 370 major towns and cities are contributing to river pollution as the country has the wherewithal to treat only 30% of its urban water waste.

The reason for the deterioration of Yamuna river's assimilative capacity are the same as mentioned above, primarily, due to cities in Haryana and Uttar Pradesh along its banks. The river's contamination starts in Haryana and continues in Delhi, ultimately making it almost invisible in Uttar Pradesh where it merges with the Ganga in Allahabad. Though millions of rupees have been spent on sewage and effluent treatment plants no freshwater flows into the river.

Yamuna is not the lone black spot. Examples of similarly affected rivers are the Mithi in Mumbai is treading the same path with organic pollution increasing from Powai to Dharavi while the Hindon river is getting the same treatment from industrial waste between Saharanpur and Ghaziabad. The CPCB has put these two along with Sabarmati, Gaggar in Punjab and Umkhrah in Shillong as the most-polluted river stretches in India.

India has less than 2% of the world's freshwater sources, sustaining 5% of the world's population. The rising pollution has reduced the capacity of rivers to provide water for drinking and irrigation.

This throws light upon the harsh truth that India needs to be working upon with immediate efficiency and that if



BY-KASTURIKA BHARDWAJ

IX Semester - V Year, B.A.,LL.B (Hons.)

India fails to enhance its urban waste treating capacity, which stands at 38,000 million tonnes a day she would have to face far reaching consequences and thereby suffer.

A Red Letter Day in China's endeavour to tackle environmental pollution

In a landmark event, China passed new pollution laws to cap coal consumption in order to tackle the malaise of rampant environmental pollution. It is to be noted that China had always shown its inclination to curb environmental pollution emanating from coal consumption and in furtherance of this motive, the legislators have approved amendments to China's 15-year-old air pollution law that grant the state more powers to punish offenders and create a legal framework to cap coal consumption which is incidentally the country's biggest source of smog. It is to be noted that the draft amendments were passed by 154 votes to 4, with five abstentions.

A very pertinent quote which is of utmost relevance to this situation is, "There can be no smoke without fire." The Communist Party, which is power in China, had acknowledged the damage that decades of unhindered economic growth have done to China's environment. Development is fundamental to a country but it cannot be at the cost of environment because as Mahatma Gandhi has said, "We have not inherited the environment from our ancestors, rather we have borrowed it from our children." So, the landmark amendment illustrates that the country is now trying to equip its environmental inspection offices with greater powers and more resources to tackle persistent polluters and the local governments that protect them.

The amendments are expected to make local governments directly responsible for meeting environmental targets. They also ban firms from temporarily switching off polluting equipment during inspections and outlaw other behavior designed to distort emission readings.

Environment Conservation and Development must go together

Environmental conservation and the development are both equally important for the survival of humanity and it must go hand-in-hand for the overall development of humanity as addressed in the annual convocation of Indian Forest Service (IFS) probationers at Indira Gandhi National Forest Academy (IGNFA) by the Union Minister Prakash Javadekar. .

Observing that the strong foundation of local self governance in the form of panchayats and gram sabhas uphold people's representation in the governance process, the Union Minister called on the young officers to work in close coordination with these decentralised institutions. He further advised them to become facilitators in converting the threats to forests into opportunities by eradicating poverty. He expressed that the training imparted at the IG-NFA will prepare the officers for tough challenges. IGNFA Director Vinod Kumar informed that all the Indian Forest Service officers in India and around 341 forest officers from 14 neighbouring countries have been trained at the institution which has served the country for the past 75 years. A total of 76 IFS probationers have been trained at the institute in the present 2013-15 course.



Environmental Law News Bulletin

National Green Tribunal directed builder to remit INR 3 Crore to Environmental Relief Fund

The NGT in its landmark order in response to an appeal filed by Sunil Chugh against environmental clearances granted by Priyali Builders last March for construction on a 6500 sq m plot in Sion Koliwada, has directed the developer to remit Rs 3 crore towards environmental relief fund and stop further construction and sale of a slum rehabilitation project at Antop Hill. The tribunal panel headed by Justice Swatanter Kumar directed the builder to pay the amount to Slum Rehabilitation Authority within a fortnight and Rs 32 lakhs towards deficient recreational area to the Maharashtra Pollution Control board for incurring expense on environmental and ecological rehabilitation. The tribunal directed that three floors should be made available from seventh floor onwards from the area available for construction of flats to ensure adequate parking spaces. (News Credit- THE TIMES OF INDIA, Sep 9, 2015)

National Green Tribunal asks Tata Motors, Ashok Leyland: Why are your buses so noisy?

The NGT asked Tata Motors and Ashok Leyland, "All these buses which you have designed, why are they so noisy? 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 minimizing the accidents". In addition, the panel also directed both manufacturers to inform if they were capable of running high-powered CNG buses which can even ply on hill stations. NGT had issued notices to Ashok Leyland and Tata Motors, asking their senior most officials to appear before it. (News Credit- THE ECONOMIC TIMES, Sep 8, 2015)

Online Emission Monitoring system and Effluent Quality Monitoring System at Brahmapuram Diesel Power Plant

The Kerala State Electricity Board will install online systems to check pollution at Brahmapuram diesel power plant. The systems will enable real time monitoring of air and water pollution from the plant. This systems will enable CPCB and SPCBs to measure pollution from the plant automatically. At present, this process is done manually. This is a revolutionary step to check pollution out

of industrial establishment. Technology know how like this will not only ensure better compliance but also a better environmental sustainability. (News Credit- THE TIMES OF INDIA, Sep 9, 2015)

Punjab to promote rain-water harvesting to combat depletion of water table.

Government of Punjab has set aside Rs 120 crore for an innovative project of rainwater harvesting through underground pipeline system. This system has been adopted after certain success stories of developed countries. An outlay of Rs 15 crore has been provided during current financial year to cover area of 14,000 hectare. These systems not only save water but also help in improving yield and quality of farm produce. The Department of Soil and Water Conservation, Punjab is going to implement this project. A comprehensive irrigation program has also been chalked out under which a two-tier subsidy would be provided. The beneficiary community shall contribute 10% of the cost in cash or labour form and 90% of cost shall be borne from proposed RIDF-17 project, under which state government shall be granted 95% loan by NABARD and the balance 5% shall be state's own share. (News Credit- THE PIONEER, Sep 8, 2015)

Six Solar Cities to be developed in North-East

Guwahati and Jorhat in Assam, Kohima and Dimapur in Nagaland, Itanagar in Arunachal Pradesh and Agartala in Tripura will be developed as solar cities to reduce dependency on conventional forms of energy under The Development of Solar Cities Programme of the Union Ministry of New and Renewable Energy (MNRE). The objective of this programme is to reduce dependency on conventional energy. Tripura Government has already launched an ambitious plan to make Agartala a solar city by initially replacing 10% of the power use by solar energy. The solar lights would replace other lights at important locations and Agartala city would become the first solar city in the North East region in the next few years. To popularize solar energy, lakhs of specially designed solar caps and solar torches would be distributed among rickshaw pullers and students in the state. The Agartala Municipal Corporation has signed an MoU with Energy Efficiency Services Limited to put up LED lights in large parts of Agartala city. (News Credit- THE SHILLONG TIMES, July 26, 2015)

Conservation of Indigenous Medicinal Plant by people of Manipur by incorporating them with religion and nature worship.

Conservation of natural resources has been an integral part of several indigenous communities in different parts of the world. Nature worship has been a key force in determining human attitudes towards conservation and sustainable utilization of biodiversity. Many traditional conservation practices are being followed by indigenous people around the globe protecting herbs, trees, shrubs and small forest patches by dedicating them to the local deity or incorporating them with religious practices (News credit- CURRENT SCIENCE, July 10, 2015)

Climate Change Studies deepens apprehension about a Northern Chill.

Two new studies are adding to concerns about one of the most troubling scenarios for future climate change: the possibility that global warming could slow or shut down the Atlantic's great ocean circulation systems, with dramatic implications for North America and Europe. The research, by separate teams of scientists, bolsters predictions of disruptions to global ocean currents- such as the Gulf Stream- that transfer tropical warmth from the equator to northern latitudes, as well as a larger conveyor system that cycles colder water into the ocean's depths. The papers offer insight into how rapidly melting Arctic ice could slow or even temporarily halt the ocean's normal circulation, with possible effects ranging from plunging temperatures in northern latitudes to centuries long droughts in south east Asia. Another study by Texas scientists shed new light on how the Earth's cite responded during a similar thaw from planet's geological past. About 12000 years ago, rising temperatures at the end of the last ice age released huge volumes of cold freshwater, disrupting the ocean's circulation systems and sending parts of the Northern Hemisphere back in to the freezer. (News Credit- THE WASHINGTON POST September 1, 2015)

Guwahati Municipal Corporation urged to shift Municipal Solid Waste dumping site from West Boragaon.

The Guwahati Metropolitan Development Authority (GMDA) has stated in its affidavit before the Kolkata

based Eastern Zone of the National Green Tribunal , in the original application number 19/2014/EZ, that it has requested the Guwahati Municipal Corporation to shift the West Boragaon landfill site used for dumping municipal solid waste of Guwahati city. The original application was filed before the EZ NGT by RTI-cum-environment activist Rohit Choudhury. The GMDA said that it has tentatively identified some area outside the GMC area for locating the dumping ground for the MSW, basing on the proposed draft plan of the Guwahati Metropolitan Regional Plan, which is under preparation now. These areas are identified on the western edge of the South Bank and on the North Bank. The acceptable site selection criteria for MSW has been taken up as per the guidelines. The National Green Tribunal (NGT), Eastern Bench on 1 July 2015, recalled its order issued on 1st June 2015, wherein it had imposed a fine of Rs 10,000 (each) on Chief Secretary and Principal Secretary-cum-Additional Chief Secretary (Revenue) of the State for their failure to file an affidavit on the issue of shifting West Boragaon landfill site and finding an alternative dumping site to save the Deepor Beel, the lone Ramsar Site wetland of the State. (News Credit- THE ASSAM TRIBUNE July 1, 2015)





From Editorial Board : Picture Credits GOBIN TAYE , KASTURIKA BHARDWAJ, RASHMI PATOWARY, ARCHANA DHEKIAL PHUKAN, ANURUPA CHETIA of IX Semester - V Year B.A.,LL.B (Hons.).



GOBIN TAYE IX Semester - V Year B.A.,LL.B

BECOME A MEMBER OF THE CELAR'S ENLAW-BOOK CLUB!

The EnLaw-Book Club is open to all those, who are interested in learning more about environmental law or just looking to chat about a great book. We hope that the book club will help foster ongoing NLUA campus-wide conversations about themes of the environment law and policy among our legal fraternity.

CELAR needs your academic contributions for the same.

We are creating a research database of our own.

Therefore, kindly share/contribute/donate any books (hard/e-version)/articles/working papers/
journals/magazines/policy briefs/reports/theses/dissertations /law reviews etc. on
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CALL FOR PAPERS

JOURNAL OF ENVIRO-LEGAL RESEARCH AND ADVOCACY NATIONAL LAW UNIVERSITY, ASSAM CENTRE FOR ENVIRONMENTAL LAW, ADVOCACY AND RESEARCH

National Law University, Assam's **Centre for Environmental Law, Advocacy & Research (CELAR)** is delighted to announce the launch of the first issue (**December, 2015**) of JOURNAL OF ENVIRO-LEGAL RESEARCH AND ADVOCACY (**JoE.LRA.**)

JOURNAL OF ENVIRO-LEGAL RESEARCH AND ADVOCACY is an online journal of environmental law dedicated to delve into the critical environmental law and policy aspects of India. It is an open access, annual, peer reviewed digital publication from NLU, Assam's CELAR.

We would like to invite you to contribute a Research Paper/ Research Article/ Case Study/ Case Comments/Legislative Analysis/Book Review for publication in **JoE.LRA.**

The submissions should be in English. British spelling is preferred, but consistent American spelling is accepted. All contributions will be held to imply that it contains original unpublished work and is not being submitted for publication elsewhere. All suitable papers are submitted to double-blind peer review. Principal theme of our Launch issue is **"North-East India- The Land of Green Belt"**

The Sub themes are as follows:

1. Biodiversity related laws and North-East India;
2. The Rights of Indigenous people in North-East India and environment;
3. Armed conflict in North-East India and its impact on environment;
4. Climate Justice and North-East India;
5. Pollution related Laws and North-East India;
6. Wildlife related Laws and North-East India;
7. Forest Laws and North-East India;
8. Poverty and Environment- The North-Eastern scenario;
9. Environment and Natural Resources Management Law vis-à-vis North-East India;
10. Mining in North-East India and Law.

For Book Reviews- current books (post 2013-14) on topics related to environmental law (preferably Indian)

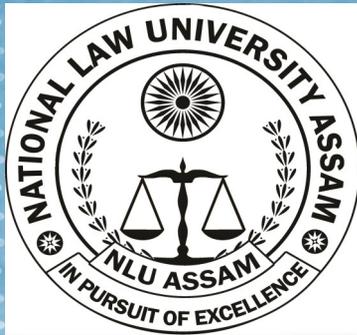
For Case Commentaries- National Green Tribunal's order, Supreme Court of India's Judgment (Preferably an environmental related issue in North-East India)

All submissions along with cover letter (about the author, acknowledgement of originality) must be submitted in .doc or .docx file format and should be emailed to: **celar@nluassam.ac.in**

- **For Articles-** 5000-6000 words
- **Case Commentaries-** 3000-4000
- **Book Reviews-** 2000-3000 words
- **Case Studies-** 4000-5000 words

Last Date for Submission- 30th November, 2015 (11:59 pm)

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