



Centre for Environmental Law Newsletter

-Shikha Tripathi, Pruthvirajsinh Zala, Nandini Goyal and Piyush Seinger

Monthly Newsletter

1. Budapest Water Summit Considers Options to Prevent Water Crises.

Sessions addressed themes that included the prevention of water crises, valuation of water versus the costs of a water crisis, mass migration, and investment in water infrastructure. The impact report entitled 'Budapest Appeal' lists key water safety issues and presents specific recommendations and strategies to be discussed by policymakers at relevant international forums.

The BWS 2019 Budapest Appeal recommends six areas to address with regard to implementation:

- Develop cooperation at all levels, through such actions as ensuring timely, transparent and accessible data and invoking the approach of “Nothing About Us Without Us”
- Strengthen the role and capacity of institutions through, inter alia, ensuring gender balance and multi-stakeholder involvement, and rethinking the role of UN institutions in relation to water;
- Facilitate knowledge sharing at all levels on the science, management, impacts, and institutional arrangements for agreements on water;
- Build capacities through education, vocational training, and reviving local and indigenous traditional knowledge;

- Encourage a radical reorientation of financing flows by, inter alia, taking account of water-related risks in all investments and programmes, developing economic valuation approaches to deal with trade-offs and the “hidden” water-stranded assets, and targeting subsidies towards those most in need; and
- Frame every development policy with the environment in mind, taking into consideration the trade-offs, multiple interests and spillover effects with “life cycle” approaches.

2. Lungs of Earth on FIRE: Amazon ablaze

Thousands of fires raging across the Amazon, many deliberately set by loggers, ranchers, and others seeking to clear land, have triggered public outrage in recent weeks and prompted climate experts to warn of a fast-approaching point of no return for the lush jungle that covers more than 2 million square miles and extends into nine countries. The rich rainforest also known as ‘lungs of earth’, is very critical to the Earth’s climate, influencing weather systems, generating oxygen, and absorbing huge amounts of carbon dioxide. Nearly 40,000 fires were in the Amazon, the New York Times reported, and around 9,000 were recorded over a one-week period in mid-August, according to the Daily Telegraph. The fires have caused several Amazonian regions to declare a state of emergency, Reuters reported. Smoke from the fires caused São Paulo – which is more than a thousand miles away from the Amazon – to be

“plunged into an apocalyptic darkness” on 19 August, Uearthed reported: “A thick, nicotine-yellow haze descended on the city in the early afternoon, and by 4pm local time the sky was almost totally black. Meteorologists said the eerie darkness was partially down to wildfires burning in the rainforest.” Vice carried a story with the headline: “Feeling sad about the Amazon fires? Stop eating meat”, while CNN ran with: “The Amazon is burning because the world eats so much meat.” Brazil was the world’s largest exporter of beef in 2018 – accounting for around 20% of the global supply, according to the US government. Cattle ranching accounts for up to 80% of deforestation in the Amazon, Quartz reported, with agricultural and wood production also contributing to forest loss. A Guardian investigation published this July reported on the links between cattle ranching and illegal deforestation. The investigation found that much of the beef linked to deforestation in the Amazon is exported to China, Hong Kong and the European Union. Scientists fear that continued destruction of the Amazon could push it toward a tipping point, after which the region would enter a self-sustained cycle of forest dieback as it converts from rainforest into savannah. According to Harvard’s Brian Farrell, director of the David Rockefeller Center for Latin American Studies, “the very fact that we could reach the tipping point this year should be enough to focus world attention on this crisis, just as if an asteroid were headed toward Earth. Where it lands is not the concern only of the country impacted, but everyone on the planet.” At a time when the world needs billions more trees to absorb carbon and stabilize the climate, the planet is losing its biggest rainforest. The time to act was yesterday!

3. Development over Environment- The Aarey Forest Issue

Aarey situated in Goregaon, Mumbai is the green lungs of the city, it is also one of the complex ecosystems and part of Sanjay Gandhi National Park. It is currently facing a great danger at the hands of development as it has been marked by local authorities in order to construct a metro car shed, which would lead to uprooting of around 2,298 trees. Several petitions were filed in the Bombay high court in order to stop the felling of

trees and several protests were too carried on after the officials fell over 1800 trees but the police arrested and detained some of the activist. Upon hearing of the petitions, BMC denied to stay the order for felling of the trees as it reasoned that Aarey cannot be classified as a forest. Supreme court constituted a special bench and stayed the felling of trees. Now next order of the Supreme Court is much awaited in order to decide the fate of Aarey. But even if now the local authorities are denied to fell trees, the loss has already been suffered and disadvantaged as development has been given an above pedestal then environment. Although it has been long forgotten, no development will make sense if the life support system dies.

4. Supreme Court orders CPCB to examine pollution status at Yamuna, Mathura

Time and again several projects are initiated for a cleaner Yamuna, but all attempts result into failure due to negligence of the authorities. The Supreme Court has ordered Central Pollution Control Board to file a report on the status of pollution in the river Yamuna at Mathura. This order came when the apex court was hearing the plea filed by UPPCB challenging the order of NGT for paying compensation of 5 lakh for causing pollution. With this, there were other orders too like building a wall between the dumping site and the river to ensure that no waste enters Yamuna and development of the green belt. The apex court now through this report wants to know if these other orders have been followed by the UPPCB and authorities at Mathura Cantonment Board. Till then the order passed by NGT has been stayed.

5. Revival of Galta Valley

Galta Valley, situated 10 km away from Jaipur is a part of Aravali Hill Range. This area is also rich in biodiversity. Recently a resident of Jaipur filed a plea challenging the “revival of Galta valley” on the ground that it adversely affects the wildlife and the work undertaken in name of revival of the valley was a non-forest activity and without prior approval of Ministry of Environment, forest and climate change. The National Green Tribunal then ordered the Jaipur Development Authority to demolish all the constructions made in pretext of

the revival and to restore the part of the reserve forests of Village Galta and Jamdoli and also directed Ministry of Environment, forest and climate change to initiate proceedings for violation of Forests (Conservation) Act 1980.

6. An Air Apocalypse: Delhi NCR

Every year, as the Rabi season approaches stubble burning begins, as Diwali approaches firecracker bursting begins and in consonance of the same the Delhi-NCR turns into a gas chamber. An air apocalypse has begun irrespective of Supreme Court orders on firecrackers and Delhi government's moves of odd-even formula and laser-show. Diwali coincides with the annual period of peak pollution in New Delhi when apart from vehicles, industries, and construction, a traditional agricultural practice in the north Indian countryside acts as another source of PM 2.5 in the city. Particulate Matter (PM) is a broad term used to describe a mixture of solid and liquid particles that are found in the air. Most of these particles are too small to be seen by naked eye but some like dust, dirt and smoke can be seen. The rest can be seen under a microscope. PM 10 are particles that can be inhaled and have diameters that are generally 10 micrometers and smaller. PM 2.5 too are inhalable particles but are much smaller in size compared to PM10 and have diameters that are generally 2.5 micrometers and smaller. According to the Ministry of Earth Sciences' air quality monitor SAFAR, the levels of PM2.5 - tiny particulate matter less than 2.5 microns that can enter deep into the lungs - reached 740 in Delhi University, 12 times higher than the 0-60 considered "good". According to the CSE's analysis of CPCB data; it may be noted that this year, there were no severe pollution days during the week preceding Diwali. In 2018, the region had already experienced a couple of days of severe pollution, with many more days in the 'very poor' category. This year, only Ghaziabad has experienced the season's first 24-hour average severe pollution on Diwali day. However, there is early indication that air quality in the post-Diwali days could deteriorate to 'severe' category. Moreover, the onset of 'poor' and 'very poor' days has been delayed this winter. These have started to occur only after October 10. But during 2018, there were more such days, largely starting

as early as September 26. The first week of November is likely to be the worst in terms of air quality, when lack of winds will likely prevent dispersion of air pollutants leading to a spike in pollution.

7. Coal 1. Forest 0

For underground mining, the coal layer in the region is too shallow, so Parsa East and Kanta Basan are an open-pit mine: excavated from above, digging into the land near the sacred grove. Adani has not felled the trees in the midst of resistance from the clan of Sai. But the area around it has been excavated—turning the holy site into an island surrounded by deep trenches.

Sai waded through the pit earlier this year and took the water home from the grove. It was deposited under another trees grove near the mine edge by a priest. This is where Nava Khai was greeted this year by the family.

In 2018, the state government—at the time controlled by Modi's party—submitted before the environmental clearance appraisal committee a consent letter signed by Raniyabai, the elected head of Sai's village, claiming that residents had expressed "no opposition" to the proposed mine in a public hearing. When the letter was later made public, the village head claimed that she had never signed off on it.

Sooner or later, Adani would widen the mine even further — by chopping down the trees sanctified with dirt, destroying even the temporary spot of prayer. Also, if the original grove is also gone by then, no more mud will be left for the villagers to worship.

8. Punjab Government acts against stubble-burning farmers

Punjab government has received reports of stubble burning in 20,729 incidents. The state has taken action against 2,923 peasants. The government is looking for a 10-20% fall in this year's stubble burning accidents.

The enforcement teams had visited 11,286 fire incident sites by November 1, 2019, and environmental compensation of Rs 41,62,000 had

been imposed in 1,585 cases, a red entry in Khasra Girdawaris in 1,136 cases, and prosecution / FIR filed against the defaulting farmers in 202 cases.

Punjab Pollution Control Board had also imposed environmental compensation of Rs 62 lakhs on 31 combine harvesters operating without Super SMS.

9. Swiggy, Zomato creates lot of trash which can be avoided

Takeout food is a thing of millennials. It is smarter, convenient and cheaper, the way our generation wants it. It is just similar to moms serving us food but with lots of single-use wastes. All the waste cannot be dealt with by recycling alone. Wrappers and containers may not look like a big deal but it is. With every order, the food is packed twice or thrice. A food item is packed in a container then it is placed in a plastic bag. This has a great effect on climate change. Recycling them would be a real pain. The making, consuming and recycling the containers leaves a considerable amount of greenhouse gases. It takes lots of energy and resources to produce single-use items. We use it for a few minutes or in some cases a few seconds. We throw them in the trash and later it takes more effort to get them out of the landfills. The key to the crisis is companies not offering so much packaging. The companies think we need these items but most of the time we do not. Now food deliveries app has come up with a mechanism to avoid food wastage. When you place order the companies are giving an option to skip the utensils and napkins. Reduce, Reuse and Recycle is the future of takeouts.

10. Best buy dates are hoax

Best buy or Use by dates, contrary to popular belief doesn't tell about when food stops being safe to eat and it is causing food wastage at a very large scale. The studies have shown that the food stays a good way past the date on the label. A European Union study on the same tells that 33% of all food wastage in the EU is because of the wrong labelling. The

study also suggested that dairy products were on top of the charts of wasted food. The companies' print wrongful expiry dates since more a person wastes the more a person buys and thus resulting in more profit. Every food grown has a carbon footprint. The more we grow, the more carbon is released. Legislators in the EU brought new laws this April regarding the labelling of food products. In India, there are no laws and regulating bodies for keeping a check on the labels of companies. When local companies were asked how they come up with the expiry dates of their products. They replied that they go by the expiry dates of their rival's i.e. the bigger company. The major Indian dairy companies have not changed their best buy dates in decades even though the industry has better storage capabilities. As our population grows and the resources deplete, there is a call for efficient handling of food. A simple change in best before dates will go for a long way.