



## Supreme Court Judgements / Orders

Supreme Court upholds the decision of the Central Government for the Central Vista project

### Rajeev Suri v. Delhi Development Authority & Ors.; Judgement dated 5 January 2021<sup>1</sup>

The Hon'ble Supreme Court of India ("Supreme Court") has upheld the Central Government's plan for construction of the Central Vista project. The Supreme Court in this case dealt with a wide array of issues concerning the decisions taken by the authorities including the change in land use, grant of statutory and other permissions, environmental as well as heritage clearances etc. for expansion and renovation of the existing Parliament buildings.

In this case, a Bench comprising of Hon'ble Justices AM Khanwilkar, Dinesh Maheshwari and Sanjiv Khanna pronounced the judgement, with Justices Khanwilkar and Maheshwari forming the majority opinion and Justice Khanna pronouncing a dissenting judgement. The Supreme Court has held the following:

- The Court held there is no infirmity in the grant of:
  - "No Objection" by the Central Vista Committee ("CVC");
  - "Approval" by the Delhi Urban Art Commission ("DUAC") as per the DUAC Act, 1973; and
  - "Prior approval" by the Heritage Conservation Committee ("HCC") under clause 1.12 of the Building Byelaws for Delhi, 2016.

- Exercise of power by the Central Government under Section 11A(2) of the Delhi Development Authority Act, 1957 is just and proper.
- Recommendation of environmental clearance ("EC") by Expert Appraisal Committee ("EAC") and grant thereof by MoEF is just, proper and in accordance with the law including the 2006 notification.
- The Court directed that the project proponent may set up smog tower(s) of adequate capacity, as being integral part of the new Parliament building project; and additionally, use smog guns at the construction site throughout the construction phase. Ministry of Environment, Forest & Climate Change ("MoEF&CC") has been directed to pass general directions for making it mandatory to install smoke towers for all future major development projects and installation of smog guns during construction phase for both government and private projects.
- Prior permission under heritage laws required to be taken by the project proponent before starting the project.

In the dissenting judgment delivered by Justice Sanjiv Khanna, the Central Government was directed to put in public domain adequate information and to conduct a public hearing which was to be headed by the HCC. Justice Khanna also quashed the EC granted to the project and directed EAC to reconsider the project in a time bound manner.

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**Himachal Pradesh Bus Stand Management and Development Authority (HPBSM&DA) v. The Central Empowered Committee Etc. & Ors.; Judgement dated 12 January 2021<sup>2</sup>**

A Supreme Court bench comprising of Justices Dr. DY Chandrachud, Indu Malhotra and Indira Banerjee has upheld the order of the National Green Tribunal (“NGT”) which had directed for the demolition of a hotel-cum-restaurant in McLeod Ganj in Himachal Pradesh. The Court has directed the process of demolishing the hotel-cum-restaurant structure to commence within two weeks and the structure shall be demolished within a period of one month thereafter.

The Court dismissed the appeal filed by the Himachal Pradesh Bus Stand Management and Development Authority. In this judgment, the Supreme Court has observed that the environmental rule of law, at a certain level, is a facet of the concept of the rule of law, but it includes specific features that are unique to environmental governance, features which are sui generis. The Court has further observed that environmental rule of law seeks to create essential tools – conceptual, procedural and institutional to bring structure to the discourse on environmental protection.

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Bombay HC holds that appropriate action will be taken against people found using prohibited nylon threads for kite flying

**The Registrar (Judicial), High Court of Judicature of Bombay Bench at Aurangabad v. The State Of Maharashtra and Others; Order dated 1 January 2021<sup>4</sup>**

A Division Bench of the Bombay High Court at Aurangabad comprising of Justice Ravindra V.

**Delhi Jal Board v. The State of Haryana & Ors.; Order dated 13 January 2021<sup>3</sup>**

A three judge bench of the Supreme Court headed by the Chief Justice of India has taken suo moto cognizance on the issue of “remediation of polluted rivers”. The Court in the present order has observed that one of the major causes of water pollution is discharge of non-treated/partially-treated municipal waste including sewage effluent of cities into rivers.

This suo moto action came while the Supreme Court was hearing a petition filed by the Delhi Jal Board (“DJB”) seeking appropriate directions to the Haryana Government for stopping the discharge of untreated effluents which had led to increase in the levels of ammonia in the river water. The Supreme Court has issued notices to Secretary, MoEF&CC, Secretary, Ministry of Housing and Urban Affairs, Central Board of Pollution Control (“CPCB”), States of Uttarakhand, Himachal Pradesh, Haryana, Delhi and Uttar Pradesh.

Ms. Meenakshi Arora, Senior Advocate has been appointed as the amicus curiae to assist the Court in this suo moto petition. The Court has directed CPCB to submit a report identifying municipalities along the river Yamuna, which have not installed total treatment plants for sewage as per the requirement or have gaps in ensuring that the sewage is not discharged untreated into the river. As per the present order, CPCB may also highlight any other source of prominent contamination within the limits of municipalities and it shall also submit priority-wise list of municipalities, river stretches adjacent to which have been found to be most polluted.

Ghugre and Justice Vibha Kankanwadi has taken suo moto cognizance of the illegal sale of nylon manjas during the festive seasons that has caused severe injuries to countless birds.

The Court had taken note of two newspaper articles that were published in the Times of India on 30 December 2020. The articles titled “Nylon manja kills woman in Nashik” and “Ban sought on nylon, sharp manja ahead of Sakranti” had highlighted the ill

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effects which the use of nylon manjas had on the community at large. The Court further noted that the Government of Maharashtra had invoked section 5 of the Environment (Protection) Act, 1986 in order to ban the sale of nylon manjas in Maharashtra. The NGT had also declared a country wide ban on the sale of manjas in July, 2017. In spite of such bans in place, the sale of nylon manjas had continued by many shopkeepers. In the present order, the Court has observed that if it is brought to the notice of this Court that there are further instances of localities affected by such nylon threads or even birds or animals, who have suffered injuries on account of use of such threads, this Court would not hesitate to recommend action against erring officials.

### Uttarakhand High Court stays the denotification of Shivalik Elephant Reserve

#### Reenu Paul v. State of Uttarakhand & Ors.; Order dated 8 January 2021<sup>5</sup>

A Division Bench of the Uttarakhand High Court comprising of Acting Chief Justice Ravi Malimath and Justice Alok Kumar Verma had first taken suo moto cognizance of the denotification of the Shivalik Elephant Reserve on 04.01.2021. The Shivalik Elephant Reserve was first notified in 2002 under the 'Project Elephant' that had been launched by the Indian Government in 1992 as a centrally sponsored scheme. In a meeting that was chaired by Chief Minister Trivendra Singh Rawat, the Uttarakhand State Wildlife Board had denotified the Shivalik Elephant Reserve in order to expand the Jolly Grant Airport on 24.11.2020.

The denotification had led several lawyers to write a letter to the Chief Justice, requesting him to take necessary steps for conservation of the environment and wildlife. The HC had impleaded the following authorities as respondent parties - Union of India, State of Uttarakhand, Principal Secretary, Forest & Environment, Government of Uttarakhand, Uttarakhand State Wildlife Advisory, Principal Chief Conservator of Forest (General) Uttarakhand, Principal Chief Conservator of Forest (Wildlife) Uttarakhand, Chief Wildlife Warden Uttarakhand and Director of the

Rajaji National Park in Uttarakhand. Notices have been issued to the Central and the State Government by the division bench of Uttarakhand High Court comprising of Chief Justice Raghvendra Singh Chauhan and Justice Lok Pal Singh. The next hearing in the matter has been scheduled on 22.02.2021. The High Court has stayed the denotification of the Shivalik Elephant Reserve until then.

### Karnataka High Court directs State Government to take action against illegal use of amplifiers and loudspeakers at religious places

#### Sri Girish Bharadwaj v. The State of Karnataka and Ors.; Order dated 11 January 2021<sup>6</sup>

A Division Bench of the Karnataka High Court comprising of Chief Justice Abhay Oka and Justice Sachin Shankar Magadum has directed the State Government to issue directions to the police machinery as well as Karnataka State Pollution Control Board to initiate action against those who are using amplifiers and loudspeakers at religious places in violation of Noise Pollution (Regulation and Control) Rules, 2000. The Court gave this direction while hearing a plea filed by one Girish Bharadwaj who had submitted that use of amplifiers and loudspeakers was violative of the Noise Pollution Rules. The Court has directed the Karnataka Government to file a compliance report.

### Gujarat High Court denies bail to a man accused of offences punishable under the Prevention of Cruelty to Animals Act, 1960 and Gujarat Animal Preservation Act, 1954

#### Akrambhai Shaikatbhai Posti v. State Of Gujarat; Order dated 12 January 2021<sup>7</sup>

The Gujarat High Court has denied bail to a man accused of various offences punishable under the Prevention of Cruelty to Animals Act, 1960 and Gujarat Animal Preservation Act, 1954. In this order, the Court has observed that animals, like human beings have the capability of comprehending the physical and mental pain and that they do feel severity of the physical harm inflicted upon them. The Court has further observed that said Acts have

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been enacted to punish severely the persons inflicting such cruelty to the animals.

The Court was hearing an application filed by the applicant – original accused seeking his release on bail under section 439 of the Code of Criminal Procedure, 1973 (CrPC) in connection with the offence registered at the Limkheda Police Station, District Dahod for the offences punishable under Sections 11(1)(d), 11(1)(e), 11(1)(f) and 11(1)(h) of the Prevention of Cruelty to Animals Act, 1960 and Section 6A(4), 6(1)(3) and 8(2) of the Gujarat Animal Preservation Act, 1954. The police constables on duty had intercepted a truck carrying animals. It was found that the legs and neck of 15 cows and 7 calves were tied with ropes in an extremely cruel manner. Further, there was no provision for feeding them with grass or water and they were being carried for slaughtering purpose.

After observing that it appears that the applicant was absconding after the alleged incident and was arrested only in July, 2020 and that the applicant was the owner of the truck intercepted by the complainant and was himself driving the said truck in which the animals were subjected to cruelty, the Court in the instant order has held that there is a prima facie involvement of the applicant in the alleged offences.

**Delhi High Court issues notice to Union of India in reference to non-implementation of Guidelines for Scrapping Motor Vehicles in Delhi**

**Society for Alternate Fuel and Environment v. Union of India and Ors.; Order dated 13 January 2021<sup>8</sup>**

A single judge bench of the High Court of Delhi comprising of Justice Pratibha M. Singh has issued notice in a plea filed by the Society for Alternate Fuel and Environment for non-implementation of the Guidelines for Scrapping of Motor Vehicles in Delhi, 2018 by the Government of NCT of Delhi.

It had been submitted in the plea that the Government of NCT of Delhi, Delhi Transport Corporation and MSTC Ltd. are not adhering to the guidelines issued by the Transport

Department of Government of NCT of Delhi while accepting tenders for disposing end of life vehicles. It has been stated in the plea that MSTC Ltd. had been accepting auctions from non-authorized scrappers who are participating in the scrapping process and this is a violation of the guidelines. The Court has admitted the petition and issued notices to Union of India through Ministry of Transport, Government of NCT of Delhi, MSTC Ltd. and Delhi Transport Corporation. The Court has, however, stated in the present order that any auction conducted by MSTC Ltd. shall be subject to the outcome of this petition.

**Allahabad High Court seeks response from Uttar Pradesh Government and NHAI on compensation for cutting of trees for road development activities**

**Ayush Kumar Srivastava & Ors. v. State of UP & Ors.; Order dated 19 January 2021<sup>9</sup>**

A Division Bench of the Allahabad High Court comprising of Chief Justice Govind Mathur and Justice Saurabh Shyam Shamsheery has sought responses from the Uttar Pradesh Government and National Highways Authority of India (“NHAI”) on a Public Interest Litigation (“PIL”) filed by a few law students seeking to ensure minimum number of trees are cut for widening of road and development of the city of Prayagraj and nearby areas.

The Court in its previous order had directed the Uttar Pradesh Government and NHAI to submit a report in reference to the roads that were going from Prayagraj to other cities. The Government has assured the Court that before having a complete plan for plantation of trees as per the norms applicable to compensate the trees, which are to be unplanted, no permission shall be granted to NHAI to execute the project.

**Government of Karnataka reassures Karnataka High Court that it will take no coercive action against cattle transport till Rules are framed**

**Mohamed Arif Jameel v. State of Karnataka; Order dated 20 January 2021<sup>10</sup>**

The learned Advocate General, on instructions, has submitted an undertaking

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before the Karnataka High Court that till the Rules framed in exercise of powers under the proviso to section 5 of the Karnataka Prevention of Slaughter and Preservation of Cattle Ordinance, 2020 are brought into force, no coercive action shall be initiated by the State Government for the breach or violation of section 5 of the said Ordinance. He has also stated that after the Rules are framed, but before the same are brought into force, the State Government will move this Court so that the petitioners are put to notice that the Rules are likely to come into force. This undertaking has been recorded in the order passed by the Division Bench of the Karnataka High Court comprising of Chief Justice Abhay Oka and Justice Sachin Shankar Magadum in a case where the Karnataka Prevention of Slaughter and Preservation of Cattle Ordinance, 2020 has been challenged.

Section 5 of the said Ordinance provides for restriction on transport of cattle. The learned counsel for the petitioner in an earlier hearing had invited the Court's attention to this section and his submission was that in the absence of Rules being framed as contemplated by the proviso to section 5 of the Ordinance, a farmer who takes his cattle from one village to another village for his own work will be prosecuted in view of sub-section (2) of section 12 of the said Ordinance and he can also be arrested in view of section 13 of the said Ordinance. The Ordinance has been challenged for being violative of Articles 19(1)(g), 21 and 29 of the Constitution of India.

**Allahabad High Court seeks response from the state authorities in Uttar Pradesh with respect to protection of river Ganga**

**Re Ganga Pollution v. State of U.P. and Others; Order dated 21 January 2021<sup>11</sup>**

A Full Bench of the Allahabad High Court comprising of Justice Manoj Kumar Gupta, Justice Siddhartha Varma and Justice Ajit Kumar has sought responses from the state authorities in Uttar Pradesh with respect to protection of river Ganga and the steps taken by it to ensure that the water quality of the river does not deteriorate further.

This order has been passed after an intervention application was moved in this suo moto case registered by the High Court for protection and restoration of the river in 2006. The intervenor has alleged that she visited Magh Mela recently, being held on the banks of rivers Ganga and Yamuna at Prayagraj and found that water of both the rivers had deteriorated to such an extent that it had turned dirty and blackish and was stinking.

The Court through the present order has directed Uttar Pradesh Pollution Control Board to take three samples of water from three different places of the rivers Ganga and Yamuna in Prayagraj and after getting it tested, submit report relating to its quality on the next date. The District Magistrate, Prayagraj, has been directed to submit status report regarding the working of the sewage treatment plants in and around Prayagraj. The Municipal Commissioner, Nagar Nigam, shall file his personal affidavit giving details of the number of drains flowing directly into river Ganga and Yamuna in District Prayagraj and what measures are in place to tap the impurities and pollutants. The State Government has been directed to bring on record notification, if any, issued by it regulating use of polythene/plastic in and around river Ganga and Yamuna.

**Delhi High Court issues non-bailable warrant against Asiad Circus owner and orders seizure of hippopotamus from Asiad Circus**

**PETA India v. Asiad Circus through its Proprietors and Ors.; Order dated 22 January 2021<sup>12</sup>**

A single judge bench of High Court of Delhi has directed the Delhi Society for Prevention of Cruelty to Animals to seize a hippopotamus from the Asiad Circus and transfer the animal to the nearest zoo from the seizure location. A non-bailable warrant has also been issued against the Asiad Circus owner.

This order has come in pursuance of PETA India's petition that was filed in 2018 seeking for the seizure of the hippopotamus from the Asiad Circus. The petition was filed based on a

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report of an investigation into the Asiad Circus in 2017 that had revealed that permission was being given to the visitors to get in close proximity of the hippopotamus's enclosure. The enclosure was poorly secured which

raised concerns on the safety of the visitors. The enclosure also had a small and dirty water tank and concrete flooring which had put the hippo at a risk of developing arthritis.

## National Green Tribunal Judgements/Orders

NGT holds that plastic pens will be covered under the statutory framework of the Plastic Waste Management Rules, 2016

### Avani Mishra v. Union of India & Ors; Order dated 8 January 2021<sup>13</sup>

The NGT has held that even though a pen is not expressly mentioned under the Plastic Waste Management Rules, 2016 ("PWM Rules"), the same is covered by the definition of 'plastic' under Rule 3(o) of the PWM Rules and therefore, they are covered by the statutory framework.

The grievance in this application was against unchecked use of plastic pens having adverse impact on the environment. The applicant in this matter had submitted that 27 lakh pens are produced per day and it is not possible for the local bodies to collect and treat the waste in accordance with the PWM Rules. The cost of refill is high which encourages purchase of fresh pens. The waste is at times burnt causing pollution. There is, thus, policy gap as pens do not find specific mention in the policies on waste management.

NGT directs a real estate developer to pay environmental compensation of INR 100 million

### V. Sankara Subramanian v. Union of India & Ors; Judgement dated 13 January 2021<sup>14</sup>

The Southern Zone Bench of the NGT has directed a real estate developer to pay environmental compensation of INR 100 million to the Tamil Nadu Pollution Control Board ("TNPCB") within a period of two months for continuing work on a project without taking EC.

The petitioner had alleged that M/s Town and City Developers, the real estate developer in

this case had launched a building project in an area of Vedappati village without obtaining EC which was required to be taken as per the Indian laws. The project was spread over 10.87 acres of land and they had proposed to build 1356 residential flats on the said land. The State Environment Impact Assessment Authority ("SEIAA") and TNPCB had confirmed that ECs were not obtained and had recommended Tamil Nadu Forest Department to take appropriate action against the developer.

The Tribunal through this judgment has further restrained the real estate developer from proceeding with further construction of the project without getting necessary EC or other permissions as required under the EIA Notification, 2006.

NGT issues directions for the implementation of E-Waste (Management) Rules, 2016 by SPCBs and CPCB

### Shailesh Singh v. State of UP & Ors.; Order dated 15 January 2021<sup>15</sup>

The Principal Bench of NGT has issued directions for the implementation of E-Waste (Management) Rules, 2016 ("EWM Rules") after noting that there was a large gap on part of the State Pollution Control Board ("SPCB") and the local authorities in ensuring compliance. The Tribunal observed that there are clear governance deficits on the subject and higher authorities are not adequately concerned about the plight of the citizens on account of such serious violations to the detriment of health of the citizens.

The Tribunal in this order has observed that for petty benefit of retrieving metals etc., poor labour class is engaged in burning electronic wires or other wastes to the detriment of their

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own health and also the health of others which is not being duly checked by creating awareness about stringent action against violators or preparing other effective policies. The Tribunal gave this order while dealing with three different cases where a common question for consideration was the remedial action against unscientific disposal of e-waste resulting in contamination of groundwater and soil acidification. As per the instant order, the question for consideration *inter alia* was whether there is due enforcement of the Extended Producer Responsibility ("EPR"), authorization regime, collection and dismantling and other steps?

After considering the reports on record, the NGT through this order has issued a slew of directions. While directing further steps to be taken for scientific enforcement of EWM Rules, the Tribunal has held that the major areas to be focused upon are enforcement of EWM Rules, implementation of authorization regime, implementation of EPR regime, bridging the gap between collection target and collection, enhancing the installed dismantled capacity to match the e-waste generation, implementation of environmental compensation regime, constant vigilance and monitoring, creation of awareness amongst masses and collectors/ handlers/ dismantlers/recyclers.

**NGT constitutes Oversight Committee for overseeing progress with regard to the removal of encroachments from the Ridge**

**Jaipal Singh v. Lt. Governor, Delhi & Ors; Order dated 15 January 2021<sup>16</sup>**

The NGT has directed constitution of an Oversight Committee ("OC") whose main function will be to oversee progress with regard to the removal of encroachments from the Ridge, its protection by way of fencing/boundary wall and preparation of management plan for its restitution.

This direction was passed in the proceedings which involved a group of matters where the common issue is conservation and protection of Delhi Ridge which is an extension of Aravalli Range extending from Tughlaqabad and

branching out in Wazirabad in the north and also other parts of Delhi. Directions have been issued to the Government of Delhi for taking urgent steps in order to protect the Ridge by issuing a notification within three months under section 20 of the Indian Forest Act, 1927 for demarcated areas and subsequently transfer the said area to the forest authorities.

**NGT reprimands Kerala Government for its failure to comply with the Solid Waste Management Rules**

**In Re: Report received from State Level Monitoring Committee, Kerala, constituted by this Tribunal vide order dated 16.01.2019 in O.A. No. 606/2018, headed by Justice A.V.R. Pillai, former Judge of Kerala High Court, to oversee compliance of directions on the subject of Solid Waste Management; Order dated 21 January 2021<sup>17</sup>**

The NGT has reprimanded the Government of Kerala for the administration's failure in complying with the Solid Waste Management Rules, 2016 ("SWM Rules") which had led to pollution in the Bharampuram Solid Waste Processing Plant situated in the outskirts of Kochi, Kerala. This matter has been pending before the NGT since the past two years after a report dated 23.02.2019 was received by Justice A.V. Ramakrishna Pillai, former Judge of Kerala High Court about the issue of unscientific dumping of waste.

The Chief Secretary of Kerala Government was directed by the NGT through an earlier order dated 03.07.2020 to take appropriate remedial action by constituting a three member team comprising of the Secretary, Urban Development Department, Chairman, SPCB and concerned Municipal Commissioner which would overlook the remediation of legacy waste sites and waste processing plant for handling day to day waste generation. The Tribunal noted that the Kerala Government had failed miserably in its duty. Considering the importance of the situation, the proceedings have been transferred to the Southern Bench of the NGT for further consideration.

**NGT directs States/ UTs for setting up functional ETPS, STPs and CETPs for sewage/effluent management**

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**Sobha Singh & Ors. v. State of Punjab & Ors; Order dated 22 January 2021<sup>18</sup>**

The NGT here was dealing with the issue of remedial action for pollution of rivers Sutlej and Beas in Punjab. The issue has been dealt by the Tribunal in the last five years on several occasions. The Tribunal noted that the main sources of pollution were discharge of untreated effluents by industries, discharge of untreated municipal sewage as well as solid or other waste disposal either directly in the said rivers or in the drains or tributaries of the said rivers. It was also noted that Sewage Treatment Plants (“STP”)/ appropriate waste water treatment facilities were absent which had resulted in damage to the rivers and the environment. The Tribunal had further directed the Punjab Government to deposit INR 50 Crores with the CPCB for restoration of the rivers. Subsequently the Punjab Government had filed two review petitions stating that they were willing to spend INR 50 crores for landscaping the Buddha Nullah in

Ludhiana and had taken remedial measures as well. The review petitions were dismissed by the NGT and it was noted that promising to undertake prospective steps could not be a ground for not paying compensation for the damage that had already been caused. The Punjab Government was directed to deposit INR 50 crores with the CPCB accordingly. The Tribunal further noted that there still existed huge gaps in the functioning of the STPs, CETPs (“Common Effluent Treatment Plant”) and ETPs (“Effluent Treatment Plant”) for effective sewage/effluent management. The NGT stated that the ownership of issue shall now be taken over by Chief Secretary, Punjab. Further all the States/Union Territories (“UT”) have also been directed for setting up of requisite ETSPs, CETPs and STP for addressing gaps in generation and treatment of sewage/effluents. It was further stated that SPCBs/ Pollution Control Committee (“PCC”) may take relevant action against non-compliant plants.

**Regulatory and Policy Developments****Amendment in Island Coastal Regulation Zone Notification; 1 January 2021<sup>19</sup>**

Through the Island Coastal Regulation Zone (“ICRZ”) Notification, 2019 the Central Government declared certain coastal stretches as Coastal Regulation Zone and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone.

The MoEF&CC through a notification dated 01.01.2021 has amended Clause (ii) in paragraph 1 of the ICRZ Notification, 2019. As per this amendment, the eight bigger oceanic islands in Andaman and Nicobar (ICRZ Islands) shall be grouped as follows:-

- Group-I: Islands with geographical areas >1000 sq.km such as South Andaman, Middle Andaman and North Andaman.
- Group-II: Islands with geographical areas >100 sq.km but < 1000 sq.km such as Baratang, Little Andaman, Havelock, Car Nicobar and Great Nicobar.

The instant notification also amends paragraph 8 of the ICRZ Notification which

provides for procedure for ICRZ Clearance for permissible/regulating activities.

**Fines amounting to INR 15.9 million levied as environment compensation against non-compliant construction and demolition entities; 4 January 2021<sup>20</sup>**

The Commission for Air Quality Management in National Capital Region and Adjoining Areas (“Commission”) had directed the CPCB as well as the SPCBs of Haryana, Rajasthan, Uttar Pradesh and the Delhi Pollution Control Committee (“DPCC”) to constitute special teams and launch inspection drives in the premises, processes and transportation of materials related to Construction & Demolition (“C&D”) activities in the National Capital Region (“NCR”) in order to abate dust and air pollution resulting from C&D activities.

Upon inspection drives conducted by these agencies between 24.12.2020 to 31.12.2020 at more than 3000 C&D sites, about 386 sites were found to be non-compliant with C&D Waste Management Rules / Guidelines and dust mitigation measures stipulated by the MoEF&CC and the CPCB. In addition to the

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NGT holds that plastic pens will be covered under the statutory framework of the Plastic Waste Management Rules, 2016

NGT directs a real estate developer to pay environmental compensation of INR 100 million

NGT issues directions for the implementation of E-Waste (Management) Rules, 2016 by SPCBs and CPCB

NGT constitutes Oversight Committee for overseeing progress with regard to the removal of encroachments from the Ridge

NGT reprimands Kerala Government for its failure to comply with the Solid Waste Management Rules

NGT directs States/ UTs for setting up functional ETSPs, STPs and CETPs for sewage/effluent management

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The Union Budget 2021-22 has provided for certain schemes to conserve natural resources and protect the environment. Mentioned below is a brief summary of each of these schemes relating to environment and its purpose:





orders for stoppage of work at 12 locations, an amount of INR 15.9 million was levied as environment compensation against the defaulting agencies. Further, about 325 vehicles which were found to be non-compliant with guidelines related to transportation of C&D materials, were levied environment compensation charges of approximately INR 11.7 million.

### **MoEF&CC requests States and UTs to take steps for containing the spread of H5N1 Avian Influenza Virus; 5 January 2021<sup>21</sup>**

The MoEF&CC through a communication dated 05.01.2021 addressed to the Chief Secretary of all States/UTs have requested the States/UTs to take all the possible steps for containing the spread of the disease (H5N1 Avian Influenza Virus) in the respective States/UTs on an urgent basis. The States/UTs have also been requested to take up surveillance and monitoring of birds for any signs of disease and for taking appropriate steps for controlling the spread of disease on priority.

This communication also encloses report of the ICAR-National Institute of High Security Animal Diseases, Bhopal and the generic guidelines relating to Avian Influenza which were earlier forwarded by MoEF&CC to Chief Wildlife Warden of all States/UTs.

### **State Level Environment Impact Assessment Authority constituted in Maharashtra; 11 January 2021<sup>22</sup>**

MoEF&CC through a notification dated 11.01.2021 has constituted a State Level Environment Impact Assessment Authority, Maharashtra (the "Authority") comprising of three members namely Chairman, Member and Member-Secretary.

To assist the Authority, the Central Government in consultation with the State Government of Maharashtra has also constituted the First State Expert Appraisal Committee ("SEAC") for all the projects related to Industries, Mining and Irrigation in Maharashtra. Second SEAC for Mumbai Metropolitan Region and Konkan Region in Maharashtra and Third SEAC, except for Mumbai Metropolitan Region and

Konkan Region in Maharashtra have also been constituted through this notification.

In this notification duties and powers entrusted with the Authority, First SEAC, Second SEAC and Third SEAC have been laid down to avoid any conflict of interest.

### **Single Window Clearance Portal of Ministry of Coal launched; 11 January 2021<sup>23</sup>**

A Single Window Clearance Portal has been launched by the Ministry of Coal. The portal will serve as a unified platform that facilitates the grant of clearances and approvals required for starting a coal mine in India.

Before starting a coal mine in India, presently about 19 major approvals or clearances are required to be obtained such as Mining Plan and Mine Closure Plan, Grant of Mining Lease, Environment and Forest Clearances, Wild Life Clearance, Clearances related to Safety, Environment etc. Absence of a unified platform for grant of clearances or approvals causes project proponents to approach various administrative ministries and government departments separately to apply for the requisite clearances which delays the operationalization of coal mines.

Launch of the Portal is being seen as a significant milestone for ease of doing business in the country. The complete process shall be facilitated through Single Window Clearance Portal which will map the relevant application formats and also process flow for grant of approval or clearances.

### **E-Green Watch Portal to be updated with plantation information; 11 January 2021<sup>24</sup>**

The MoEF&CC through a communication dated 11.01.2021 addressed to the Principal/Addl. Chief Secretaries (Forest) of all State Governments/ UTs Administrations has requested that all the State Governments and UT Administrations shall ensure that all the data of plantation with financial outlay done under different scheme shall be compulsory uploaded on E-Green Watch Portal for efficient monitoring of the work. This communication records that MoEF&CC has observed that a lot of States/UTs are not uploading the desired information related to the plantation and

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The Union Budget 2021-22 has provided for certain schemes to conserve natural resources and protect the environment. Mentioned below is a brief summary of each of these schemes relating to environment and its purpose:



other works on E-Green Watch Portal. Because of this non-availability of requisite data on E-Green Watch portal, Forest Survey of India, Dehradun is not being able to monitor the progress of plantation and other works.

### Three sectors classified as orange category; 12 January 2021<sup>25</sup>

The CPCB through a communication dated 12.01.2021 addressed to the Member Secretary of several SPCBs/PCCs communicated that the CPCB Committee on categorisation has classified the following sectors as orange category:

- Building and construction projects having built up area up to 20,000 sq m and waste water generation equal to or greater than 50 KLD,;
- Construction & Demolition Waste Processing Plants; and
- Gold Assaying & Hallmarking Centres.

The details of this categorisation for these three sectors has been provided as an annexure enclosed with this communication. All the SPCBs/PCCs have been directed to adopt and implement the categorization of these sectors and submit the Action Taken Report ("ATR") in this regard to the CPCB within a period of fifteen days.

### SEBI Chairman met the industry representatives for discussion on BRSR by listed companies; 15 January 2021<sup>26</sup>

On 15.01.2021, Securities and Exchange Board of India ("SEBI") conducted a round-table, chaired by SEBI Chairman on Business Responsibility and Sustainability Reporting ("BRSR") by listed companies. This round table was conducted in addition to the public consultations on the BRSR formats. The deliberations in the round-table centered around enhancing key environment, social and governance disclosures. These deliberations will assist SEBI in finalizing the BRSR format. In his concluding remarks, Chairman, SEBI stated that "our effort will be to finalise the new disclosure requirements for sustainability reporting, keeping in mind a balance between the Indian context, our national priorities and preparedness, with global relevance".

### MoEF&CC extends the validity of prior ECs in light of the pandemic; 18 January 2021<sup>27</sup>

EIA Notification, 2006 made the requirement of prior EC from the concerned regulatory authority mandatory for all new projects or activities listed in the Schedule to the said notification, their expansion and modernisation and/or change in product mix, as the case may be, before any construction work or preparation of land by the project management except for securing the land.

The MoEF&CC through a notification dated 18.01.2021 has brought amendments in the EIA Notification, 2006. Through this instant amendment, it has been communicated that the period from the 1<sup>st</sup> April, 2020 to the 31<sup>st</sup> March, 2021 shall not be considered for the purpose of calculation of the period of validity of Terms of Reference granted under the provisions of the EIA notification in view of outbreak of Corona Virus (COVID-19) and subsequent lockdowns (total or partial) declared for its control. All activities undertaken during this period in respect of the said Terms of Reference shall be treated as valid.

### Fines worth approximately INR 7.6 million levied as environment compensation against non-compliant entities; 19 January 2021<sup>28</sup>

The Commission for Air Quality Management in National Capital Region and Adjoining Areas ("Commission") had directed the CPCB as well as the SPCBs of Haryana, Rajasthan, Uttar Pradesh and the DPCC to constitute special teams and launch inspection drives in the premises, processes and transportation of materials related to C&D activities in the NCR in order to abate dust and air pollution resulting from C&D activities.

Upon inspection drives conducted by these agencies between 31.12.2020 to 15.01.2021 at more than 1600 C&D sites, 119 of them were found to be non-compliant with C&D Waste Management Rules/Guidelines and dust mitigation measures stipulated by MoEF&CC and the CPCB. In addition to the orders for stoppage of work at 27 locations, an amount of approximately INR 5.1 million was levied as

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The Union Budget 2021-22 has provided for certain schemes to conserve natural resources and protect the environment. Mentioned below is a brief summary of each of these schemes relating to environment and its purpose:



environment compensation charges against the defaulting agencies. Further, 563 vehicles which were found to be non-compliant with the guidelines related to transportation of C&D materials, were levied environment compensation amounting to approximately INR 2.5 million.

## **MoRTH and DRDO sign a MoU on sustainable geo-hazard management; 20 January 2021<sup>29</sup>**

Ministry of Road Transport & Highways ("MoRTH") and Defence Research and Development Organisation ("DRDO"), Ministry of Defence signed a framework Memorandum of Understanding ("MoU") to strengthen their collaboration in the field of technical exchange and co-operation on sustainable geo-hazard management. MoRTH and DRDO have agreed to collaborate on the following areas:

- Detailed investigation of the existing critical avalanches/geo hazards such as landslides, slope instability, sinking problems etc.
- Planning, designing and formulation of sustainable mitigation measures for geo-hazards for National Highways including tunnels.
- Supervision or monitoring during implementation of the mitigation measures.
- Any other services, as may be required.

This collaboration will help in ensuring safety of road users on National Highways in the country against the adverse effects of landslides and other natural calamities.

## **The Union Budget 2021-22 has provided for certain schemes to conserve natural resources and protect the environment. Mentioned below is a brief summary of each of these schemes relating to environment and its purpose:**

- Government of India has proposed the Jal Jeevan Mission (Urban) to achieve universal water supply for 4,378 Urban Local Bodies with approximately 2.86 crore household tap connections as well as liquid waste management in 500 AMRUT cities. The Mission's objective is for providing clean water to the people. The Mission has been allocated INR 2,87,000

crores and will be implemented over a period of next five years.

- The Urban Swachh Bharat Mission 2.0 will be implemented to focus on faecal sludge management, waste water treatment, garbage segregation at source, reducing usage of single-use plastic, reducing air pollution by managing waste effectively from construction and demolition activities and bio-remediation of all legacy dump sites. The mission 2.0 has been allocated INR 1,41,678 crores and will be implemented over a period of five years from 2021-2026.
- For tackling the menace of air pollution for 42 urban centres with a million plus population, INR 2,217 crores has been allocated. This grant shall be utilised for taking appropriate measures under the National Clean Air Programme for improving the air quality in the country.
- A voluntary vehicle scrapping policy has been announced in order to promote fuel efficient and environmentally friendly vehicles to reduce vehicular pollution and expenses on import of oil. The policy will aim to phase out old and unfit vehicles in the country. Personal vehicles will have to undergo fitness tests in automated centres after 20 years and commercial vehicles will have to undergo such tests after 15 years. The details of the policy will be shared separately and more details shall be available once the policy is released officially.
- Hydrogen Energy Mission has been proposed to be launched in 2021-22 for generating hydrogen from green power sources. The Prime Minister had announced a plan to implement a comprehensive National Hydrogen Energy Mission while speaking at the 3rd Re-inVest Conference in November 2020. The document for the Mission has already undergone the consultation process and will soon be brought into effect.
- A multipurpose Seaweed Park will be established in Tamil Nadu. Seaweed farming has been recognized as an emerging sector with the potential to transform the lives of coastal communities. It will also help in providing employment at a large scale, thus helping in generation of additional income.

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The Union Budget 2021-22 has provided for certain schemes to conserve natural resources and protect the environment. Mentioned below is a brief summary of each of these schemes relating to environment and its purpose:



- Deep Ocean Mission has been launched for conducting deep oceans survey exploration and projects for conserving deep sea biodiversity. This Mission will also help in providing a better understanding of oceans. The Mission has been allocated more than INR 4,000 crores and will be implemented over a period of five years.
- Recycling of Ships Act, 2019 has been enacted in India and India has also acceded to the Hong Kong International

Convention. Till date, approximately 90 ship recycling yards situated at Alang in Gujarat have already achieved the HKC-compliant certificates. Efforts shall be made to get more ships from Europe and Japan to India. The recycling capacity of approximately 4.5 Million Light Displacement Tonne (LDT) will be doubled by 2024. As a result, additional 1.5 lakh jobs are expected to be created.

### Endnotes

1. Transferred Case (Civil) No. 229/2020
2. Civil Appeal No. 5231-32/2016
3. Writ Petition (Civil) No. 8/2021
4. Writ Petition (Civil) No. 8/2021
5. WP PIL No. 5/2021
6. Writ Petition No. 14066/2020
7. Criminal Misc. Application No. 13978/2020
8. Writ Petition (C) No. 450/2021
9. Public Interest Litigation (PIL) No. 1765 of 2020.
10. Writ Petition No. 508/2021
11. Public Interest Litigation (PIL) No. 4003/2006
12. Writ Petition (C) 6405/2018 & CM Appl. 495/2021
13. Original Application No. 29/2020
14. Original Application No. 162 of 2015 (SZ)
15. Original Application No. 512/2018 with Original Application No. 621/2018 with Original Application No. 1001/2019
16. Original Application No. 144/2015 with Original Application No. 58/2013 with Original Application No.116/2015 with M.A. No. 258/2015 in Original Application No. 10/2014
17. Original Application No. 514/2019.
18. Original Application No. 916/2018.
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27. <http://egazette.nic.in/WriteReadData/2021/224513.pdf>
28. <https://www.pib.gov.in/PressReleaseDetail.aspx?PMO=3&PRID=1690035>
29. <https://www.pib.gov.in/PressReleaseDetail.aspx?PMO=3&PRID=1690335>

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