



Supreme Court Judgements / Orders

Supreme Court stays NGT order stalling Vedanta's mining operations at their Goa plant

Vedanta Ltd. v. The Goa Foundation & Ors.; Order dated 12 April, 2021¹

A two judge bench of the Supreme Court of India ("Supreme Court") comprising of Justice L. Nageswara Rao and Justice Vineet Saran has stayed the order of the National Green Tribunal ("NGT") which had stalled operations of Vedanta's mining plant at Dharbandora in Goa for lack of mandatory environmental clearance ("EC").

While staying the NGT's orders dated 03.11.2020 and 04.03.2021, the Supreme Court has permitted the respondent Goa Foundation to file their counter affidavit.

Supreme Court directs appointment of a Committee to inspect the quality and quantity of water released from Haryana to Delhi

In Re: Remediation of Polluted Rivers; Order dated 19 April, 2021²

A three judge bench of the Supreme Court comprising of Justice L. Nageswara Rao, Justice A.S. Bopanna and Justice V. Ramasubramanian has directed constitution of a Committee to conduct a local inspection and report to the Court within a period of three days about the following aspects:

1. The quality and quantity of water released from the State of Haryana at Balla;
2. The level of the Wazirabad Pond; and

3. Whether the Delhi Government is diverting its water to the Water Treatment Plants at Okhla, Wazirabad 1, 2 & 3 and Chandrawal before the water reaches Wazirabad pond.

The Committee shall consist of Secretary, Ministry of Jal Shakti, Government of India; a representative of Delhi Pollution Control Board; a representative of Delhi Jal Board; a representative of Haryana Pollution Control Board; and a representative of Haryana Irrigation Department.

Supreme Court issues directions for protection of Great Indian Bustard from collision with overhead power lines

M.K. Ranjitsinh & Ors. v. Union Of India & Ors.; Order dated 19 April, 2021³

A three judge bench of the Supreme Court comprising of Chief Justice S. A. Bobde, Justice A.S. Bopanna and Justice V. Ramasubramanian has held that existing and future low-voltage overhead power lines in the priority and potential habitats of Great Indian Bustard ("GIB") should be laid underground to protect GIB. However, Court acknowledged that the laying of the underground power line, particularly the high voltage ones would require technical evaluation on a casetocase basis and therefore uniform directions cannot be issued unmindful of the factual situation. Accordingly, in cases where there is no doubt of feasibility, the work to make power lines underground shall begin forthwith. It is only for cases where there is doubt regarding the feasibility that the expert Committee

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constituted by it shall take a decision after appropriate review.

The Supreme Court has also held that in cases of existing overhead power lines in the priority and potential GIB areas, the respondents shall take steps forthwith to install divertors pending consideration of the feasibility of conversion of the overhead cables into underground power lines by the Committee appointed by the Supreme Court. In all such cases where it is found feasible to convert the overhead cables into underground power lines, the same shall be undertaken and completed within a period of one year and till such time the divertors shall be installed on such power lines. For power lines which are not found feasible to be converted underground, bird diverters shall be installed on such lines.

For the cases of upcoming power lines, Supreme Court has held that a study shall be conducted with regard to the feasibility for the lines to be laid underground. If as per the technical report the overhead line alone is feasible and the same is ratified by the

Committee, then in such cases the installation of the divertors should also be made a condition in the contract to be entered with generating companies.

The Supreme Court further directed that State Governments (of Gujarat and Rajasthan being respondents in this case) would be required to work out modalities regarding the cost, with the aid of the Union Government. However, in cases where the power generators are required to bear the additional amount adding to the cost of production, they would be allowed to regulate the manner of mitigation of the cost in accordance with contractual terms. On the cost aspect, Court suggested that funds can be arranged as per the Corporate Social Responsibility obligations or the Compensatory Afforestation Fund.

The Supreme Court has also provided a list of areas in Kutch and Rajasthan where the bird divertors are to be installed, and where the power lines are to be moved underground, subject to technical feasibility.

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Uttarakhand High Court takes suo moto cognisance of alarming forest fires in Uttarakhand

In Re: In the matter of protection of forest area, forest wealth and wild life due to devastation from the extensive forest fires in the State of Uttarakhand v. Union of India and Ors.; Order dated 7 April, 2021⁴

The High Court of Uttarakhand has taken suo moto cognisance of the alarming forest fires in Uttarakhand. In its order, the high court issued various directions to deal with the situation of forest fires, which included directing State Government to ensure availability of sufficient funds for forest department to procure necessary physical infrastructure; directing forest department to fill up vacancies at various levels of the department to ensure adequate manpower to deal with forest fires; consideration of the possibility of equipping the State Disaster Response Force with all the necessary gadgets and equipment, which are necessary for fighting the forest fires and considering the possibility of creating artificial rain by cloud-seeding.

Madras High Court directs constitution of an expert body to formulate appropriate measures to control pollution in Amravati river and other water bodies

T. Dhanasekaran v. The Government of Tamil Nadu & Ors.; Order dated 20 April, 2021⁵

Madras High Court while dealing with a case pertaining to water pollution in Amravati river has directed the State to constitute an expert body to suggest appropriate measures, whether to curb the extent of effluents discharged by the industry or to relocate industries which are close to the banks of flowing waterbodies. The Court has further directed that a set of guidelines need to be formulated with appropriate checks and balances before all flowing water in the State turns poisonous.

In the instant order, the Court has observed that appropriate checks and balances should be introduced by the State to ensure that

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the release of effluents into any flowing waterbody, whether by any industry or by local inhabitants, is completely prohibited to

preserve the quality of water for downstream users.

National Green Tribunal Judgements / Orders

NGT holds that compensation needs to be recovered after closure as there can be no equality in illegality

H.R. Industries v. Haryana State Pollution Control Board; Order dated 5 April, 2021⁶

NGT in this case has observed that there can be no equality in illegality and that rule of law has to prevail. Also, while dealing with the contention of the appellant that there are many illegally operating units, the NGT remarked that this plea is untenable.

The aforementioned observations were made by the Tribunal while dismissing the appeal preferred by the appellant against the order of closure passed by the Haryana State Pollution Control Board ("HSPCB") dated 08.09.2019 under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

The Tribunal found that the challenge to the closure order is beyond the permissible limitation period and even beyond the period by which the Tribunal can extend the limitation. It was further observed by the Tribunal that the basis of closure that the appellant did not have the requisite consent had not been disputed by the appellant.

In the present order, the Tribunal observed that when admittedly the appellant was operating illegally, closure order had to be passed and compensation recovered on polluter pays principle which is necessary for sustainable development.

NGT directs State to take ownership of its basic responsibility to manage waste and protect right to clean environment

Vivek Kamboj & Anr. v. Union of India & Ors.; Order dated 7 April, 2021⁷

The Tribunal has directed the State to take

ownership of its basic responsibility to protect environment and public health. This direction was passed by the Tribunal while adjudicating an application where the issue for consideration was the remedial action, as per statutory norms, for the legacy waste dumped at Bandhwari landfill site, near Gurgaon.

The Tribunal observed that it has been established on record that there has been serious failure on behalf of the authorities in performing their responsibility under the Solid Waste Management Rules, 2016 to effectuate the right of the citizens to clean environment. The Tribunal has also directed that the Chief Secretary, Haryana may personally monitor compliances periodically and further directed that compensation in terms of orders of this Tribunal dated 14.02.2020, 28.02.2020 and 14.12.2020 in O.A. No. 606/2018 may be deposited in a separate account and used for restoration of the environment.

NGT directs Talwandi Sabo Power Limited to deposit INR 8.4 million for remedial action

Kulwant Singh & Ors. v. Union of India & Ors.; Order dated 7 April 2021⁸

The NGT has directed Talwandi Sabo Power Limited to deposit INR 8.4 million with the District Magistrate, Mansa for being utilised for executing the restoration work after preparing an action plan in consultation with the Central Pollution Control Board ("CPCB") and the SPCB.

This direction was passed by the Tribunal while adjudicating an application where the issue for consideration was the remedial action for violation of environmental norms by Talwandi Sabo Power Limited, Mansa, Punjab, resulting in damage to the soil, apart from air pollution.

In the present order, the Tribunal has further directed that CPCB may issue appropriate guidelines for remedial measures during startup period of Thermal Power Plants ("TPPs") and also advise the SPCBs/Pollution

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Control Committee (PCCs) to incorporate suitable conditions in granting consent to operate ("CTO") to such TPPs.

NGT directs constitution of an eight-member National Task Force to monitor remedial steps to improve the air quality in NACs

In Re: News item published in "The Times of India" Authored by Shri Vishwa Mohan Titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"; Order dated 8 April, 2021⁹

The NGT has directed for the constitution of an eight-member National Task Force ("NTF") to monitor remedial steps to improve the air quality in non-attainment cities ("NACs") consistent with action plans already prepared, and also oversee compliance of noise control norms. These plans relate to the plan of reduction of air pollution in various cities of India under the National Clean Air Action Plan ("NCAP") released by the MoEF&CC. This NTF will be headed and coordinated by the Secretary MoEF&CC with nominees (not below the rank of Joint Secretaries) of Ministries from Housing and Urban Development, Road Transport, Petroleum, Power, Agriculture, Health and Chairman, CPCB.

NGT directed that the NTF may coordinate and work in tandem with the Committees already constituted under NCAP at national and state levels, with Chief Secretaries of states continuing to monitor progress in execution of action plans at the state level to effectively provide positive feedback to the NTF. The NTF has been directed to monitor action plans of 124 NACs including installation of monitoring stations, afforestation drives utilizing CAMPA funds, revamping of PCBs/PCCs and other monitoring mechanism and waste management issues.

NGT has further directed MoEF&CC / CPCB to digitally provide data on various aspects related to air pollution, based on which CPCB may lay down guidelines to classify cities in different categories based on their air quality. NAC has been defined as those cities which are exceeding annual average concentrations of any of the notified parameters with respect

to National Ambient Air Quality Standards for consecutively five years. Proceedings in this case were initiated by the NGT suo moto based on the newspaper report to the effect that 102 cities (later increased to 124) were identified as NACs for not meeting the prescribed standards of air quality.

NGT imposes environmental compensation of INR 0.6 million on dairy unit for Ammonia gas leakage

Tribunal on its own motion based on the news item in India Today web portal dated 21.08.2020, "Several hospitalised after ammonia gas leakage at dairy unit in Andhra Pradesh's Chittoor" v. Union of India & Ors.; Judgement dated 8 April, 2021¹⁰

The NGT has directed Hatsun Agro Products Limited to pay INR 0.6 million to the Andhra Pradesh Pollution Control Board within a period of two months as environmental compensation. This case was registered suo moto by the Tribunal on the basis of the online publication in the web portal of India Today with the caption, "Several Hospitalized after ammonia gas leakage at dairy unit in Andhra Pradesh's Chittoor". In the report, it was alleged that there was an ammonia gas leakage incident which occurred in the dairy plant operated by Hatsun Agro Products Limited located at Bandapalli village in Chittoor District of Andhra Pradesh and 15 to 25 people were hospitalized due to its impact on them.

The Tribunal in its present order has observed that the report submitted by the authorities mentions that the industry failed to follow the Standard Operating Procedures ("SOPs") and allowed the workers to operate while charging of new ammonia receiver. It was further observed by the Tribunal that once the gas leakage was noticed, they failed to evacuate the workers immediately and they also failed to install the ammonia gas sensors with alarm system so as to alert the workers during leakage. The Tribunal has further observed that it has been time and again reiterated by the Hon'ble Supreme Court that whenever industrial accident occurs, resulting in some damage or injury to the persons, then the industry must be made liable to pay

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environmental compensation by applying the Polluter Pays Principle and the Absolute Liability principle.

NGT directs dismantling of borewells being used by a builder for illegal extraction of ground water

Rajpal Singh Kandhari & Anr. v. State of Uttar Pradesh & Ors.; Order dated 9 April, 2021¹¹

While dealing with an application where the grievance was against illegal extraction of ground water for the project Prateek Grand City, the NGT has directed sealing of illegal borewells being used by the builder.

In this matter, the Tribunal had sought action taken report from the Committee comprising of CPCB, UPPCB, District Magistrate, Ghaziabad, Central Ground Water Authority (“CGWA”) and State Environment Impact Assessment Authority (“SEIAA”), Uttar Pradesh. Accordingly, UPPCB filed its report in which it has been found that there are illegal tubewells and fresh ground water was being used in the construction activity instead of using treated water.

Based on the said report, NGT directed the said Committee to make assessment of the compensation within one month, following due process of law. NGT further directed that if the compensation is not paid within a reasonable time, UPPCB may take coercive measures, including suspension of the consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The Tribunal further directed that fresh potable water should not be allowed to be used in construction.

NGT directs payment of environmental compensation of INR 100 million for encroachment and construction in restricted CRZ area

Meenava Thanthai K.R. Selvaraj Kumar Meenavar Nala Sangam v. The Chief Secretary, Government of Tamil Nadu; Judgement dated 9 April, 2021¹²

The NGT has directed Radisson Blu Resort Temple Bay and G.R.T. Hotels and Resorts

Private Limited to pay an environmental compensation of INR 100 million to the State Coastal Zone Management Authority within a period of two months and further held that if they did not pay the amount within that time, they shall be liable to pay the amount with 12% interest from the date of this judgment till actual payment. Thereafter, if the amount is still not paid, the State Coastal Zone Management Authority will initiate appropriate steps to recover the amount from them in accordance with the law.

In this case, the Tribunal was dealing with a case wherein the allegation was that the resort was located in coastal regulation zone (CRZ) area, including CRZ-1 area and its operation hampered fishing activities in the area affecting the livelihood of fishing communities. The applicant had also alleged that the resort had encroached upon beach land and constructed its resort in the restricted CRZ area.

Through the present order, the two respondents have also been directed to remove the constructions in No Development Zone within a period of two months after obtaining necessary permissions / authorization from the authorities under the Construction and Demolition Waste Management Rules, 2016 failing which the State Coastal Zone Management Authority is directed to take steps to remove the unauthorized constructions made in the No Development Zone in an eco-friendly manner and recover the cost incurred from the respondents.

NGT holds that ‘Mettur – Sarabanga Lift Irrigation Project’ can proceed without obtaining prior EC

A.K.S. Vijayan v. Union of India & Ors.; Judgement dated 12 April, 2021¹³

The NGT has held that the ‘Mettur – Sarabanga Lift Irrigation Project’ can proceed without obtaining prior EC as the Tribunal has found that the irrigation command area is less than 2,000 hectares and as per amended Environmental Impact Assessment (“EIA”) Notification of 2018 no prior EC is required.

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In this application, a former member of Parliament had alleged irregularity in the construction of 'Mettur - Sarabanga Lift Irrigation Project'. In the present order, the Tribunal has held that the applicant is also not entitled to get other reliefs claimed regarding environmental compensation for the violation as there was no violation of environmental laws committed by the project proponent. The Tribunal has further directed that the district administration as well as the concerned local bodies who are benefited by this project are directed not to discharge the untreated sewage or effluents into the river so as to pollute the river water in the project area.

NGT constitutes a 7 member joint Committee to look into legality of construction and extraction of groundwater by a builder in Uttar Pradesh

Shailesh Singh v. M/s. Aadi Best Consortium Pvt. Ltd.; Order dated 13 April, 2021¹⁴

The Tribunal has directed constitution of a seven-member joint Committee to hold a joint meeting to look into the issue of legality of construction and extraction of groundwater by a builder. This joint Committee has also been directed to decide on further remedial action.

This direction was given by the Tribunal while hearing an application which sought remedial action against illegal construction without permission of the Ghaziabad Development Authority ("GDA") and also extraction of groundwater without permission of the Central Ground Water Authority ("CGWA"). The Tribunal in this case through an earlier order had noted that the builder had admitted to illegal extraction of groundwater. Through the present order, the Tribunal observed that the stand of the respondents is evasive on the issue of illegal constructions as well as illegal extraction of ground water. The Tribunal further observed that there was also no specific reply as to how against sanction of 16 floors, 26 storeys were constructed.

NGT directs Secretary, Ministry of Jal Shakti to hold a joint meeting to consider regulation of ground water for maintenance of cricket play grounds

Haider Ali v. Union of India & Ors.; Order dated 15 April, 2021¹⁵

The NGT has directed the Secretary, Ministry of Jal Shakti to hold a joint meeting within one month with the nominees of the Ministry of Youth Affairs and Sports (not below the rank of Joint Secretary), representative of Board of Control for Cricket in India ("BCCI") and CPCB to consider the issue of regulating extraction of ground water for maintenance of cricket play grounds. The Tribunal has ordered that the issues for consideration in the said joint meeting may inter alia include:

1. prohibiting use of ground water for maintenance of the play grounds at least during the time no match is being actually played and exploring utilization of sewage treatment plant ("STP") treated water;
2. ensuring that effective rain water harvesting and water storage / recharging systems are installed in all playgrounds to save the ground water;
3. laying down mandatory requirement of engagement of an environmental expert for every cricket stadium for ensuring compliance with the environmental norms;
4. using every sport event with a programme of awareness for environment protection, using a part of profit from commercial activities as a mandatory obligation.

NGT directs appellant to deposit 50% of the assessed amount within one month for carrying out illegal industrial activity

Madan Singh v. Delhi Pollution Control Committee & Ors.; Order dated 16 April, 2021¹⁶

NGT has directed the appellant to deposit 50% of the assessed amount within one month upon which recovery of remaining amount will remain suspended till the stand of the appellant is duly considered by the Delhi Pollution Control Committee ("DPCC").

This appeal had been preferred against a DPCC order dated 27.08.2020 requiring the appellant to pay compensation of INR 0.5 million under the 'polluter pays' principle for carrying out illegal industrial activity in a residential area. The Tribunal in this order has noted that a residential premise was being used as a

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godown for storing manufactured items in the factory operated in a non-conforming area and it has not been shown as to whether the manufacturing process was legally permissible and non-polluting. The Tribunal further held that while it is difficult to accept

that the appellant is not at all liable when the premises have been admittedly sealed for illegal use, at the same time in the impugned order, there is no specific consideration of the stand taken by the appellant.

Regulatory and Policy Developments

India completes first year as CMS COP President; 5 April, 2021¹⁷

India took over the Presidency of the Convention on Migratory Species (“CMS”) Conference of Parties (“COP”) in February 2020. MoEFCC on 05.04.2021 has released a document highlighting the key action taken by India since February 2020 in furthering the cause of conservation of migratory species. The CMS came into force in November 1983 and India became a Party to the CMS in the same month. The 13th COP to the CMS was held in Gandhinagar, Gujarat in February 2020.

Environment Standards for Lead Stabilizer in Polyvinyl Chloride (PVC) Pipes and Fittings Rules, 2021 notified; 7 April, 2021¹⁸

MoEFCC through a notification dated 30.03.2021 has notified the Lead Stabilizer in Polyvinyl Chloride (PVC) Pipes and Fittings Rules, 2021. This notification was communicated by MoEFCC on its website on 7.04.2021. These Rules contain provisions relating to prohibition of use of lead or lead compounds; nodal agency; authorised agencies for testing of products and sale and import of the PVC pipes and fittings.

Notification of Environment Standards for Thermal Power Plants; 7 April, 2021¹⁹

MoEFCC through a notification dated 31.03.2021 has notified Environment (Protection) Amendment Rules, 2021. This notification was communicated by MoEFCC on its website on 7.04.2021.

As per this instant notification, a task force shall be constituted by CPCB comprising of representatives from MoEFCC, Ministry of Power, Central Electricity Authority (“CEA”) and CPCB to categorise thermal power plants in three categories on the basis of their location to comply with the emission norms within the time limit as specified in this notification.

The thermal power plant declared to retire before the retiring date as specified in this notification shall not be required to meet the

specified norms in case such plants submit an undertaking to CPCB and CEA for exemption on ground of retirement of such plant. This exemption is subject to such plants being levied environment compensation at the rate of INR 0.20 per unit electricity generated in case their operation is continued beyond the date as specified in the undertaking. The notification also prescribes the rate at which environment compensation shall be levied on the non-retiring thermal power plant after the specified date.

US Special Presidential Envoy for Climate meets Prime Minister of India; 7 April, 2021²⁰

H.E. Mr. John Kerry, US Special Presidential Envoy on Climate met the Prime Minister of India Shri Narendra Modi. He noted India’s climate actions including its ambitious renewable energy plans. He also briefed the Indian Prime Minister about the then upcoming Leaders’ Summit on Climate scheduled for 22 to 23 April 2021. It was also noted by Mr. Kerry that the United States would support India’s climate plans by facilitating affordable access to green technologies and requisite finance.

Cabinet approves implementation of PLI scheme named ‘National Programme on High Efficiency Solar PV Modules’; 7 April, 2021²¹

The Cabinet has approved the implementation of the Production Linked Incentive (“PLI”) scheme named ‘National Programme on High Efficiency Solar PV Modules’ for achieving manufacturing capacity of Giga Watt (“GW”) scale in high efficiency solar photo voltaic (“PV”) modules with an outlay of INR 45 billion. This programme will reduce import dependence in a strategic sector like electricity. Under this scheme, the solar PV manufacturers will be selected through a transparent competitive bidding process and the PLI amount will increase with increased module efficiency and increased local value addition.

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The outcomes or benefits expected from this scheme are as follows:

1. Additional 10,000 MW capacity of integrated solar PV manufacturing plants;
2. Direct investment of around INR 172 billion in solar PV manufacturing projects;
3. Demand of INR 175 billion over 5 years for 'Balance of Materials';
4. Direct employment of about 30,000 and indirect employment of about 1,20,000 persons;
5. Import substitution of around INR 175 billion every year; and
6. Impetus to research & development to achieve higher efficiency in solar PV modules.

NITI Aayog launches India Energy Dashboards (Version 2.0); 12 April, 2021²²

The NITI Aayog has launched the India Energy Dashboards Version 2.0. India Energy Dashboards ("IED") is an endeavour to provide single-window access to the energy data for the country. This dashboard compiles energy data which is published or provided by the Central Electricity Authority, Coal Controller's Organisation, and Ministry of Petroleum and Natural Gas. The version 1.0 of this dashboard was launched by NITI Aayog in May 2017.

India-Denmark join hands for global collaboration towards world class innovative solutions addressing water challenges and SDGs; 12 April, 2021²³

Under the Indo-Danish bilateral green strategic partnership, India will build a world class innovation ecosystem as part of Atal Innovation Mission ("AIM") of India's premier policy think tank NITI Aayog and Embassy of Denmark to India. Under this ambitious partnership, Innovation Center of Denmark in India will collaborate with AIM to support various current and future initiatives of AIM, NITI Aayog and its beneficiaries in India as well as develop global innovation green economy partnerships addressing sustainable development ("SDG") goals.

The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021; 13 April, 2021²⁴

The Union Government on 13.04.2021 has promulgated the Commission for Air Quality

Management in National Capital Region and Adjoining Areas Ordinance, 2021. This Ordinance shall apply to the National Capital Region and also to adjoining areas in so far as it relates to matters concerning air pollution in the National Capital Region. The previous Ordinance constituting this Commission had recently lapsed.

The Commission shall have at least the following three Sub-Committees namely Sub-Committee on Monitoring and Identification; Sub-Committee on Safeguarding and Enforcement; and Sub-Committee on Research and Development. As per chapter 3 of this Ordinance, notwithstanding anything contained in any other law for the time being in force, the Commission shall have the power to take all such measures, issue directions and entertain complaints, as it deems necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas and shall also have the duty to take all such measures as may become necessary for protecting and improving the quality of the air in the National Capital Region and Adjoining Areas.

India will hold the National Dialogue on UN Food Systems Summit 2021; 15 April, 2021²⁵

The United Nations Secretary General has called for the first ever UN Food Systems Summit to be held in September 2021 to strategize the actions for positive change in agri-food systems in the world to realize the vision of the 2030 Agenda for Sustainable Development. The Summit will focus on levers and pathways to shape food systems nationally and globally to accelerate progress in the SDGs.

The Summit 2021 is planned to be essentially participatory and consultative and needs the game changing ideas from the experiences through the national, sub-national and independent consultation for the five action tracks related to safe and nutritious food, sustainable consumption patterns, nature-positive production, advance equitable livelihoods, and resilience to vulnerabilities, shocks and stress.

NGT prepones summer vacation for all the Benches; 16 April, 2021²⁶

In the wake of sudden and exponential surge in COVID-19 cases, the NGT through an office

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order has modified the NGT calendar with respect to summer vacations to be observed by all the Benches of NGT.

Through this office order, summer vacation during 01.06.2021 to 30.06.2021 stands cancelled and the aforementioned duration shall be working for the NGT and in lieu of the same, the period from 19.04.2021 to 18.05.2021 (both days inclusive) shall be observed as summer vacation for all the NGT benches. Please note that the Registry shall remain functional during this period.

Draft Notification on flyash utilisation; 22 April, 2021²⁷

MoEF&CC through a notification dated 22.04.2021 has issued draft notification on flyash utilisation. This notification is a draft version to replace the existing policy on fly ash utilisation issued in 1999. As per this notification, every coal or lignite based thermal power plant (including captive and / or co-generating stations) shall be primarily responsible to ensure 100% utilisation of ash (fly ash and bottom ash) generated by it in an eco-friendly manner.

The notification states that every coal / lignite based thermal power plant shall be responsible to utilise 100% ash (fly ash and bottom ash) generated during that year. However, in no case shall utilisation fall below 80% in any year. Also, it should achieve average ash utilisation of 100% in a 3-year cycle. Provided the three year cycle applicable for the first time is extendable by one year for the thermal power plants where ash utilisation is in the range of 60-80%, and two years where ash utilisation is below 60%.

This notification also provides for fines for non-compliance. As per the notification, in the first two years of a three year cycle, if the coal / lignite based thermal power plant (including captive and / or co-generating stations) has not achieved at least 80 % ash (fly ash and bottom ash) utilisation, then such non-compliant thermal power plants shall be imposed with a fine of INR 1000 per ton on unutilised ash during the end of financial year based on the annual reports submitted. Further, if it is unable to utilise 100% of ash in the third year of the 3 year cycle, it would be liable to pay a fine of INR 1000 per ton

on the unutilised quantity on which fine has not been imposed earlier. Fine collected by the authorities shall be deposited in the designated account of CPCB.

MCA clarification on CSR expenditure for Covid-19 activities; 22 April, 2021²⁸

In a clarification on spending of corporate social responsibility ("CSR") funds for COVID-19 related activities, the Ministry of Corporate Affairs ("MCA") has stated that the spending of CSR funds for setting up makeshift hospitals and temporary COVID care facilities will be an eligible CSR activity under items (i) and (xii) of Schedule VII to the Companies Act, 2013. These activities are to be undertaken in consultation with the respective State Governments and in compliance with the Companies (CSR Policy) Rules, 2014.

RBI joins Network for Greening the Financial System; 23 April, 2021²⁹

The Reserve Bank of India (RBI) has joined the Central Banks and Supervisors Network for Greening the Financial System (NGFS) as a Member on 23.04.2021.

NGFS was launched at the Paris One Planet Summit on 12.12.2017. NGFS is a group of central banks and supervisors willing to share best practices and contribute to the development of environment and climate risk management in the financial sector, while mobilising mainstream finance to support the transition towards a sustainable economy. As a member of the NGFS, the RBI expects to benefit by learning from and contributing to global efforts on green finance which has assumed significance in the context of climate change.

ICSI publishes FAQs on CSR; 29 April, 2021³⁰

The Institute of Company Secretaries of India ("ICSI") has published FAQs on corporate social responsibility ("CSR") to aid the stakeholders in understanding the new concepts and substantial changes introduced in CSR. These FAQs have 58 questions and answers.

MoEF&CC issues user manual for online submission of information by project proponents regarding increase in production capacity in context of no increase in the pollution load; April, 2021³¹

As per the notification dated 2nd March, 2021, MoEF&CC had exempted projects

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from requirement of a prior environmental clearance for any increase in production capacity in respect of processing or production or manufacturing sectors (listed against item numbers 2,3, 4 and 5 in the schedule to this notification) with or without any change in (i) raw material-mix or (ii) product-mix or (ii) quantities within products or (ii) number of products including new products falling in the same category or (iv) configuration of the plant or process or operations in existing

area or in areas contiguous to the existing area, provided there is no increase in the pollution load. As per this notification, project proponent had to furnish information on PARIVESH portal regarding such changes.

Accordingly, MoEF&CC has recently released the user manual for projects which need to furnish such information in a specified format on the PARIVESH in the context of “no increase in pollution load”.

Endnotes

- 1 Civil Appeal No(s). 991-992/2021
- 2 Suo Moto Writ Petition (Civil) No. 1/2021
- 3 Writ Petition (Civil) No. 838/2019
- 4 WPPL No. 68 of 2018
- 5 W.P. No. 34310 of 2017
- 6 Appeal No. 08/2021
- 7 Original Application No. 514/2018
- 8 Original Application No. 125/2020
- 9 Original Application No. 681/2018
- 10 Original Application No. 162 of 2020 (SZ)
- 11 Original Application No. 182/2020
- 12 Original Application No. 225 of 2016 (SZ)
- 13 Original Application No. 232 of 2020 (SZ)
- 14 Original Application No. 376/2015
- 15 Original Application No. 94/2021
- 16 Appeal No. 10/2021
- 17 <http://moef.gov.in/wp-content/uploads/2021/04/FIRST-YEAR-OF-CMS-COP-PRESIDENCY.pdf>
- 18 <http://moef.gov.in/wp-content/uploads/2021/04/228E.pdf>
- 19 <http://moef.gov.in/wp-content/uploads/2021/04/GSR243.pdf>
- 20 <https://www.pib.gov.in/PressReleaseDetail.aspx?PMO=3&PRID=1710254>
- 21 <https://www.pib.gov.in/PressReleaseDetail.aspx?PMO=3&PRID=1710113>
- 22 <https://www.pib.gov.in/PressReleaseDetail.aspx?PMO=3&PRID=1711204>
- 23 <https://www.pib.gov.in/PressReleaseDetail.aspx?PMO=3&PRID=1711231>
- 24 <http://moef.gov.in/wp-content/uploads/2021/04/CAQM-Ordinance-New.pdf>
- 25 <https://www.pib.gov.in/PressReleaseDetail.aspx?PMO=3&PRID=1712058>
- 26 https://greentribunal.gov.in/sites/default/files/office_orders/Modifucation%20NGT%20Calendar.pdf
- 27 <http://moef.gov.in/wp-content/uploads/2021/04/Draft-flyash-utilisation-notification-GSR-285-dated-22nd-April-2021.pdf>
- 28 http://www.mca.gov.in/Ministry/pdf/GeneralCircularNo5_22042021.pdf
- 29 https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=51496
- 30 https://www.icsi.edu/media/webmodules/FAQs_on_CSR_28-4-2021.pdf
- 31 https://parivesh.nic.in/writereaddata/User_manual_Document_No_increase%20in%20Pollution.pdf

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