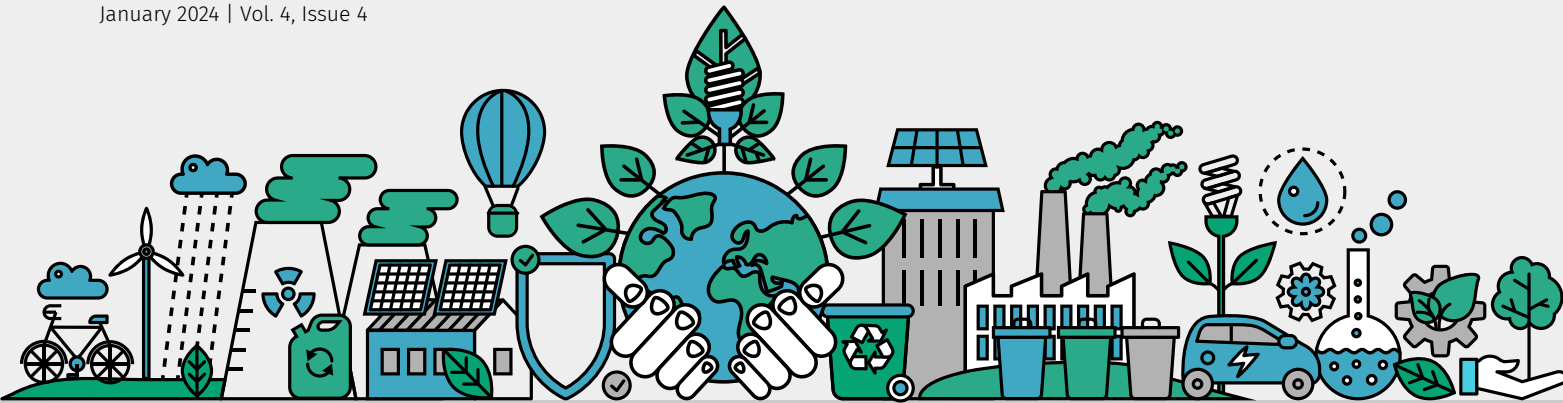




January 2024 | Vol. 4, Issue 4



Supreme Court Judgements/ Orders

Supreme Court directs Government of Bihar to ensure no further construction takes place near river Ganga

Ashok Kumar Sinha vs. Union of India, Order dated 01 December, 2023

The Supreme Court of India (“**Supreme Court**”) has directed the Government of Bihar to ensure that no further construction takes place adjacent to river Ganga and specifically in and around the city of Patna. The appellant argued that the Government of Bihar was actively allowing illegal constructions near

Ganga floodplains. Responding to the allegations, Government of Bihar submitted that it has identified 213 unauthorized constructions adjacent to river Ganga in and around Patna and steps have been taken to remove these encroachments/constructions. The Court has further directed Government of Bihar to report to the Court on the progress in getting these 213 identified illegal structures removed, which have been raised on the floodplains of river Ganga in Patna.

High Court Judgements/ Orders

Telangana High Court constitutes expert committee for restoration and preservation of Durgam Cheruvu Lake in Hyderabad

Suo Motu Writ Petition PIL 10/2023, Order dated 22 December, 2023

The Telangana High Court has constituted an expert committee for the restoration and preservation of the Durgam Cheruvu Lake in Hyderabad. The Court had initiated suo motu proceedings against the deteriorating conditions of the Durgam Cheruvu Lake following an article published in the Time of India captioned “Durgam Cheruvu chokes on sewage. Will Hyderabad rescue its iconic lake?”. The Court had appointed an amicus curie in the matter and requested him

to suggest names of individuals for the constitution of the expert committee. Based on the recommendations of the amicus curie, the Court has appointed an expert committee to ensure restoration and preservation of the lake. The expert committee shall be headed by the Director of the National Environmental Engineering Research Institute, Nagpur and shall include Principal Secretary of the Irrigation and Command Area Development Department and Secretary of the Legal Services Committee, Telangana High Court. The Court has directed the police to accompany the expert committee and stated that all expenditure for carrying out inspections, including travel expenditure shall be borne by the Government of Telangana.

National Green Tribunal Judgements / Orders

NGT forms high level committee in Buckingham Canal oil spill tragedy

Tribunal on its own motion Sua Motu based on the Visual media titled ‘Chennai Rains:

In this edition

Supreme Court Judgements/ Orders

- Supreme Court directs Government of Bihar to ensure no further construction takes place near river Ganga

High Court Judgements/ Orders

- Telangana High Court constitutes expert committee for restoration and preservation of Durgam Cheruvu Lake in Hyderabad

National Green Tribunal Judgements / Orders

- NGT forms high level committee in Buckingham Canal oil spill tragedy
- NGT imposes cost of INR 25,000 on MoEFCC for failure to provide steps for preventing air pollution
- NGT issues notice to 28 States and UTs for groundwater contamination

Regulatory / Policy developments

- MoEFCC launches the Indian Forest and Wood Certification Scheme
- MoEFCC notifies the Wild Life (Protection) International Trade of Specimen Rules, 2023
- CPCB issues notice directing registration of stakeholders at E-waste EPR Portal
- CPCB issues clarification regarding registration on the E-waste EPR Portal
- MoEFCC launches National Transit Pass System
- CPCB issues guidelines on Management of Pyro-metallurgical Slags (Iron & Steel Slags)



Oil Companies - Shocking Story - Michaug Ground Report' covered by Vikatan TV Chennai dt. 06.12.2023,³ Order dated 09 December, 2023

The southern bench of the National Green Tribunal (“NGT”) has taken suo motu cognizance of the tragedy involving oil spillage on Tamil Nadu’s Buckingham Canal due to heavy rains caused by the Michaug Cyclone. The Tribunal has constituted a nine-member high-level committee to be headed by the additional chief secretary to the government/commissioner of revenue administration, revenue administration, disaster management, and mitigation department. It also noted that if the high-level committee requires any other expert opinion, it is at liberty to co-opt any other experts/organization in this regard. The Tribunal has directed the high-level committee to ensure that the oil spread is arrested by taking necessary measures and by the methods suggested by the Tamil Nadu Pollution Control Board. It also noted that as there is a backwater flow, the Buckingham Canal area must be addressed immediately for removal of oil. The Tribunal further directed the high-level committee to monitor the measures for preventing the spread of oil into the creek and the sea, recover the oil floating on the water surface, ensure that the health of the people in the area is protected and prepare the damage assessment report.

NGT imposes cost of INR 25,000 on MoEFCC for failure to provide steps for preventing air pollution

In re: News item appearing in Times of India dated 10.10.2023 titled “Feeling anxious? Toxic air could be to blame”⁴, Order dated 19 December, 2023

The principal bench of NGT has imposed a cost of INR 25,000 on the Ministry of Environment, Forest and Climate Change (“MoEFCC”) for failure to provide steps for preventing air pollution containing hazardous chemicals. The original application was

registered suo motu on the basis of a news item titled “Feeling anxious? Toxic air could be to blame” published in The Times of India dated 10 October, 2023. As per the news article, long term exposure to air pollution could lead to higher risk of depression and anxiety besides respiratory disorder. Consequently, NGT impleaded and served notices to six respondents including MoEFCC, Central Pollution Control Board (“CPCB”) and Indian Council of Medical Research. The Tribunal noted that MoEFCC also admits the presence of several polluted elements in air, but the Court could not find any effective action taken by MoEFCC. NGT imposed a cost of INR 25,000 upon MoEFCC for filing vague and irrelevant reply and for failing to provide information on steps taken for effective control of air pollution. It directed MoEFCC to file a reply providing details of all steps taken for effective monitoring and control of air pollution within one month.

NGT issues notice to 28 States and UTs for groundwater contamination

In re: News item appearing in Hindustan dated 30.11.2023 titled “Arsenic found in groundwater in 25 States, fluoride in 27 States: Govt.”⁵, Order dated 20 December 2023

NGT has issued notices to 28 States and Union Territories along with Central Ground Water Authority (“CGWA”) and MoEFCC. The Tribunal noted that the issue relates to the presence of arsenic and fluoride in ground water in various states and districts and has to be taken seriously as it requires urgent preventive and protective steps by all concerned authorities. The Tribunal also noted that the presence of toxic elements like arsenic and fluoride in ground water contaminates ground water and that these chemicals have serious toxic effects on the human body. The Tribunal also pulled up CGWA for not taking effective steps to curb the contamination even when it is the governing body responsible for regulating ground water.

In this edition

Supreme Court Judgements/ Orders

- Supreme Court directs Government of Bihar to ensure no further construction takes place near river Ganga

High Court Judgements/ Orders

- Telangana High Court constitutes expert committee for restoration and preservation of Durgam Cheruvu Lake in Hyderabad

National Green Tribunal Judgements / Orders

- NGT forms high level committee in Buckingham Canal oil spill tragedy
- NGT imposes cost of INR 25,000 on MoEFCC for failure to provide steps for preventing air pollution
- NGT issues notice to 28 States and UTs for groundwater contamination

Regulatory / Policy developments

- MoEFCC launches the Indian Forest and Wood Certification Scheme
- MoEFCC notifies the Wild Life (Protection) International Trade of Specimen Rules, 2023
- CPCB issues notice directing registration of stakeholders at E-waste EPR Portal
- CPCB issues clarification regarding registration on the E-waste EPR Portal
- MoEFCC launches National Transit Pass System
- CPCB issues guidelines on Management of Pyro-metallurgical Slags (Iron & Steel Slags)



Regulatory / Policy developments

MoEFCC launches the Indian Forest and Wood Certification Scheme⁵

MoEFCC on 11 December, 2023, has issued a press release regarding the launch of Indian Forest & Wood Certification Scheme to promote the sustainable management of forests and agroforestry. The scheme is aimed towards voluntary third-party certification designed to promote sustainable forest management and agroforestry in the country. The scheme includes forest management certification, tree outside forest management certification and chain of custody certification. This scheme also provides market incentives to various entities that adhere to responsible forest management and agroforestry practices in their operations. The incentives are applicable to state forest departments, individual farmers and farmer producer organizations engaged in agroforestry and farm forestry, as well as other wood-based industries in the value chain. It shall be overseen by the Indian Forest and Wood Certification Council, which will act as a multistakeholder advisory body. It further states that the Indian Institute of Forest Management, Bhopal will act as the scheme operating agency and will be responsible for overall management of the scheme.

MoEFCC notifies the Environment (Protection) Sixth Amendment Rules, 2023⁷

MoEFCC on 15 December, 2023, has notified the Environment (Protection) Sixth Amendment Rules, 2023 to further amend the Environment (Protection) Rules, 1986. The amended rules bring forth key amendments specifically addressing the regulation of brick kilns. The amendment mandates the conversion of existing brick kilns to zig-zag technology or vertical shaft or the use of piped natural gas as fuel in brick making. Existing brick kilns that are not following zig-zag technology or vertical shaft or using piped natural gas as fuel shall undergo conversion within the timelines specified. Kilns located within ten kilometres of non-attainment cities, excluding million-plus population cities, national capital region

districts, and critically and severely polluted areas categorized by CPCB must comply before 23 February, 2024 and other kilns must comply with the requirement before 23 February, 2025. It is also emphasized that where Commission for Air Quality Management, CPCB, state pollution control board or pollution control committee has issued more stringent norms or timelines, such orders shall prevail.

MoEFCC notifies the Wild Life (Protection) International Trade of Specimen Rules, 2023⁸

MoEFCC on 21 December, 2023, has notified the Wild Life (Protection) International Trade of Specimen Rules, 2023. The new rules make it mandatory for every person engaging in trade of any specimen of species to make an application electronically to the prescribed authority in the prescribed form for the permit and certificate for trade. The rules also provide for the procedure to be followed in cases of export, import, and re-export of specimens. It also provides procedure for introduction of any specimen of species from the sea and the details to be reported to the prescribed authority. The prescribed authority, may cancel a permit or certificate if it has reason to believe that – (a) the specimen concerned may be used for commercial purposes or the proposed recipient of a living specimen is not suitably equipped to house and care for any specimen of species listed in the prescribed schedule; (b) handling of a living specimen of a species listed in the prescribed schedule may not be so as to minimise the risk of injury, damage to health or cruel treatment; (c) a false information is furnished; or (d) the provisions of the Act and rules made thereunder have not been complied with.

CPCB issues notice directing registration of stakeholders at E-waste EPR Portal⁹

CPCB on 22 December, 2023, has issued a notice to all the producers, manufacturers, recyclers and refurbishers recognised under the E-waste (Management) Rules, 2022 (“E-waste Rules”). The notice provides that an online portal for the

In this edition

Supreme Court Judgements/ Orders

- Supreme Court directs Government of Bihar to ensure no further construction takes place near river Ganga

High Court Judgements/ Orders

- Telangana High Court constitutes expert committee for restoration and preservation of Durgam Cheruvu Lake in Hyderabad

National Green Tribunal Judgements / Orders

- NGT forms high level committee in Buckingham Canal oil spill tragedy
- NGT imposes cost of INR 25,000 on MoEFCC for failure to provide steps for preventing air pollution
- NGT issues notice to 28 States and UTs for groundwater contamination

Regulatory / Policy developments

- MoEFCC launches the Indian Forest and Wood Certification Scheme
- MoEFCC notifies the Wild Life (Protection) International Trade of Specimen Rules, 2023
- CPCB issues notice directing registration of stakeholders at E-waste EPR Portal
- CPCB issues clarification regarding registration on the E-waste EPR Portal
- MoEFCC launches National Transit Pass System
- CPCB issues guidelines on Management of Pyro-metallurgical Slags (Iron & Steel Slags)



management of E-Waste has been developed under the provisions of E-Waste Rules. All the concerned entities including producers, manufacturers, recyclers and refurbishers of E-waste are required to get themselves registered at the online EPR portal by 31 December, 2023 mandatorily. Procedural details for registration have been uploaded and provided in the portal. It is also stated that any illegal /informal business of E-waste such as its production, import, sales, recycling & refurbishing without such registration shall be liable for punitive actions as per the E-Waste Rules.

CPCB issues clarification regarding registration on the E-waste EPR Portal¹⁰

CPCB on 28 December, 2023, has issued a clarification with regards to registration on the E-waste portal under the E-waste Rules. It has stated that the registration on the E-waste EPR portal as a producer shall not be required by the entities in case of: (a) import of electrical and electronic equipment not listed in Schedule-I of E-waste Rules; (b) import of electrical and electronic equipment listed in the Schedule-I of E-waste Rules for the purpose of selling to producers already registered, self-use and captive consumption for manufacturing and selling to producers already registered; (c) consumers and bulk consumers importing electrical and electronic equipment for self or captive use, provided that the consumer or bulk consumer submits self-declaration to customs/port authorities that these items are being imported only for self-captive use and not for sale along with a proof that they have submitted the copy of self-declaration to CPCB.

MoEFCC launches National Transit Pass System¹¹

MoEFCC on 29 December, 2023, has launched the National Transit Pass System (“NTPS”) pan-India to facilitate the seamless transit of timber, bamboo, and other forest produce across the country. Currently, the transit permits are issued for transport of timber and forest produce based on state specific transit rules. The NTPS is envisioned as a “One Nation-

One Pass” regime, which will enable seamless transit across the country. This initiative will streamline the issuance of timber transit permits by providing a unified, online mode for tree growers and farmers involved in agroforestry across the country, contributing to the ease of doing business. It further aims to offer seamless transit permits, management of records for both inter-state and intra-state transportation of timber, bamboo, and other forest produce obtained from various sources like private lands, government-owned forests, and private depots. The NTPS transit permits shall be issued for tree species that are regulated and the users can self-generate no objection certificates for exempted species.

CPCB issues guidelines on Management of Pyro-metallurgical Slags (Iron & Steel Slags)¹²

CPCB on 29 December, 2023, has released guidelines on management of pyro-metallurgical slags (iron and steel slags). The guidelines discuss the manufacturing processes adopted by iron and steel plants and generation of pyro-metallurgical slags from these processes. Some of these processes include blast furnace, desulphurisation process, oxygen furnace and electric arc furnace. Iron and steel plants shall follow the principles of resource efficiency for optimal use of primary resources in production of iron and steel. The steel plants shall take steps to facilitate utilization of various wastes, by-products or process rejects including slags. They shall set-up facilities for internal recovery of material, treating the slags to make it utilizable as alternate material outside the plant. Steel plants shall also take adequate safety measures and standard operating procedures shall be practiced in safe handling of iron and steel slags including the quenching, granulation and recovery operations. Iron and steel plants shall maximize external use or recycling of slag which cannot be used or recycled internally. Iron and steel industries shall mandatorily submit the annual report on generation, quantity stored, quantity utilized and the concerned usage, and disposal as per format prescribed through the online waste reporting portal.

In this edition

Supreme Court Judgements/ Orders

- Supreme Court directs Government of Bihar to ensure no further construction takes place near river Ganga

High Court Judgements/ Orders

- Telangana High Court constitutes expert committee for restoration and preservation of Durgam Cheruvu Lake in Hyderabad

National Green Tribunal Judgements / Orders

- NGT forms high level committee in Buckingham Canal oil spill tragedy
- NGT imposes cost of INR 25,000 on MoEFCC for failure to provide steps for preventing air pollution
- NGT issues notice to 28 States and UTs for groundwater contamination

Regulatory / Policy developments

- MoEFCC launches the Indian Forest and Wood Certification Scheme
- MoEFCC notifies the Wild Life (Protection) International Trade of Specimen Rules, 2023
- CPCB issues notice directing registration of stakeholders at E-waste EPR Portal
- CPCB issues clarification regarding registration on the E-waste EPR Portal
- MoEFCC launches National Transit Pass System
- CPCB issues guidelines on Management of Pyro-metallurgical Slags (Iron & Steel Slags)



Endnotes

- 1 Civil Appeal No(s). 3367/2020
- 2 Suo Motu WP(PIL) 10/2023
- 3 Original Application No.180 of 2023 (SZ)
- 4 Original Application No. 638/2023
- 5 Original Application No. 728/2023
- 6 <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2023/dec/doc20231211284001.pdf>
- 7 [https://egazette.gov.in/\(S\(5qdodpmjdcnncmckutwiweq1\)\)/ViewPDF.aspx](https://egazette.gov.in/(S(5qdodpmjdcnncmckutwiweq1))/ViewPDF.aspx)
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- 9 <https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS8zOTdfMTcwMzI0ODc1Nl9tZWVpYXBob3RvMjk4NDcucGRm>
- 10 <https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS8zOTdfMTcwMzgyNDIzNV9tZWVpYXBob3RvOTI0LnBkZg==>
- 11 <https://ntps.nic.in>
- 12 <https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS80MDBfMTcwMzg0ODIzMV9tZWVpYXBob3RvMTI0MjkucGRm>

In this edition

Supreme Court Judgements/ Orders

- Supreme Court directs Government of Bihar to ensure no further construction takes place near river Ganga

High Court Judgements/ Orders

- Telangana High Court constitutes expert committee for restoration and preservation of Durgam Cheruvu Lake in Hyderabad

National Green Tribunal Judgements / Orders

- NGT forms high level committee in Buckingham Canal oil spill tragedy
- NGT imposes cost of INR 25,000 on MoEFCC for failure to provide steps for preventing air pollution
- NGT issues notice to 28 States and UTs for groundwater contamination

Regulatory / Policy developments

- MoEFCC launches the Indian Forest and Wood Certification Scheme
- MoEFCC notifies the Wild Life (Protection) International Trade of Specimen Rules, 2023
- CPCB issues notice directing registration of stakeholders at E-waste EPR Portal
- CPCB issues clarification regarding registration on the E-waste EPR Portal
- MoEFCC launches National Transit Pass System
- CPCB issues guidelines on Management of Pyro-metallurgical Slags (Iron & Steel Slags)

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