



Supreme Court Judgements/ Orders

Supreme Court stays the operation of office memorandums issued by central government that allowed grant of ex post facto environmental clearance

Vanashakti vs. Union of India¹, Order dated 02 January, 2024

The Supreme Court of India (“**Supreme Court**”) has imposed a stay on the operation of two office memorandums dated 07 July, 2021 and 28 January, 2022, issued by the Ministry of Environment, Forest and Climate Change (“**MoEFCC**”). The interim order was passed in a public interest litigation petition filed by a non-governmental organisation Vanashakti, contending that environmental impact assessment (“**EIA**”) for a project can only take place before the commencement of activity and not thereafter. The applicant contended that the two office memorandums permitted the grant of ex-post facto Environmental Clearance (“**EC**”) thereby allowing the projects to regularise the operations carried out by them without getting prior EC. The plea challenged the validity of the office memorandums and sought a direction to the MoEFCC and State Environment Impact Assessment Authorities to not process and entertain any application for the grant of ex post facto environmental clearance. The Court has scheduled the next hearing after four weeks.

Supreme Court directs CPCB to submit report on pollution caused by stone crushing units

Ministry of Environment Forest and Climate Change vs. Biplab Kumar Chowdhury & Ors.², Order dated 03 January 2024

The Supreme Court has asked for a report from

the Central Pollution Control Board (“**CPCB**”) on the issue regarding pollution caused by stone crushing units and as to whether these units should be brought under the schedule of the EIA notification, 2006, thereby necessitating obtaining of environmental clearance. The appeal by MoEFCC was filed against a judgment of the National Green Tribunal (“**NGT**”), which directed stone crushing units to obtain environment clearance. The Court also noted that till the next date of hearing, the direction requiring the stone crushing units to obtain environment clearance, shall be kept in abeyance. The Court requested CPCB to examine the issue of pollution caused by the stone crushing units and whether they should be brought under the Schedule of the EIA notification, 2006. It also directed CPCB to obtain necessary data and conduct scientific studies on the aforesaid aspects and file a report within a period of eight weeks. In case environment clearance is required by the stone crushing units, CPCB would issue directions as may be required in accordance with law. It also directed CPCB to place on record necessary scientific data pursuant to which the environmental guidelines for stone crushing units of July 2023 have been issued, and whether they had examined and decided on the aspect of prior environmental clearance.

Supreme Court pulls up NGT for dismissing application without holding an inquiry

Nabendu Kumar Bandyopadhyay vs. The Additional Chief Secretary³, Order dated 04 January 2024

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The Supreme Court has expressed concern with the NGT's approach in dismissing an application alleging that a water body is sought to be filled in. The applicant had placed on record certain photographs in support of the complaint. By the impugned order, NGT had dismissed the application without holding any inquiry. The Court noted that NGT had based its findings only on certain photographs. The Court stated that when a citizen approaches the NGT with a grievance, a different approach by the NGT is contemplated and it should not apply the strict yardsticks of the Code of Civil Procedure, 1908 to the pleadings of the parties. The Court directed NGT to hold an inquiry in accordance with law and to decide the original application filed by the appellant afresh as NGT has not discharged its duty in accordance with law.

Supreme Court directs CEC to examine mining issues in Aravali Hills

*In Re: T.N. Godavarman Thirumulpad vs. Union of India and Ors.*⁴, Order dated 10 January, 2024

The Supreme Court while hearing applications seeking permission for renewal of mining lease and continuance of the mining operations in the Aravali ranges in Rajasthan made a prima facie observation that if the Rajasthan Government believes that the mining activities pose a threat to the environment, nothing stops it from preventing mining activities in the Aravalli Range. Accordingly, the Court directed the Government of Rajasthan to consider these applications as per the law. The Court requested the Central Empowered Committee ("CEC") to examine the issue as to whether the classification of Aravali hills and ranges in so far as permitting mining is concerned, needs to be continued. It also requested CEC to take on board the experts in Geology before finalizing its report. The Court noted that the issues involved with regard to the mining in Aravali hills and range in Haryana and Rajasthan are common and therefore it will be appropriate that the matters are heard and decided by the same bench of the Supreme Court, so as to avoid any conflicting orders. The Court directed the Registrar to place the matters before Hon'ble Chief Justice of India to obtain appropriate orders.

Supreme Court directs Centre to frame policy to phase out heavy duty diesel vehicles

*Container Corporation of India Ltd vs. Ajay Khera and Ors.*⁵, Order dated 11 January, 2024

The Supreme Court has directed the Central Government to formulate a policy of phasing out heavy-duty diesel vehicles and replacing them with BS-VI vehicles within a period of six months. The applicant before the NGT had raised the issue of pollution being caused by the Inland Container Depot ('ICD') at Tughlakabad. It was alleged in the application that due to the inflow of many trucks/trailers to ICD, air pollution in Delhi NCR has substantially increased owing to the emissions from trucks/trailers. The Court had earlier issued a direction to the Environment Pollution (Prevention and Control) Authority ("EPCA") to look into the issues raised in the appeal and to file a report containing its recommendations. The Court relying on the recommendations of EPCA passed the direction to Ministry of Road Transport and Highways to continue the process of exploring the possibility of finding better sources, including CNG/ hybrid/ electric, for the use of heavy-duty vehicles. The appellant was directed to formulate the plan for optimal utilisation of ICDs around Delhi and to implement the recommendations made by KPMG in February 2021 for improving the parking management of vehicles in the said ICD.

Supreme Court directs CEC to examine whether felling of trees is required for proposed road construction

*M.C. Mehta vs. Union of India & Ors. (In Re: Taj Trapezium Zone)*⁶, Order dated 30 January 2024

The Supreme Court has directed CEC to examine whether the road construction proposed in the State of Uttar Pradesh could take place without felling 3874 trees. A prayer was made in the present matter for allowing felling of 3874 trees which are allegedly affected by the proposed construction of Agra-Jalesar-Etah road. The Court directed the Government of Uttar Pradesh to provide a sketch of the proposed alignment of the road by demarcating 3874 trees in the sketch. It requested CEC to conduct the exercise

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of ascertaining whether without compromising on the alignment of the proposed road, few trees could be saved. The CEC was also directed to examine whether the alignment of the road has been approved by the National Highways Authority of India. The Court noted that the Government of Uttar Pradesh will also ensure that the Divisional Forest Officer gives a report regarding feasibility of translocation of some of the trees. The Government of Uttar Pradesh will also place material on record to show where and how it proposes to carry out compensatory afforestation.

Supreme Court issues guidelines for CEC to promote institutional transparency, efficiency and accountability

*In Re: T.N. Godavarman Thirumulpad vs. Union of India and Ors.*⁷, Order dated 31 January 2024

The Supreme Court has issued guidelines for CEC and directed its adoption to promote institutional transparency, efficiency and accountability in its functioning. The judgment

was passed in the context of institutionalisation and reconstitution of the CEC. The Court found that through the notification dated 05.09.2023, concerns regarding the functioning of the CEC as an ad hoc body and the need for its institutionalization as a permanent body have been addressed. The said notification provides for the constitution of the CEC, its powers, functions, mandate, members, method of appointment, terms of service and monitoring of its functioning. The Court also emphasised and reiterated the importance of ensuring the effective functioning of the environmental bodies as this is imperative for the protection, restitution and development of the ecology. The Court noted that the role of the constitutional courts is also to monitor the proper institutionalisation of environmental regulatory bodies and authorities. The Court has also issued a list of institutional features pertaining to the functioning of the bodies, authorities, regulators, and executive offices entrusted with environmental duties, in furtherance of the principles of environmental rule of law.

High Court Judgements/ Orders

Kerala High Court iterates duty of municipality to deal with municipal waste even if dumped illegally on private property

*Mohammed Manath Ibrahim vs. Thrikkakara Municipality*⁸, Order dated 12 January 2024

The Kerala High Court has held that the municipality has the primary responsibility to deal with the municipal waste even if it was illegally dumped on a private property. The petitioner had sought removal of a large amount of waste illegally dumped in the property belonging to Kochi Metro Rail Ltd. ("KMRL"). KMRL submitted that they were ready to construct a fence around the plot of land to prevent the dumping of waste. Counsel appearing for the Thrikkakara Municipality submitted that the local body has no responsibility for removing the waste since the land belongs to KMRL. The Court rejected the submission and held that it is the primary duty of the Thrikkakara Municipality to deal with municipal waste. The fact that such municipal

waste has been illegally dumped in private property cannot absolve it from the liability of removing the waste for proper treatment as is done in the case of other municipal waste being collected and processed by them. The Court disposed of the petition with the following directions: (i) KMRL shall take immediate steps to either fence or construct a compound wall around the property in question to prevent illegal dumping of waste. (ii) KMRL shall engage necessary men and machinery to remove the accumulated waste to a site suggested by the Thrikkakara Municipality at its own cost. (iii) The Thrikkakara Municipality shall accept the accumulated waste without segregation and shall deal with the same as is done in the case of other municipal waste collected by the Thrikkakara Municipality. The directions shall be complied with and completed within a period of one month.

Bombay High Court refuses to quash case against unauthorised felling of a tree

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Amit Satish Dhutia vs. The State of Maharashtra⁹, Order dated 15 January 2024

The Bombay High Court has refused to quash a criminal case registered against a Bandra resident for allegedly ordering the felling of a tree without prior permission, resulting in the injury and death of several birds. The Court was of the opinion that there is a prima facie case of the offence alleged in the impugned police complaint. Hence, the applicant cannot escape the prosecution from the said offence. It was alleged that he had ordered the illegal chopping of a tamarind tree located inside the compound of Petit School near his residence. It was also alleged that such felling caused injury to birds and destruction of their nests. Upon hearing the arguments, the Court refused to quash the case and observed that the statements of

the witnesses indicate that, immediately after cutting the tree, the watchman disclosed to the residents of the society that it was at the behest of the applicant and the co-accused. The record indicates that, the eggs of the birds were broken, fledglings were trapped by nets and some birds died in the incident. The Court also noted that cutting of a tree in such a manner falls under the expression “to fell a tree” as defined in Section 2(c) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, which includes burning or cutting or in any way damaging a tree. The applicant had not taken prior permission of the concerned authority for felling of the tree and hence police was requested to take appropriate action under the said statute.

National Green Tribunal Judgements / Orders

NGT directs PPCB to file a fresh report regarding contamination of ground water

H. C. Arora vs. State of Punjab & Ors.¹⁰, Order dated 02 January 2024

NGT has directed the Punjab Pollution Control Board (“PPCB”) to file a fresh report on the issue regarding inaction of the state authorities in taking remedial action against contamination of ground water in village Aloarakh, Sangrur. The Tribunal by its order dated 31 March, 2022 had issued direction to PPCB to submit a report before the Tribunal. The Tribunal considered the report filed by PPCB and noticed that its earlier directions were not implemented. A fresh report was filed on 31 December 2023, which reflected the position of lifting of soil from the site in question and stage of geophysical survey by National Environmental Engineering Research Institute, Nagpur (“NEERI”) and stated that the work has commenced and by 30 December, 2023 approximately 2,50,000 cubic feet of soil has been lifted from site and work for shifting the remaining soil and levelling of site will be completed in due course of time (12-15 days) as huge volume of soil is lying at the site. Counsel for PPCB had submitted that the survey by NEERI will be completed by 31 January, 2024. The Tribunal observed that the counsel for PPCB was

not in a position to point out as to whether soil which is being lifted is also contaminated and the reason as to why lifting of the soil from the site is required. Therefore, the Tribunal issued a notice to NEERI and also directed PPCB to file a fresh report within a period of six weeks.

NGT directs authorities to restrict illegal mining by mining agency

Narender Kumar vs. Union of India & Ors.¹¹, Order dated 04 January, 2024

The principal bench of NGT has directed a five-member committee to carry out site inspection, examine the records and submit a report relating to the extent of illegal mining by M/s Tirupati Roadways, the extent of environmental damage caused and remedial action. The Tribunal also directed the authorities to ensure that no mining in contravention of the EC is done by the unit. The applicant contended that M/s Tirupati Roadways, was granted the EC wherein the mineable area was 24.25 hectares and the permissible mining of river bed material was limited to 8.39 LTPA with a maximum minable depth of 1.33 meter. It was further alleged that the unit had violated the EC conditions and carried out mining in excess of the permissible limit. The Tribunal was also informed that a committee was also constituted which found

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the illegal extraction to the extent of 6686035.68 million tonne and that despite the notice of termination of contract dated 22 August, 2023 having been issued, the unit was still continuing with illegal mining.

NGT directs PPCB to submit report against industry discharging chemical effluents

[Shalbhjit Singh vs. State of Punjab¹², Order dated 05 January, 2024](#)

NGT while considering a grievance against M/s Nectar Life Sciences Limited discharging highly polluted chemical effluents in the agricultural fields has directed PPCB to carry out water audit and submit the water audit report along with the water flow chart of the industry. It also directed PPCB to submit the sample analysis report of discharge of water from the unit by whatever source. The report will also disclose the manner of disposal of sludge by the unit in question and quality of groundwater around the industry. The Tribunal had earlier constituted a joint committee which had submitted a report observing that the unit in question was non-compliant with many environmental norms. However, with respect to specific point of illegal discharge of chemical effluent into agricultural fields, no violation was found by the committee. The latest report filed by PPCB stated that waste water of unit-1 was found filled upto the brim. The Tribunal was also informed that PPCB had encashed the bank guarantee amounting to INR 15 lakhs for violation and fresh bank guarantee of INR 25 lakhs has been submitted by the unit. The Tribunal observed that the committee constituted by PPCB also found that the industry was not achieving zero liquid discharge practice in its unit. The Tribunal has directed PPCB to file the report within a period of six weeks.

NGT imposes cost on Delhi Government and PWD for delaying their response

[Naresh Chaudhary vs. Union of India & Ors.¹³, Order dated 15 January 2024](#)

NGT has imposed a cost of INR 10,000 on Delhi's Public Welfare Department ("PWD") and Delhi Government for their failure in filing the response in the matter of the alleged environmental violation at Delhi Chief Minister's

official residence. It also imposed a cost of INR 15,000 on Forest Department for filing an incomplete report. The issue involved violation of environmental norms in the construction at 6 Flag Staff Road and 45-47 Rajpur Road, New Delhi by PWD, Delhi. The Tribunal in an earlier order had constituted a joint committee comprising of the Chief Secretary, Delhi, Principal Secretary, Environment and Forest (Delhi) and the nominee of the Delhi Urban Art Commission and the District Magistrate, North with the direction to the committee to ascertain the position and file the report. No report in terms of the direction of the Tribunal was filed when the matter was taken up by the Tribunal on 20 July, 2023. Accordingly, a fresh direction was issued to the committee to file the report. The Tribunal noted that even after so many reminders, neither the report by the joint committee was on record nor did the Chief Secretary, Delhi appear through virtual mode. The Tribunal noted that on the previous hearing PWD had requested for granting two weeks' time to place on record the relevant documents relating to permission and compulsory plantation, which was accepted by the Tribunal, but no such documents have been placed on record till date. It also noted that Delhi Government has not filed any response till date. The Tribunal while granting two weeks' time to the PWD and Delhi Government to file the response, directed both authorities to deposit cost of INR 10,000 each, with the Registrar General of the Tribunal. NGT also noted that the hard copy of a report by Forest Department was submitted during the hearing in which annexures were missing which led NGT to impose a cost of INR 15,000 on the Forest Department for filing an incomplete report.

NGT quashes EC granted to Maharashtra State Power Generation Company Limited

[Kanhai Ram Patel & Ors. vs. Union of India¹⁴, Order dated 15 January, 2024](#)

The central bench of NGT has quashed the EC granted to M/s Maharashtra State Power Generation Company Limited ("MSPGCL"). The appeal was filed against the grant of EC dated 11 July, 2022 to MSPGCL for mining at Gare Palma, Sector-II, in Chhattisgarh. NGT observed

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that the EC granted is vitiated in law because of not conducting public consultation, non-consideration of Indian Council of Medical Research report, hydrological study and carrying capacity. The Tribunal noted that the carrying capacity study by the concerned authority, has not been conducted and this aspect has not been taken into consideration by the competent authority in granting EC. NGT while noting the same, quashed the EC granted to MSPGCL for mining at Gare Palma, Sector-II, coal mine project. NGT also directed MoEFCC to re-examine the matter from the stage of conducting public consultation.

NGT imposes a fine of INR 12 Lakhs on Birla Carbon for discharging untreated effluents

Pankaj Srivastava vs. Birla Carbon India Pvt. Ltd.¹⁵, Order dated 19 January 2024

The principal bench of NGT has imposed a fine of INR 12 Lakhs on Birla Carbon Ltd. for discharging untreated and polluted black water into an existing drain. The complainant alleged that the industrial unit was discharging untreated and polluted black water into an existing drain connected to the river Renu, causing pollution and thus violating environmental laws. The local administration inspected the site, confirming the discharge of black effluents into the drain/nallah. Subsequent inspections by the CPCB and Uttar Pradesh Pollution Control Board ("UPPCB") verified the discharge of untreated black water containing carbon which led to the issuance of a show cause notice by the Chief Environment Officer, Circle – 2. The Tribunal noted that despite the show cause notice, the unit continued to discharge untreated black water into the nallah. The Tribunal was of the view that the proponent is liable to pay environmental compensation since the time the violations were first detected, till the time the remediation was verified. Since partial violation has been admitted by the proponent and rate of compensation is also admitted, the Tribunal did not change the rate of compensation and confined the quantum of compensation at the

rate of INR 30,000 per day for 40 days, leading to an environmental compensation of INR 12 lakhs. The Tribunal directed the proponent to pay the amount to UPPCB within two months.

NGT directs imposition of penalty against solid waste collection agency for its failure to remove waste dumped along the roads

Lalit Gulati vs. Union of India¹⁶, Order dated 23 January 2024

The principal bench of NGT has directed the Municipal Corporation of Gurugram ("MCG") to file a fresh report before the Registrar General, NGT indicating the extent of recovery of the penalty, as imposed on M/s Eco Green Energy Pvt. Ltd. ("Eco Green Energy") during the last three months. The matter related to dumping of garbage along the road in Udyog Vihar, Gurugram, Haryana which was leading to multiple problems, including health hazard and damage to the environment. The joint committee report dated 28 August, 2023 had stated that during the site inspection heaps of solid waste and other waste were found dumped along the road in the open area. MCG contended that Eco Green Energy was expected to remove the waste regularly and the waste has not been removed due to a lapse on the part of the agency. The Tribunal observed that Eco Green Energy had committed as many as 20 lapses/defaults and accordingly a penalty of INR 1,75,000 had been imposed on it. MCG also stated that a recovery notice amounting to INR 129.20 crores has also been issued to Eco Green Energy for recovery of dues against expenditure incurred by MCG on its own, out of which only a sum of INR 6.50 crores has been recovered. MCG assured NGT that it is taking all possible steps to get the solid waste collected and disposed of in a scientific manner at the processing site at village Bandhwari. NGT noted that the report filed by MCG earlier mentioned that the site as on date had been cleaned and that the secondary collection point on the spot has been discontinued. NGT has directed MCG to file the report within a period of three months.

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MoEFCC amends ash utilization notification¹⁷

MoEFCC on 01 January, 2024, has amended the ash utilisation notification dated 31 December, 2021. In the ash utilisation notification, in paragraph B, (i) in sub-paragraph (1), both the provisos have been substituted with: provided that the coal or lignite based thermal power plant has given a notice to such agencies for making available ash to such agencies for which cost of ash and transportation shall be borne by the coal or lignite based thermal power plant ; (ii) in sub-paragraph (8), the proviso now reads: all building construction projects (central, state and local authorities, govt. undertakings, other government agencies and all private agencies) located within a radius of 300 kms from a coal or lignite based thermal power plant shall use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are made available at prices not more than the price mentioned in the schedule of rates as specified by the Central Public Works Department ("CPWD") or PWD of the state concerned or price of alternative products, if not mentioned in the schedule of rates. That the CPWD and PWD of the state concerned shall publish the schedule of rates specified within six months from 1st January, 2024; (iii) after sub-paragraph (9), the following sub-paragraph has been inserted, namely: all local authorities shall make provisions in their respective building bye-laws and other relevant regulations for the use of ash and ash-based products, such as bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre cement sheets, pipes, boards, panels in construction of buildings, roads, embankments or for any other related construction activity. In paragraph D, (i) for paragraph (1), the following has been substituted: the owner of thermal power plants shall give a written notice to persons or agencies who are required to utilise ash under sub-paragraph (1) and (3) of paragraph B for offering the supply of ash free of cost and bearing the cost of transportation, with a copy to concerned State Pollution Control Board ("SPCB"). The manufacturers of ash bricks or tiles or sintered ash aggregate or other ash-based products shall give a written notice to

persons or agencies who are required to utilise ash-based products under sub-paragraph (8) of paragraph B for offering for sale of such products with a copy to concerned SPCB. (ii) after sub-paragraph (3), the following sub-paragraphs has been inserted: the coal or lignite based thermal power plants, while utilising ash under this notification shall reserve certain percentage of ash for supply to all micro and small enterprises engaged in ash-based product manufacturing namely, bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre cement sheets, pipes, boards, panels for sale at concessional price or through limited auction in accordance with the guidelines issued by the Central Government in the Ministry of Power.

CPCB releases SOP for recycling of lead scrap¹⁸

CPCB on 04 January, 2024, has issued the Standard Operating Procedure ("SOP") for recycling of lead scrap and used lead acid batteries. This also includes lead acid battery plates, rains, rinks, radio, racks, rakes, ropes, rono, rents, relay, rails and other lead scrap/ ashes/ residues, etc. The SOP specifies the requirements for seeking permission for import of lead scrap and used lead acid batteries for recycling. It also includes guidelines for the grant of authorization for recycling facilities.

MoEFCC notifies the Wild Life (Transactions and Taxidermy) Rules, 2024¹⁹

MoEFCC on 16 January 2024, has notified the Wild Life (Transactions and Taxidermy) Rules, 2024. The Wild Life (Transactions and Taxidermy) Rules, 2024 have come in supersession of the Wild Life (Transactions and Taxidermy) Rules, 1973. The rules provide that no licensee shall acquire, receive, keep in his control, custody or possession any specified animal or any animal article, trophy, uncured trophy or meat derived therefrom; or put under a process of taxidermy or make animal article containing part or whole of such animal, except with the previous permission of the authorised officer. The rules also mention submission of report of stocks and that no licensed dealer shall sell or offer for

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sale any specified animal, or any animal article, trophy or uncured trophy derived therefrom, except to a person authorised to purchase by a permission granted by the Chief Wild Life Warden ("Chief Warden") and where the sale is effected, the purchaser shall surrender the permission to the licensed dealer. It also states that every licensed taxidermist or licensed manufacturer shall, at the time of returning the trophy or animal article, issue a voucher to the owner of the said trophy or animal article. Another key provision states that no licensee shall transport from one place to another within the state any specified animal, animal article, trophy or uncured trophy derived therefrom, except with the previous permission of the Chief Warden.

CPCB releases SOP for recycling of waste tyre scrap for the recovery of Tyre Pyrolysis Oil, Pyro Gas and char in TPO units²⁰

CPCB on 16 January, 2024, has released the SOP for recycling of waste tyre scrap for the recovery of Tyre Pyrolysis Oil ("TPO"), Pyro Gas and Char in TPO units. NGT by its decision dated 06 January 2020 had issued a series of directives aimed at regulating TPO units. Based on this order the CPCB issued this SOP for recycling of waste tyre scrap for the recovery of TPO, Pyro Gas and Char in TPO Units. The SOP deals with the complete pyrolysis process, siting criteria, carrying capacity and SOP for advanced batch automated process type TPO units.

MoEFCC notifies the Wild Life (Protection) Licencing (Additional Matters for Consideration) Rules, 2024²¹

MoEFCC on 16 January, 2024, has notified the Wild Life (Protection) Licencing (Additional Matters for Consideration) Rules, 2024. The key provision under the new rules deals with additional matters for consideration while grant of licence and provides that the Chief Warden or the authorised officer, shall have regard to the (i) capacity of the applicant to handle the business concerned with reference to facilities, equipment and suitability of the premises for such business; (ii) source and the manner in which the supplies for the business concerned would be obtained; (iii) number of licence for

the relevant business already in existence in the area concerned; (iv) implications which the grant of such licence would have on the hunting or trade of wild animals concerned. It further provides that no such licence shall be granted if it relates to any wild animal specified in Schedule I of the Wild Life (Protection) Act, 1972, except with the previous consultation of the Central Government.

MoEFCC notifies date of enforcement of the Biological Diversity (Amendment) Act, 2023²²

MoEFCC on 18 January, 2024, has issued a notification regarding the date of enforcement for the Biological Diversity (Amendment) Act, 2023. The Central Government has appointed 01 April, 2024 as the date on which the said Act shall come into force.

CAQM revokes GRAP Stage-III with immediate effect²³

The Commission for Air Quality Management in NCR and adjoining areas ("CAQM") on 18 January, 2024, has revoked Graded Response Action Plan ("GRAP") Stage- III with immediate effect. The sub-committee in its meeting held on 18th January, 2024 further reviewed the air quality scenario in the region and decided to revoke the order, issued on 14 January, 2024. The revocation order stated that activities under Stage-I and Stage-II of the GRAP shall however remain prohibited and be monitored and reviewed by all agencies concerned in the entire NCR. The agencies shall keep strict vigil and especially intensify measures under Stage-I and II of GRAP in order to obviate the implementation of Stage-III of GRAP actions owing to AQI level further slipping into 'severe' category. It also stated that construction and demolition project sites and industrial units which have been issued specific closure orders on account of violations/ non-compliances of various statutory directions, rules, guidelines etc. under no circumstances shall resume their operations without any specific order to this effect from CAQM. All agencies responsible for implementation of various actions listed under Stages-I and II of GRAP and citizens/residents are advised to strictly implement and follow respectively the provisions/charter of GRAP under Stage-I and

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Stage-II to obviate the need for re-imposition of Stage-III of GRAP in NCR. The sub-committee shall be keeping a close watch on the air quality scenario and may take appropriate decisions depending on the air quality, as recorded from time to time.

MoEFCC notifies the Environment (Protection) Amendment Rules, 2024²⁴

MoEFCC on 29 January, 2024, has notified the Environment (Protection) Amendment Rules, 2024 to further amend the Environment (Protection) Rules, 1986. Through the present amendment, in Schedule – I, in serial number 2 relating to man-made fibre, under heading ‘Environmental Standards for Man-made Fibre Industry’, under sub-heading ‘A. Effluent Standards’ in ‘note’, after the words “Filament Yarn Units”, the words “except production from continuous spun yarn technology” have been substituted.

Central Government launches framework to promote voluntary carbon markets in the agriculture sector²⁵

The Union Minister of Agriculture & Farmers’ Welfare and Tribal Affairs on 29 January, 2024, has launched the framework for Voluntary Carbon Market (“VCM”) in agriculture sector and accreditation protocol of agroforestry nurseries. Senior officials of central and state ministries and various organizations related to agriculture were present on the occasion, while many stakeholders also joined the programme virtually. In his address, the Union Minister said that the Ministry of Agriculture and Farmers’ Welfare prepared a framework to promote VCM in the agricultural sector of the country with a view to encourage small and medium farmers to avail benefits of carbon credit. Introducing farmers to the carbon market will not only benefit them but also accelerate the adoption of environment-friendly agricultural practices. He requested full cooperation from the concerned ministries of the centre and the states and other concerned organizations to promote the carbon market in the interest of farmers. He said that work should be done in this direction in collaboration with the farmers of the southern areas, in a manner convenient for them and

along with the solution there is a need to focus its benefits on our farmers.

Finance Minister presents Interim Budget 2024-25²⁶

The Interim Budget 2024-25 was presented by the Finance Minister, Nirmala Sitharaman in the Lok Sabha on 01 February, 2024. The following key announcements were made in relation to environment, climate change and sustainability:

- **Rooftop solarization and Muft Bijli:** Through rooftop solarization, 1 crore households will be enabled to obtain up to 300 units free electricity every month. The following benefits are expected from the scheme:
 - (a) Savings up to INR 15000 to 18000 annually for households from free solar electricity and selling the surplus to the distribution companies;
 - (b) Charging of electric vehicles;
 - (c) Entrepreneurship opportunities for a large number of vendors for supply and installation;
 - (d) Employment opportunities for the youth with technical skills in manufacturing, installation and maintenance.
- **Green Energy:** Towards meeting India’s commitment for ‘net-zero’ by 2070, the following measures shall be taken:
 - (a) Viability gap funding will be provided for harnessing offshore wind energy potential for initial capacity of 1 Gigawatt.
 - (b) Coal gasification and liquefaction capacity of 100 million tonne will be set up by 2030. This will also help in reducing imports of natural gas, methanol and ammonia.
 - (c) Phased mandatory blending of compressed biogas in compressed natural gas for transport and piped natural gas for domestic purposes will be mandated.
 - (d) Financial assistance will be provided for procurement of biomass aggregation machinery to support collection.
- **Electric Vehicle Ecosystem:** Central Government will expand and strengthen the e-vehicle ecosystem by supporting manufacturing and charging infrastructure.

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Greater adoption of e-buses for public transport networks will be encouraged through payment security mechanism.

- **Bio-manufacturing and Bio-foundry:** For promoting green growth, a new scheme of bio-manufacturing and bio-foundry will be launched. This will provide environment friendly alternatives such as biodegradable polymers, bio plastics, bio pharmaceuticals and bio agri inputs. This scheme will

also help in transforming the present consumptive manufacturing paradigm to the one based on regenerative principles.

- **Blue Economy 2.0:** For promoting climate resilient activities for blue economy 2.0, a scheme for restoration and adaptation measures and coastal aquaculture and mariculture with integrated and multi-sectoral approach will be launched.

Endnotes

- 1 Writ Petition No. 1394 of 2023
- 2 Civil Appeal Diary No(S). 50124/2023
- 3 Diary No.- 9637 – 2023
- 4 Diary No.- 2997 – 1995
- 5 Civil Appeal No. 3798 of 2019
- 6 Writ Petition(s)(Civil) No(s). 13381/1984
- 7 Writ Petition(s)(Civil) No(s). 202/1995
- 8 WP (C) No. 36125 of 2023
- 9 Criminal Application No. 369 of 2016
- 10 M.A. No. 103/2022 in OA No. 169/2021
- 11 Original Application No. 752/2023
- 12 Original Application No. 173/2023
- 13 Original Application No.334/2023
- 14 Appeal No.26/2022(CZ)
- 15 Original Application No. 336 Of 2023
- 16 Original Application No. 473/2023
- 17 [https://egazette.gov.in/\(S\(a2l4lqmc2ij1mxavn1b3ymkf\)\)/ViewPDF.aspx](https://egazette.gov.in/(S(a2l4lqmc2ij1mxavn1b3ymkf))/ViewPDF.aspx)
- 18 <https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS80MDZfMTcwNTU4MDIxNV9tZWRpYXBob3RvMjYyNTcucGRm>
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- 25 <https://pib.gov.in/PressReleaseDetailm.aspx?PRID=2000331>
- 26 <https://www.indiabudget.gov.in/>

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