



**Environment Law Reporter - Vol. I, Issue 2**  
**August 2020**

**A joint initiative of Social Development for Communities Foundation and Society for Constitutional Law & Human Rights**

[www.sdruk.in/himalayan-watch](http://www.sdruk.in/himalayan-watch)

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**About Environment Law Reporter:** A fortnightly publication reporting judgments, order and legal developments from the Supreme Court, National Green Tribunal and the Indian Himalayan Region. It is a joint publication by SDC Foundation and SCLHR.

**About SCLHR:** It is a student driven forum dedicated to promote research in Constitutional Law, Human Rights and incidental issues. Society is founded under the aegis of School of Law, University of Petroleum and Energy Studies (UPES). Email: [sclhr@ddn.upes.ac.in](mailto:sclhr@ddn.upes.ac.in)

**About SDC Foundation:** SDC is an environmental action and advocacy group based in Dehradun. Himalayan Watch is a forum founded and managed by SDC to conduct research and communication on ecological affairs of the Indian Himalayan Region.

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## National

### → NGT suggests states to prepare and execute district environment plans

(04 August 2020)

National Green Tribunal (NGT) was dealing with the issue of illegal operation of marriage halls, nursing homes, commercial complexes, hotels and other commercial establishments without the consent of Uttar Pradesh Pollution Control Board (UPPCB) in the case of Ashish Kumar Dixit v. State of Uttar Pradesh. NGT directed the Chief Secretary, Government of Uttar Pradesh to submit an action taken report. However, it didn't. UPPCB also submitted its report on the issue but NGT found it far from satisfactory.

As a direction, [NGT asked the state of UP](#) to prepare comprehensive District Environmental Plans and implement them in coordination of Central Pollution Control Board (CPCB). It also suggested other state pollution control boards and pollution control committees to prepare similar environment plans. These plans will be aimed at ramping up the restoration and monitoring capacities. It also asked CPCB to prepare a plan for utilization of funds for implementing the District Environment Plans.

The court cited the SC judgment of T.N. Godavarman v. Union of India which talked about utilization of Compensatory Afforestation (CAMPA) funds. The verdict of NGT was based on similar lines.

### → Supreme Court: Orders CPCB to share COVID-19 waste and temperature of common waste disposal facilities with public

(04 August 2020)

In compliance to an earlier order passed by NGT, Environment Pollution Control Authority (EPCA) submitted its report on COVID-19 waste management. EPCA recommended that Waste to Energy Plants are not built for incinerating bio-medical wastes; it is necessary to track bio-medical waste generation and disposal on a daily basis; common treatment facilities are important for bio-medical waste management and therefore their real time monitoring is important amongst the other suggestions.

Based on these, [the Supreme Court ordered](#) all municipal corporations and pollution control boards to upload data relating to collection and disposal of COVID-19 bio-medical waste from residences and quarantine centres on 'COVID19BWM' app developed by CPCB and further directed CPCB to make the collected data public on their website.

The apex court also directed CPCB to monitor the Online Continuous Emission Monitoring System (OCEMS) that is installed in common treatment facilities and share the data with the public through its website.

It further directed municipal corporations to ensure that they educate households about segregation and also send the bio-medical waste for treatment to common facilities only.

**→ No withdrawal of groundwater by any commercial entity without an environmental impact assessment, says NGT**

(04 August, 2020)

While hearing a plea filed by Journalist Shailesh Singh to regulate extraction of groundwater by commercial entities, NGT directed the Ministry of Jal Shakti and Central Ground Water Authority (CGWA) to ensure that [no permission be given to any commercial entity](#) for extraction of groundwater without carrying out an environment impact assessment.

The court further directed to prepare water management plans for all overexploited, critical and semi-critical (OCS) assessment units in the country based on the mapping data. According to the experts of the industry this decision will put around 20,000 applications seeking no-objection certificates from the industry on hold.

“There must be no general permission for withdrawal of groundwater, particularly to any commercial entity, without EIA of such activity on individual assessment units in cumulative terms covering carrying capacity aspects by an expert committee”, said NGT Chairperson, Adarsh Kumar Goel.

The bench further said that the permission to extract groundwater must be for specified times and quantity of water and not for perpetuity.

**→ NGT raps environment ministry for poor monitoring on provisions of environmental clearances**

(01 August 2020)

NGT made [strong comments to the environment ministry](#) in the case of Sandeep Mittal v. Ministry of Environment, Forests and Climate Change (MoEFCC) which dealt with effectiveness of monitoring mechanisms for compliance conditions of environmental clearance.

The tribunal said the existing monitoring mechanisms for the conditions of environmental clearance are inadequate and suggested to have a periodic monitoring mechanism - at least once in a quarter.

NGT recalled some famous principles of environmental conservation like ‘precautionary principles’ and ‘principles on sustainable development’ and urged the ministry to implement the same while monitoring the conditions of environmental clearance. The green court also discussed the significant ‘Public Trust Doctrine’ in order to make MoEFCC realize that it is ultimately the ministry’s duty to safeguard natural resources in the country, that too in the interest of the public at large.

The court also stated that there are large gaps in enforcing the conditions and the same have been highlighted in the reports by Comptroller and Auditor General (CAG).

The directions were passed on the basis of an affidavit submitted by the MoEFCC which mentioned proposals to strengthen monitoring mechanisms regarding environmental clearances in the country.

**→ NGT directs MoRTH to prepare a policy on scrapping of old vehicles soon**

(27 July 2020)

In a suo motu matter, NGT has reprimanded the Ministry of Road Transport and Highways (MoRTH) for delay in issuing guidelines on scrapping of vehicles. The order noted that the ministry's response is [very unsatisfactory and lacks sensitivity](#) on the issue.

The bench said that there is no concrete explanation for the delay caused by the ministry in issuing the required notification. The bench further gave additional time of two months to issue the notification on scrapping of vehicles.

The panel said that by 2025 there will be more than two crore very old vehicles in the country. Court directed the ministry to expedite its process of preparing a standard operating procedure (SOP) for setting up recycling centers across the country. Scrapping of vehicles needs to be organized in a scientific manner as the current capacity is hardly sufficient, bench added.

**→ CPCB submits its assessment on environmental evaluation of railway stations to NGT**

(13 July 2020)

As per the directions passed by NGT in the case of Saloni Singh v. Union of India, CPCB submitted its [detailed report on status of environmental compliances](#) of railway stations in India. A total of 36 railway stations were inspected during February – March 2020 by teams comprising officials from CPCB and concerned SPCBs or PCCs.

These committees assessed the environmental compliance status of these railway stations with respect to Air Act 1981, Water Act 1974, Solid Waste Management Rules 2016, Plastic Waste Management Rules 2016 and more. The committee further categorized the stations in three categories of red, orange and green based on their environmental compliance levels.

The assessment was based on 24 action points like status of regulatory clearances under the water and air act, hazardous waste management rules; status of waste water treatment system; status of waste segregation and disposal; noise monitoring etc.

It was revealed that out of 36 only 11 stations have applied for consent certificates under the air and water act; only 3 have applied for consent under the hazardous waste management

act and only 15 stations have an effluent treatment plant while it is under construction in 8 of them. On the other hand, only 14 stations had sewage treatment plants and it was under construction in two.

The report also highlighted that 9 stations are not segregating the dry and wet waste while the rest were. 22 stations do not have a wet waste processing facility, as required under the Solid Waste Management Rules 2016, stated the report. As per the report, 28 railway stations do not have any arrangements with recyclers for managing the waste.

## Indian Himalayan Region

### **→ 2013 Kedarnath Tragedy: Uttarakhand High Court orders the state to publish the committee's finding in the next two months**

(06 August 2020)

The 2013 Kedarnath Flash Floods was one of the worst Himalayan tragedies ever. As per the official report of the National Institute of Disaster Management, more than 200 people got killed and around 4000 got missing (which are now presumed to be dead) in the floods. Non-government estimates suggest even higher numbers.

The issue resurfaced again when Uttarakhand High Court disposed off a Public Interest Litigation (PIL) filed by Ajay Gautam, a Delhi resident on 8 August 2020. The petition talked about expediting the process for identifying and finding the mortal remains of the missing persons. "As per the government record 3322 dead bodies lie scattered in the Kedarnath town", said the petition. "Only 998 persons gave DNA samples for matching it with missing or dead persons, out of whom the government was able to identify only 33 samples and rest 875 are still pending", further stated the petition.

Petition talked about setting up a committee to look into the process of identifying and finding the mortal remains of more than 3000 people in the state. In response, the state government had created a committee under the Chairmanship of Inspector General, State Disaster Response Fund (SDRF), Uttarakhand. Members from the Wadia Institute of Himalayan Geology and Archaeological Survey of India will also be part of the expert committee. The same was informed to court by the government.

The High Court accepted the response and ordered the state government to publish the findings of the expert committee, constituted to investigate the tragedy, within the next two months.

In his petition, the petitioner also requested the court to order the government to suggest an appropriate technology that will be used for identifying the missing persons. It also sought directions to restrict the movement of people in the hill shrines and keep a proper biometrics record of the people visiting these places.

The petition further went on to seek directions on submitting a status report with respect to untreated sewage flowing in the rivers en route to Chardhams. To which court had ordered the government to submit undertakings on steps taken to check mass tourism in hills and keep Ganga clean.

### **→ Assam's Baghjan gas leak case: NGT accepts expert committee's compensation formula**

(06 August 2020)

NGT in *Bonani Kakkar v. Oil India Limited* (known as *Baghjan Gas Leak Case*) passed an order on 6 August 2020. NGT accepted the interim report of the expert committee suggesting a pro tem compensation formula.

The expert committee in its report had recommended for the creation of three categories and scale of temporary compensation as follows:

1. Whose houses have been completely gutted by fire – Rs. 25 lakhs
2. Whose houses have been severely damaged – Rs. 10 lakhs
3. Whose houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged – Rs. 2.5 Lakhs

NGT has asked the OIL to pay compensation to people falling in these categories along with a clarification that compensation which is already paid to a few people will surely be taken into account. The tribunal further directed the District Administration for the identification of the people falling in category I and II and has requested the Assam State Legal Services Authority to oversee the process of identification.

The NGT on 6 August was considering the objection of OIL on the measures and findings of the expert committee. OIL questioned the authenticity of the report stating that it is not based on the site visits. OIL further claimed that the blowout was the fault of contractors.

On compensation, OIL submitted that they have already paid the compensation to the people placed in category I by the expert committee. However, NGT rejected all the contentions put forth by OIL and asked it to pay compensation to remaining categories and also to the families who have shifted to relief camps after the explosion on 9 June 2020.

The matter is listed on 3 November 2020 for further hearing and the expert committee has been asked to submit its final report on 2 November 2020.

**→ NGT accepts US Nagar DM's report on illegal construction on Girital Lake in Kashipur, Uttarakhand, dismisses the application**

(05 August 2020)

In response to an application filed by Non-Governmental Organization (NGO) Green India Heritage in 2019 which alleged that illegal construction was taking place around the Girital Lake in Kashipur City of Uttarakhand, NGT directed the District Magistrate, Udham Singh Nagar to look into the matter and take action as required and file a report

The report was filed by the District Magistrate on 17 July 2020. The report accepted that there were illegal constructions which were responsible for polluting the river. It was also informed that after taking adequate steps, the illegal constructions on the river were now removed.

Accepting the report, NGT ordered to [dismiss the application](#) on 5 August 2020.

**→ Illegal construction and waste management in Manali and Mcleodganj: Status report filed by Joint Secretary (Town & Country Planning/ Urban Development), Government of Himachal Pradesh**

(04 August 2020)

In response to directions passed by NGT in the case of Ramesh Chand v. State of Himachal Pradesh, Town & Country Planning and Urban Department of Himachal Pradesh [submitted its status report](#) to the green court. It listed the number of measures that the municipal bodies are taking to check illegal construction activities, ensure sustainable waste management, monitor air quality etc.

The report shared that construction activities in Manali Municipal Council area were permitted strictly as per law. No new cases of commercial land use were being allowed and permitted in Manali Municipal Council area. The government further informed the court that Construction activities would not be permitted in Manali unless and until adequate provisions for solid waste management and water supply were put in place.

Likewise, the Commissioner of Dharamshala Municipal Corporation has reported that there has been a blanket ban on construction activities in Mcleodganj. However, approval for completion to 18 commercial units had been issued by the Dharamshala Municipal Corporation after adherence to adequate provisions for solid waste management and water supply of such units.

The report said that the Himachal Pradesh State Pollution Control Board had not issued any fresh consent to establish/no objection certificate (NOC) for the hotels and guest houses in Mcleodganj and Manali after the NGT order of 29 July 2019.

Manali Municipal Council further informed the court that regular monitoring of air and river quality is also being conducted. Dharamshala Municipal Corporation informed that 100% door to door collection is now available in the city and 50% of waste is now being segregated at source, said the status report.

The report is yet to be taken on record by the court.

**→ Committee to probe large scale illegal mining in Dehing Patkai reserve forests of Assam**

(27 July 2020)

In an application filed by Mr. Pradip Bhuyan, Eastern Zonal Bench of [NGT has ordered an institution of an expert committee](#) to probe large scale and illegal coal mining activities happening in the reserved forests of Dehing Pataki in Assam.

Dehing Patkai Wildlife Sanctuary has been famous for its rich biodiversity but is at major risk due to rampant illegal coal mining activities in the region. The applicant furnished evidence in the green court, sharing that North Eastern Coalfields company has been carrying out large scale coal mining without obtaining proper clearances from the government.

The court was satisfied and decided that there is prima facie evidence which requires the matter to be investigated. The members in the committee will be from CPCB, SPCB, State Environment Impact Assessment Authority, Forest Department and IIT, Guwahati.

**→ Government of Himachal takes a slew of measures for protecting Rohtang-Manali pass, submits the quarterly report to NGT**

(01 July 2020)

In the suo motu case by the Himachal High Court against the State Government, it was observed that huge pollution was emanating from the vehicles making round trips from Manali to Rohtang Pass. It was estimated that around 4000 - 5000 vehicles taking up such trips led to the damaging of the sensitive Himalayan environment.

This observation was made in 2010 where a two judge bench at Himachal Pradesh High Court directed the Chief Secretary to draft a proposal regulating the vehicular Movement. The case was later transferred to the NGT in 2013.

Himachal Government has been asked to submit quarterly status reports in order to keep the court updated. As per the [latest quarterly status report](#) following steps have been taken to protect the environment at Rohtang-Manali pass:

I. Proposal has been made to construct a Sewage Treatment Plant at Marhi. The construction of the same has been hindered because of the onset of the pandemic and is sought to continue soon.

II. Two parking spots have already been developed near Gulaba in order to ease the traffic congestion and a third parking spot is already under development which is designed to cater around 70-80 vehicles at a given point of time.

III. Steps are being taken to develop a second solid waste management facility at Manali. The facility focuses on efficient use of waste by creating a Waste To Energy option. The facility will also produce Refuse Derived Fuel (RDF).

The first facility that is the ACC Barmana site produces around 30-35 tonnes of RDF. With the second site in construction, the state is set to boost the model of Waste To Energy.

IV. A detailed plan has been set out for instituting a Nature Park at Gulaba.

V. In order to reduce the vehicle influx in the region and mitigate the problem of air pollution, operation of electric buses as public transport is being planned by the government.

A total of 25 electric buses have been procured by Himachal Pradesh Road Transport Corporation. The corporation aims to purchase around 100 more electric buses to abate pollution loads and lower pollution in the coming years.

Tribunal's order on this status report is awaited.

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