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[www.sdcuk.in/himalayan-watch](http://www.sdcuk.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 directs CPCB to lay down guidelines for disposal of cigarette/bidi butts within 3 months**

(9 September 2020)

In a petition filed by Doctors for You, a not for profit organization to regulate disposal of cigarette and bidi butts, apart from prohibiting consumption of tobacco in public places, the NGT has directed CPCB to frame guidelines regulating disposal of cigarette/bidi butts within 3 months. However, the MoEFCC has contended that bidi butts were not listed as hazardous. The cellulose acetate, which is prepared by converting cellulose into an acetic acid ester, is essentially a biodegradable substance.

Read the order [here](#)

### **→ NGT gives 2 months' time to Centre to file response on allowing high ash coal in thermal power plants**

(8 September 2020)

NGT has directed the central government to file its response on a plea filed by a trust named Say Earth, challenging notification dated 21 May 2020, permitting the use of coal with ash content higher than permitted earlier in thermal power plants.

MoEFCC in May decided that it will no longer regulate the ash-content of coal used by thermal power plants. For the same, it issued a notification that overturned its January 2014 regulation which made it mandatory for all coal-based power plants located 500 kilometers or more from the pit-head or coal mine to use raw or blended or beneficiated coal with no more than 34 percent ash content.

Read the order [here](#)

### **→ Supreme court stays NGT's order of environmental compensation on thermal power plants**

(8 September 2020)

The Supreme Court on Tuesday stayed the recovery of 'Environmental Compensation' imposed by the NGT. It was for non-achievement of 100 % Fly Ash utilization and disposal by Thermal Power Plants (TPPs). The petition was filed by Association of Power Producers against the NGT order where it directed the power producers (including Adani, Essar, DB) which were not able to ensure/achieve 100% Fly Ash Utilization till cut off date 31 December 2017 shall be liable to pay Environmental Compensation to the Central Pollution Control Board (CPCB).

Read the order [here](#)

**→ NGT seeks response of MoEF on notification exempting mining leases from requirement of environment clearance**

(7 September 2020)

NGT while hearing a plea filed by Noble M Paikada challenging notification dated March 28, 2020 which exempted mining leases from requirement of environment clearance has directed the Ministry of Environment, Forest and Climate Change (MoEFCC) to file its response within one month. The notification provides that a successful bidder of mining lease shall be deemed to have acquired valid prior environment clearance.

Read the order [here](#)

**→ NGT cannot direct state government to deposit security for compliance of orders: Supreme Court**

(28 August 2020)

The Supreme Court while setting aside a judgment of National Green Tribunal (NGT), Bhopal Bench to the extent that it directed the Madhya Pradesh Government to deposit Rs. 25 crores as security deposit for compliance of its order to all dealers and petrol pumps to not to give fuel to vehicles without Pollution Under Control (PUC) Certificates.

It said that the order of NGT, directing the state government to ensure that no vehicle without a PUC Certificate is given fuel is outside the scope of Central Motor Vehicle Rules and Environment Protection Act and therefore, tribunal has no power to pass any such order.

Read the order [here](#)

## Indian Himalayan Region

### → **Order of NGT regarding Illegal coal mining in Saleki Proposed Reserve Forest, Tinsukia district, Assam.**

(10 September 2020)

In the case of Pradip Bhuyan v. Union of India & Ors., the applicant expressed concerns over the large scale illegal coal mining in the Dehing 2 Patkai Elephant Reserve particularly in Saleki Proposed Reserve Forest, Tinsukia district, Assam. It has been contended that mining is being carried out without obtaining clearance under Section 2 of the Forest (Conservation) Act 1980.

A Committee was constituted by the Tribunal comprising of the CPCB, State Pollution Control Board, State Environment Impact Assessment Authority (SEIAA), Assam, the PCCF (HoFF), Assam and, an expert from the IIT, Guwahati to visit the spot, verify on the factual aspects and to submit a report.

While the matter was pending, the State of Assam placed on record Public Interest Litigations which were pending before the Hon'ble Gauhati High Court in which the issues raised in the present application were also the subject matter under consideration.

It was further contended that a One Man Enquiry Commission had been constituted by the State Government under section 3 of the Commission of Inquiry Act, 1952 for enquiry into the alleged illegal mining activities being carried out in the Dehing Patkai Elephant Reserve and Saleki Proposed Reserve Forest by Coal India Ltd. and its subsidiaries i.e. North Eastern Coalfields.

For the same reasons, the application was disposed off on the grounds that the continuance of the present proceedings would amount to parallel proceedings being held on the same subject matter before two different forums.

Read the order [here](#).

### → **Supreme Court orders to implement 5 metre circular by MoRTH issued in 2018 and ensure compensatory afforestation**

(8 September 2020)

In the matter of Char Dham Pariyojana, the apex court referred to the "conclusions and recommendations" of the High-Powered Committee (HPC). The majority opinion was to apply the 2012 circular on road width issued by the Ministry of Road Transport and Highways (MoRTH). On the other hand, the chairman, Mr. Ravi Chopra and the four minority members objected to it and put forward their views to implement the MoRTH circular dated 23 March 2018.

The Supreme Court confirmed the minority opinion as well as sanctioned the strict compliance of other directions issued on 8 August 2019.

The bench headed by Justice Rohinton Fali Nariman supported the contention of petitioner's counsel. And affirmed that there had already been so much havoc and it's tenacious to work on it. The miscellaneous application was thus disposed off with the approbation of plantation of trees.

Read the order [here](#)

**→ Order of NGT regarding indiscriminate felling of trees in Papum Reserved Forest and Pakke Tiger Reserve in Arunachal Pradesh.**

(30 August 2020)

In the matter of Jorjo Tana Tara v Union of India & Ors., the applicant raised concerns over the indiscriminate felling of trees in the reserved forest area which is part of Papum Reserved Forest and part of Pakke Tiger Reserve in the Himalayan state of Arunachal Pradesh. He submitted that though the government authorities were aware of such activities, there have been no effective steps to curb the menace which might lead to creating man-animal conflict threatening the survival of tigers in that area.

For the same reasons, a joint inspection was conducted by the Divisional Forest Officer (DFO), Khellong Forest Division, and the Director, Pakke Tiger Reserve, Cicigusa, Arunachal Pradesh and the report was thereby submitted which states that regular patrolling of the area is being carried out by the Forest Range Officer and certain steps have been taken for curbing the illegalities because of which illegal felling has been controlled to a large extent. It also revealed that although efforts are being made by the Range Officer, the limited manpower under his command has made it difficult to deal with the menace effectively.

Considering the urgent need of conserving and nurturing the natural resources, the NGT directed the State to take the following measures:

- To identify the hot spots, where illegal felling of trees and deforestation is taking place
- To draw a Strategic Action Plan for combating the illegalities
- To enhance the strength of the forest personnel
- To constitute a High Level Committee headed by the Chief Secretary of the State to put into action the above observations

Read the order [here](#).

## → Plea to restrict packaging of carbonated soft drink and liquor

(29 August 2020)

An Uttarakhand based NGO, Him Jagriti Uttaranchal Welfare Society filed an appeal where they sought restriction on the use of plastic bottles and multi-layered plastic packages used for the packaging of carbonated soft drink and liquor, because of the adverse impact on the environment and health.

On the same, Tribunal ordered a report from a committee comprising of members from FSSAI, BIS, CPCB, and DGHS that suggested an action plan with 12 specific points:

1. **Institute concept of plastic footprint:** To encourage businesses to reduce the use of plastics through innovation and redesigning their packaging, a system of quantifying the use of plastics per unit of the final product may be put in place. A deflator or inflator may be used for use of recyclable plastics, compostable plastics, or multi-layered plastic as the case may be.
2. **Discourage small pack sizes:** Smaller pack sizes/single-serve packaging also has brought better quality and premium products affordable to all the sections of the society. But on the other hand, it constitutes the major plastic waste and litter, as their collection is economically non-viable.
3. **Use of Single polymer/layer recyclable packaging materials shall be encouraged.**
4. **Encourage alternatives to plastics:** Bioplastics and biodegradable plastics like Poly Lactic Acid made from fermented plant starch etc. can be a sustainable alternative to conventional plastics. Awareness on biodegradable, compostable, or bio-based plastics since their degradation requires conditions like appropriate temperature, light, and hydration.
5. **The National Framework on EPR for plastic waste management** is being finalized. The framework may consider a system of monitoring, as well as penalty provision for its noncompliance, may be explored. The companies may be encouraged to use their downstream supply chain of distribution and retail for the collection and aggregation of plastics for recycling.
6. **Eliminate/Ban single-use plastics:** should eliminate and prohibit the usage of single-serve/use plastics within their ecosystems.
7. **Alternatives to plastics:** Encourage the use of reusable and recyclable environment-friendly alternatives such as jute and cloth bags, bamboo and wooden cutlery, leaf-based plates, glass, and metal containers, etc.
8. **Improved Litter Management:** Dry waste shall be segregated into recyclable and non-recyclable. Wet waste may be sent to composting, which can be done in-house. This activity could be made a part of the social responsibility system
9. **Better Plastic Disposal:** Initiatives are to be taken up, to dispose of plastic waste by forming groups to identify energy recovering systems such as incineration and pyrolysis.
10. All municipal bodies must be made responsible for the development and **setting up of infrastructure for segregation, collection, storage, transportation, processing,**

**and disposal** of the plastic waste either on its own or by engaging agencies or producers as mentioned in the Plastic Waste Management Rules.

11. Citizens, especially the socially engaged ones living in urban areas with wide access to information, **have adopted more environmentally conscious consumption habits** oriented toward recycling, reusing, and composting the waste that derives from their domestic consumption.
12. Science and research institutions must be encouraged for working in the direction of developing **environmentally friendly packaging materials** and plastic waste management systems which can be used on a commercial basis. Start-ups may also be encouraged to work in this area.

The final order on the same has been delayed because of no appearance on behalf of the FSSAI, DGHS, and MoEF&CC.

Read the original order [here](#).

→ **NGT exhibits the acute need of action plans in unscientific dumping of waste and encroachment of wetlands in Kashmir.**

(27 August 2020)

NGT on 28 August 2020 while dealing with the issue of unscientific dumping of waste and encroachment of Hokersar Wetland, Wular Lake and Kreentchoo - Chandhara Wetland in the Union Territory of Jammu & Kashmir has directed National Wetlands Committee to compile data on status of compliance of environmental norms in respect of all significant wetlands in the country to ensure remedial action.

The tribunal further directed state pollution control boards (SPCB) / pollution control committees (PCC) and state / union territory (UT) wetland authorities to give the status of wetland management in their respective states to the secretary, Union Ministry of Environment, Forest and Climate Change (MoEF&CC) within three months.

On the basis of the information gathered, a joint Committee of the secretary and chairman of the CPCB will give a consolidated report to the court before 21 January 2021.

Read the order [here](#)

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