



## TWO-THIRD OF THE WORLD SPEAKS IN FAVOUR OF CLIMATE ACTION



A survey conducted by the [United Nations Development Programme \(UNDP\)](#) in over fifty countries questioning 1.2 million people has revealed that two-third of the world believes that we are in a state of “climate emergency”. [This survey is one of the largest conducted till date](#) and covers 56 per cent of the world’s population.

This report is a huge step forward for saving the environment and controlling the damage done to it over years. The report is also assuring in terms of the demography of people believing in climate change as data suggests that there is [not a huge generational divide](#) between the groups. Further, data received from countries having a higher consumption of fossil fuels such as the United States and Russia shows huge support for climate action. The data analysed by Oxford presents facts such as education being an important factor which increases the likelihood of people to believe in climate change.

The survey presents a hopeful picture to climate activists as the primary goal of ensuring climate safety is the recognition of threat. [Cassie Flynn](#), UNDP strategic advisor on climate change notes that this survey provides insight to the political will of the people and will act as a push for world leaders to act on climate change.

### NOTE

It is a pleasure to bring to you the January issue of the Centre for Environmental Law at Institute of Law Nirma University, Newsletter!

We hope that all our readers are safe in these times of COVID-19 pandemic.

We are elated to share with you some of the relevant recent news in the area of Environmental Law.

We would love your feedback and suggestions, as to how make the newsletter more relevant for you.

THANK YOU!

HAPPY READING!

CENTRE HEAD: Dr. Madhuri Praikh

CENTRE ASSOCIATES:

- Prof. Swati Mawandiya
- Dr. Bishwa K Dash
- Prof. Neeraj Gupta

CENTRE MEMBERS: Shrishti Mishra, Harmanjot Kaur, Aakansha Dave, Pruthvirajsinh Zala, Vaishnavi Tiwari, Indira Yadav & Nandini Goyal.

## SUPREME COURT TAKES SUO MOTO COGNIZANCE ON 'REMEDIATION OF POLLUTED RIVERS'



The Supreme Court while hearing a petition related to increased ammonia levels in Yamuna due to discharge of pollutants, has taken suo moto cognizance on the issue of “remediation of polluted rivers”. The court noted that this issue is of great significance and consequence not only for general public but all living beings dependent upon open surface water. A bench comprising Chief Justice of India S.A. Bobde, Justice A.S. Bopanna and Justice V. Ramasubramanian has observed that one of the major causes of water pollution was the discharge of non-treated municipal waste and effluents of various States and cities.

The court acknowledged that deterioration of quality of fresh water has a direct co- relation with the quality of public health and that it has become necessary to compare the costs of prevention and control of water pollution against its effects on human health including treatment, indirect economic costs and damage to flora and fauna. While keeping in mind the fundamental right enshrined under Article 21 of the Constitution of India, the court noted that the right to clean environment and further, pollution free water has been protected under the broad rubric of the right to life guaranteed under Article 21. The court also referred to Articles 47 and 48 -A of the Constitution which impose upon state a duty to improve the public health of citizens and protect the environment respectively.

Therefore, the court directed that suo moto writ petition be registered with regard to the issue of contamination of rivers by sewage effluents and ensure that the mandate is implemented by municipalities as far as discharge of sewage into rivers is concerned. The Court however will start with adjudicating upon the issue of Yamuna River contamination. It has issued notice to various States, Ministries & CPCB. Ms. Meenakshi Arora has been appointed as amicus curiae.

## STAY ON THE FURTHER CONSTRUCTION IN CUBBON PARK



Karnataka High Court on a petition filed by Cubbon Park Walkers' Association, issued an Interim order to stay any further construction of a building by the Karnataka State Government Employees' Association (KSGEA) in Cubbon Park. It was also directed by the court that another building that was built by the Horticulture Department for housing HOPCOMs, should not be occupied without leave of the court.

The petition sought the forthwith demolition of the construction which was in complete violation of the provisions of Karnataka Parks, Play-fields, and Open Spaces (Preservation and Regulation Act), and also disregard the directions issued by the High Court. The petition further stated that if the construction remains it will cause irreparable damage and injury to the general public. It was alleged by the association that the illegal construction is being carried out by Horticulture Department of a Hopcoms shop, construction by Department of Animal Husbandry and Fisheries, operating tertiary treatment plant by BWSS, swimming pool by Century Club, swimming pool and an extra tennis court by KSLTA, generator room and tennis court by Secretariat Club, NGO Hall by Karnataka State Government Employees Association, and new structures by The Press Club and YMCA, within the park.

## US GREENHOUSE EMISSIONS TUMBLE DOWN



US greenhouse gas emissions tumbled below their 1990 level for the first-time last year as a result of the response to the coronavirus pandemic. If reports are to be believed, the fall measures around 10%, the largest since WW I. As stay-at-home orders were rolled worldwide, the transport sector, one among many, hit rock bottom and saw further decrease in the demand for fuel. At the peak of restrictions demand for jet fuel was down 68% on 2019, with petrol down 40%. Based on preliminary research, it is estimated that the overall emissions fell below the 1990 levels for the first time in over a few decades. While the US used the year 2005 to be its base year in global climate negotiations, compared to the same the emissions fell by a whopping 21.5%. While this happens, it is no cause of celebration as this becomes a result a worldwide pandemic which caused human suffering and economic damage.

## BRAZIL PROPOSES THE SMALLEST BUDGET FOR ENVIRONMENTAL PROTECTION IN 13 YEARS



Brazil under President Jair Bolsonaro is proposing the smallest budget for environmental protection in at least 13 years. There is a lot of pressure on Brazil regarding its lenient approach towards environmental destruction and Joe Bidens' election as president could turn up the heat. As Brazil hits a 12 year high of deforestation of the Amazon, the President has since assuming office in 2019 only facilitated the process by using softer tactics against illegal logging and other environmental crimes. Almost 5.4% has been dropped from the government's proposal for environmental expenditure as compared to the previous year and is still in process of revision and scrutiny by the lawmakers.

## THE USA RE-JOINS THE PARIS CLIMATE AGREEMENT



President Joe Biden assumed office on 20th January 2021, and among the first orders he signed, was the one to restore the US participation in the United Nations Paris Agreement on Climate Change. This shall take effect from 19th February onwards. It has been noted under the Trump Administration that the US lagged behind in meeting out climate change promises. Moreover, on 1st June 2017, just after 2 years of the Paris Agreement, the USA had announced to withdraw from it and ceased all the participation on Climate change mitigation actions. Though it took at least two years to take effect, it was the first country to do this.

The Paris agreement was drafted in 2015 to strengthen the global response to the threat of climate change, it aims to keep the global temperature well below 2C above pre-industrial levels and to pursue to limit the temperature increase even further to 1.5C. The agreement was signed in December 2015 and only came into force on 4th November 2016, i.e. 30 days after at least 55 countries representing 55% of global emissions has ratified it. The US represents 15% of global greenhouse gas emissions, and its pullout was not welcomed at all and was seen as a failure on the part of the government to tackle climate change. Such withdrawal has shown many other countries a way to avoid climate change responsibilities. There was also an analysis that there will be a sense of unity among others and new leadership will emerge in tackling climate change. The EU green deal and carbon neutrality commitments from China, Japan and South Korea, pointed to such unity and collective action.

When it comes to rejoining this agreement, the process is simple, i.e, only one-month notice is required to be given. However, it has been unable to join the event that marked the fifth anniversary of the conclusion of negotiations of Paris agreement. Now, that the USA has rejoined the agreement, it will have to strongly full-fill its commitment and help the international community in tackling climate change and to ensure that it will not again withdraw from such agreements.



## INDIA CALLS FOR EQUITY IN CARBON SPACE ALLOCATION



Union Environment Minister Prakash Javadekar has expressed the concern that developing countries are being deprived of their right to grow. With the U.S.A set to re-enter Paris Agreement under Biden, he highlights the importance of reserving carbon space for the developing countries in order to keep the mean global temperature under 2 degrees Celsius. Many developed countries have not even met their pre-2020 targets, and in 2009, in Copenhagen, world leaders decided to provide \$100 billion per annum for the developing world... by now that sum is supposed to be more than \$1 trillion and not even \$40 billion is on the table, therefore, it is unfair and unequitable to hinder the developing countries' right to develop by asking them to do more. Comparing India (as a consumer and a developing country) with other developed nations, Javadekar, stresses upon the need to apply the principle of climate justice and adds "Reducing emissions would mean changing lifestyles or improving technology. An Indian's annual average electricity consumption is 1,100 kW compared to 11,000 kW per annum per person in the US. In the US, there are 600 cars per 1,000 population, China has 300, Europe has 400, and we have 24. Our cars, public and private transport will increase." He highlights nationally determined contributions (NDCs) made by India and how it has reduced emissions intensity by 25%. India's second NDC is to achieve 40% non-fossil-based power capacity by 2030 and by 2022, it will meet the second NDC. Plans and policies are being drafted to meet the third NDC goal of achieving an additional 2.5 billion tonnes of carbon sink through afforestation. Therefore, not reserving carbon space for developing countries could prove counterproductive and hinder their development.

## THE USA TO END THE INTERNATIONAL FINANCING FOR FOSSIL FUEL



Enshrined in the Paris agreement is the promise by the economically wealthy nations to raise \$100 billion a year globally to help poor, vulnerable nations adopt clean energy and adapt to extreme weather and rising seas. Nonetheless, this agreement has not been properly met by the United States. This was admitted by the US envoy on Climate, John Kerry. In international climate adaptations summit, held in January, Mr Kerry has conveyed that the US would "make good" on their climate finance commitments.

Under the administration of Donald Trump, the US failed to deliver about two-thirds of a \$3-billion promise to the Green Climate Fund, that is set up under UN climate talks to help developing countries in tackling climate change and global warming. In December, UN chief Antonio Guterres warned that the rich nations were 'lagging badly' on \$100 billion a year commitment, due to strains by COVID-19 pandemic.

On 28th January, 2021, Reuters reported that the USA has decided to end the international funding of fossil fuel projects. Welcoming this announcement, the green group Friends of the Earth has noted that in the past five years the US International Development Finance Corporation (DFC) and its predecessor, had approved almost \$4 billion for such projects. It has been also noted that such projects of the US are spread all over the world, including Argentina and Mozambique.

It is observed that the UK government also has promised to stop further state support for oil, gas or coal projects overseas. UN Deputy Secretary-General Amina J. Mohammed told in the online WEF panel that the rich nations needed to show their seriousness about meeting the finance commitment. "It's not going to get us... to where we want to be" on climate action, she said. "But it's the handshake that gives people the trust across that bridge for all of us to do the things we need to do."

## COVID-19 LOCKDOWN IMPACT ON URBAN AIR QUALITY SMALLER THAN BELIEVED: STUDY



The first Covid-19 lockdowns led to significant changes in urban air pollution levels in global cities such as Delhi and London, but the changes were smaller than expected, a new UK study claims. Researchers led by the University of Birmingham experts evaluated changes in ambient NO<sub>2</sub>, O<sub>3</sub> and fine particle (PM<sub>2.5</sub>) concentrations arising from lockdown emission changes in 11 global cities. These cities include Beijing, Wuhan, Milan, Rome, Madrid, London, Paris, Berlin, New York, Los Angeles and Delhi.

The team of international scientists discovered that the beneficial reductions in NO<sub>2</sub> due to the lockdowns were smaller than expected, after removing the effects of weather. In parallel, the lockdowns caused (weather-corrected) concentrations of ozone in cities to increase.

Lead-author Zongbo Shi, Professor of Atmospheric Biogeochemistry at the University of Birmingham adds “Weather changes can mask changes in emissions on air quality. Importantly, our study has provided a new framework for assessing air pollution interventions, by separating the effects of weather and season from the effects of emission changes.” Scientists at Birmingham used machine learning to strip out weather impacts and seasonal trends before analysing the data – site-specific hourly concentrations of key pollutants from December 2015 to May 2020.

“The changes in PM<sub>2.5</sub> differ from city to city. Future mitigation measures require a systematic air pollution control approach towards NO<sub>2</sub>, O<sub>3</sub> and PM<sub>2.5</sub> which is tailored for specific cities, to maximize the overall benefits of air quality changes to human health.”

## DIRECTIONS ISSUED BY NGT FOR THE IMPLEMENTATION OF (E-WASTE MANAGEMENT) RULES, 2016



While dealing with three different applications that are Shailesh Singh v. State of U.P. & Ors., In Re: News items - The Indian Express - 5,000 illegal e-waste units being run in capital, and Mahendra Pandey v. UOI & Ors the Principal bench of NGT issued some guidelines for State PCBs and CPCB for the implementation of E-Waste (Management) Rules, 2016. All the three applications put forth the same issue for consideration i.e., “remedial action against unscientific disposal of e-waste” that caused ground water acidification and contamination of soil.

E-Waste (Management) Rules, 2016 govern the collection, storage, and processing of e-waste and are framed under Environment (Protection) Act 1986.

It was observed by the bench that there is a huge gap in the implementation of the rules and the local authorities are breaching their duties of ensuring pollution free environment for people. It was further observed that higher authorities are not concerned about the trouble caused to the due to such severe violations that is ultimately detrimental to the health of these citizens. The bench went on to say that environmental crimes are as serious as the offense of assault.

The bench observed that a coordinated approach is required to deal with the e-waste governance and it requires that the monitoring at higher levels is done efficiently, which according to the bench appeared not to be at the priority for the authorities. It was further said by the bench that “Such neglect can prove very costly. For petty benefit of retrieving metals etc., poor labour class is engaged in burning electronic wires or other wastes to the detriment of their own health and also the health of others which is not being duly checked by creating awareness of taking stringent action or preparing other effective policies.”

After cautiously analyzing all the reports presented before it the bench issued detailed guidelines for state PCBs and CPCB.

