



# Climate collapse or Climate Change: The Indian Dilemma

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India's environmental regulatory framework has undergone a sea change in last 5 years. From 1995 to roughly 2012, the entire emphasis of regulations was confined to sustaining forests, wildlife, wetlands and protected area network.

With the assent of National Green Tribunal (NGT) during the UPA-II Government in New Delhi, a 'face off' pole position started taking shape, wherein infrastructure and environmental concerns were two pole positions and competing interests fought all the time. From 2009 to 2014, India witnessed unprecedented growth in mining, road network, creation of ports and upgradation of National Highways & there was a corresponding greater threat to flora and fauna in different parts of the country at this time.

The trouble was further highlighted due to lack of sufficient bandwidth on part of regulatory agencies which monitor environmental concerns in the country. As we know, environment is a subject in concurrent list of the Constitution of India. This implies that both, States as well as Centre can legislate on the issues concerning regulation of forests. However, when it comes to wildlife, most of the legislations were solely regulated and controlled by Union of India through acts like Wildlife Protection Act, 1972.

In the past 75 years of India, the biggest success in the field of environmental protection is the increase in forest cover, protection of Tigers/Elephants, the 'indicator species', which in turn has led to increased protected area network in India. The world took notice of our success in protecting the wildlife population and insulating our Tiger Reserves from population

pressure in glowing terms.

A major role in protection and increasing the forest cover as well as survival of our wildlife population was solely because of direct intervention of Supreme Court of India. For almost two decades from 1996-2016, on every Friday, it used to hear variety of matters concerning forest rights, animal protection, management of protected area and encroachment of National Park/wildlife sanctuaries. That was the golden era for environmental protection through court intervention in our country.

However, with the advent of NGT a new regulatory tussle started happening where all the big corporate houses achieved dealing in the field of mining, infrastructure development, road construction, real estate, Special Economic Zones, ports and airports found themselves in one class action suit or another. Unlike the west, the Indian courts like NGT mostly entertained all such Public Interest Litigations and questioned the projects on environmental compliances. This face-off between environment and infrastructure led to a slowdown in Indian Economy between 2012 and 2014 and environment clearances became an election issue in 2014 parliamentary elections.

One of the agendas which the new government followed in 2014 in order to 'ease out' the environmental clearance process was the recommendation of a shorter timespan for Environmental Impact Assessment (EIA) studies, public hearing and eventual environmental clearance. It was followed by huge criticism by the activists in the field of environmental protection, and

finally, a climate of restraint and balance was created in the country.

The main challenge was the 'transition' from highly regulated environmental clearance process to self-regulated clearance process which the new government at the Centre was spearheading at that point of time. One of the reasons for this challenge in transition was lack of bandwidth on part of government agencies like Central Pollution Control Board, State Pollution Control Board, Environmental Advisory Committee and Forest Advisory Committee. Most of the government institutions were understaffed and had fewer people to monitor, regulate, and react on compliances and non-compliances across the country. At the same time, the project proponents in corporate houses had absolute lack of clarity on how real their environmental self-assessment has to be. For decades, most of the blue chip companies were fed on the misinformation that environmental clearances are just a formality and there is no serious need to plan pro-sustainability or pre-position a real working environmental strategy.

Unfortunately, most of the large corporate houses have been seriously duped by so called reputed environmental agencies on issues governing environmental clearances. Breach of such environmental norms has led to a very defensive litigation scenario in environmental courts wherein a public interest petition practically challenges each and every aspect of environmental mismanagement successively despite corporates being represented by best law firms and top most litigators. It is of utmost importance thereafter that the environmental concerns become the cornerstone of planning at the inception of projects. Then, not only that the environment can be protected in a better manner but also a lot of money can be saved by the corporate houses at a later stage on account of lengthy litigation and loss of potential goodwill.

In last few months, the NGT has become far more relaxed on developmental projects in order to balance the earlier climate of complete mistrust and sometimes one-sided adversarial litigation against developmental needs of the country. In the past week, the new environment minister Mr. Prakash Javadekar for the Union Government has promised that the timespan of environmental clearances will be further brought down and more voluntary compliances and online regulatory systems will be in effect. However, these steps will succeed in guarding out environmental concerns only if we are able to create consensus regarding these norms within the corporates and the society.

Coming to sustainability in 2019, I do believe that India needs to do more voluntarily in terms of its growing environmental concerns. For example, when it comes to air pollution, as per the World Health Organization (WHO) Report of 2015, out of 10 most polluted cities in the world,

unfortunately, 7 belong to India. According to Indian Council for Medical Research (ICMR) report, with a total of 1.24 million deaths in India was attributable to air pollution in 2017, making it a leading health hazard in India.

Further, advocating for environmental cause has not gained momentum amongst the legal and administrative fraternity as the cases for air pollution are filed pro bono which takes a toll on their professional and commercial careers. In addition to that, the lack of execution of the successful orders of higher judiciary makes their efforts futile as two-third of the States/Union Territories do not bother to comply with the orders and directions passed by courts and MoEF respectively from time to time.

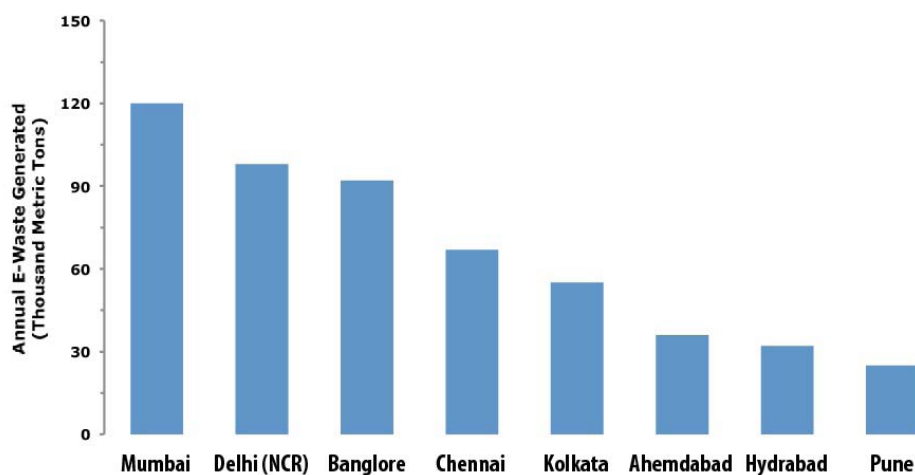
Water is the next war for India which is far more threatening on account of rapid climate change reversals being witnessed in India. Our ground water reserves are depleting faster than rest of the world. The watershed areas are rapidly increasing the conditions of draught in Maharashtra, Madhya Pradesh and Rajasthan on account of absolutely no water has devastated the farmers and poor population. Our rivers are dying and all the action plans to revitalize, reenergize Ganga and Yamuna have failed in totality so far.

Unlike, air pollution, lack of water sources has led to faster social conflicts, local wars and politics around its lack of availability. We have no respect for conservation of water in our urban centers and the availability of drinking water in our large municipal cities is far more subsidized than what a poor pays in rural areas. A culture for water conservation, water harvesting, storage of water, saving the rainwater across country in urban as well as rural centers needs to be developed for our ecological security.

India's another big frontier of climate change would be handling of plastics and e-waste with the mushrooming of online trading platforms there is a greater movement of plastic packing material across country and, with each passing day, their users are only going to increase as these companies have ambitious plans and deep pockets. We are made to live in delusion where we take pride in replacing plastic straws with straws made of recyclable material but at the same time end up generating far more plastic waste which in turn does more harm than what can be reversed by replacing plastic straws. Just imagine five levels of plastic being racked on a small packet which can surely be moderated, minimized and alternative can be found. Most of the this plastic finally land in our river systems and rivers like Ganga and Yamuna transfer second largest plastic after a Yangtze river in China which becomes part of the sea and affects the marine life. As per Central Pollution Control Board, in 1996, India's plastic consumption was 61,000 tonnes which rose to 3 lakh tonnes in 2000 and to 178 lakh tonnes in 2017. This represents that the plastic waste generation in India is increasing at an alarming rate and there will be a point of

no return if proper steps are not taken to regulate the same.

A fairly new hurdle that India is facing is generation and management of e-waste. The Government has amended the E-Waste (Management) Rules, 2016 in a move to facilitate and effectively implement the environmentally sound management of e-waste in India. The Union minister for Environment highlighted that the amendment in rules has been done with the objective of channelizing the E-waste generated in the country towards authorized dismantlers and recyclers in order to formalize the E-waste recycling sector. It was further pointed out that the collection targets under the provision of Extended Producer Responsibility (EPR) in the Rules have been revised and targets have been introduced for new producers who have started their sales operations recently. Despite this, India continues to be in the league of top 5 countries in generation of e-waste. Two million tonnes of E-waste is generated in India per annum, out of which 4,38,085 tonnes per annum is recycled which is slightly more than 20% of the waste, while there is no record whatsoever of the remaining e-waste. A chart below represents the annual generation of plastic by different metropolitan cities in India with Maharashtra at the top of the ladder, being the largest generator of e-waste in India.



Source: Joon, Veenu; Shahrawat, Renu; Kapahi, Meena  
(September 2017)  
*Journal of Health and Pollution*, September 2017.

In conclusion, we can say that while India can happily take pride in protecting its flora and fauna, forest wildlife and protected areas and at the same time, gains made after bringing CNG and other factors, nothing substantial has been achieved when it comes to issues like controlling air pollution. Our cities are absolutely devastated and unsuitable for living due to direct connection between deteriorating health on account of bad air. Preservation and conservation of water has to become a mission for

citizens, corporates and government alike in order to reverse the trend within country wherein conflicts on account of drinking water crises is reaching to alarming proportions. Lastly, the way we saved our forests and wildlife, the same mission mode is needed for voluntary action on climate reversal within the country.

We are a large-hearted nation and once we get convinced about our own survival, I am sure climate reversal will be seen in different aspects of our life. I also believe that children, schools and media will play a bigger role in reversing these crises as they are the real instrument of change.

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