



# ECOBUZZ

A BUZZ TO THE GREEN FUTURE!!

MAY EDITION

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*Green Greetings from Faculty of Law, GLS University!*

Gender Equality is the key of Sustainable Development . Sustainable Development Goal number 5- Gender Equality is a challenge for world over. Today's women are leading global movements for change. They are tackling global issues such as climate justice, press freedom and access to scientific progress. Women are not waiting to be offered a seat at the table, they are bringing their own. Today, I would like to applaud this new generation of young women – for their courage in speaking out, inspiring others, and mobilizing their peers, for a more sustainable tomorrow.

In communities around the world, women manage water, sources for fuel, and food, as well as both forest and agriculture terrain. From the high level to the grassroots, the 1992 UN Earth Summit, India's Chipko movement and Kenya's Green Belt Movement all highlighted the role of women's voices and perspectives in Sustainable Development.

Therefore, conservation of Natural resources and promotion of environment cannot be done without involving the women in planning and training for promoting the values for conservation and promotion of environment.

As we look to build a better tomorrow, Faculty of Law will continue to educate and empower girls and women so that they can lead the way in building a more sustainable world. Together, we can ensure that, whether women whisper, speak or shout, their voices are heard as determination and solidarity is the light of hope and the power of change.

Dr. Mayuri H. Pandya  
Director  
Faculty of Law, GLS University.

## ECOBUZZ TEAM

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Dr. Sudhir Nanavati  
President, GLS University

### Chief Editor:

Dr. Mayuri Pandya

### Concept:

Dr. Parna Mukharjee

### Editors:

Dr. Payal Mehta  
Ms. Jiya Matharani  
Ms. Hiral Shukla  
Ms. Foram Pandya

### Student Members:

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Jaydev bhatt	Kripalsinh Gohil
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# National Updates

## Bengal government plans to turn part of Ganga in Kolkata into drain in name of rejuvenation

Adi Ganga, the original channel of Ganga river flowing through Kolkata, has long been converted into a drain by default. Now, an agency of the West Bengal government is planning to turn part of the tidal river into a 'drain' by design. West Bengal Housing Infrastructure Development Corporation (HIDCO) has planned to turn a 1 kilometre stretch of Adi Ganga into a drain, from Kalighat bridge to Alipore bridge, with concrete pathways above it.



## The green knights of Mayurbhanj: On Earth Day, we salute the 700 forest assistants who safeguard Odisha's Similipal National Park

If Similipal National Park is one of the most intensely patrolled tiger reserves in India, it's because of its 700 Protection Assistants who are dedicated to safeguarding it. Each year, on the day following Pana Sankranti, which falls in April-May and marks the first day of the Odia calendar, the tribal people of Mayurbhanj hold a ritual called akhand shikar (mass hunting) where they venture deep into the forests to kill animals. The PAs, most of whom also belong to the tribes, raise awareness about the harm the tradition does to protected species.



## Invasive species threatens wildlife habitats of Western Ghats

Rapid, uncontrollable invasion is hitting the carrying capacity of forests to feed wildlife. The dearth of effective steps to arrest the rampant growth of invasive plants, especially *Senna spectabilis*, in the forest areas of the Nilgiri Biosphere Reserve (NBR), including the Wayanad Wildlife Sanctuary, is a matter of serious concern to the conservation of wildlife habitats of the Western Ghats. *Senna* eradication is a major component of the sanctuary's forest management plan but it's yet to make any remarkable change in the forest.



## Gujarat Tribals unite to stop Par Tapi Narmada link

The amazing unity and fight shown by Gujarat Tribal in their protest against the Par Tapi Narmada Link has led to both Gujarat govt and Central govt agreeing to suspend the project. However, the tribal are rightly not satisfied with the word of play indulged in by the Gujarat and Union govt so far. The central govt has said that the project will not go ahead as long as there is no consensus among the party states, but that statement is true even with or without the campaign launched against the project.

## Gujarat tops Niti Aayog's energy and climate index

The states have been categorized based on size and geographical differences as larger states, smaller states, and UTs. Gujarat, Kerala, and Punjab have been ranked as the top three performers in the category of larger states. Goa emerged as the top-performing state in the smaller-states category followed by Tripura, and Manipur. Among UTs, Chandigarh, Delhi, and Daman & Diu/Dadra & Nagar Haveli are the top performers. Chhattisgarh, Madhya Pradesh and Jharkhand were placed at the bottom among the larger states.

## Gujarat CM launches state-wide 'Namo Vad Van' campaign from Gandhinagar

Hon'ble Chief Minister Bhupendra Patel kick starts the state-wide campaign by planting Vad tree (Banyan tree) in Gandhinagar to raise 'Namo Vad Van' in the state, a forest of Banyan tree for environmentally friendly purpose. Under 'Namo Vad Van' 75 Vad forests will be established in 33 districts of the state and the forest department will plant 75 Vad trees in each forest. Forest Department's 'Namo Vad Van' campaign will restore the mythological and historical significance of the banyan tree in the state and will also accelerate the state government's approach of increasing green cover.

भुक्त्वा यान्ति च पञ्चत्वं, दुष्प्लास्टिकमजैविकम् ।  
पशवोऽनुर्वरा भूमिर्जायते ज्वालिते विषम् ॥

They die by eating this inorganic plastic, this earth becomes barren from it and on burning it only poison is produced.

# GREEN JUSTICE

## **BISWARANJAN DASH VS. COMMISSIONER, CGHB**

**CITATION:** Application no. 04/2022(CZ)

The issue of cutting and felling of grown up trees in the green areas of the colony by Respondent was taken up by the joint committee which was sent to visit the place and submit the factual report. During the inspection, no felling of trees and plants was found at the complaint site. The representative of CGHB told that the process of obtaining No Objection Certificate was still in process. The report revealed that there is no violation of environmental rules thus no further action is required.

## **RAJA SINGH VS UNION OF INDIA & ORS.**

**CITATION:** Appeal No. 10/2022

The application was given before the tribunal to review the application dated on 11.03.2022 asking for substance regulation of indoor air quality. The review applicant counsel asked for regulation in section 2(a) of the Air act. The order passed by the tribunal stated that the matter of indoor air pollution requires urgent attention and the matter will be reviewed by the Tribunal.

## **RAGHUVAR SINGH & ORS. VS CENTRAL POLLUTION CONTROL BOARD & ORS.**

**CITATION:** - Application No. 275/2021

The application is filed against the operation of industrial unit of R-6 – “G.B.A Steels & Metals Pvt. Ltd. allegations containing use of unauthorized fuel and causing of air and noise pollution. The tribunal filed a report acknowledging violations, including use of prohibited fuel and ordered that the industry in question need to remain closed till compliance is secured. Particularly in night hours of operation, be monitored.

## **MANNEKBEN TANDEL VS STATE OF GOA & ORS.**

**CITATION:** Application No. 180/2016

The application was raised against the illegal construction done by the respondent in the village Arambol and Mandrem in non development zone. In spite of the order of the Bombay High court for removal, the construction continued. The tribunal passed an order to GCZMA to ensure that no illegal construction is carried out in the area and also ordered to ensure demolition of illegal structures from time to time.

## **LAWYERSON WAR VS . STATE OF MEGHALAYA & ORS.**

**CITATION:** - PIL no. 18 of 2019

The documents in this PIL states that an amendment was brought about in the Meghalaya Minor Minerals Concession Rules, 2016 on January 29, 2018 with what appears to be a disingenuous design to facilitate illegal quarrying and mining..Tens of crores of rupees in revenue have been lost to the State from 2018 to 2021, the illegal extraction of minor minerals was done by tweaking the definition provision and including "incidental" without following it up by maintaining any balance as to how the "incidentally" extracted limestone or minor mineral was being transported or dealt with.

## **NATIONAL GREEN TRIBUNAL SOUTHERN ZONE VS UNION OF INDIA REP. BY ITS SECRETARY MINISTRY OF ENVIRONMENT AND FORESTS AND CLIMATE CHANGE**

**CITATION:** - Original Application No. 229/2020

The Original Application is registered by way of the suo motu proceedings initiated by the Tribunal taking clue from the newspaper report published in The New Indian Express. . A perusal of the said order coupled with the newspaper report shows that an undetected oil leak caused a blast and the resultant blaze in the gas turbine chamber at Yelahanka Gas power Plant of the Karnataka Power Corporation Limited causing injuries to fifteen employees. It was held that the major impact on environment due to the incident is the estimated CO2 emissions to the environment on account of the lubricating oil burnt during the incident. Karnataka State Pollution Control Board and the Karnataka Power Corporation Limited were to ensure the compensation of a sum of Rs. 10.1178 lacs be paid to the victims.

शैले शैले न माणिक्यं मौक्तिकं न गजे गजे ।  
साधवो नहि सर्वत्र चन्दनं न वने वने ॥

Rubies are not found in every mountain; nor is a pearl to be met with every elephant.

Good people are not found everywhere. A sandalwood tree does not exist in every forest. ~ Chanakya Neetisaar 2.9

# GREEN LAWS

## POLLUTER PAYS PRINCIPLE

### INTERNATIONAL PERSPECTIVE

In International environmental law it is mentioned in the principle 16 of the Rio Declaration on Environment and Development of 1992. In international environmental law, the polluter pays principle is enacted to make the party responsible for producing pollution responsible for paying for the damage done to the natural environment.

#### 1. Australia

The state of New South Wales in Australia has included the polluter pay principle with the other principles of ecologically sustainable development in the objectives of the Environment Protection Authority.

#### 2. European union

The polluter pays principle is set out in the Treaty on the Functioning of the European Union and Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage is based on this principle. The directive entered into force on 30 April 2004; member states were allowed three years to transpose the directive into their domestic law and by July 2010 all member states had completed this.

#### 3. Switzerland

The waste management in Switzerland is based on the polluter pays principle. Bin bags (for municipal solid waste) are taxed with pay-per-bag fees in three quarters of the communes (and the recycling rate doubled in twenty years).

#### 4. U.S.A.

The principle is employed in all of the major US pollution control laws: Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act (solid waste and hazardous waste management), and Superfund (cleanup of abandoned waste sites).

### NATIONAL PERSPECTIVE

In environmental law, the polluter pays principle is enacted to make the party responsible for producing pollution responsible for paying for the damage done to the natural environment. Polluter Pays Principle has become a popular catchphrase in recent times. 'If you make a mess, it's your duty to clean it up'- this is the main basis of this slogan. It should be mentioned that in environmental law, the 'polluter pays principle' does not refer to "fault." Instead, it favors a curative approach which is concerned with repairing ecological damage. The "Polluter Pays" principle as interpreted by the Court means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. The Court ruled that "Once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity. The rule is premised upon the very nature of the activity carried on." Furthermore, under this principle it is not the responsibility of government to meet the costs involved in either prevention of environmental damage, or in carrying out remedial action, because the effect of this would be to shift the financial burden of the pollution incident to the taxpayer. But State practice does not support the view that all depollution costs should be borne by the polluter, particularly where transnational dispute is involved. In *M.C. Mehta vs Union of India and Ors* ((1998) 6 SCC 63), it was reiterated by the apex court the 'polluter pays principle' and emphasized the need of application of the principle. The yellowing and decaying of the priceless national monument, the Taj Mahal, was a matter of concern in this case.

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They die by eating this inorganic plastic, this earth becomes barren from it and on burning it only poison is produced.

~7:4 Yajurveda



# ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS

## GENDER EQUALITY: MALE, FEMALE AND THE LGBT

~MAITRI PATEL AND VRITIKA SANJANI

As defined by the traditional scholars, the only existing gender in Indian society is the community of male and female. But throughout Hindu and Vedic texts there are many descriptions of saints, demigods, and even the Supreme Lord transcending gender norms and manifesting multiple combinations of sex and gender. Apart from male and female, there are more than 20 types of genders, such as trans woman, trans men, androgynous and pangender etc. It was when a woman cursed Arjuna, he had to lose his masculinity for a particular time period. The Hindu Khajuraho temples, contain several depictions of homosexual activity. It is been argued by many Historians that pre-colonial Indian society did not criminalize same-sex relationships, nor did it view such relations as immoral or sinful. Hinduism has traditionally portrayed homosexuality as natural and joyful, though some texts do contain injunctions against homosexuality namely among priests.

There are phases which contributed to the gender equality in the world :

**1st Phase:** Where male used to dominate women and used to have a control over the rights of women. It introduced the concept of feminism. Feminism incorporates the position that societies prioritize the male point of view, and those women are treated unjustly within those societies. Efforts to change that include fighting against gender stereotypes and establishing educational, professional, and interpersonal opportunities and outcomes for women that are equal to those for men. Due to westernization this concept was started being accepted by the citizens of other countries too.

**2nd Phase:** An era where male and female were finally seen as an equal gender and the legal development for eradicating the discrimination which the females had to suffer from. It brought in the legislations empowering females. Establishment of acts like that of Dowry Prohibition Act, 1961, Equal Remuneration Act, 1971, policies like that of National Policy for Women Development, Ujjwala scheme, reservation for women in the Houses of Parliament, reserved seats for women in the public transport, public offices, education system and many more. These acts, policies, etc gave the women gender the opportunity to grow herself, develop the confidence and stand equally with the male gender being the supporter of each other and not the competitors.

**3rd phase:** The present scenario where there was a clear observation that due to such opportunities given, the female gender developed itself extensively. The LGBTQ community became the talk of the town. It is still prominent that this community has to face discrimination with no body's fault. It was the Apex Court which through the judgment conveyed that sexual orientation forms an inherent part of self-identity and denying the identity would be in violation of the right to life, also fundamental rights can't be denied on the basis that they only affect a minuscule section of the population.

Gender equality can enable and even accelerate the achievement of all the SDGs. While gender equality is captured as a stand-alone goal (SDG 5), gender must be integrated across all the SDGs, and gender considerations must be included in all sustainable development work and climate action. SDG 5 aims to achieve gender equality and empower all women and girls to reach their full potential. This requires eliminating all forms of discrimination and violence against them. Goal 5 seeks to ensure that women and girls: have full access to sexual and reproductive health and rights; receive due recognition for their unpaid work; and have full access to productive resources; and enjoy equal participation with men in political, economic, and public life.

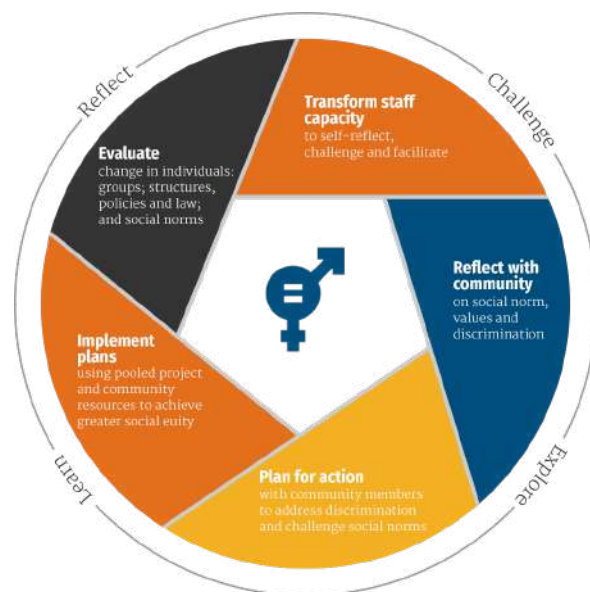


Image Source: Care India

<https://www.careindia.org/our-work/our-approach/gender-equality/>

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# UPCOMING EVENTS

## National

- 6-7th August: Faculty of Law, GLS University is organizing the 2nd International (Virtual) Conference on the theme "Climate Change Governance and Law" to commemorate the semi-centennial year of Stockholm Declaration(50 years) and Semi-Sesquicentennial of Independence of India(75 years). Theme 3 for the said conference is on "Connotation of Human Rights and Climate Change".
- 6th May : Joint International Conference
- 14th May: International Conference on Global Business, Economics, Finance and Social Sciences (ICGBEFSS)

## International

- 7th May- International conference on environmental, food, agriculture and bio technology (ICEFABT)
- 25th May: International conference on environment science and green technology.
- 25th May : Twenty-Second Global Meeting of the Regional Seas Programme
- 30 May: 1299th international conference on environment



Concept: Tapati Dave  
Design: Bhakti Morzaria

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~7:4 Yajurveda

Let's thrive to build up a society where law is used as an instrument to bring in equality among all the genders in the world. " A world full of empowered women isn't one where men are marginalized. It is a world where everyone thrives. "  
~Purnima Mane ,  
President and CEO of  
Pathfinder  
International.