





♦ 29 April 2025





Here's what has happened in the last month and what's to come!

'The Briefcase' is back with Round 4, and this time, we're going green. And for good reason: it's Earth Day, (celebrated every year on April 22). The planet has officially filed a complaint — Neglect, overuse, and chronic pollution. Defendant: Humankind. Trial: Ongoing.

Before you panic and start apologizing to your houseplants, don't worry. We're not here to guilt-trip you into hugging trees. Instead, we're diving into important environmental, ecological, legal, and possibly controversial topics with the usual chaotic charm and caffeinated conviction.

This month, our writers have trudged through forests of legislation, waded through oceans of research, and scaled mountains of legal theory. All to bring you a mix of reflection, revelation, and the right dose of eco-anxiety.

We're questioning traditions and unpacking forgotten crises. Along the way, we've learned the Earth doesn't come with a backup drive.

So, whether you're a climate-conscious citizen, a curious legal nerd, or someone who just accidentally clicked the wrong link — welcome. There's something for everyone. As always, expect sharp takes, debates, and a few surprises.

Let's dive into this issue — sustainably, of course.

Because if the world is burning, we might as well make law cool while we try to save it.

The Editorial Board x

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THE BINDER



Your essential collection of the latest legal updates, neatly organised for a quick reference.

India's Extended Producer Responsibility Framework

Economic expansion and increasing consumerism have significantly contributed to the emergence of the global waste crisis as a critical environmental concern. As electronic and plastic waste accumulates, traditional waste management systems face increasing strain, prompting the introduction of regulatory innovations worldwide.

Extended Producer Responsibility (EPR) is one such policy framework. It requires producers to take financial and legal responsibility for their products throughout the entire lifecycle— from post-consumer use to final disposal. Rooted in the 'polluter pays principle', firmly established in India through the case of <u>Indian Council for Enviro-Legal Action & Ors. v. Union of India 1996 SCC (3) 212, EPR promotes sustainable product design and waste management duties to the industries generating the waste.</u>

India's rapid industrialisation and urbanisation necessitate the comprehensive implementation of an inclusive EPR framework. With Earth Day 2025 having recently passed, it is an appropriate time to assess India's legislative structure. We need to understand enforcement gaps, and alignment with international standards such as the European Union's Waste Electrical and Electronic Equipment Directive (EU WEEE). Urgent attention is needed in the plastic and electronic waste sectors, where informal actor exclusion and weak enforcement threaten environmental goals.

India's EPR Policy And Legal Framework -

The Plastic Waste Management Rules, 2016 integrate EPR into India's environmental deriving governance, authority from Environment (Protection) Act, 1986 (EPA). The 2021 Amendment introduced restrictions on specific single-use plastic items and enhanced oversight responsibilities for Producers, Importers, and Brand Owners (PIBOs). The 2022 guidelines mandated targets for the collection and recycling of plastic packaging waste. PIBOs are required to register with the Central Pollution Control Board (CPCB) through the EPR Portal, providing details of packaging types and quantities, and must submit annual data and quarterly reports. Non-compliance results in penalties under <u>Section 15</u> of the EPA, including fines and imprisonment.

Despite a well-structured regulatory framework, on-ground implementation is weak. Formal systems cover less than 30% of recyclable waste, while informal workers manage approximately 70%. Their exclusion leads to operational inefficiencies, undocumented recovery, weak traceability mechanisms—raising concerns about social equity and data reliability.

Digital Monitoring & E-Waste -

The E-Waste (Management) Rules, 2022 extended EPR to electronic waste, requiring producers and recyclers to register with the CPCB and meet collection targets. Yet, implementation hurdles remain, including ambiguous definitions (e.g., "ecommerce intermediaries") and the lack of standard tracking for imported electronics. CPCB's FAQs offer some clarity, enforcement remains inconsistent across states.

Learning from the EU WEEE Directive -

India's EPR system can benefit significantly from the adoption of the following key features of the EU WEEE Directive:

- 1. Producers finance e-waste collection, meet recycling targets, and undergo third-party compliance audits.
- 2. The system encourages public-private partnerships and formal inclusion of informal waste workers.
- 3. Robust reporting and verification mechanisms ensure accountability.

Conclusion -

The escalating waste crisis in India demands EPR to become a central pillar of environmental policy. While the current framework provides a solid foundation, it requires stronger enforcement, better monitoring, and integration of informal sector workers to be truly effective. Earth Day 2025 stands as a timely reminder of the urgent need to reinforce our commitment to sustainability, responsible production, and environmental justice through a strengthened EPR framework.

- Ms. Aasmi Shah Student, 4th Year

THE BINDER



Your essential collection of the latest legal updates, neatly organised for a quick reference.

Constitutionality of the Forest Rights Act, (FRA) 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, (FRA) was enacted to address colonial and post-colonial injustices against forest dwellers. FRA seeks to recognise, confer, and delimit forest rights to Scheduled Tribes and Other Traditional Forest Dwellers. It only acknowledges pre-existing ancestral rights and does not create new ones. If a person's or family's land claim is denied, the Act makes no mention of evicting them. However, its legality has been challenged in the Supreme Court of India through a writ petition on the grounds of legislative competence, rigid interpretation of environmental protection and constitutional limits of affirmative discrimination.

Issues of Competence and Validity -

It is contended that the Parliament does not have the power to make this law because the subject falls under the State List. Therefore, the law is beyond its authority (ultra vires). Constitution does not give Parliament the power to make laws on wildlife and protected areas in a way that overrides existing laws like the Wildlife Act, 1972 and (Protection) the (Conservation) Act, 1980, which already cover these issues. Further, the legislation undermines sustainable development principles and the Directive Principles under Article 48A, and fundamental duty under Article 51A(g). Additionally, the inclusion of National Parks and Sanctuaries under the definition of "forest land" in sections 2(a) and 2(d) of the FRA is viewed as constitutionally invalid due to the presence of existing regulations. This raises the question of whether Parliament can legislate for the granting of forest land rights, even when such action may result in violation of pre-existing environmental regulations.

The government's stance is that the FRA was enacted under Parliament's powers to make laws for STs under Article 244 and Fifth Schedule, along with under Entry 17A (forests) and Entry 13 (social security and social justice) of the

Concurrent List granting both the Central and State Government to pass legislations and therefore it was within the power of the Central Government to enact this law. It also upholds Art. 21 by protecting forest dwellers' livelihood, dignity, and identity. The government claims the Act complements, not contradicts, the existing laws.

Judicial Scrutiny -

In 2014, an interlocutory application was filed alleging that the FRA's implementation procedure was flawed and that it allowed for encroachments under the guise of voluntary displacement of forest-dwelling communities in protected areas. In January 2015, the cases were referred to the Supreme Court for a collective hearing in Wildlife First & Ors v Union of India & Ors. In 2016, the petitioners questioned the lack of action against families whose FRA applications were denied. In early 2019, the Supreme Court issued an interim order seeking details from all states on actions taken to evict rejected claimants; however, it subsequently issued a stay order. The case had been inactive since 2019, but it was announced in March 2025 that it will be heard again by the Supreme Court in April 2025.

Conclusion -

The FRA presents a delicate balance between environmental protection and recognition of the forest dwellers' rights. The act aims at eliminating the past exclusion; however, it overlaps with the pre-existing environmental regulations creating constitutional and administrative challenges. The forthcoming decision of the SC in Wildlife v. Union of India will be significant in establishing the scope of parliamentary power and the future trajectory of the forest administration. While the judgement against the Act might limit the extent of affirmative legislation, a verdict in favour could uphold the principles of Art. 21. Unlike the strict conservation approach in T.N. Godavarman Thirumulpad v. Union of India, this case may align more closely with Samatha v. State of Andhra Pradesh, which upheld tribal land rights in Scheduled Areas. This SC's decision presents an essential opportunity to balance ecological integrity with the inclusive fairness guaranteed by the constitution as India continues its pursuit of sustainable development.

> - Ms. Soumya Bhattar Student, 3rd Year

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

M.K. Ranjitsinh & Ors. v. UOI & Ors., 2024 INSC 280

The Supreme Court of India addressed the conflict between renewable energy infrastructure. particularly solar power, and conservation of endangered species in the case of M.K. Ranjitsinh & Others v. Union of India & Others. The Court observed, "As of 2018, the International Union for Conservation of Nature, or IUCN as it is popularly known, classified the Great Indian Bustard(GIB) as a 'critically endangered species' and acknowledged that the power lines were an 'existential threat' to the GIB population."

Balancing both ecological concerns and developmental priorities, the Court ordered that "in all cases where overhead power lines exists as of date in the priority and potential GIB areas, steps shall be taken to install bird diverters", At the same time, it reaffirmed the urgent need for solar power development, by stating that "it is imperative for states like India to uphold their responsibilities to mitigate greenhouse gas emissions, adapt to climate impacts, and protect the fundamental rights of all individuals to live in a healthy and sustainable environment."

This judgement highlights the complex interplay between development and biodiversity conservation, and showcases the need for prudent and balanced decision-making on the part of the judiciary.

Background -

The Great Indian Bustard, a bird native to the dry regions of Gujarat and Rajasthan, is in danger of going extinct. Due to its weak frontal vision, the bird is unable to detect overhead electricity lines. As a result, it gets caught in the live wires and dies. In response to this grave threat, M.K. Ranjitsinh, an environmentalist, filed a petition under Article 32 of the Constitution, seeking the Court's intervention on behalf of the GIB and the Lesser Florican. The petition emphasised the need for immediate action, which included installing bird diverters and burying electricity lines, safeguard these endangered species.

Procedural History -

On 19 April 2021, the Supreme Court issued an interim order prohibiting the installation of overhead power lines across approximately 99,000 square kilometres of designated priority and prospective habitats of the Great Indian Bustard (GIB). The Court ordered the provision of bird diverters on existing lines and the undergrounding of all low-voltage power cables in aforementioned regions. The prioritise approach preliminary to requirements of endangered species, even at the expense of impeding the growth of solar power, was reflected in this order.

Issues -

The case raises important considerations about how to strike a balance between India's objectives for renewable energy, particularly the expansion of solar power infrastructure, and the urgent need to protect the Great Indian Bustard, which faces a grave risk of extinction. It also highlights the evolving interpretation of Article 21 of the Constitution, which guarantees the fundamental right to a clean and healthy environment, and whether this right encompasses protection against the adverse effects of climate change. Furthermore, the case examines how India's international obligations under agreements such as the Kyoto Protocol and the Paris Agreement influence domestic environmental jurisprudence, compelling courts to weigh national development goals against global responsibilities.



Credits: mid-day

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Ruling -

The three-judge Bench unanimously recognised the significance of both environmental preservation and the advancement of renewable energy. The Court cited the case of M.C. Mehta v. Kamal Nath, which interpreted Articles 48A and 51A(g) in light of Article 21 in the following manner: "Any disturbance of the basic environmental elements, namely air, water and soil, which are necessary for 'life', would be hazardous to 'life' within the meaning of Article 21 of the Constitution."

In light of this, the Court <u>revoked its injunction</u> from 19 April 2021 and held that there is no justification for imposing a complete ban on the installation of transmission lines for the distribution of solar energy across the 99,000 square kilometre area.

A specialised committee was also constituted to determine the feasibility of burying power cables, the effectiveness of bird diverters, and the quantity required to ensure successful conservation efforts. The Court has directed the committee to submit its report by 31 July 2024.

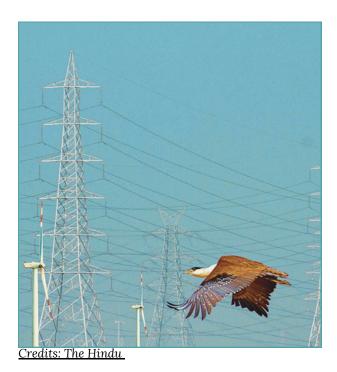
Conclusion -

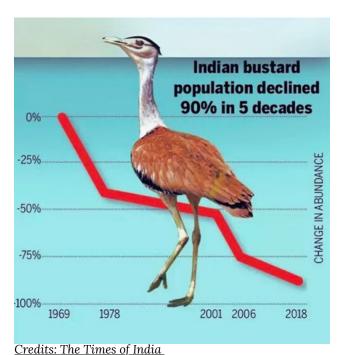
The Supreme Court demonstrated judicial sensitivity to biodiversity and environmentally sustainable development by transitioning from a

rigid directive to a balanced, expert-informed approach. The ruling highlights international dimensions, including India's climate change commitments, framing the shift to renewable energy as both a constitutional obligation and an environmental necessity. Reiterating that climate action is integral to India's legal and developmental framework, the Court underlined balancing of importance ecological protection with sustainable energy goals, drawing upon India's commitments under the UNFCCC, Kyoto Protocol, and Paris Agreement. It also acknowledged that, "As part of its pledge, India has committed to transitioning to nonfossil fuel sources and reducing emissions."

This case reflects the evolving landscape of environmental law in India, wherein global climate obligations are being integrated with domestic jurisprudence, and the protection of endangered species is accorded due judicial attention.

> - Ms. Tisha Manek Student, 2nd Year





THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Fatima v. Union of India, 2024 INSC MAD 8866

As the environment bears the brunt of the exponential growth of construction and industrial projects in India, the recent decision by the Madras High Court in the case of <u>Fatima v. Union of India</u> is a significant stride towards environmental governance. The judgement highlights the importance of balancing environmental regulations with development projects, in the interest of public welfare.

Background & Procedural History -

The case revolves around the Ministry of Environment, Forest, and Climate Change (MoEF) issuing Office Memorandums (OMs) and Standard Operating Procedure (SOP), collectively referred to as "Instruments", thereby allowing for ex post facto Environment Clearances to projects. These enabled projects to receive the mandatory environment clearances after the project had already begun. The petitioner, therefore, challenged the issuance of such instruments on the grounds that an ex post facto Environment Clearance is in contravention of the provisions **Environment** Impact of the Assessment (EIA) Notification, 2006, and the Coastal Zone Regulation (CRZ), 2011, both of which mandate obtaining an Environmental Clearance before the commencement of any project-related activity.

Issues -

- 1. Whether Environment Clearances can be issued after the commencement of the project ("ex post facto")?
- 2. Whether the MoEF could issue such instruments so as to allow for ex post facto Environment Clearances under the Environment Protection Act, 1986, while conforming to the Environment Impact Assessment Notification, 2006 and the Coastal Zone Regulation, 2011?

Ruling -

The Madras High Court, considering the arguments presented before it, held that the ex post facto Environmental Clearances were in

contravention of the statutory mandate for a clearance prior to the commencement of the project, as provided for in the EIA and the CRZ. The Hon'ble High Court held that even though the EPA, which is the primary statute governing matters of environment, does not contain any provision prohibiting ex post facto clearances; it is imperative to note that the Act does not contain any provision enabling such ex post facto ECs, either. While Section 3 read with Section 5 of the Environment Protection Act, 1986, authorizes the MoEF to take certain measures and give directions with regards to matters of the environment, the Hon'ble Court, aptly, observed that authorization of such power is only to protect the environment mitigate environmental and pollution, and therefore, the MoEF, while issuing any instrument permitting for an ex post facto EC, must be able to demonstrate whether the instruments fulfil such a purpose.

The Madras High Court relied on the Hon'ble Supreme Court's judgements and ratio in the cases of Pahwa Plastics Pvt Ltd v. Dastak NGO, and D. Swamy v. Karnataka State Pollution Control Board, wherein the Hon'ble Court, in no uncertain terms, held that ex post facto ECs should not be ideally resorted to, except in special circumstances. Relying also on the Supreme Court's decision in the case of Life Insurance Corporation of India v. Escorts Ltd & Ors., the Madras High Court upheld that when the legal requisite is clearly 'prior', an 'ex post facto' cannot be held to be viable, especially in matters of the environment, since the damage once caused to the environment is, later, difficult to mitigate.

The High Court also maintained that there can be only two types of projects/industries, one that is



THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

'prohibited', and the other that is 'permissible', thereby, eliminating the possibility of the third kind of 'otherwise permissible'. Interestingly, the High Court permitted an ex post facto application by the State of Tamil Nadu for an IT Tower project, since it was in the interest of the public, and also because a lot of public money was involved in the project. Considering all these points, the Madras High Court set aside the challenged OMs prospectively, and allowed for ex post facto EC applications which are already submitted to be considered on the basis of their merits; ruling, therefore, in favour of the petitioner.

Conclusion -

Rejecting the respondent's application for appeal to the Hon'ble Supreme Court, the High Court held that they had adhered to the rationes decidendi laid down by the Supreme Court therefore the application does not stand. The decision by the Madras High Court will, now, see projects/companies seeking for an EC before starting with their projects, as a norm. This reflects the staunch determination of the judiciary to uphold the sanctity of India's commitment to the Rio Declaration on Environment and Development, and that even the government authorities and procedures cannot be given precedence environment.

"Environmental justice is not a luxury —

It is a necessity.

The law must act not after the damage is done, but before it begins"

-Anonymous

- Ms. Ishwari Salunke Student, 3rd Year





THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

Buy Now! The Shopping Conspiracy

Released on Netflix on 20th November 2024

Streaming on Netflix, the documentary- "Buy Now! The Shopping Conspiracy" is a stimulating documentary that exposes the manipulations behind consumer culture. The film exposes how marketing giants, behavioural economists, and tech companies collaborate to turn wants into needs and people into perpetual shoppers. Through engaging interviews, witty animation, and real-world examples, it sheds light on the psychological tricks used to exploit human impulses, such as the scarcity effect, fear of missing out (FOMO), and hyper-targeted advertising.

The film dissects capitalism with humour and intelligence. An expert in the film says, "You don't shop because you need; you shop because you're programmed to crave."

This visually stunning documentary also exposes the inextricable link between consumerism and environmental degradation. It reveals how fast fashion, electronics, and overproduction contribute to overflowing landfills, toxic waste, and rising carbon emissions, and ultimately cause environmental degradation.

The documentary is a wake-up call, and is perfect for anyone curious about the intersection of psychology, capitalism, environmentalism and technology. Watch it if you've ever wondered why shopping feels oddly therapeutic. It might just change the way you view your next purchase; or so I hope.

As we commemorate Earth Day, it would do well



<u> Credits: Tudum by Netflix</u>

to to heed the message underscored in the documentary- that the true cost of our purchases is paid by the blue planet. This documentary highlights the importance of conscious consumption as a form of climate action, furthering the dialogue on this month's theme - the Environment.

If interested, you may,

Click here to watch the Trailer

This Documentary Film is recommended by,

Dr. Apurva Thakur

Assistant Professor, PGCL

Explained: The climate change case in the International Court of Justice

Published in The Analysis on 5th March 2025

Climate change is one of the greatest threats faced by the world today. While there is a common consensus amongst States with respect to doing their bit to mitigate the ill effects of climate change, there has also been a recognition that individually, countries have certain specific obligations and actions that should vary based on their historical contributions to the problem, economic capacity, and national circumstances. This idea forms the basis of the principle of 'common but differentiated responsibilities' in International Environmental Law.

In a welcome move, recently the primary judicial organ of the United Nations, namely the International Court of Justice (ICJ), has rendered its advisory opinion after one of the longest hearings in its history with respect to the following questions:

- 1. What are the obligations of States, under international law, to ensure protection of the climate system and environment from rising emissions?
- 2. What are the legal consequences under these obligations when states harm the climate system, particularly with regard to vulnerable small island states and people impacted by climate change, both in the present and the future?

The case was brought forth by environmentally conscious law students from Vanuatu, a low-lying island state in the South Pacific Ocean, a <u>resolution</u> that highlights the impact of rising sea levels, <u>especially on developing island nations</u>.

The case makes a very interesting point wherein

THE COMMENTARY



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low-income and small island states have pushed to strengthen a principle to prevent climate harm and pay for climate reparations. It is a significant development in environmental jurisprudence that has led the ICJ to recognise the need meaningfully integrating for international human rights obligations with climate by international law reiterating environmental international commitments, accountability, and encouraging climate change litigation.

If interested, you may,

Click here to read the Article

This Article is recommended by,

Ms. Tanvi Goyal

Assistant Professor, PGCL

The Green Pen – Environmental Journalism in India and South Africa edited by Keya Acharya & Frederick Noronha

Published in SAGE Publications India Pvt Ltd in 2010

Environmental journalism (EJ), or legal environmental journalism, is a niche that has mostly been camouflaged by the pressing needs of the government of the time, not only in India but around the world as well. While EJ may seem like a notion about reporting forest fires, wildlife, environmental clearances for projects, and poaching activities, it is far wider and more critical than that.

This edited piece attributes value to EJ as respect for all forms of life and not the predominant belief that nature exists only for human consumption.

To quote from the book Nepal's Cooperative Movement—

"It is not a coincidence that whatever has worked in Nepal since the return of democracy in 1990 has the word 'community' in it: community radio, community forests, community-managed schools, and hospitals. National media is either government-controlled or commercialised, but community radio reaches people with information that matters to their daily lives. The handover of forests to local user groups in the past

handover of forests to local user groups in the past two decades has increased forest cover across the Himalayan mid-hills by more than 20 per cent.

The Palung Multi-purpose Cooperative has been an important part of the local economy. It gives small loans to women farmers from their own savings so they can buy seeds and support themselves. The women now have extra income, which they use to send their children to better schools, invest in dairy buffaloes and other income-generating activities. Female literacy is on the rise, and this has had a direct impact on the reduction in child marriages and infant and maternal mortality. The forested mountain sides are all managed by local communities in which women have a big say on fodder and firewood collection."

The best part about this reporting-

It wasn't always like this. I remember passing through Palung as a boy 35 years ago. The view of the Himalayas was stupendous, but the hillsides were barren and brown. Most of Palung's men had migrated to the cities. It is difficult to believe this is the same place. Today, the men are back and all busy working in their cabbage patches. Serrated ridges of pine frame the mountains, and new tourist resorts have sprung up, offering treks. The forest cover has revived springs and streams that had gone dry, and there are fewer landslides.

In this light, we need to understand and imbibe the idea that legal environmental journalism is about Mother Earth and not just the human race. This edited piece brings an array of reporting to one destination, giving readers a panoramic view of environmental stories, wildlife journalism, disasters, photojournalism, and communication on the environment, not reporting.

If interested, you may,

Click here to read the Book



This Book is recommended by,
Adv. Jaibatruka Mohanta
PGCL Alumnus
Adv. & Research Associate, CEERA

THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

Kumbh Mela – A Spiritual Gathering or an Ecological Disaster?

"We have forgotten how to be good guests, how to walk lightly on the Earth as its other creatures do."

~Barbara Ward

The Kumbh Mela is one of the oldest and most revered Hindu pilgrimages. Rooted in the mythological tale of the Samudra Manthan, the Mela rotates among four riverbank pilgrimage sites: <u>Haridwar</u>, <u>Prayagraj</u>, <u>Ujjain</u>, and <u>Nashik</u>, drawing millions to the banks of these holy rivers in pursuit of spiritual liberation.

Every twelve years, this sacred event takes the grand form of the Maha Kumbh at Prayagraj, where the Ganga, Yamuna, and the mythical Saraswati rivers meet at the Triveni Sangam. This year, from January 13 to February 26, the Maha Kumbh saw a staggering 660 million pilgrims, which is more than the population of most countries on earth, arriving to bathe in the sacred waters of the Triveni Sangam. The 2025 Maha Kumbh was particularly significant, marking a rare celestial alignment that happens only once in 144 years, completing twelve full Kumbh Mela cycles.

For all its spiritual magnitude, the 2025 Maha Kumbh left behind more than flower petals and prayers. The rivers, once worshipped as goddesses, now bore the unbearable weight of plastic debris, human waste, chemical run-off, and alarmingly high levels of faecal bacteria.

A report by the <u>Central Pollution Control Board</u> revealed that faecal coliform levels in the <u>Ganga</u> during the peak bathing days exceeded the safe <u>limit by over 1,400 times</u>. The contamination was attributed to untreated sewage, open defecation, and the overwhelming human footprint. The report clearly indicates how the Uttar Pradesh government failed to comply with the National

Green Tribunal (NGT) orders to monitor the water quality.

The government left no stone unturned in painting a clean picture. The Maha Kumbh was presented as the first-ever climate conclave titles as "Faith of Kumbh and Climate Change" Guinness World Records were broken for synchronized cleanliness drives, plastic bags were banned, and recycled art installations dotted the riverbanks. However, the truth is, no number of performative cleanups can replace ecological comprehensive planning. temporary mela city that sprawled across 4,000 hectares generated mountains of plastic waste, sewage, and organic sludge. The waste that neither vanished nor was sustainably managed, despite the high-decibel Swachh Bharat campaigns and flashy eco-banners. A critical scrutiny is required to reveal the facade of sustainability that cloaked the administrative negligence and ecological degradation.

A <u>2020</u> audit by the <u>Comptroller and Auditor General (CAG)</u> revealed significant deficiencies in environmental planning of large religious activities and the lack of coordination among municipal authorities, sanitation contractors, and the pollution control boards.

The Indian Constitution under <u>Article 48A</u> directs the State to protect and improve the environment. Article 21, as interpreted in <u>M.C. Mehta and Anr v. Union of India & Ors.</u> [1987 AIR 1086], includes the right to a clean and healthy environment. The Supreme Court has reiterated



Credits: The Guardian

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THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

this principle in several cases involving environmental degradation.

In its various orders, the National Green Tribunal called for strict environmental planning for mega-gatherings. It <u>flagged poor solid waste management in the Kumbh Mela 2019, indicating that the state agencies lacked accountability during the months-long religious gathering on the Ganga. Yet in 2025, no meaningful Environmental Impact Assessment was made public. No penalties were enforced for dumping, and no long-term restoration plans were instituted. If faith is supposed to elevate us morally, why does it bypass our constitutional and ecological duties?</u>

The river doesn't discriminate. It receives holy water and sewage alike. It blesses and it bears. The Ganga has been mythologized, revered, and politicized, but it is also on the verge of collapse. Its oxygen levels are dropping, its aquatic life is suffering, and its microbial health deteriorating after every religious mega-event. Experts and spiritual leaders have both expressed concern that the falling water levels and deteriorating quality of rivers like the Ganges could render future Maha Kumbh gatherings unviable, including the one expected to take place in 2037. The 2025 Kumbh Mela has left behind a trail of soil erosion, groundwater depletion, and toxic sedimentation.

This is not a critique of faith but a call for consciousness, a plea for celebration rooted in awareness rather than indulgence, for a union of devotion and sustainability, of tradition and responsibility. Faith and environmentalism are not in conflict; true spirituality lies not just in ritual, but in reverence for the Earth that sustains the sacred. If India hopes to host Maha Kumbh in 2037, it must also indulge in ecological preservation, and not only in spiritual grandeur. This calls for transparent ecological assessments, technology-enabled crowd and management, real-time water quality monitoring, strict penalties for polluting religious practices, and publicly available post-event audits. The number of pilgrims must also be thoughtfully regulated through advance registrations, staggered schedules, and regional events to ease the burden on a single site. These measures are not mere formalities but expressions of real care. Around the world, religious gatherings such as Japan's Shinto festivals and the Hajj in Saudi Arabia show that tradition can walk hand in hand with ecological responsibility. India, where rivers are worshipped as goddesses, must lead with wisdom. Let the next Maha Kumbh be a model of eco-spirituality, a sacred celebration that honours both the divine and the Earth that cradles the divine.

> - Ms. Ishani Mohan Student, 3rd Year



<u>Credits: Firstpost</u>



Credits: Vyar Media

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THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

The Silent Collapse of India's Coral Reefs.

"The oceans deserve our respect and care, but you have to know something before you can care about it."

~Sylvia Earle

India's biologically diverse and ecologically sensitive coral reefs are collapsing. Their decline signals a larger ecological crisis emerging beneath the surface. This article examines the extent of reef deterioration, the drivers of the collapse, and the shortcomings of conservation interventions. Which necessitate immediate, science-based, and a community-led action to recover and conserve these vital marine ecosystems before their loss is irreversible. Coral reefs are commonly referred to as the "rainforests of the sea", supporting almost 25% of all marine species. India has significant coral reef systems in the Gulf of Mannar, Gulf of Kachchh, Lakshadweep, and the Andaman and Nicobar Islands. These reefs deliver coastal protection, fisheries benefits, and livelihoods to thousands of communities. Their deterioration. however, gets neither the media spotlight nor the policy attention that it warrants.

India's coral reefs are biodiversity hotspots that support more than 200 species of coral and thousands of other associated marine species. They are of ecological importance with respect to carbon cycling, fish breeding grounds, and stabilizing coasts. They are of economic importance with respect to livelihood support to the local fishery, tourism, and culture. In Lakshadweep, for instance, the local people depend almost entirely on reef fisheries for daily food and livelihood.

Climate change is a major driver of the collapsing coral reefs. The rise in global temperatures causes the coral to bleach, disturbing the fragile ecosystem. The global bleaching events of 1998 and 2016 resulted in coral mass mortality in the

Lakshadweep and Andaman Islands. When there is not enough time to recover, reefs become increasingly vulnerable to disease and to permanent damage. Meanwhile, untreated sewage, industrial effluent, and plastic wastes are smothering coral communities. The Gulf of Kachchh, which has experienced uncontrolled coastal development and sand mining has further lowered the clarity of waters. All of this has resulted in suppressing coral photosynthesis and growth.

Another major cause is destructive fishing and overfishing. Bottom trawls, dynamite, and cyanide not only over-exploit fish stocks but also physically devastate reef structures. Marine protection laws are weakly enforced, and illegal fishing persists. Furthermore, the uncontrolled mass tourism boom in reef-dense areas such as the Andamans is exacerbating the problem. Wasteful snorkeling, reef anchoring, and souvenir gathering directly damage coral colonies. All these pressures have combined to leave India's reefs highly vulnerable, with vast areas already past the point of natural recovery.



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THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

Even though India has set up Marine Protected Areas (MPAs), designated areas in the ocean where human activities are restricted to protect marine life and ecosystems, they are not effectively implemented. The Gulf of Mannar Marine National Park, for example, is plagued by coral mining and illegal fishing. Conservation of reefs is also considered an afterthought in bordered coastal regulation schemes. The inability to regularly monitor, and incorporate local communities is also reducing the effectiveness of conservation.

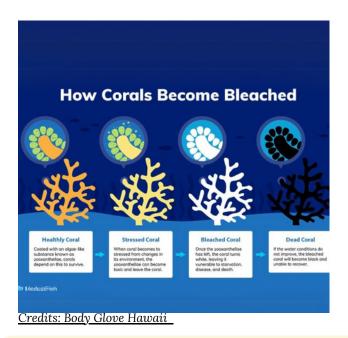
India's coral reef conservation strategy must be transformed significantly to address current and future challenges. Firstly, restoration activities above all must prioritize climate resilience, which refers to the ability of ecosystems, societies, and economies to withstand and recover from climate change impacts like extreme weather events and rising temperatures. Investment in research to discover and propagate heat-resistant coral species, coral gardening, and artificial reef initiatives can enhance the adaptability of reef systems. All of these must be incorporated into larger climate adaptation systems, considering the value of coral reefs as natural infrastructure.

Secondly, communities along the coasts need

empowerment. Local communities need to participate in reef watching, enforcement, and formulation of sustainable livelihood alternatives like community-driven ecotourism and aquaculture. International practices from Indonesia and the Philippines shows the way to ensure community-based management can enhance the health of the reefs dramatically.

Lastly, better legal and institutional frameworks are needed. Coastal Regulation Zone norms must be amended with reef-specific protection, and departments like the Indian Coast Guard and state forest departments need to be better trained and equipped to impose marine legislation. Only with cooperative, multi-level action can India turn the reef tide around. India's coral reefs are quietly dying from the combined effects of climate change, pollution, and governance failure. Losing India's coral reefs would be both an environmental disaster and a blow to coastal economies. If India truly intends to honour its blue economy goals and climate commitments, protecting these reefs must move from the margins to the heart of ocean policy. Their survival is not optional—it's essential.

> - Ms. Shrishti Shastry Student, 3rd Year





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THE WIG & THE WIT



Simple and fun puzzles to judge your wit!

What's in the Bin? - Sorting Challenge



Item	A: Recyclable	B: Compostable	C: Conditioned waste
1. Milk packet (washed and dried)			
2. Banana peel			
3. Old mobile phone charger			
4. Eggshells			
5. Empty shampoo bottle			
6. Tea bags (non-plastic)			
7. Expired medicine			
8. Used envelope			
9. Mosquito coil			
10. Delivery plastic wrapper (LDPE)			
11. Sanitary napkin			
12. Soda can			

Tune in Next Month for the Answer Reveal!



THE CAUSELIST



The Newsletter's schedule for all things high and happening around the world.











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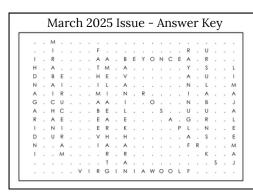
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25	26	27	28	29	30	31

THE POST-ITS



Sticky Notes to tack up some fun legal facts.



MUMBAI'S FIRST TREETOP TRAIL LETS YOU WALK WITH THE TREES

Malabar Hill now hosts a 482-meter-long treetop walkway, above the forest floor. Crafted mostly from wood with minimal concrete, it protects water flow and wildlife paths.



Thailand Says Goodbye to Imported Plastic Waste.

Starting January 1, 2025, Thailand has banned the import of plastic waste. After years of hosting other countries' leftovers, Thailand has decided it's time to clean up.

Taranaki Maunga Becomes <u>a Legal Person</u>

In a remarkable move, New Zealand has granted legal personhood to Taranaki Maunga. The mountain now enjoys the same rights and protections as a human being.



Assam Builds Rope Bridges for Wildlife

In Assam's forests, bamboo ropeways now stretch between treetops, letting monkeys and gibbons glide over roads and wires. To protect them from electrocution and accidents.





Until Next Time...

As we close this issue of 'The Briefcase', we want to thank you for flipping through these pages and joining us on this exciting journey. We hope this edition added a spark of curiosity, a pinch of knowledge, and maybe even a smile to your day.

But don't worry, this is just the fourth chapter. Next month, we'll be back with more legal insights, fresh opinions, exciting games, and surprises to keep you coming back for more. We're just getting started, and there's so much more we can't wait to share with you!

So, until we meet again, stay curious, stay inspired, and keep questioning and caring about the world around you. Remember, *The Briefcase* is always here to pack your mind with the essentials. See you in next month's issue—trust us, you won't want to miss it!

With gratitude, **The Editorial Board**

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Share your thoughts, ideas, or suggestions to help us make this newsletter even better. Tell us what you loved or what you'd like to see in our next edition!

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