

Environment Law Monthly Updates – April 2024

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1 Judgments

1.1 Supreme Court

- a. **Supreme Court emphasises the importance of protecting forests and holding government officials accountable for improper discharge of their duties**

On 18 April 2024, the Supreme Court decided a property suit for a land that fell within the forest area.¹ In its order, the Court accentuated the significance of forests for the survival of diverse life forms. The Court also dwelled on the importance of forest land for the nation's future and observed that the concept of sustainable development is to be understood from an eco-centric approach.

Interestingly, the Court imposed costs of INR 5 lakh on the state and criticised the officials of the forest department of the state of Andhra Pradesh who abdicated their public duty of protecting and preserving forest land and filed incorrect affidavits. In fact, the Court allowed the state to enquire into the lapses committed by the concerned officers and to recover the cost imposed on the state from them.

This judgment further augments the judiciary's recognition of protection from climate change as a fundamental right. It is expected that this judgment will pave the way for transforming the approach of the executive towards environment law issues.

1.2 National Green Tribunal

- a. **National Green Tribunal imposes exemplary compensation on municipal corporations for pollution of Yamuna and emphasises initiation of PMLA proceedings for environmental offences**

On 24 April 2024, the National Green Tribunal (NGT) imposed exemplary environmental compensation on the Agra Nagar Nigam and the Mathura-Vrindavan Nagar Nigam, of INR 58,39,20,000 and INR 7,20,10,000, respectively, for flagrant violations of environmental laws resulting in pollution of the Yamuna river.² It directed that this environmental compensation be used for remediation/rejuvenation/restoration of the environment in the region based on a rejuvenation plan.

Remarkably, the NGT observed that the Enforcement Directorate (ED) has failed to act in accordance with the Prevention of Money Laundering Act, 2002 (PMLA). It was also observed that when environmental norms are not followed, it results in the commissioning of a scheduled offence under the PMLA and that the revenue earned by committing such crime qualifies as '*proceeds of crime*' under the PMLA. However, by failing to take appropriate actions in accordance with the PMLA, the ED has encouraged polluters to continue violations with impunity.

This judgment is a pertinent development in respect of viewing environmental violations through the lens of the PMLA and is likely to encourage stricter enforcement of environmental statutes. Further, the formula arrived at by the NGT for the calculation of environmental compensation (i.e., quantity of polluting material discharged in Yamuna directly or indirectly × number of days of such discharge/violation × rupee (a fixed factor to be applied by the NGT)) in this judgment is likely to pave the way for streamlining the irregular and often arbitrary imposition of environmental compensation by the authorities in the past.

¹ [*State of Telangana & Ors. v Mohd. Abdul Qasim \(Died\) per LRS*, SLP \(C\) No. 6937 of 2021](#)

² [*Dr. Sanjay Kulshreshtha v Government of Uttar Pradesh and Ors.*, O.A. No. 840 of 2022](#)

2 Other relevant developments

2.1 Directions issued for implementation of action plan for elimination of paddy stubble burning in 2024

The Commission for Air Quality Management (CAQM) recently directed the states of Haryana, Punjab, and Uttar Pradesh, to effectively implement their respective revised action plans to ensure complete elimination of paddy stubble burning during the 2024 harvest season.³

The steps enlisted by CAQM range from a complete mapping of the identified means for management of paddy stubble to review, augmentation, procurement, and optimisation of the requisite machinery. State governments have also been directed to conduct frequent review and monitoring of the implementation framework.

The directive also calls upon the governments of the National Capital Territory of Delhi and Rajasthan to make significant efforts towards eliminating paddy stubble burning during the upcoming season. For proper monitoring, these states have been directed to submit monthly status reports in respect of preparatory actions, as per the timelines and milestones in their respective action plans. It is expected that these steps will bear results and the citizens of the Delhi NCR region will get respite from extreme air pollution arising out of stubble burning.

2.2 Producers of waste tyres directed to fulfil extended producer responsibility obligations for FY 2022-2023 under hazardous waste rules by 30 April 2024

The Central Pollution Control Board (CPCB) directed all producers of waste tyres under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 to (a) fulfil their assigned extended producer responsibility (EPR) obligations for the financial year 2022-2023 and (b) submit their quarterly and annual returns through the waste tyre EPR Portal, by 30 April 2024.⁴

The CPCB also clarified that any representation from producers for a reduction in EPR obligations or extension of the timeline for fulfilment of the same will not be considered if unutilised EPR certificates are available on the waste tyre EPR portal.

2.3 Extended producer responsibility certificate generated after 30 April 2024 will not be considered for meeting obligations of financial year 2023-2024 under the e-waste rules

The CPCB issued a notification directing all recyclers registered under the E-waste (Management) Rules, 2022 to generate EPR certificates for the quantity of e-waste recycled till 31 March 2024 latest by 30 April 2024.⁵ Any EPR certificate generated after 30 April 2024 will not be considered for meeting the EPR obligations of the producers for financial year 2023-2024.

Ahead of establishing a stringent enforcement regime, CPCB also clarified that non-compliance with this notice will result in the imposition of environmental compensation.

³ [Direction No. 80 dated 12 April 2024](#)

⁴ [Notice dated 16 April 2024](#)

⁵ [Notice dated 16 April 2024](#)

2.4 Negotiations on global treaty to curb plastic pollution

In 2022, the United Nations Environmental Assembly decided to create a legally enforceable agreement on plastic pollution by the end of 2024. To achieve this goal, delegates from 175 countries gathered in Ottawa from 23 April 2024 to 29 April 2024 for the fourth session of the Intergovernmental Negotiating Committee (INC).⁶

The agenda for the session highlighted the need for the preparation of an international legally binding instrument on plastic pollution, including in the marine environment. In the fourth session, INC revised the draft text of the treaty that discusses EPR, non-plastic substitutes, emission and release of plastic throughout its life cycle, national implementation plans and international cooperation to curb plastic pollution, etc.

The next and final session of INC will be held in Busan, the Republic of Korea, from 25 November to 2 December 2024. It is expected that this session will end the INC process and will be followed by a diplomatic conference in which the instrument will be signed.

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⁶ [Agenda for the Intergovernmental Negotiating Committee](#)