

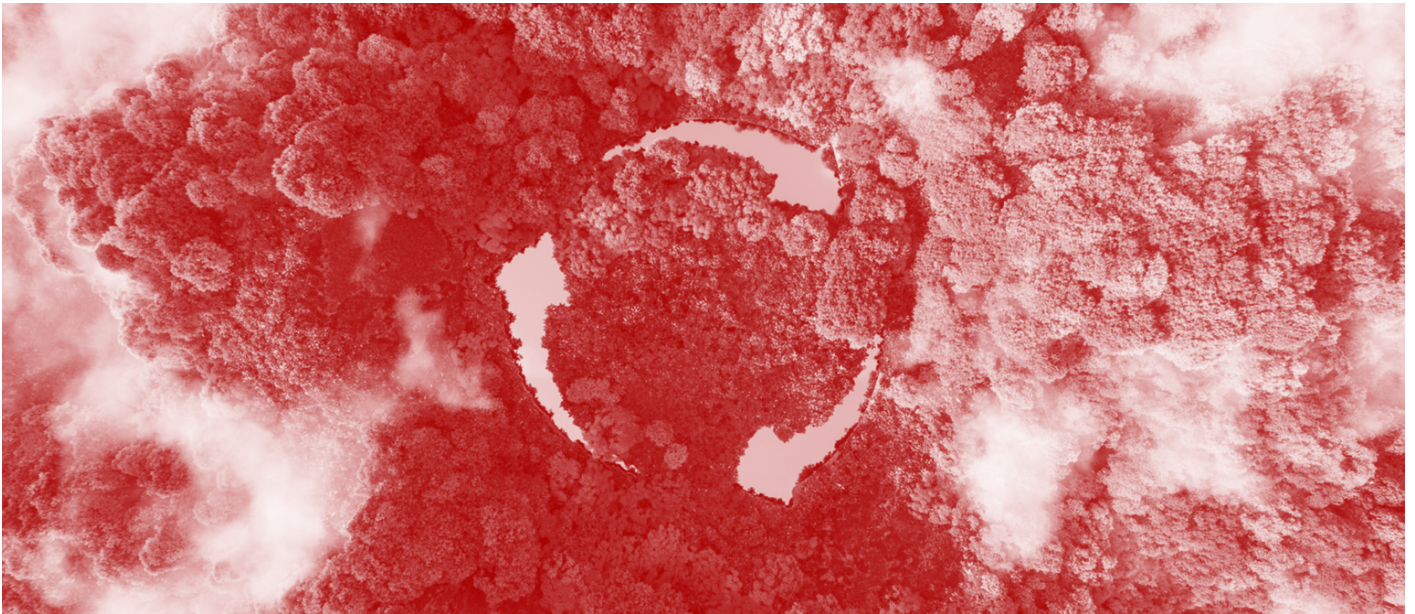


advocates & solicitors



Knowledge Management
Semi-Annual Environmental Disputes
and Environmental, Social &
Governance Compendium 2024
July – December 2024

Semi-Annual Environmental Disputes and Environmental, Social & Governance Compendium 2024



This Compendium consolidates all key developments pertaining to the environmental disputes and Environmental, Social & Governance (“ESG”) regulatory sector which were circulated as JSA Prisms and Newsletters during the calendar period from July till December 2024.

Ministry of Environment, Forest and Climate Change

Draft notification to seek comments on Construction and Demolition Waste Management Rules, 2024

The Ministry of Environment, Forest and Climate Change (“**MoEFCC**”), published a draft notification, seeking public comments on the proposed Construction and Demolition Waste Management Rules, 2024. The rules are proposed to come into force from April 1, 2025. ‘Producer’ under the proposed rules is defined as a waste generator registered on a portal for a building and building complex project having built-up area of 20,000 (twenty thousand)

square meters and above. The proposed rules define a ‘waste generator’ as an occupier of the project having full control over the construction or reconstruction or demolition activity resulting in generation of waste. The proposed rules prescribe separate obligations on producer and waste generator. The waste generator is required to collect and segregate waste to facilitate reuse and recycling of materials while taking measures for recycling, prevention of air pollution, littering etc. In respect of waste generators which are categorised as producers, the proposed rules provide that in addition to the obligation of a waste generator, such producers are required to be registered on the portal developed by Central Pollution Control Board (“**CPCB**”). The proposed rules propose to have Extended Producer Responsibility (“**EPR**”) on a producer to manage construction and demolition waste. The proposed rules prescribe the recycling targets to be fulfilled by the producer for compliance of its EPR.



MoEFCC circulates drafts proposing amendments to certain environmental laws

MoEFCC released:

1. draft notifications dated July 19, 2024, for the amendment of the Water (Prevention and Control of Pollution) Rules, 1975 ("**Water Rules**"), Air (Prevention and Control of Pollution) Rules, 1982 ("**Air Rules**"), Environment (Protection) Rules, 1986 ("**EP Rules**"), Public Liability Insurance Rules, 1991 ("**PLI Rules**") and Environment Relief Fund Scheme, 2008; and
2. draft guidelines dated July 19, 2024, for devising a uniform mechanism for the grant of consent along with the regulations for exempting certain categories of industries.

These amendments were proposed for public consultation granting time for submission of comments. The changes are in consonance with the amendments to various environmental statutes, which are summarised below:

Draft guidelines for State Pollution Control Boards/Pollution Control Committees regarding uniform consent fee and grant, refusal or cancellation of consent to establish or consent to operate

The guidelines are to be followed by the concerned State Pollution Control Boards ("**SPCB**") or Pollution Control Committees ("**PCC**") for grant, refusal or cancellation of Consent to Establish ("**CTE**") and Consent to Operate ("**CTO**") under the Water (Prevention and Control of Pollution) Act, 1974

("Water Act") and Air (Prevention and Control of Pollution) Act, 1981 ("**Air Act**").

Key highlights

1. **Validity of CTE:** In case of projects requiring Environment Clearance ("**EC**"), the CTE are valid as per the EC granted to such project. In project/activity which does not attract EC, the CTE are granted a minimum validity period of 5 (five) years initially which may be further extended by a maximum period of 2 (two) years, on request (i.e. maximum validity is 7 (seven) years from the issue of CTE.).
2. **Consent fee:** The SPCBs/PCCs may prescribe the consent fee which may be maximum 20% higher than the fee estimated as per the methodology.
3. **Common Consent and Authorisation:** The guidelines provide that the concerned SPCBs and PCCs must adopt a single step procedure for issuing a Common Consent and Authorisation ("**CC&A**") under the Water Act, Air Act and authorisations granted under the rules enacted under the Environment (Protection) Act, 1986 ("**EPA**").
4. **Guidelines for grant of CTE:**
 - a) application: The project proponent must submit the CTE application with requisite information and the applicable fee;
 - b) siting criteria: The project proponent must comply with the sector specific siting criteria applicable on it. In case sector specific siting criteria is not available, the general guidelines framed by the respective State Government are to be followed which must take into consideration factors such as category of project, nearest boundary of surface water body, distance from settlement, educational institute, place of worship, archaeological monuments, national park, etc;
 - c) site verification: The concerned officer of the SPCB/PCC must conduct inspection of proposed site to verify the information submitted in the application and submit detailed observations.; and

- d) grant of CTE: CTE are granted considering the verification report with applicable general and specific conditions.
5. **Guidelines for grant of CTO:** Once the industry is established as per the conditions prescribed in the CTE, it is required to obtain CTO.
 - a) application: The project proponent must submit an application seeking CTO with details regarding compliance of the CTE conditions;
 - b) verification: An officer of the SPCB will inspect and verify the industry in respect of the compliance of CTE conditions and installation of pollution control devices to submit a detailed report of compliance of monitoring with CTE conditions;
 - c) grant of CTO: CTO will be granted considering SPCB recommendations with applicable general and specific conditions; and
 - d) compliance monitoring: The frequency of monitoring of CTO conditions for red, orange and green category will be half yearly, annually and 1 (one) in 2 (two) years respectively.
6. **CPCB portal:** An online portal must be developed by CPCB to act as an interface between all the stakeholders for grant, refusal and withdrawal of CTE/CTO and also be a single point repository regarding management and implementation of the guidelines.
7. **Timelines for processing consent applications:** The guidelines prescribe fixed timelines to be followed by the concerned SPCBs/PCCs while considering application for CTE/CTO in respect of red, orange and green category industries. In case of unjustified delay in grant of CTE/CTO, the guidelines provide for action to be initiated against the responsible officer of SPCB/PCC under Section 48(2) of Water Act and Section 38(A) of the Air Act.

Conclusion

The guidelines are intended to

1. enhance the ease of doing business by minimising the compliance burden of industries;
2. reduce duplication of work at the SPCB/PCC level; and

3. ensure uniformity in the consent mechanism across the country.

The CPCB portal will immensely benefit the companies as a single window portal for all states to secure integrated and seamless process for the companies, while ensuring transparency. The last date for submission of comments on the proposed notification was September 17, 2024.

Proposed exemption to certain categories of industries/activities from mandatory requirement of prior consent under the Air Act and Water Act

On July 19, 2024, MoEFCC published draft notifications regarding exemption to certain categories of industrial plants from consent mechanism as per Section 21 of the Air Act and Section 25 of the Water Act.

Key highlights

1. **'White' category activities:** The draft regulations envisage that industries/activities categorised as 'white' by the CPCB be exempted from the mandatory condition of obtaining CTE and CTO from the SPCBs and PCCs. Such industries must intimate about their operations to the SPCBs/PCCs in the form of a self-declaration. The SPCBs/PCCs must maintain a list of such industries/activities separately.
2. **Projects requiring EC:** The project/activities requiring EC under the Environmental Impact Assessment Notification, 2006, are proposed to be exempted from obtaining CTE separately, viz:
 - a) while considering the EC application, the concerned SPCB/PCC will examine the project and communicate its comments to the authority within 30 (thirty) days. If required, the SPCB/PCC may undertake inspection of the site and seek additional information from project proponent before sending its comments;
 - b) the authority granting EC will consider the comments shared by the SPCB/PCC for inclusion of additional conditions;

- c) CTE will be integrated with EC and additional conditions required by SPCBs be included in the EC; and
 - d) such project/activities must obtain the CTO in all such cases before starting their operations.
3. Industries not falling under the categories mentioned above are required to obtain CTE and CTO from SPCB/PCC.

Conclusion

The amendments to the Air Act and Water Act granted power to the Central Government to exempt certain industries/activities from seeking consent to enhance trust-based governance and the ease of doing business. The proposed regulations streamline the consent process seeking to remove the additional requirement of CTE for industries which need an EC since the EC process is quite comprehensive and invariably covers all aspects covered in CTE. The last date for submission of comments on the proposed notification was September 17, 2024.

Proposed amendments to rules enacted under EPA, Air Act and Water Act for providing procedure for initiation of matters and imposition of penalties for violations

Proposed amendments to the Water Rules, the Air Rules and the EP Rules (collectively referred to as the “Rules”) enacted under the Water Act, Air Act and the EPA seek to operationalise the amendments made in the Air Act, Water Act and the EPA. Violations of these legislations will be adjudicated by an Adjudicating Officer (“AO”) who will determine and impose penalties for such violations.

Key highlights

1. **Appointment of AO:** The Secretary in-charge of the Environment Department of the State Government or Union Territory administration or any other officer not below the rank of secretary can be the ex-officio AO.
2. **Cognisance and processing of matters:** The Processing Officer (“PO”) authorised to take cognisance of violations within their respective

jurisdictions are listed in the appendix to each rule. The PO is required to initiate a matter either on its own motion or on receipt of a representation; ascertain if it is a matter fit for adjudication; and present the matter to AO after exercising reasonable due diligence to bring on record all relevant facts and circumstances that need to be taken into account for imposing penalty.

3. Inquiry by AO:

- a) Issuance of notice: The AO will issue notice to the concerned PO and the persons against whom non-compliance is alleged.
- b) Admission/denial of allegations: If the person admits to allegations presented by the PO, the AO will record such admission in its order along with the quantum of penalty imposed. In case where the person does not admit to allegations, the AO will give the person an opportunity to produce documents/ evidence as he may consider relevant for inquiry.
- c) Powers of AO: The AO is vested with the powers of a Civil Court under the Code of Civil Procedure, 1908 for (i) summoning and enforcing attendance of any person and examining him on oath; (ii) requiring discovery and production of documents or other electronic records; and (iii) receiving evidence on affidavits.
- d) Order: Upon consideration of allegations and defences, the PO will pass a speaking order either dismissing the allegations or imposing penalties.
- e) Timeline: Adjudication of the matter will be completed within 3 (three) months after the first date fixed for inquiry, extendable to another maximum period of 3 (three) months if sufficient reasons exist.
- f) Parallel proceedings: If the subject matter before the AO is already in question before the National Green Tribunal (“NGT”) or any other Court, the proceedings before the AO will run in parallel unless such proceedings are explicitly stayed by the Court. All orders passed by the AO will be subject to the outcome of the proceedings before the NGT or any other Court.

4. **Factors for determining penalty:** The AO, while determining the quantum of penalty under the relevant Act, will consider factors like place of operation of project; size of project (large/medium/small); category of industry (red/orange/green); type of contravention (operating without environmental clearances, non-compliance of environmental safeguards/emission standards); quantum of deviation; health impacts; undue gains; repetitive nature of contravention etc.
5. **Appeal:** The orders passed by the AO can be challenged before the NGT.
6. **Penalty to be credited to the Environmental Protection Fund:** The penalty imposed by the AO under the Air Act, Water Act and EPA are credited to Environment Protection Fund (“EPF”).
7. The proposed amendments in the EP Rules provide the manner for utilisation of the EPF:
 - a) Utilisation of EPF: It can be utilised for installation of continuous air, water and noise monitoring stations; new/upgradation of environmental laboratories; preparation of research and development documents on industrial sectors/clean technologies; assessment of environmental damages, preparation of Detailed Project Reports (“DPR”) and remediation of contaminated sites; capacity building and strengthening of personnels at CPCB/SPCB, payment of salaries to contractual staff etc.
 - b) Remittance to state: 75% of the penalty amount accrued in the EPF will be remitted to the concerned State.
 - c) EPF will be monitored by a project management unit established by MoEFCC.

Conclusion

The proposed amendments in the Rules operationalise the amendments made in the Air Act, Water Act and EPA. They envisage a mechanism for faster determination and imposition of penalties. Prior to the amendments in the Air Act, Water Act and EPA, violations were tried at trial courts which increased the pendency of cases and would take years for the resolution. The proposed amendments provide a streamlined mechanism for determining violations

under the Air Act, Water Act and EPA by allowing the AO to consider all the necessary material and aspects. This will also reduce the time taken by the NGT in deciding cases because the factual position in the matter will have already been established before the AO and the NGT would not be required to issue directions for submission of factual reports. The last date for submission of comments on the draft amendments is September 16, 2024, for EP Rules and September 17, 2024, for Air Rules and Water Rules.

Draft amendments to the PLI Rules, and Environmental Relief Fund Scheme, 2008

Proposed amendments to the PLI Rules and the Environment Relief Fund Scheme, 2008 seek to incorporate the amendments made to Public Liability Insurance Act, 1991 (“PLIA”) *vide* the Jan Vishwas (Amendment of Provisions) Act, 2023.

Key highlights

1. **Relief for public property:** Any person or entity who holds an interest in the public property affected by an accident can also claim relief or restoration of property under the PLIA.
2. **Relief for environmental damage:** The CPCB or SPCB can make an application for allocation of funds from the Environmental Relief Fund (“ERF”) for identification, assessment and remediation of the environmental damage which cannot be attributed to a particular company/industry.
3. **Publication of right to relief:** The industrial unit responsible for the accident must publicise the right to claim relief for the people who may be affected by the activities of the industrial unit.
4. **Maximum relief:** The maximum aggregate liability of the insurer to pay relief under an award to several claimants of an accident is limited to INR 250,00,00,000 (Indian Rupees two hundred and fifty crore). In case of more than 1 (one) accident the aggregate will not exceed INR 500,00,00,000 (Indian Rupees five hundred crore).
5. **Adjudication mechanism:** The adjudication mechanism envisaged for determination of violations and imposition of penalties under the

PLI Rules is the same as the mechanism envisaged under the Rules.

6. **Penalties and additional penalties to be included in the ERF:** The penalties, additional penalties and the interest or returns earned on the investments of the ERF will be accrued to the relief fund.

Conclusion

The proposed amendments seek to insert enabling provisions in consonance with the amendments proposed in the PLIA. The proposal provides that the application made by the CPCB and SPCB for compensating environmental damage will be scrutinised by the Central Government and the funds will be released upon such scrutiny. CPCB or SPCB are required to maintain proper records and documentation of the utilisation of funds and are required to submit annual reports to the Central Government wherein the details regarding the progress of the environmental remediation activities are to be submitted. The last date for submission of comments on the draft amendments in PLI Rules and ERF Scheme, 2008 was September 17, 2024, and September 21, 2024, respectively.

MoEFCC seeks comments on draft Hazardous and Other Wastes (Management and Transboundary Movement) Second Amendment Rules, 2024

MoEFCC, on August 14, 2024, published the draft Hazardous and Other Wastes (Management and Transboundary Movement) Second Amendment Rules, 2024 which notify EPR for scrap of non-ferrous metals (aluminium or copper or zinc or their alloys). The introduction of EPR for non-ferrous metals is a move towards achieving circularity and promoting sustainable industry practices, aiming to reduce the country's reliance on primary resources *vis-à-vis* mining.

The Hazardous and Other Wastes (Management and Transboundary Movement) Second Amendment Rules, 2024, will come into effect from April 1, 2025. The draft rules mandate that non-ferrous metal producers, starting from the Financial Year ("FY") 2027-28, should ensure that all new products made from non-ferrous

metals should include a minimum of 5% recycled content. This requirement is part of a comprehensive plan to reduce industrial waste, with the target gradually rising to 10% by FY 2029. By FY 2031, the objective is to reach at least 10% recycled content for aluminium products, 20% for copper and 25% for zinc. Additionally, the EPR framework will ensure the environmentally sound management of scrap metals.



MoEFCC seeks comments on the draft Remediation of Contamination Sites Rules, 2024

MoEFCC on August 21, 2024, released the draft Remediation of Contamination Sites Rules, 2024 ("Draft Rules") for public consultation seeking comments till October 22, 2024.

Key highlights

1. **Applicability:** The Draft Rules will apply to remediation of sites contaminated by 'hazardous substances' as defined under the EPA and listed in the various schedules to the Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 ("HW Rules"). The Draft Rules also cover sites where hazardous substances exceed the prescribed standards when mixed with mining, bio-medical and municipal solid waste. However, the Draft Rules are not applicable to sites contaminated by radio-active wastes, mining waste and oil spills since they are covered separately under the Atomic Energy Act, 1962, Mines and Minerals (Development and Regulation) Amendment Act, 2015, Merchant Shipping Act, 1958, Marine Insurance Act, 1963 and Merchant Shipping (Prevention of Pollution of Sea by Oil) Rules, 1974, respectively.

2. Key responsibilities of relevant authorities:

a) Central Government:

- i) constitute Central Remediation Committee ("**CRC**"); and
- ii) recommend the State Government on relocation of people already residing in confirmed contaminated sites for remediation of such site.

b) CRC:

- i) prescribe the format for DPR;
- ii) establish the procedure for determination of responsible persons, remediation costs and environmental damage;
- iii) recommend to the urban local bodies/district level panchayati raj institutions ("**Local Body**"), the agency to award the job of detailed investigations of contaminated sites identified by the Local Body;
- iv) review the detailed site investigation of the probable contaminated sites and decide in consultation with the State Government whether the site is a confirmed contaminated site requiring remediation or restricted use;
- v) review remediation investigation report;
- vi) approve DPRs submitted by the SPCB and approve the remediation activities after its completion by the SPCB;
- vii) publish a list of Reference Organisations ("**RO**") having relevant multi-disciplinary experience relating to remediation of confirmed contaminated site based on recommendations of the CRC which can be used by the responsible persons or SPCBs for assigning remediation activities; and
- viii) establish a framework for estimating the damage to environment, natural resources, flora and fauna and determine the liability to be borne by the responsible person.

c) Local Bodies:

- i) prepare inventory of suspected contaminated sites: Local Bodies will prepare an inventory of suspected

contaminated sites within their jurisdiction from various sources such as railways, parks, special economic zones and submit it to SPCB/CPCB. This inventory should consider public complaints, past experiences, reporting of incidents, information from relevant pollution controls acts and rules, prior studies or investigations etc. The Local Bodies will submit this inventory to CPCB within 1 (one) year of the enactment of the Draft Rules and then annually by June 30th; and

- ii) preliminary site assessment and detailed site investigation: Local Bodies will undertake preliminary site assessment and detailed site investigation either on their own or get it conducted by the owner through the RO.

d) State Government:

- i) inputs to CRC: The State Government will review and confirm the status of the contaminated sites and decide if it requires remediation. It will engage RO to undertake detailed investigation;
- ii) enabling public private partnership: The State Government will develop modalities for public private partnership to remediate orphan sites; and
- iii) allocation of remediated orphan sites: The State Government can allocate the remediated orphan sites to the beneficiaries of Pradhan Mantri Awas Yojana – Grameen and Urban for construction of residential houses.

e) SPCB:

- i) prepare priority list: SPCB will prepare a priority list based on the ranking of the confirmed contaminated sites within 90 (ninety) days of finalisation of confirmed contaminated site list by CPCB;
- ii) identification of responsible person: SPCB will have to investigate and gather prima facie evidence of the person responsible for polluting a probable contaminated site. Details of the responsible person(s) will also be shared. SPCB will direct the

responsible person to prepare a remediation design and DPR through a RO;

- iii) review DPR: SPCB will review and revise the DPR and submit it to the CRC for approval within 2 (two) months from the date of receipt of original or revised DPR;
- iv) post remediation monitoring plan: SPCB will engage RO and develop a post remediation monitoring plan to submit it to the CRC. The plan must include management measures, technical measures including monitoring and maintenance measures, deviation points and reporting plans. SPCB must issue a remediation completion order directing the site owner to undertake appropriate measures as may be required; and
- v) orphan sites: In case of orphan sites, SPCB can engage RO to develop remediation plan; prepare DPR; and initiate process for implementation of remediation. It will also be required to formulate and submit tender evaluation report, appoint remediation contractor, monitor the remediation work and report the completion of remediation to CPCB.

f) CPCB:

- i) publish list of confirmed/probable contaminated sites: CPCB will publish confirmed and probable contaminated sites online for objection and suggestions and include details on site restrictions and safety measures;
- ii) approve financial penalties: CPCB will approve financial penalties proposed by SPCBs for any violation of the Draft Rules based on CRC recommendations;
- iii) develop online portal and maintain contaminated registry: CPCB will develop an online portal with geotagging/geo-fencing, remote sensing and satellite imagery of all probable and confirmed contaminated sites. CPCB will establish and maintain a contaminated site registry on the online portal that contains all information on probable/confirmed contaminated sites in the country;

iv) issuing guidelines: CPCB will issue guidelines for various issues such as preliminary site assessment, detailed site investigation and remediation investigation, on the online portal; and

v) filing consolidated review report: CPCB will prepare a consolidated review report on management of contaminated sites and submit it annually with recommendations to MoEFCC.

3. Financial mechanism for remediation activities:

- a) investigation Funding: Initial funding for preliminary and detailed investigations of suspected and probable contaminated sites will come from the ERF established under PLIA and the State Government. The State Government may also utilise the funds from the EPF established under the EPA;
- b) responsible person: The funds allocated from ERF and the State Government for preliminary and detailed site investigation will be recouped from the responsible person. The responsible person will also be responsible for payment of funds for remediation plan of the confirmed contaminated site. In case the probable contaminated site is not confirmed to be a contaminated site after detailed investigation, the responsible person will not be liable for recouping of funds to ERF and the State Government; and
- c) orphan sites: The funds for conducting preliminary investigations, detailed investigation and preparation of remediation plan for suspected contaminated sites, probable contaminated sites and confirmed contaminated sites must be met from ERF and the State Government in the prescribed ratio. After remediation of the site, the land can be auctioned by the land-owning agency and the part of revenue may be recouped to ERF. Remediation can be done through public private partnership model wherein the private party may be given ownership of the land in view of the cost incurred.

4. Responsible person:

- a) the Draft Rules define 'responsible person' as one or more persons jointly or severely

responsible for contamination of site and responsible for incurring the remediation cost and other related claims;

- b) responsible person is absolutely, retroactively and jointly and severally liable for remediation costs whether incurred on or off the confirmed contaminated site;
- c) the responsible person is responsible for all damages caused to the environment or third party due to confirmed contaminated site as well as the environmental compensation for violation of provisions of the Draft Rules; and
- d) the liabilities of the responsible person will not be exempted or excluded on account of contamination and its effects being occurring at different points of time, site investigation not being mandatory or expected as part of business practice, contaminants not notified prior to the commencement of HW Rules, Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 or Hazardous Wastes (Management and Handling) Rules, 1989 or being caused by substances which are not notified as hazardous substance.

5. **Voluntary remediation:** Voluntary remediation can be carried out on sites which are currently not categorised as probable or confirmed contaminated sites and not being investigated by SPCB or CRC. The person proposing voluntary remediation is competent to manage or procure management of remediation and related environment and social aspects and local community requirements. A person seeking voluntary remediation must submit a preliminary assessment report, investigation report, a voluntary agreement between all owners and occupiers, proof of financial capacity, and an undertaking to comply CRC's directions. The CRC may approve the proposal, but approval does not exempt the person from potential damages, environmental liability, or penalties for non-compliance with the Draft Rules.

6. **Environmental compensation:**

- a) environmental compensation will be levied in the following activities:
 - i) responsible persons not depositing remediation cost on time;

- ii) providing false information/willful concealment of material facts by responsible persons; and

- iii) submission of forged/manipulated documents by the entities; and

- b) environmental compensation will be double the remediation cost that is to be deposited by the responsible persons and will not replace the remediation cost itself. These funds will go into the ERF for orphan site remediation and related activities as prescribed by the Central Government.

7. **Remediation cost:**

The components of the remediation cost are set out in Schedule III of the Draft Rules and include costs associated with:

- a) engaging third parties such as RO, contractors, consultants, lawyers and experts;
- b) investigation, survey, assessment, sampling, preparation, management, corrective measures, project management, permitting, licensing, tendering, insurance etc.;
- c) remediation and post remediation measures including site access measures;
- d) temporary or permanent relocation and rehabilitation of affected persons;
- e) organising stakeholder consultation, coordination, communication and conflict resolutions;
- f) securing and enforcing compliance with land use and site activity restrictions; and
- g) demolishing, repairing and rebuilding any building and structure at confirmed contaminated sites.

Conclusion

The lack of specific legislation for remediation of contaminated sites was a legacy issued in the country, hindering concrete action by authorities such as Local Bodies and SPCBs for decades. The uncertainty surrounding funding mechanisms is a significant obstacle, particularly for 'orphan sites', where contamination may have occurred decades ago, and the responsible parties cannot be identified.

The success of the proposed Draft Rules depends on building upon past efforts in identifying and remediating contaminated sites. The NGT had sought to bridge the legislative gap by directing the CPCB and SPCBs to undertake identification and remediation steps. For instance, in the case of *Rajiv Narayan vs. Union of India*¹, the NGT directed state authorities to identify contaminated sites and undertake remediation activities. In view of the consistent supervision by the NGT in the Rajiv Narayan case (*supra*), the exercise for identification of contaminated sites was undertaken and the state authorities were directed to undertake remediation activities and submit periodic updates.

However, the Draft Rules fail to incorporate mechanisms for building upon existing efforts. Crucially, they do not address contentious issues, such as:

1. **Identifying responsible persons:** The Draft Rules lack a clear mechanism for SPCBs to follow in the identification of responsible persons, especially when the action is against the occupier/owner.
2. **Remediation costs:** The Draft Rules do not provide a transparent mechanism for computation of remediation costs which can be reviewed by the responsible persons and others. Without establishing a definite procedure for computation, the liability of incurring remediation costs will consistently get challenged by the responsible persons.

It may be worthwhile notifying the final rules only after addressing these issues after incorporating public comments on them.

MoEFCC amends effluent and emission standards for Common Effluent Treatment Plants

The MoEFCC on September 10, 2024 amended the EP Rules and updated the effluent and emission standards prescribed for Common Effluent Treatment Plants ("CETP"). The amendment prescribes the roles and responsibilities of State Governments or SPCB, CETP operating agencies and member industries of the CETP. The SPCB is obligated to carry out real time online monitoring with random physical inspection of all CETPs and associated industrial areas to check

compliance with inlet quality parameters of the CETP, notified discharge standards for CETPs, occurrence of any bypass of untreated industrial effluents from the member industries or CETP or industrial area. The CETP is mandated to be managed through a special purpose vehicle or society (registered under the Societies Registration Act, 1860) or trust. Further, the CETP operating agencies are empowered to access the premises of member industries without prior notice to collect waste water samples.

MoEFCC amends the provisions for raising compensatory afforestation under the Van (Sanrakshan Evam Samvardhan) Rules, 2023

MoEFCC, *vide* notification dated September 20, 2023, amended the Van (Sanrakshan Evam Samvardhan) Rules, 2023. The amendments substitute the provisions in respect of raising compensatory afforestation. The amended rules provide that in exceptional circumstances, when the land suitable for compensatory afforestation is not available, the compensatory afforestation may be considered on degraded forest land which is twice the area of the land proposed to be diverted by the Central Government agencies, Central Public Sector Undertakings and State Public Sector Undertakings.



MoEFCC notifies the Ecomark Rules, 2024

On September 26, 2024, MoEFCC notified the Ecomark Rules 2024 ("Ecomark Rules"). This initiative is part of a broader effort to promote environmentally friendly products that minimise adverse

¹ OA No. 804 of 2017

environmental impacts. The Ecomark Rules align with the principles of 'lifestyle for environment', aiming to foster lower energy consumption, resource efficiency, and a circular economy while preventing misleading claims regarding the environmental attributes of products.

Purpose

The primary purpose of the Ecomark Rules is to encourage the production and consumption of eco-friendly products. By implementing the Ecomark Rules, the Government seeks to:

1. empower consumers to make informed purchasing decisions based on clear environmental criteria;
2. encourage manufacturers to transition to production of environmentally friendly products leading to promotion of green industries; and
3. establish a standardised eco-labeling system that enhances transparency in product environmental claims.

Salient features

1. **Eligibility criteria:** To be granted an ecomark under the Ecomark Rules, products must have a licence or certificate from the Bureau of Indian Standards and meet specific environmental standards, including:
 - a) reduction of pollution through waste minimisation;
 - b) recyclability or use of recycled materials;
 - c) decrease in reliance on non-renewable resources; and
 - d) avoidance of environmentally harmful materials.
2. **Application and verification procedure:** The procedure for granting Ecomark involves several key steps:
 - a) applicants must submit their application using form 1 to the CPCB, which will verify compliance with the necessary conditions either directly or through a registered verifier (entities registered under the Ecomark Rules, having qualification and experience in the field

of environment and matters relating to ecomark);

- b) following verification, a report must be prepared within 60 (sixty) days;
 - c) if CPCB is satisfied with the findings, it will grant ecomark, which will be valid for 3 (three) years or until any changes in the criteria occur; and
 - d) renewal applications can be submitted upon expiry, adhering to the same procedures.
3. **Monitoring and compliance:** Ecomark holders are required to submit annual reports by May 31 each year. CPCB has the authority to suspend or revoke certifications if false information is provided.
 4. **Cancellation of ecomark:** If CPCB determines that an Ecomark holder has provided false information or intentionally concealed required information, it may suspend or cancel the ecomark after allowing the holder an opportunity to present their case.
 5. **Steering committee:** A steering committee will oversee implementation, while a technical committee will assist in developing criteria and verification processes. Both committees will include representatives from various government ministries and industry experts.
 6. **Web portal:** As per the Ecomark Rules, CPCB will create a web portal for ecomark applications, annual report submissions by holders, verifiers, and registered agencies, and for managing verifier registrations. Ecomark holders must submit annual reports online by May 31 for the period from April 1 of the previous year to March 31 of the current year. CPCB will also publish information on the portal, including details of ecomark holders and their products, lists of certified products, justification reports, research findings on environmental impacts, and benefits of ecomark-certified products.

Conclusion

In conclusion, the Ecomark Rules represent a significant step towards promoting environmentally friendly products in India. By establishing clear criteria for certification, the rules not only empower consumers to make informed choices but also

encourage manufacturers to adopt sustainable practices. With the implementation of a dedicated web portal for applications and reporting, along with rigorous compliance mechanisms, the ecomark framework aims to enhance transparency and accountability in eco-labeling. For businesses, understanding and complying with these regulations will be essential for leveraging the benefits of ecomark certification and meeting the growing consumer demand for green products.



MoEFCC issues the Draft Liquid Waste Management Rules, 2024 for public consultation

MoEFCC, *vide* notification dated October 7, 2024, issued the Draft Liquid Waste Management Rules, 2024 for public consultation. The draft rules are proposed to be applicable from October 1, 2025, and will be applicable on every urban body, rural local body and all public authorities and entities responsible for generation and management of wastewater, sludge from wastewater treatment facilities and fecal sludge including all entities within their jurisdiction whether controlled and managed by the Government, private sector or in public private partnership. 'Liquid waste' is defined as any liquid/wastewater and associated sludge, including fecal sludge, which is discharged into the environment in such a volume, composition and manner likely to cause an alteration of quality of the environment. The proposed rules provide that every wastewater generator is required to dispose of wastewater generated in drainage systems provided by local body. It is also required not to dispose of wastewater generated on open land or in water body in a manner to adversely affect environmental quality.

MoEFCC notifies the Biological Diversity Rules, 2024

MoEFCC, *vide* notification dated October 26, 2024, notified the Biological Diversity Rules, 2024 in supersession of the Biological Diversity Rules, 2004. The rules prescribe the manner of selection and appointment, term of office, pay and allowances of Chairperson and other members of the National Biodiversity Authority. It provides the procedure to be followed for access to biological resources and knowledge associated to it, sharing and transfer of research results to foreign entities, grant of intellectual property rights, obtaining certificate of origin for cultivated medicinal plants, conducting non-commercial research or research for emergency purposes outside India by Indian researcher or institution. It also provides the procedure to be followed by the AO for inquiry into any complaint of non-compliance against any entity.

Strengthening enforcement of environment, water and air pollution laws

MoEFCC, *vide* notifications dated November 4, 2024, November 11, 2024 and November 12, 2024, has notified the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, the Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 and the Air (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 respectively. These rules aim to strengthen the enforcement of environmental protection, water pollution and air pollution laws and accelerate the process of addressing environmental concerns by simplifying the procedure for filing complaints. Any contravention of the provisions of the EPA Act, Air Act, empowers the adjudicating officer to initiate an inquiry within 30 (thirty) days from the date of receipt of the complaint. The inquiry process, including evidence gathering and decision-making, must be completed within 6 (six) months.

Exemption under Water Act and Air Act

MoEFCC, *vide* notifications dated November 12, 2024, has notified the exemptions under the Water Act and Air Act. The following categories of industrial plants

are exempted from the application of the provisions of Section 25(1) of the Water Act and Section 21(1) of the Air Act:

1. all industrial plants having pollution index score upto 20 (twenty) as listed in the prescribed Schedule, subject to condition that such plant must inform in writing to the SPCBs and PCCs; and
2. all industrial plants which have obtained prior environmental clearance as per the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the September 14, 2006, issued under the EPA Act, in respect of previous consent to establish such plant.

Decriminalisation of offences under the Hazardous and Other Wastes (Management and Transboundary Movement) Second Amendment Rules, 2024

Pursuant to the provisions of Jan Vishwas (Amendment of Provisions) Act, 2023, certain provisions of EPA Act were decriminalised. Reciprocating these changes, MoEFCC has notified the Hazardous and Other Wastes (Management and Transboundary Movement) Second Amendment Rules, 2024 and E-Waste (Management) Second Amendment Rules, 2024 on November 12, 2024. These amendments decriminalise offences under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the E-Waste (Management) Rules, 2022 respectively. Accordingly, any person who fails to comply or contravenes the provisions of these rules will be liable to a penalty in accordance with the provisions of Section 15 of the EPA Act.

Battery Waste Management (Third Amendment) Rules, 2024

MoEFCC, *vide* notification dated December 3, 2024, has amended the Battery Waste Management Rules, 2022 to decriminalize certain contraventions under the rules, providing that any person who fails to comply with or contravenes the provisions of the principal rules will be liable to a penalty in accordance with the provisions of Section 15 of the Environment (Protection) Act, 1986.

Draft Environment Protection (Extended Producer Responsibility for Packaging made from Paper, Glass and Metal as well as Sanitary Products) Rules, 2024

MoEFCC, *vide* notification dated December 6, 2024, has notified the draft rules to introduce Extended Producer Responsibility (“EPR”) for promoting sustainable packaging practices, ensuring environmentally sound management of post-consumer paper including paper board, glass, metal (excluding non-ferrous metal based) packaging and sanitary products and to promote circular economy through reuse, recovery and recycling thereby creating new opportunities for economic activities, green jobs and innovations. MoEFCC has invited stakeholders to submit comments, suggestions, or objections by February 4, 2025.



Draft Solid Waste Management Rules, 2024

MoEFCC, *vide* notification dated December 9, 2024, has notified the draft rules. The salient features are as follows:

1. the rules inter alia propose to focus on waste management in environmentally sustainable ways. Special duties have been carved out for operator of waste processing facilities. Further, standards for incineration i.e. emission from incinerators/thermal technologies in solid waste treatment facility have been specified in Schedule II of these rules;
2. more intricate manner for segregation of waste i.e. categories like wet, dry, sanitary and special care waste added;

3. mandatory usage of Refuse Derived Fuel (“RDF”)/solid recovered fuel in industrial units using solid fuel (which are located near solid waste-based RDF plants). This was earlier limited to 5% in the Solid Waste Management Rules, 2016. Now the prescribed limit is 6% to 15%;
4. carves out special duties for bulk waste generators like industrial units;
5. use of centralised online portal for registering waste management entities;
6. landfill user fee introduced for urban/rural local body for waste sent to landfills- which will be higher than collection, transportation and waste processing costs. This fee collected must be used towards processing of unsegregated waste/solid waste management infrastructure of the local body;
7. closer monitoring of biomining of legacy waste through centralised online portal where agencies will be required to disclose, update process, file quarterly returns etc. on the portal; and
8. polluter pays principle is applied for non-compliance of these rules – compensation to be determined by implementation committee formulated by Central Pollution Control Board (“CPCB”) which will also lay down guidelines.

MoEFCC has invited stakeholders to submit comments, suggestions, or objections by February 7, 2025. The rules are proposed to be implemented on October 1, 2025.



Public Liability Insurance (Amendment) Rules, 2024

MoEFCC, *vide* notification dated December 17, 2024, has notified the amendments made to the Public

Liability Insurance Rules, 1991. Some of the key provisions are as follows:

1. Rule 3 is revised to specify that applications for relief or property restoration will be made to the collector using Form I. Further, it is clarified that an application for claim for restoration of the property may also be filed by a person who holds an interest in the affected public property, and can demonstrate a direct and substantial connection with that property;
2. Rule 3A is inserted outlining the process for allocating funds from the environmental relief fund for environmental damage restoration. The CPCB or State Pollution Control Boards (“SPCBs”) will apply to the Central Government using Form II. The Central Government will then determine the allocation (up to 10% of the fund) using Form III. The CPCB/SPCBs will maintain accounts and submit annual reports on fund utilisation; and
3. Rule 5A is inserted mandating industrial units to publicise among the affected persons their right to claim for relief in case of an accident occurring in any industrial unit.

Environment Relief Fund (Amendment) Scheme, 2024

MoEFCC, *vide* notification dated December 17, 2024, has notified the amendments made to the Environment Relief Fund Scheme, 2008. Some of the key provisions are as follows:

1. the relief fund will be vested in the Central Government;
2. the sources of the fund are clarified to include amounts remitted as compensation or relief for environmental damage under Section 24 of the National Green Tribunal Act, 2010; penalties and additional penalties imposed under Sections 14, 15, or 17 of the Public Liability Insurance Act, 1991 and interest or returns earned on fund investments;
3. CPCB will serve as the fund manager for a period of 5 (five) years, starting January 1, 2025. This replaces the previous role of United Insurance Company Limited;
4. payments to the fund can be made *via* demand draft or other electronic modes;

5. the percentage of the fund allocated for administrative expenses has been increased from 1% to 2%;
6. the fund manager will develop and maintain an online portal for implementing the scheme and disburse funds based on orders issued by the District Collector or the Central Government; and
7. the fund's accounts will be audited by an independent auditor appointed by the Central Government from a panel approved by the Comptroller and Auditor-General.



Central Pollution Control Board

CPCB issues revised guidelines for assessment of environment compensation for violation of Plastic Waste Management Rules, 2016

On August 22, 2024, CPCB issued the revised guidelines for assessment of environmental compensation to be levied for violation of Plastic Waste Management Rules, 2016 ("**PWM Rules**"). The guidelines have envisaged substantial environmental compensation to serve as a deterrent against violations of the PWM Rules. The environmental compensation varies based on the severity, frequency and volume of the violations.

Under the revised guidelines, environmental compensation ranging from INR 5,000 (Indian Rupees five thousand) to INR 20,000 (Indian Rupees twenty thousand) per ton of banned items will be imposed, depending on the type of violation and the nature of the business involved. The environmental compensation is also determined based on the costs to be incurred by local bodies for plastic waste management for waste

collection, transportation, processing and establishment and operation of material recovery facilities, with different rates applied depending on the type of plastic waste.

CPCB issues guidelines for EC under waste tyre EPR regime

CPCB, *vide* notification dated September 3, 2024, issued the guidelines for EC under waste tyre EPR regime under the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022. The guidelines provide that under EC regime 1, EC will be levied to the producers for non-fulfillment of EPR obligations while under EC regime 2, EC must be levied to any entity for non-compliances of the rules as per EC regime 2. The EC under EC regime 1 is calculated at INR 8.40 (Indian Rupees eight point four) per kilogram. The EC computed under EC regime 1 includes the cost of collection, cost of transportation and processing cost of per kilo gram of waste tyre. Under EC regime 2, the average registration fee is taken while prescribing the applicable EC.

CPCB issues guidelines for EC under E-Waste (Management) Rules, 2022

CPCB, *vide* circular dated September 9, 2024 issued the guidelines for EC under E-Waste (Management) Rules, 2022. The guidelines are applicable on entities involved in manufacture, sale, transfer, purchase, refurbishing, dismantling, recycling and processing of e-waste or electrical and electronic equipment listed in Schedule I of the rules. The guidelines envisage 2 (two) regimes wherein EC regime 1 covers producers which do not meet their end product wise targets. Short fall in the end product wise targets were considered to have an adverse impact and damage to the environment due to failure in the environmentally sound collection, transportation to recycling facility of e-waste. Under EC regime 1, the average cost of collection, transportation of e-waste and processing cost to recover end product metals are taken as parameters for deciding the EC and levied to producers for non-fulfillment of end product wise EPR target. In EC regime 2, EC is levied to any entity for non-compliances of the rules.

CPCB issues guidelines for Environmental Compensation under Battery Waste Management Rules, 2022

CPCB, *vide*, circular dated on September 10, 2024 issued the guidelines for EC under the Battery Waste Management Rules, 2022. The guidelines envisage the levying of EC under 2 (two) regimes *vis.* EC regime 1 and EC regime 2. EC regime 1 is levied for failure to fulfil the metal wise EPR target by the producers and includes costs such as cost of handling, collection, transportation of waste battery as well as the processing cost to recover metal. EC regime 2 is applicable for non-compliance of other conditions by the producers, recyclers, refurbishers and is calculated based on the application fees of the producers, recyclers and refurbishers. The EC in case of lead acid batteries is prescribed to be INR 18 (Indian Rupees eighteen) per kilogram while in case of lithium-ion batteries, the EC cost for shortfall in recovery of various metals such as lithium, cobalt, nickel, manganese, copper, aluminium and iron are prescribed.

CPCB issues guidelines for one-time financial support for establishing recycling plants and machinery for abandoned, lost and discarded fishing gears and high littering plastic wastes in coastal areas

CPCB on September 21, 2024 issued the guidelines for one time financial support for establishing recycling plants and machinery for abandoned, lost and discarded fishing gears and high littering plastic wastes in coastal areas. The guidelines were issued with the objective of reducing plastic waste and abandoned, lost and discarded fishing gears littering in the 12 (twelve) blue flag certified beaches in the country by establishing plastic recycling facilities and encouraging channelisation of plastic waste from collection to recycling. It also aims at reducing the use of virgin plastics, encouraging and promoting a circular economy. The eligibility criteria for obtaining the financial support are that the unit should have a valid CTE from the concerned SPCB for establishing the plastic waste recycling unit. Further the units should be located beyond the coastal regulation zone and compliant under the applicable local bylaws. The unit

should have land possession for a minimum of 10 (ten) years.

Guidelines for determination of processing capacity of e-waste recycler's

The CPCB, *vide* notification dated November 4, 2024, has issued guidelines for determining e-waste recycler processing capacity by SPCBs and PCCs. These guidelines mandate SPCBs and PCCs to verify the plants and machineries processing capacity including other supporting facilities. Based on such verification, they are required to issue the 'CTO', specifying the plant's approved capacity.



Bureau of Energy Efficiency

The Bureau of Energy Efficiency releases compliance mechanism for the Indian Carbon Market

The Bureau of Energy Efficiency ("BEE"), in July 2024, released a detailed procedure for the Compliance Mechanism of the Indian Carbon Market ("ICM"), aiming to implement the Carbon Credit Trading Scheme, 2023 ("CCTS"). It aims to assist in achieving India's Nationally Determined Contributions ("NDC") targets by pricing Greenhouse Gas ("GHG") emissions through Carbon Credit Certificates ("CCCs"). Obligated entities will be required to achieve GHG emission intensity targets as notified by MoEFCC. If reductions are more than the target levels the entity will earn CCCs and if it fails in achieving targeted reductions, it will be required to either surrender its CCCs or purchase new CCCs. The Central Government, based on recommendations from the National Steering Committee, will identify obligated entities and set out sector-specific GHG emission intensity trajectories in collaboration with BEE. Emissions will be calculated from all energy sources used, monitored within a fixed boundary, and reported to BEE.

Within 4 (four) months after the compliance year ends, each obligated entity will be required to submit a performance assessment document, detailing their adherence to GHG emission intensity targets, to the BEE and State Designated Agency. The entity should also appoint an accredited carbon verification agency to verify this performance according to the defined accreditation criteria and procedures.

CCCs will be issued following verification and committee recommendations. Further, trading of CCCs will require registration of the entities on the ICM Registry as per the Central Electricity Regulatory Commission ("CERC") procedures. Non-obligated entities can also register on ICM to trade CCCs. The CCCs remaining at the end of a compliance year can be banked for future use or sold within the ICM.



BEE issues draft guidelines for installation and operation of battery swapping and battery charging stations for public consultation

BEE on October 7, 2024, issued the draft guidelines for installation and operation of battery swapping and Battery Charging Stations ("BCS"). These guidelines aim to promote battery swapping as a viable alternative for EV power and encourage a 'battery as a service' model, where users can lease batteries instead of purchasing them outright. They apply to providers of swappable batteries and operators of BCS and Battery Swapping Stations ("BSS"), outlining essential definitions and requirements for establishing these facilities in accordance with existing regulations.

Key proposals in the draft include the promotion of charging and swapping infrastructure through government incentives, such as subsidised land rates and financial support for electricity usage at stations. The guidelines also specify tariff structures, requiring

BCS and BSS to maintain separate meters for electricity consumption and adhere to pricing regulations. Additionally, BEE will create a national database of all charging and swapping stations, while a central nodal agency will oversee implementation. The guidelines aim to ensure a well-coordinated rollout of EV infrastructure, integrating renewable energy sources and encouraging open communication standards for data sharing among operators.

BEE publishes list of approved sectors in offset mechanism under Carbon Capture and Trading Scheme by Central Government

On October 15, 2024, the BEE published an office memorandum dated September 20, 2024 which includes a list of approved sectors for India's CCTS. This marks a significant advancement in the country's climate action strategy. Key sectors included in this initiative are energy, manufacturing, agriculture, waste management, and transport, all vital for reducing carbon emissions and promoting sustainable development.

In the initial phase of the CCTS, emphasis will be placed on sectors such as energy, chemical manufacturing, waste management and agriculture, utilising innovative technologies like green hydrogen production, biochar, landfill gas capture, and afforestation. The second phase will broaden the scope to incorporate additional sectors, including construction, fugitive emissions, and carbon capture, utilisation, and storage. Specific technologies approved in this phase include energy efficiency improvements, green ammonia usage, systematic rice intensification, and Electric Vehicles ("EVs"), reflecting a comprehensive approach to tackling emissions across various industries.

BEE publishes the Energy Conservation and Sustainable Building Code

BEE in October 2024 published the 'Eco Niwas Samhita ("ENS") – Energy Conservation and Sustainable Building Code (Residential)', September, 2024 to provide norms and standards for energy efficiency and its conservation, use of renewable energy and other green building requirements for a building. These standards aim to minimise heat gains in cooling-

dominated climates and reduce heat loss in heating-dominated climates, while also promoting sufficient natural ventilation and daylighting. Lodging and rooming houses, dormitories, hotels and resorts were excluded from the definition of ‘residential buildings’ under the code. The code also applies to alterations made to existing residential buildings that exceed the prescribed threshold, where only the altered parts need to comply with specific requirements. The code outlines 3 (three) levels of energy conservation and sustainability: (a) ENS compliance requires adherence to mandatory requirements; (b) ENS+ compliance involves meeting those requirements and earning additional points; and (c) super ENS compliance necessitates both adherence and achieving a higher number of points across the code's sections.



Commission for Air Quality Management

Commission for Air Quality Management in National Capital Region and Adjoining Areas issues advisory for control and prevention of open burning of municipal solid waste/bio-mass in NCR

On August 7, 2024, the Commission for Air Quality Management (“CAQM”) in National Capital Region (“NCR”) and adjoining areas issued an advisory pertaining to the issue of open burning of municipal solid waste and biomass in Delhi, especially during winter months, which severely impacts air quality and public health by raising levels of particulate matter and releasing other harmful pollutants into the air. It notes that compliance was inadequate despite previous advisories, orders and implementation of the Graded Response Action Plan (“GRAP”) as an emergency

measure aimed at mitigating adverse air quality during winter. Security staff and other service providers in residential areas, particularly in gated communities, continue to burn biomass and waste for warmth during the night.

To address this, the Resident Welfare Associations were asked to provide electric heaters to security personnel to prevent open burning. Municipal bodies are advised to enforce and monitor this requirement to improve air quality.

CAQM directs urban local bodies in Delhi to rationalise and enhance parking charges for private vehicles

In a bid to dissuade the public from using private vehicles and utilising cleaner public transport services particularly the metro and EV/Compressed Natural Gas (“CNG”) city buses within Delhi NCR to reduce air pollution, CAQM issued directions dated August 20, 2024. It notes that despite previous directives under the GRAP mandating an increase in parking fees during high pollution periods, no comprehensive action was taken. Therefore, the CAQM directed urban local bodies in Delhi i.e. Municipal Corporation Delhi, New Delhi Municipal Corporation and Delhi Cantonment Board, to review and rationalise parking fees for private vehicles, based on local area-specific plans. It directs that this process must be completed by September 30, 2024, and implemented across the city by October 1, 2024, with proper public communication in advance.

CAQM in NCR and adjoining areas amends the GRAP for addressing air pollution in NCR

Commission for Air Quality Monitoring in CAQM on September 19, 2024, amended the GRAP. The CAQM issued Direction No. 83 dated September 19, 2024 to amend the existing GRAP schedule. The direction provides that the GRAP will be invoked in advance of the Air Quality Index (“AQI”) reaching projected levels. The restrictive actions undertaken in terms of the previous stages will continue in addition to the later air pollution stage under which the restrictive actions are envisaged to be taken. Among the various stage wise restrictions, the direction also provides the citizen charter for steps to be taken by the citizen during each stage.

CAQM issues order on use of diesel generator sets during melas, outdoor exhibitions/processions and in community centres/banquet halls

CAQM issued order dated October 21, 2024 on use of polluting Diesel Generator sets ("DG sets") during melas, outdoor exhibitions/processions and in community centres/banquet halls. The order is issued in view of the representations from resident welfare associations reporting rampant use of non-compliant DG sets by organisers of outdoor melas, exhibitions, community centres etc. The order clarifies that the use of DG sets falls within the purview its Direction No. 76 dated September 29, 2023, and should mandatorily be complied with by the organisers of such melas, exhibitions, processions, community centres, marriage halls etc. including outsourced DG sets by such agencies across the NCR.

CAQM issues direction for implementation of plans of action for prevention and control of paddy stubble burning

CAQM, issued direction dated October 10, 2024, on implementation of plans of action for prevention and control of paddy stubble burning. It noted that despite targeted elimination of fire counts during 2024, a total of 267 (two hundred and sixty-seven) and 187 (one hundred and eighty-seven) paddy residue burning events were reported between September 15, 2024, and October 9, 2024, from the States of Punjab and Haryana respectively. It also notes that CAQM called for entrusting responsibility and accountability on the nodal officers for various villages/blocks and supervisory officers. It authorises Deputy Commissioners/District Collectors/District Magistrates in the States of Punjab, Haryana, NCR areas of Rajasthan and Uttar Pradesh and in the NCR to file compliant/prosecution before jurisdictional judicial magistrates, in case of inaction in respect of officials, including nodal officers and supervisory officers at various levels and station house officers, responsible for effective enforcement towards ensuring elimination of paddy stubble burning in their respective jurisdiction.

Implementation of actions under Stage-III and IV ('Severe'/'Severe+' Air Quality) of revised GRAP in Delhi-NCR

CAQM *vide* order dated November 14, 2024, has decided that all actions as envisaged under Stage III of the GRAP - 'Severe' Air Quality (Delhi AQI ranging between 401-450) must be implemented in right earnest by all the agencies concerned in the Delhi- NCR, in addition to the Stage-I and II actions already in force, from November 15, 2024 8:00 A.M. in the NCR. Pursuant to the same, in an effort to prevent further deterioration of the air quality CAQM, *vide* order dated November 17, 2024, has decided that all actions as envisaged under Stage IV of the GRAP -'Severe+' Air Quality (DELHI AQI>450) must be implemented in right earnest by all the agencies concerned in the NCR, in addition to the Stage-I, II and III actions already in force, from November 18, 2024 8:00 A.M. in the NCR.



Securities and Exchange Board of India

Consultation paper on proposed amendments to the Securities and Exchange Board of India (Prohibition of Insider Trading) Regulations, 2015 inviting comments

The Securities and Exchange Board of India ("SEBI"), *vide* notification dated July 29, 2024, issued a consultation paper on the proposed amendments to the SEBI (Prohibition of Insider Trading) Regulations, 2015. The key goals are to refine the definition of 'connected person' to align with the Companies Act, 2013 and harmonise the definition of 'relative' to

match the Income Tax Act, 1961, while retaining the term ‘immediate relative’ but removing its explanatory note. SEBI also proposes including new categories of ‘deemed connected persons’ who may have access to Unpublished Price Sensitive Information due to their proximity with the connected person.

The public consultation seeks comments on these changes to expand the regulatory scope without increasing compliance burdens.

SEBI issues a circular enabling ESG Rating Providers to undertake ESG rating activities under International Financial Services Centres Authority

Under the SEBI (Credit Rating Agencies) Regulations, 1999 and the Master circular of ESG Rating Providers (“ERPs”), an ERP may undertake or offer ESG rating of any product or issuer, as may be required by another financial sector regulator or authority, under the guidelines of such regulator or authority. In furtherance of the same, the capital markets regulator added the International Financial Services Centres Authority (“IFSCA”) which will enable ERPs to undertake ESG rating activities in the International Financial Services Centre (“IFSC”) and Gujarat International Finance Tech-city. The SEBI circular, however, categorically mentions that the ESG ratings undertaken by an ERP under the guidelines of IFSCA will be under the purview of IFSCA only. Therefore, IFSCA is empowered to oversee ERPs operating within the IFSC-GIFT City.



Consultation paper on expanding the scope of the sustainable finance framework in the Indian securities market

SEBI, on August 16, 2024, released a consultation paper² on expanding the scope of sustainable finance framework in the Indian securities market and sought comments from the public.

SEBI’s consultation paper proposes to broaden the scope of debt instruments by introducing new options such as social bonds, sustainable bonds and sustainability-linked bonds alongside the established green debt securities. This is being done with the intention to attract enhanced investments in projects focused on addressing ESG issues.

Background

The 2030 agenda for sustainable development, adopted by all United Nations member states in 2015, emphasises the need for reducing poverty, improving health and education, addressing inequality and fostering economic growth while also tackling climate change and preserving natural resources to ensure global peace and prosperity, through its 17 (seventeen) Sustainable Development Goals (“SDGs”). Achieving these goals requires substantial funding to support integration of ESG parameters in business and economy.

Pursuant to the Finance Minister’s budget announcements for FY 2023 – 24, which placed emphasis on simplifying and reducing the compliance burden for financial sector participants, a working group was formed which reviewed and proposed measures to enhance the ease of issuing non-convertible securities. Among its recommendations, the working group suggested redefining ‘green debt securities’ as ‘sustainability-linked securities,’ in order to broaden the scope to incorporate a wider range of sustainable finance instruments encompassing social and governance aspects in addition to environmental sustainability.

Industry associations like the Confederation of Indian Industry (“CII”) recommended adding social bonds, sustainable bonds and sustainability-linked bonds to the existing green debt securities. This will bolster

² [https://www.sebi.gov.in/reports-and-statistics/reports/aug-2024/consultation-paper-on-expanding-the-scope-of-](https://www.sebi.gov.in/reports-and-statistics/reports/aug-2024/consultation-paper-on-expanding-the-scope-of-sustainable-finance-framework-in-the-indian-securities-market_85691.html)

[sustainable-finance-framework-in-the-indian-securities-market_85691.html](https://www.sebi.gov.in/reports-and-statistics/reports/aug-2024/consultation-paper-on-expanding-the-scope-of-sustainable-finance-framework-in-the-indian-securities-market_85691.html)

sustainable finance and ensure alignment with global standards. Additionally, the 2024-25 budget highlighted the need for development of a taxonomy for climate finance to support climate adaptation and mitigation. These factors together prompted SEBI's move to propose a framework for social bonds, sustainable bonds and sustainability linked bonds in the Indian securities market.

Key highlights

SEBI, *vide* its notification dated February 2, 2023, updated the regulatory framework for green bonds to align it with the international standards and introduce new categories such as blue bonds, yellow bonds and transition bonds. Since, SEBI's current framework only partially addresses the broader range of thematic bonds, SEBI proposed the expansion of the regulatory framework to encompass additional categories, collectively termed as ESG debt securities, to better support sustainable finance initiatives. Following are the key proposals:

1. Proposal 1:

- a) SEBI proposed the expansion of the sustainable finance framework in India to include social bonds, sustainable bonds and sustainability-linked bonds alongside existing green debt securities. Collectively, these will be termed ESG debt securities. This framework will be structured to suit Indian requirements in consonance with the international frameworks. The SEBI (Issue and Listing of Non-Convertible Securities) Regulations, 2021 ("**NCS Regulations**") will be amended to give effect to the same;
- b) SEBI will seek recommendations and feedback from the Industry Standards Forum ("**ISF**") to determine suitable international frameworks and necessary adjustments;
- c) The initial and ongoing disclosure requirements for ESG debt securities will be developed based on selected international frameworks, with appropriate adjustments to suit the Indian context; and

2. SEBI sought consultation and comments from the public on whether introducing the ESG debt securities framework is appropriate and adequate

and whether any specific international frameworks/ guidelines should be considered in this context.

3. Proposal 2:

- a) SEBI proposes to introduce 'Sustainable Securitised Debt Instruments' to expand sustainable finance products in the Indian securities market. These instruments will be based on underlying credit facilities that adhere to specified international or domestic sustainable finance frameworks as prescribed by SEBI from time to time; and
- b) To implement this, SEBI plans to amend the existing SEBI (Issue and Listing of Securitised Debt Instruments and Security Receipts) Regulations, 2008 to include a framework for these sustainable instruments. Initial and ongoing disclosure requirements will be established based on international standards, with SEBI consulting the ISF for recommendations

4. SEBI sought consultation and comments from the public on whether introducing the sustainable securitised debt instruments framework is appropriate and adequate and whether any specific international frameworks/ guidelines should be considered in this context.

5. Proposal 3:

- a) To ensure transparency and credibility for ESG Debt Securities and sustainable securitised debt instruments, issuers and originators will be required to appoint an independent external reviewer or certifier and conduct an independent external in the manner which SEBI prescribes. This external review could be of varied types such as second party opinion, verification, certification, or scoring/rating;
- b) This review is intended to provide investors with reassurance regarding the use of proceeds from these securities as well as verified information on the key performance indicators associated with the securities. SEBI is considering if ESG rating providers could conduct these reviews provided there is no conflict of interest.

6. SEBI seeks consultation and comments from the public on whether the provision of independent

external review is appropriate and adequate and whether ESG rating providers should be permitted to undertake the same.

7. The amendment to the NCS Regulations in February 2023³ redefined 'green debt securities'. In the consultation paper SEBI reproduced the amended definition of green debt securities which includes all the categories from the first definition and adds a few new ones as specified in the amendment dated February 2, 2023. For example, blue bonds for water and maritime sustainability, yellow bonds for solar energy and transition bonds for sustainable operations, among others. Apart from referencing India's Intended NDC under the Paris Agreement, indicating a focus on aligning with international climate commitments, the definition under the consultation paper allows for the inclusion of other categories as specified by SEBI, making it more adaptable and inclusive of evolving sustainability criteria.
8. SEBI invited public comments on the consultation paper which were submitted by September 6, 2024.

Conclusion

According to the data compiled by Bloomberg, the ESG debt issuance in India this year surpassed its 2021 record to reach a soaring USD 15.6 billion (US Dollars fifteen point six billion). Therefore, an incorporation of 'ESG' labelled financial instruments in the market will allow issuers to seek debt for a broader range of sustainable activities. This will assist India Inc in aligning the industry with the 2030 agenda vis-à-vis India's sustainable promise of 2070.

The anticipated regulatory changes outlined in SEBI's consultation paper are poised to address the funding gap that Indian companies face in meeting the SDGs. By facilitating better access to capital for sustainable projects, these reforms will significantly bolster India's position in the global ESG arena.

SEBI issues consultation paper on 'Proposals for Ease of Doing Business by ERPs'

SEBI issued a consultation paper, dated October 31, 2024, aimed at enhancing the operational framework for ERP. The paper proposes a subscriber-pays model to improve the functioning and transparency of ESG ratings. Key recommendations include allowing ERPs to share ESG rating reports simultaneously with both rated companies and subscribers, as long as no non-public information influences the ratings. Additionally, the paper suggests that rated entities or their affiliates should not subscribe to their own ratings to maintain impartiality.

Public comments were sought for the following:

1. **Consultation 1:** Requirement of sharing draft ESG rating report with the issuer in case of ERPs following a subscriber - pays model.
2. **Consultation 2:** Dealing with appeal and representation by the rated issuer in case of ERPs following a subscriber-pays model.
3. **Consultation 3:** Dispensing with the requirement to disclose the ESG ratings to the stock exchange(s) where the issuer or the security is listed, in case of ERPs following a subscriber-pays model.
4. **Consultation 4:** Specifying activity-based regulation for ERPs.

SEBI notifies amendments to SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015

SEBI, *vide* notification dated July 10, 2024, notified the SEBI (Listing Obligations and Disclosure Regulations) (Second Amendment) Regulations, 2024. Regulation 52(8) of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 mandates listed entities to publish its financial results in at least 1 (one) English national daily newspaper circulating in the whole or substantially whole of India, within 2 (two) working days of the meeting of the board of directors. The amendment adds a new proviso to this requirement which will allow listed entities to publish only a window advertisement in the newspaper that refers to a Quick Response Code ("QR Code") and the

³ <https://www.sebi.gov.in/hindi/legal/regulations/feb-2023/securities-and-exchange-board-of-india-issue-and->

[listing-of-non-convertible-securities-amendment-regulations-2023_67798.html](https://www.sebi.gov.in/hindi/legal/regulations/feb-2023/securities-and-exchange-board-of-india-issue-and-listing-of-non-convertible-securities-amendment-regulations-2023_67798.html)

link of the website of the listed entity and stock exchange(s), where such financial results are available and capable of being accessed by the investors subject to the following conditions:

1. for non-convertible securities outstanding as on the date of notification of this proviso, the listed entity should obtain the prior approval from the debenture trustee; and
2. in case of any issuances after the date of notification of this proviso, the listed entity will either make a disclosure in the offer document regarding the window advertisement in the newspapers or obtain prior approval from the debenture trustee.



SEBI issues circular on cyber security and cyber resilience framework for regulated entities

SEBI *vide* circular dated August 20, 2024, introduced a new Cybersecurity and Cyber Resilience Framework (“CSCRF”) for all regulated entities, with phased implementation beginning in January, 2025. CSCRF aims to enhance cybersecurity measures across India's securities market by mandating adequate security monitoring systems and replacing existing guidelines. It includes provisions for information technology services, software as a service solution, data classification and audits. To support smaller businesses, the National Stock Exchange and Bombay Stock Exchange will establish Security Operation Centres offering tailored cybersecurity solutions. Regulated entities must conduct compliance audits and report as per the new guidelines within the specified timelines.

A key feature of CSCRF is the introduction of a ‘Cyber Capability Index’ to assess the cybersecurity resilience of market infrastructure institutions and other

regulated entities. The framework is structured into 4 (four) parts: objectives and standards, guidelines, compliance formats and annexures. It follows dual approach for cybersecurity and cyber resilience by covering governance, risk management, protection, detection, response and recovery processes. CSCRF also anticipates future threats, such as quantum computing, ensuring its adaptability and resilience against evolving cybersecurity risks. Compliance deadlines are set for January 1, 2025, and April 1, 2025, depending on the category of the entity.

SEBI extends timeline for submission of annual disclosures, impact report by social enterprises

On October 7, 2023, SEBI extended the deadline for social enterprises registered with the social stock exchange to submit their annual disclosures and impact reports for the FY 2023-24. The new deadline is January 31, 2025, moving from the previous date of October 31, 2024. SEBI's circular states that these reports must comply with regulation 91C (1) for annual disclosures and Regulation 91E(1) for annual impact reports under the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015. The reports will cover governance, financial aspects and the social impact generated by the enterprises.

SEBI (Listing Obligations and Disclosure Requirements) (Third Amendment) Regulations, 2024

SEBI, *vide* notification dated December 12, 2024, has notified the SEBI (Listing Obligations and Disclosure Requirements) (Third Amendment) Regulations, 2024 (“**LODR Amendment Regulations**”), for significantly amending the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 (“**LODR Regulations**”). The LODR Amendment Regulations have been made effective from December 31, 2024, except for certain provisions relating to secretarial audit, which will be effective from April 1, 2025. Some of the key provisions of the LODR Amendment Regulations are as follows:

1. Related Party Transactions (“RPTs”):

- a) The term ‘related party transaction’ will not include the following: (i) corporate actions by subsidiaries provided by the subsidiaries of

the listed entity; (ii) acceptance of current account deposits and saving account deposits by banks in compliance with the directions issued by the Reserve Bank of India or any other central bank in the relevant jurisdiction from time to time; and (iii) retail purchases from any listed entity or its subsidiary by its directors or its employees, without establishing a business relationship and at the terms which are uniformly applicable/offered to all employees and directors.

- b) Remuneration and sitting fees paid by listed companies or its subsidiaries to its director, key managerial personnel or senior management, except who is part of promoter or promoter group no longer require the approval of the audit committee (if the same are not material).
- c) The members of the audit committee, who are independent directors, may ratify RPTs within 3 (three) months from the date of the transaction or in the immediate next meeting of the audit committee (whichever is earlier), subject to the following conditions:
 - i) the value of the RPT whether entered into individually or taken together, during a financial year must not exceed INR 1,00,00,000 (Indian Rupees one crore);
 - ii) the transaction is not material;
 - iii) rationale for inability to seek prior approval for the transaction must be placed before the audit committee at the time of seeking ratification; and
 - iv) the details of ratification must be disclosed along with the RPT disclosures submitted with the stock exchanges.
- d) The transactions in the nature of statutory dues, statutory fees or statutory charges entered into between an entity and the Central Government or any State Government or any combination thereof are exempted as an RPT. Further, transactions between a public sector company and the Central Government or any State Government or any combination thereof are also exempted.

2. Compliance Officers:

- a) Compliance officer of a listed entity must be in the whole-time employment of such listed entity. Further, the compliance officer must not be more than one level below the board of directors.
- b) Compliance officer of the listed entity will be designated as key managerial personnel.
- c) Any vacancy in the office of the compliance officer of a listed entity in respect of which a resolution plan under Section 31 of the Insolvency and Bankruptcy Code, 2016 has been approved, must be filled within a period of 3 (three) months of such approval.

3. Directors:

- a) A person can be appointed as the non-executive director of a listed entity until the age of 75 (seventy-five).
- b) In case a listed entity wants to appoint a person of more than 75 (seventy-five) years as its non-executive director, the shareholders of such listed company will be required to pass a special resolution to that effect, in which case the explanatory statement annexed to the notice for such motion must indicate the justification for appointing such a person as the non-executive director.
- c) In case there is a vacancy in the committees of the board of directors of a listed entity, such vacancy must be filled within 3 (three) months or by the date of the vacancy's occurrence, whichever is earlier.

4. **Investor Grievance Redressal:** A listed entity must file with the recognised stock exchange(s), on a quarterly basis, a statement detailing the redressal of investor grievances in such form and within the timelines as may be specified by SEBI.

5. **Peer Reviewed Company Secretary:** The term 'peer reviewed company secretary' is inserted to mean a company secretary in practice, who is either practicing individually or as a sole proprietor or as a partner of a peer reviewed practice unit, holding a valid certificate of peer review issued by the institute of Company Secretaries of India. Further, a person will be eligible for appointment as a secretarial auditor of the listed entity only if such person is a peer

reviewed company secretary and has not incurred any of the disqualifications as specified by SEBI.



Industry standards on reporting of business responsibility and sustainability report core

SEBI, *vide* circular dated December 20, 2024, has outlined industry standards for the reporting of the Business Responsibility and Sustainability Report (“BRSR”) Core. These standards, developed by the Industry Standards Forum, aim to facilitate the standardisation and ease of implementation of BRSR Core disclosures under the LODR Regulations and will be applicable for the financial year 2024-25 and onwards.

Clarifications on Cybersecurity and Cyber Resilience Framework

SEBI, *vide* notification dated December 31, 2024, has clarified that with regard to the compliance requirements effective from January 1, 2025, under the Cybersecurity and Cyber Resilience Framework (“CSCRF”), regulatory forbearance is provided till March 31, 2025. For any non-compliance during this period that comes to the notice of the regulator, no regulatory action will be taken provided the Regulated Entities (“REs”) are able to demonstrate meaningful steps taken/progress made in implementation of CSCRF. An opportunity will be given to the REs to demonstrate the same before any regulatory action is considered by SEBI. Further, it is clarified that the circular is effective from January 1, 2025, but the date of compliance of CSCRF for Know Your Client registration agencies and depository participants is extended from January 1, 2025, to April 1, 2025.

Ministry of Corporate Affairs

The Companies (Appointment and Qualification of Directors) (Amendment) Rules, 2024

The Ministry of Corporate Affairs (“MCA”) introduced amendments to the Companies (Appointment and Qualification of Directors) Rules, 2014, which have come into effect on August 1, 2024. These changes aim to enhance transparency and simplify the procedures for appointing directors. Notably, the amendment to Rule 12A mandates that updates made to personal information of directors must be done in specified form by September 30th of each FY. Additionally, a new provision is introduced allowing directors to update their mobile numbers and email addresses in real time, replacing the previous annual update process. Previously, directors had to file their Know Your Customer (“KYC”) annually, with contact information updates only possible in the following April, often leading to outdated details during organisational changes or restructuring. This new approach ensures continuous and accurate communication, facilitating seamless transitions and reducing disruptions.

MCA notifies the Companies (Significant Beneficial Owners) Amendment Rules, 2024

The Companies (Significant Beneficial Owners) Rules, 2018 is a framework established for identifying persons holding beneficial ownership of a company i.e. persons holding a significant stake in the company either directly or indirectly, to ensure transparency and prevent fraudulent activities.

A company is required to report information pertaining to its Significant Beneficial Owners (“SBOs”) in Form BEN-2. The amended rules have revised the existing format of Form BEN-2 and replaced it with a newer form which highlights the importance of thorough documentation and requires digital signatures from authorised personnel. This form ensures that the information provided is accurate and verified by a professional such as a chartered accountant, cost accountant or company secretary.

MCA notifies the Companies (Accounts) Amendment Rules, 2024

MCA, *vide* notification dated September 24, 2024, issued the Companies (Accounts) Amendment Rules, 2024. Pursuant to this amendment, companies are required to file form CSR-2 for the FY 2023-24 by December 31, 2024. The CSR-2 return must be filed separately from the form AOC-4, which is the annual return due within 30 (thirty) days from the company's annual general meeting. Previously, for FY 2022-23, companies were allowed to submit their CSR-2 returns by March 31, 2024.

Form CSR-2 requires companies to provide detailed information about their Corporate Social Responsibility ("CSR") initiatives, including projects undertaken, CSR committees, expenditures, and unspent funds. The revised timelines will promote greater transparency and accuracy, requiring companies to maintain distinct records for AOC-4 and CSR-2 filings.

CII launches the 'ESG Guidebook and Ready Reckoner for Board of Directors'

The CII on September 4, 2024, launched the 'ESG Guidebook and Ready Reckoner for Boards of Directors' during an interactive session with board members and independent directors. Developed in partnership with PwC, the guidebook offers a practical, step-by-step reference to ESG strategies, tailored to global best practices and India-specific frameworks. Its aim is to help Indian businesses embed ESG principles into their organisational structure, processes and performance, fostering ESG transformation.

As global focus on ESG grows, regulatory bodies such as MCA and SEBI have introduced guidelines and regulations to support ESG adoption. Companies are increasingly incorporating ESG into their business strategies. To assist companies, navigate the complex landscape of ESG reporting and compliance, the guidebook provides an overview of ESG concepts, detailed insights into reporting standards and actionable steps for implementation. The ESG ready reckoner serves as a checklist to help organisations ensure compliance. With this resource, board members will be better equipped to identify risks and opportunities, align organisational goals with ESG priorities and integrate ESG as a core component of their growth strategy.



Reserve Bank of India

Reserve Bank of India notifies the Foreign Exchange Management (Debt Instruments) (Third Amendment) Regulations, 2024

The Reserve Bank of India ("RBI") notified the Foreign Exchange Management (Debt Instruments) (Third Amendment) Regulations, 2024 dated August 2, 2024. The key amendments are as follows:

1. a new sub-paragraph is added to the regulations which grants permission to persons residing outside India to purchase Sovereign Green Bonds ("SGB") within the IFSC in India; and
2. further, an amendment to the provisions for mode of payment states that the amount of consideration for the purchase of SGBs by person resident outside India will be paid out of the inward remittance from abroad through banking channels or from funds held in a foreign country currency account maintained as per regulations issued by RBI or IFSCA

RBI launches 'Scheme for Trading and Settlement of SGBs' within the IFSC in India

The RBI, on August 29, 2024, launched a comprehensive 'Scheme for Trading and Settlement of SGB' within the IFSC in India. This scheme is designed to facilitate the participation of eligible investors, including persons residing outside India and specific IFSC Banking Units ("IBUs"), in the trading and settlement of SGBs issued by the Government of India ("GoI").

Under the scheme, investors can engage in both primary auctions and secondary market transactions for these bonds, with detailed procedures outlined for participation, including restrictions on IBUs in the primary market and specific settlement processes for transactions. The scheme mandates adherence to strict 'KYC' and 'anti-money laundering' standards, as well as comprehensive reporting and data management requirements to ensure transparency and regulatory compliance. Additionally, the scheme is governed by the relevant provisions of the RBI Act, 1934, the Foreign Exchange Management Act, 1999 and the Government Securities Act, 2006 ensuring that all transactions are conducted within the established legal and regulatory frameworks.

Inclusion of sovereign green bonds as specified securities under the Fully Accessible Route

RBI *vide* various circulars, has specified categories of Government Securities that are eligible for investment under the Fully Accessible Route ("FAR"). Further to this, RBI, *vide* circular dated November 7, 2024, has also designated sovereign green bonds of 10 (ten) year tenor issued by the Government in the second half of the fiscal year 2024-25 as 'specified securities' under the FAR.



International Financial Services Centres Authority

IFSCA issues circular on trading and settlement of SGB

IFSCA issued a circular dated September 24, 2024 on trading and settlement of SGB in IFSC. RBI on August

29, 2024, introduced a scheme for trading and settlement of SGBs in IFSC with the intent of facilitating wider non-resident participation in SGBs. This initiative of RBI seeks to boost non-resident investor participation, channeling global capital into India's green infrastructure projects.

The circular issued by IFSCA gives details on procedures for both primary and secondary market participation, specifying investor eligibility, the use of over-the-counter markets and USD based transaction settlements. Additionally, the circular enforces compliance with KYC regulations, anti-money laundering protocols, tax withholding requirements along with incorporating provisions for transaction reporting and transparency. IFSCA issued this circular with a goal to streamline trading and settlement processes, fostering green finance while aligning with global compliance standards.

IFSCA issues circular on framework for ESG ratings and data products providers in the IFSC

IFSCA issued a circular dated October 30, 2024 outlining the framework for entities wishing to operate as ESG Ratings and Data Products Providers ("ERDPP") within the IFSC. The circular emphasises the growing global importance of ESG ratings due to increasing investor demand for transparency and accountability, as well as various international regulatory requirements for ESG disclosures. It prescribes the approach for registration, outlining eligibility criteria, obligations, permissible activities and compliance requirements for entities wishing to provide ESG related services.

Key components of the circular include definitions of ESG ratings and data products, the registration process and ongoing compliance obligations. Entities must maintain a minimum net worth, appoint qualified personnel and adhere to a code of conduct focusing on governance, transparency and conflict management. The circular also stipulates requirements for annual audits, grievance redressal and the maintenance of operational integrity. It emphasises that registered ERDPP must ensure their activities are distinctly segregated from other services to avoid conflicts of interest and uphold the integrity of ESG assessments.

Principles to mitigate the risk of greenwashing in ESG labelled debt securities in the IFSCs

IFSCA *vide* circular dated November 21, 2024, has issued principles to mitigate the risk of greenwashing in ESG labelled debt securities in IFSC Issuers of ESG labelled debt securities in IFSCs must adhere to these principles, some of which are as follows:

1. an issuer of debt security must not use the name 'Green', 'Social', 'Sustainability', 'Sustainability-linked' or similar terms or a combination of these terms in the issuance of ESG labelled debt securities or its marketing, unless the securities are aligned with any of the frameworks recognised by IFSCA;
2. the issuer must disclose in the offer document a statement on ESG objectives, details of process followed for evaluating and selecting the project(s) and/or asset(s), proposed use of the proceeds and details of the systems and procedures for tracking the deployment of the proceeds as per the Regulation 77 (1) of the IFSCA (Listing) Regulations, 2024, for the issue of securities. Further, the issuer must avoid the use of broad or generic statements to describe investment screening criteria and the disclosures should enable investors to fully understand the product's sustainability-related investment screening criteria;
3. the issuer must outline procedures for ensuring funds are directed solely towards projects or activities as defined in the offer document and also disclose the internal control for managing and tracking the use of proceeds including the details of the systems and procedures to be employed for tracking the deployment of the proceeds of the issue; and
4. the issuer must quantify the negative externalities associated with ESG debt utilisation and continuously monitor and disclose the environmental impact of their projects financed by the issuance.



Modifications under the IFSCA (Anti Money Laundering, Counter-Terrorist Financing and Know Your Customer) Guidelines, 2022

IFSCA, *vide* circular dated November 22, 2024, has amended the IFSCA (Anti Money Laundering, Counter-Terrorist Financing and Know Your Customer) Guidelines, 2022. Some of the key amendments are as follows:

1. the regulated entity must adhere to the countermeasures when called upon to do so by any international or intergovernmental organisation of which India is a member and accepted by the Central Government; and
2. a regulated entity which is part of a financial group must ensure that it provides its group-wide compliance, audit and anti-money laundering/countering the financing of terrorism functions of customer, account, and transaction information from its branches and subsidiaries, including information and analysis of transactions or activities which appear unusual, if such analysis has been conducted, when necessary for the purposes of money laundering/terrorism financing risk management. Similarly, branches and subsidiaries should receive such information from these group-level functions when it is relevant and appropriate for effective risk management.

Ministry of New and Renewable Energy, Government of India

New scheme guidelines for funding of testing facilities and support for standards development for green hydrogen

The Ministry of New and Renewable Energy, Government of India ("MNRE") had launched National Green Hydrogen Mission ("Mission") in January 2023. One of the important components of the Mission is to provide support for the development of quality and performance testing facilities and infrastructure to validate and certify technology used in the green hydrogen value chain.

In line with this initiative, the MNRE on July 4, 2024, notified scheme guidelines for funding of testing

facilities, infrastructure and institutional support for development of standards and regulatory framework (“**Scheme**”) with a budgetary outlay of INR 200,00,00,000 (Indian Rupees two hundred crore) till FY 2025-2026 (“**Total Financial Support**”). The objective of the Scheme is, *inter alia*, to create new facilities to test, validate and certify the components, technologies and processes being used in the green hydrogen value chain as well as identify gaps in the existing testing facilities.

Funding support and focus of the Scheme

Under the Scheme, financial support will be provided for setting up of new testing facilities/ infrastructure as well as upgradation of existing testing facilities.

The Scheme also intends to create and disseminate technology knowledge and experience. The Scheme is available to both public and private players. Further, necessary guidelines will be introduced to protect any intellectual property rights such as publications, patents, registered designs or trademarks, arising from the projects funded under this Scheme.

Implementation of the Scheme

The National Institute of Solar Energy is the Scheme Implementing Agency (“**SIA**”) for the Scheme. Additionally, a Steering Committee (“**SC**”), set up under the chairpersonship of the Secretary, MNRE and a Project Appraisal Committee (“**PAC**”) will be set up to oversee the projects allowed to avail the benefits under the Scheme. For extending the benefits of the Scheme, the SIA will invite/call for proposals (“**CfP**”) for the testing facilities in consultation with MNRE.

Funding and disbursement

1. The following financial support will be made available under the Scheme:
 - a) For Government Entities: MNRE will fund 100% of the capital cost for equipment, as well as commissioning and installation of equipment.
 - b) For Non-Government Entities: MNRE will fund upto 70% of the capital cost for testing

equipment, as well as commissioning and installation of equipment.

2. Support for operational expenses: Upto 15% of the Total Financial Support has been allotted for providing support for operational expenses spread over up to a period of 4 (four) years, from the date of completion of the project.
3. The funds for the project will be released in 3 (three) installments in the following manner:
 - a) 20% at the time of selection;
 - b) 70% as per the Project milestones specified in the CfP; and
 - c) 10% upon completion of the Project.
4. SIA or MNRE may inspect and verify the project before the release of the installments. MNRE will monitor the expenditure of funds and for this SIA will be responsible for issuing utilisation certificates as per the provisions of General Finance Rules, 2017.

Project timelines

1. **Project timeline:** New facilities should be completed in 18 (eighteen) months from the date of sanction provided by MNRE. In cases where testing and certification projects are required to be upgraded, the project is to be completed within 12 (twelve) months. SIA may provide an extension of upto 6 (six) months, with the approval of the SC, without imposing any penalty. However, in case of any delay in completion beyond the extension period is subject to the approval of MNRE, and suitable penalties will be imposed as specified in the CfP.
2. **Project completion:** Upon completion of the project, SIA will issue a Project Completion Report (“**PCR**”) to MNRE through PAC, in the prescribed format. The PCR is required to contain technical aspects of the project, challenges encountered during the implementation and the outcome of the project. It should also contain recommendations for future projects.

Conclusion

The Scheme and the funding support proposed is a lucrative step towards fostering and enhancing

participation from the private and government entities for setting up test facilities in the green hydrogen sector. Such financial support will help in faster adoption of green hydrogen and will further the development and standardisation of green hydrogen value chain components and processes. Moreover, the Scheme will also help in developing a data repository which will help in the development of future policy and testing standards.



MNRE issues guidelines for implementation of component 'Innovative Projects' under PM-Surya Ghar: Muft Bijli Yojana

MNRE, on October 8, 2024, released the operational guidelines for implementation of component 'innovative projects' under the PM-Surya Ghar – Muft Bijli Yojana. The GoI approved the PM Surya Ghar: Muft Bijli Yojana on February 29, 2024, to enhance solar rooftop capacity and empower residential households to generate their own electricity. The scheme is set to run until the FY 2026-27, following administrative approval on March 16, 2024. These guidelines pertain to the 'Innovative Projects Component' of the scheme, aimed at showcasing and demonstrating innovative solar technologies and integration techniques to promote industry advancement.

The Innovative Projects Component aims to identify and fund innovations in rooftop solar business models and technical deployments; support startups and institutions in conducting collaborative pilots and scaling new business models to generate innovative rooftop solar technologies; facilitate new deployment pathways for distributed renewable energy and create management tools for distribution companies to manage distributed energy resources, incorporate

cutting-edge technology in practical rooftop solar applications. A budget of INR 500,00,00,000 (Indian Rupees five hundred crore) is designated for the Innovative Projects Component. Potential projects include blockchain-based peer-to-peer rooftop solar, digital solutions, smart building materials, and grid-responsive rooftop solar with battery storage.

MNRE announces significant amendment to the Approved Models and Manufacturers of Solar Photovoltaic Modules Order 2019 to advance solar manufacturing

MNRE, *vide* press release dated December 10, 2024, has announced a significant amendment to the Approved Models and Manufacturers of Solar Photovoltaic Modules ("ALMM") Order, 2019 which will have far-reaching implications for India's solar power sector and its clean energy transition. Taking effect from June 1, 2026, the amendment introduces List-II for solar photovoltaic ("solar PV") cells under the ALMM framework, mandating that all solar PV modules used in projects, including government-backed schemes, net-metering projects, and open access renewable energy initiatives, source their solar cells from ALMM-approved manufacturers. This move aims to bolster domestic manufacturing, ensure quality assurance, and foster self-reliance in India's renewable energy sector.

Existing projects which were bid out before the amendment's issuance will be exempt, but all future bids must comply, signifying a shift toward sustainability and higher standards in the solar industry. Prioritizing domestic solar PV cell production will reduce India's dependency on imports augmenting India's goal of achieving 500 GW of non-fossil fuel power by 2030.

Central Government

The Finance Minister of India presented the Union Budget of 2024 - 25

The Union Budget 2024-25 was presented in the Parliament on July 23, 2024, which focused on promoting clean energy, employment and skill development, securing critical mineral supply chains

and creation of clean energy finance taxonomy among other changes. Following are some of the highlights:

1. the budget highlighted 5 (five) key schemes for employment and upskilling:
 - a) First timers scheme: under this subsidy scheme 1 (one) month wage will be provided to all persons newly entering the workforce in all formal sectors. First-time employees registered with the Employees' Provident Fund Organisation ("EPFO") will receive up to INR 15,000 (Indian Rupees fifteen thousand) through direct benefit transfer in 3 (three) instalments.
 - b) Job creation in manufacturing: this scheme is aimed at incentivising additional employment in manufacturing sector, linked to employment of first timers. Incentive will be given to both employee and employer for EPFO contributions in the specified scales for the first 4 (four) years.
 - c) Support to employers: employers who increase employment as per the threshold prescribed will be eligible for reimbursement up to INR 3,000 (Indian Rupees three thousand) per month for 2 (two) years towards EPFO contribution of employers, for each additional employee hired in the previous year.
 - d) Skilling programme: a centrally sponsored initiative in collaboration with State Governments and industry for skilling 20,00,000 (twenty lakh) youth over 5 (five) years. This programme includes upgrading existing industrial training institutes and establishing additional ones.
 - e) Internship in top companies: the Government plans to launch a comprehensive scheme for providing internship opportunities in top companies to 1,00,00,000 (one crore) youth over 5 (five) years.
2. In a consistent effort to tackle climate change, the PM Surya Ghar Muft Bijli Yojana, which aims to install rooftop solar panels in 1,00,00,000 (one crore) homes and provide up to 300 (three hundred) units of free electricity per month, stands out as a significant initiative. This initiative is instrumental in the significant increase of allocation for the solar energy sector which is translated to a 110% rise from the previous year's budget.
3. The Government will also develop a 'taxonomy for climate finance' to improve access to capital for climate adaptation and mitigation, supporting India's climate goals and green transition. To boost climate action, funding from public, private and international sources is necessary and a home-grown taxonomy will ensure that only genuine climate finance is categorised as such.
4. A total of 109 (one hundred and nine) new high-yield and climate-resilient varieties of 32 (thirty-two) field and horticulture crops will soon be available for farmers to cultivate. Over the next 2 (two) years, 10,000,000 (ten million) farmers will be introduced to natural farming, with support including certification and branding. These Government initiatives represent a broad strategy to revolutionise agriculture by emphasising climate resilience, increasing productivity and improving efficiency.
5. To bolster domestic manufacturing and decrease dependence on imports, the budget removes basic customs duties on 25 (twenty-five) essential minerals crucial for renewable energy, nuclear energy, and high-tech industries. This measure aims to strengthen the domestic supply chain and expand manufacturing capabilities.
6. The budget envisages to provide financial support to help micro and small industries transition to cleaner energy and improve their energy efficiency. The Government will also conduct investment-grade energy audits for these industries in 60 (sixty) clusters, including brass and ceramic. The scheme will expand to 100 (hundred) more clusters in the next phase.
7. To enhance electricity storage and facilitate seamless integration of increasing share of renewable energy in the overall energy mix, a pumped storage policy will be introduced. Highlighting the importance of energy transition in combating climate change, the budget also expanded the list of exempted capital goods for manufacturing solar panels and cells. However, the budget proposed ending customs duty exemptions for solar glass and tinted copper interconnects, citing adequate domestic manufacturing capability.

Boilers Bill, 2024 introduced in Rajya Sabha

On August 8, 2024, the Union Minister for Commerce and Industry, Shri Piyush Goyal introduced the Boilers Bill, 2024, in the Rajya Sabha which will replace the erstwhile Boilers Act, 1923 ("**1923 Act**"). The proposed legislation aims to revamp the boiler regulations in line with current practices, ensuring clarity and improved safety.

The bill organises provisions into 6 (six) chapters, consolidating similar sections that were scattered across the 1923 Act for easier reading and understanding. For the ease of doing business, certain non-criminal offences will carry fiscal penalties instead of criminal charges, benefiting industries, including micro, small and medium enterprises. Criminal penalties are retained for major offences that pose risks to life and property. The bill includes new provisions to ensure the safety of workers dealing with boilers. It mandates that repairs must be carried out by qualified and competent personnel.

The bill is aimed at aligning India's boiler safety regulations with modern business practices to ensure worker safety and legal clarity. It reinforces the GoI's commitment to streamlining industrial laws for better governance and ease of compliance.

Ministry of Petroleum and Natural Gas introduces the Oilfields (Regulation and Development) Amendment Bill, 2024

On August 5, 2024, the Central Government introduced the Oilfields (Regulation and Development) Amendment Bill, 2024 ("**Bill**"), in the Parliament. The Bill seeks to modernise and separate petroleum operations from mining, streamline petroleum lease procedures and introduce a new dispute resolution mechanism. The Bill, which updates laws dating back to 1948, aims to simplify environmental clearances for oil and gas projects by creating a distinct category for these operations, reducing bureaucratic hurdles without compromising environmental safeguards.

A significant emphasis of the Bill is on promoting cleaner sources of energy as part of India's energy transition. The Bill broadens the definition of 'mineral oils' to include not only traditional hydrocarbons like shale oil and coal bed methane but also next-generation cleaner fuels like hydrogen. This expansion

is intended to attract investment in the sector, thereby facilitating the development of comprehensive energy projects that integrate wind, solar and other cleaner energy sources alongside traditional petroleum operations.

Additionally, the Bill supports the Government's push for energy security and reduced import dependence by creating an investor-friendly environment that encourages the exploration and production of all types of hydrocarbons, while also addressing the need for cleaner energy alternatives. The new provisions are designed to ensure stability, enhance risk mitigation and promote compliance with the updated regulatory framework.



Ministry of Labour and Employment

The G20 Labour and Employment Ministers congregate in Fortaleza, under the Brazil presidency and endorse the Labour and Employment Ministerial declaration

The G20 Labour and Employment Ministers assembled in Fortaleza, Brazil approved the Labour and Employment Ministerial declaration on July 26, 2024. The declaration calls for Governments to implement active inclusion policies to promote sustainable and balanced economic growth. It highlights the importance of creating formal jobs and decent work as key tools for equitable income distribution. Additionally, it advocates for measures to formalise jobs, address platform work, ensure adequate wage floors, provide social protection and encourage social dialogue and collective bargaining.

Ministry of Labour and Employment launches Building and other Construction Workers Management Information System portal

A significant highlight of the 15th meeting of Construction Workers (“BoCW”) monitoring committee in August 2024, held under the chairpersonship of the Secretary of the Ministry of Labour and Employment (“MoLE”), was the launch of the BoCW Management Information System (“MIS”) portal. The launch of the BoCW MIS portal marks a significant advancement in the management and welfare of BoCW. By centralising data and improving fund utilisation transparency, the MIS enables States and Union Territories to implement more effective and targeted welfare policies. This initiative supports the broader goal of enhancing the living conditions and safeguarding the rights of BoCW and unorganised workers in India.

The meeting emphasised the importance of integrating BoCW data with the Ministry's e-Shram portal, aiming to provide unorganised sector workers with easier access to various welfare schemes. The Ministry also reviewed the progress of States and Union Territories in harmonising their draft rules with the central labour codes to ensure uniformity across the country.

Labour Minister calls for expeditious implementation of the employment linked incentive scheme announced in the Union Budget 2024-25

In a press release dated August 6, 2024, Union MoLE and Youth Affairs, called for the rapid implementation of the Employment Linked Incentive Scheme (“ELI Scheme”), announced in the Union Budget 2024-25, to boost job creation in India. The ELI Scheme aims to generate over 2,00,00,000 (two crore) jobs within 2 (two) years, contributing significantly to employment opportunities and livelihoods. There is a need for a robust system to ensure the scheme's benefits reach the intended beneficiaries, emphasising the creation of a sustainable and inclusive employment ecosystem.

The ELI Scheme is part of a broader package of 5 (five) initiatives aimed at providing employment, skilling and other opportunities to 4,10,00,000 (four crore ten lakh) youth over 5 (five) years, with a central outlay of INR 2 lakh crore (Indian Rupees two lakh crore). MoLE

is finalising the details and implementation plan for these schemes. Additionally, officials must conduct extensive outreach campaigns to raise awareness about the scheme among potential beneficiaries.



EV updates

The Ministry of Power introduces revised guidelines for EV charging infrastructure

The Ministry of Power (“MoP”) on September 17, 2024, issued the guidelines for installation and operation of EV charging infrastructure with the aim to make installation of public charging stations more financially viable by introducing a new revenue-sharing model. The guidelines apply to various EV charging locations, including private parking spaces, commercial complexes, railway stations, airports and highways. The GoI will provide land at subsidised rates to private operators, who will then share revenue based on electricity consumption over a 10 (ten) year period.

The aim is that by 2030, at least 1 (one) charging station should be available within every 1 km x 1 km urban grid, and stations will be positioned every 20 (twenty) km along highways for regular EVs and every 100 (one hundred) km for heavy duty vehicles. Further, the electricity cost at charging stations will not exceed the average cost of supply until March 2028, with lower tariffs during solar hours to encourage renewable energy use.

The MoP will maintain a national database of public charging stations, enabling users to locate charging points easily via mobile apps or online platforms.

The Union Cabinet approves PM Electric Drive Revolution in Innovative Vehicle Enhancement scheme; a major push for electric mobility and sustainable transportation

On September 11, 2024, the Union Cabinet, chaired by Prime Minister Narendra Modi, approved the PM Electric Drive Revolution in Innovative Vehicle Enhancement (“**PM E-DRIVE**”) scheme, with an outlay of INR 10,900 crore (Indian Rupees ten thousand nine hundred crore) over 2 (two) years. The scheme aims to promote electric mobility in India by providing subsidies and incentives worth INR 3,679 crore (Indian Rupees three thousand six hundred seventy-nine crore) for EVs, including e-2 (two) wheelers, e-3 (three) wheelers, e-ambulances and e-trucks. A key feature is the introduction of e-vouchers, making the EV purchase process easier by allowing buyers to claim demand incentives digitally. Additionally, INR 500,00,00,000 (INR five hundred crore) was allocated for the deployment of e-ambulances, INR 4,391 crore (Indian Rupees four thousand three hundred ninety-one crore) for procuring 14,028 (fourteen thousand and twenty-eight) e-buses in major cities and intercity routes.

The scheme also tackles infrastructure development by allocating INR 2,000 crore (Indian Rupees two thousand crore) for the installation of public EV charging stations, including 22,100 (twenty-two thousand one hundred) fast chargers for e-four wheelers, 1,800 (one thousand eight hundred) for e-buses and 48,400 (forty-eight thousand four hundred) for e-2 (two) wheelers/3 (three) wheelers. With a dedicated INR 780,00,00,000 (Indian Rupees seven hundred eighty crore) fund for enhancing vehicle testing infrastructure, the scheme promotes domestic EV manufacturing, supports the scrapping of old vehicles and encourages the deployment of e-trucks. Overall, the PM E-DRIVE scheme is set to reduce environmental pollution, improve air quality and boost India’s EV ecosystem while creating employment opportunities and driving sustainable transportation solutions.

PM E-Drive Scheme

Given India’s commitments concerning emission reduction, and achievement of net zero emissions by 2070, adoption of EV would play a crucial role in the years to come. To this end, the GoI has been taking various steps to promote adoption and manufacturing of EV in India and setting up of charging infrastructure to promote e-mobility in India including the following:

1. **FAME I:** In 2015, GoI had launched Phase I of ‘Faster Adoption and Manufacturing of (Hybrid &) EVs in India’ for a period of 2 (two) years with an initial outlay of INR 795,00,00,000 (Indian Rupees seven hundred and ninety-five crore), which was subsequently extended upto 2019 with increased outlay of INR 895,00,00,000 (Indian Rupees eight hundred and ninety-five crore);
2. **FAME II:** In 2019, the Department of Heavy Industries further formulated the Phase II of ‘Faster Adoption and Manufacturing of (Hybrid &) EVs in India (“**FAME II**”) with an outlay of INR 10,000 crore (Indian Rupees ten thousand crore) in 2019, which was extended upto March 2024 with enhanced outlay of INR 11,500 crore (Indian Rupees eleven thousand five hundred crore); and
3. **Electric Mobility Promotion Scheme 2024 (“EMPS”):** As between April and September 2024, the Ministry of Heavy Industries (“**MHI**”) launched the EMPS to continue supporting e-2 (two) wheelers (“**e-2W**”) and e-3 (three) (“**e-3W**”) wheelers. The outlay for EMPS was initially INR 500,00,00,000 (Indian Rupees five hundred crore) which was enhanced to INR 778 (Indian Rupees seven hundred and seventy-eight crore).

Pursuant to the review of FAME II and EMPS, MHI, on September 29, 2024, has notified the **PM E-DRIVE Scheme (“PM E-DRIVE Scheme”)**, which is valid for a period commencing from October 1, 2024, to March 31, 2026. With a substantial outlay of INR 10,900 crore (Indian Rupees ten thousand nine hundred crore), the PM E-DRIVE Scheme aims to strengthen and build on the previous FAME schemes for faster adoption of EVs, setting up of charging infrastructure and development of EV manufacturing eco-system in the country.⁴



⁴ Paragraph 5, the PM Electric Drive Revolution in Innovative Vehicle Enhancement (PM E-DRIVE) scheme, Ministry of Heavy Industries,

https://pmedrive.heavyindustries.gov.in/docs/policy_document/257594.pdf.

Key highlights of the PM E-DRIVE Scheme

Components, outlay and parameters

The PM E-DRIVE Scheme with an outlay of INR 10,900 crore (Indian Rupees ten thousand nine hundred crore) subsumes the EMPS and is proposed to be implemented through the following categories:

\$		
Demand incentives/subsidies	Grant for creation of capital assets	Admin expenses
Outlay - INR 3,679 crore <ol style="list-style-type: none"> Incentives for e-2W, e-3W, e-ambulances, e-trucks and other new emerging EV categories, available to buyers/ end users. Incentives linked to battery capacity with a vehicle segment wise cap and limited to 15% of the ex-factory price. While the Scheme is mainly applicable to vehicles used for public transport or registered for commercial purposes in e-3W, e-trucks and other new emerging EV categories, it also covers privately or corporate owned and registered e-2Ws. 	Outlay - INR 7,171 crore <ol style="list-style-type: none"> Allocation for e-buses (INR 4,391 crore), establishment of network of charging stations (INR 2,000 crore) and upgradation of testing agencies (INR 780 crore). For charging infrastructure, flexibility of funding upto 100% of project cost. 	Outlay - INR 50 crore <p>Allocation for administration of the PM E-DRIVE Scheme including information, education and communication activities and fee for Project Management Agency ("PMA").</p>

Conditions for vehicle manufacturers

With regard to the demand incentives, the following conditions have to be complied with:

- Localization requirements:** The EVs should be manufactured in India and meet the prescribed requirements for local manufacturing and assembly. The PM E-DRIVE Scheme also details out the Phased Manufacturing Programme for EVs as well as charging infrastructure/public charging stations.
- Registration:** For availing incentives, Original Equipment Manufacturer ("OEMs") are required to be registered with MHI and have the EV models approved by MHI.
- Advanced batteries and technical criteria:** Vehicles should be fitted with advanced batteries as prescribed under the PM E-DRIVE Scheme (which includes new generation batteries such as lithium polymer, lithium iron phosphate, lithium

cobalt, etc.). Further, the vehicle models are required to satisfy the prescribed technical eligibility criteria as regards the performance and efficiency of vehicles (which includes criteria such as minimum range, maximum electric energy consumption, minimum max speed, etc. as per specific category of vehicles). Additionally, vehicles are required to be fitted with suitable monitoring devices in specified category of vehicles and have branding that it has been purchased under the PM E-DRIVE Scheme.

- Pricing of vehicles:** Vehicles should have ex-factory price lesser than the prescribed thresholds (for e-2Ws the maximum ex-factory price to avail incentives is INR 1,50,00,000 (Indian Rupees one lakh fifty thousand) for e-rickshaws and e-carts is INR 2,50,00,000 (Indian Rupees two lakh fifty thousand) collectively, while for L5 e-3Ws is INR 5,00,000 (Indian Rupees five lakh) and that for e-buses is INR 2,00,00,000 (Indian Rupees two crore), and the PM E-DRIVE Scheme also

prescribes for indicative number of vehicles in specific categories which would be supported by the PM E-DRIVE Scheme.

5. **Type approval and compliance with Central Motor Vehicle Rules, 1989 ("CMVR"):** The vehicle models are to be type approved as per prescribed procedures by recognised testing agencies. The vehicles should be registered as 'Motor Vehicle' as per the CMVR, and should comply with provisions of CMVR in relation to type approval, road worthiness, registration, classification, categorisation, etc.
6. **Certificate:** OEMs are required to obtain certificate of PM E-Drive eligibility assessment from recognised testing agencies.
7. **Warranty and after sales:** OEMs are required to have comprehensive warranty including for battery, and adequate facilities for after sales for the vehicle life as prescribe under the PM E-DRIVE Scheme.
8. **Disbursements:** OEMs will submit reimbursement claims to MHI, detailed guidelines for which have been issued separately.

Steps for implementation

1. **Nodal Ministry:** MHI will be the nodal ministry in GoI for planning, implementation and review of the PM E-DRIVE Scheme.
2. **Project Implementation and Sanctioning Committee ("PISC"):** PISC, an inter-ministerial empowered committee, headed by the Secretary, MHI is constituted for overall monitoring, sanctioning as well as implementation of the PM E-DRIVE Scheme. PISC has been empowered to *inter alia*, decide scheme parameters, downward revisions to demand incentives, quantum of financial support to charging infrastructure, etc.
3. **PMA:** The PM E-DRIVE Scheme will be implemented through a PMA which would *inter alia* be responsible for secretarial, managerial and providing implementation support and other responsibilities as assigned by MHI from time to time. The responsibilities of the PMA would *inter alia* include development and maintenance of online portal, processing of applications, examination of claims, etc.

4. **Digitalisation process:** The PM E-DRIVE Scheme contemplates use of Aadhaar-authenticated e-vouchers for EV buyers, making the process more accessible and transparent for stakeholders.

Conclusion

The PM E-DRIVE Scheme puts an end to the speculations around continuity of demand side incentives. While new categories of vehicles have been included in the PM E-DRIVE Scheme, it may be relevant to note that e-4 wheelers have been specifically excluded from the coverage of the PM E-DRIVE Scheme. Further, there is an emphasis to promote EVs for public transportation and commercial purposes. The enhancement of fund allocation for charging infrastructure is also a positive step given the crucial role of charging infrastructure for ensuring EV deployment. This initiative of GoI is poised to boost e-mobility in India, and the PM E-DRIVE Scheme along with Phased Manufacturing Programme, is likely to attract increased investment in the EV ecosystem.



MoP issues 'Guidelines for Installation and Operation of Battery Swapping and Battery Charging Stations'

On October 4, 2024, the MoP issued 'Guidelines for Installation and Operation of Battery Swapping and Battery Charging Stations' ("BSS & BCS Guidelines"). Battery Swapping is a method of quickly replacing an EV's fully or partially discharged battery with a charged one. BSS & BCS Guidelines aim to govern such battery charging systems.

Brief Background

1. On September 17, 2024, MoP issued 'Guidelines for Installation and Operation of EV Charging Infrastructure-2024' ("**Principal Guidelines**"). Notably:
2. the Principal Guidelines are aimed at meeting the requirements of EVs with integrated batteries;
3. alternative method of powering EVs is through swappable batteries which can be charged separately at dedicated battery charging stations; and
4. in this regard, MoP has issued BSS & BCS Guidelines.

Key points under the BSS & BCS Guidelines

1. The BSS & BCS Guidelines are:
 - a) applicable to swappable battery providers, owners and operators of BCS and BSS located anywhere; and
 - b) issued with the objective to:
 - i) promote swapping of batteries as an alternate method of powering EV;
 - ii) promote battery as a service; and
 - iii) develop a battery-swapping ecosystem.
2. Salient features:
 - a) Clauses 5, 7, 9, 11, 12(5), 13 (except sub-clause 2) and 20 of the Principal Guidelines will also apply to BCS, BSS, and battery providers. Notably, these clauses *inter alia* provide for general requirements for setting up and operation of EV charging stations and tariff for supply of electricity to EV charging stations;
 - b) extant provisions relating to electrical safety will be applicable to BSSs and BCSs;
 - c) owners of BCS or BSS are permitted to use existing electricity connections with or without seeking an increase in the connected load, for charging the swappable batteries; and
 - d) BSS or BCS may deploy liquid-cooled swappable batteries for larger vehicles such as trucks and buses.

Conclusion

BSS & BCS Guidelines lays down the framework to establish a robust battery swapping ecosystem to further enhance the EV charging infrastructure. It is likely that battery swapping will minimise the downtime due to traditional charging and, as a result, it will enhance the overall efficiency of EVs.

MHI launches PM E-DRIVE Scheme

MHI, on October 9, 2024, launched the PM E-DRIVE scheme, with a financial outlay of INR 10,900 crore (Indian Rupees ten thousand nine hundred crore), effective from October 1, 2024, until March 31, 2026. The PM E-DRIVE scheme aims to accelerate the adoption of EVs in India by providing incentives for EV purchases, enhancing charging infrastructure, and promoting a robust domestic EV manufacturing ecosystem. It focuses on mass mobility, supporting public transportation systems and reducing transportation-related environmental impacts all aligned with the Aatmanirbhar Bharat initiative.

Key components of the PM E-DRIVE scheme include demand incentives for electric 2 (two)-wheelers, 3 (three)-wheelers, e-ambulances, e-trucks and e-buses, alongside significant funding for establishing charging infrastructure and upgrading testing facilities. The initiative emphasises advanced battery technology for eligibility and sets specific targets for the number of vehicles incentivised. Additionally, the PM E-DRIVE Scheme plans to deploy e-vouchers for customers to streamline the incentive process, further encouraging the transition to electric mobility. Overall, this initiative is positioned to enhance sustainable transportation, improve air quality, and generate employment opportunities within the EV sector in India.



Central Consumer Protection Authority

Central Consumer Protection Authority issues the Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024

The Central Consumer Protection Authority (“CCPA”) notified the Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024 (“Guidelines”) on October 15, 2024, in furtherance to the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022. The Guidelines were framed after seeking comments from the public on the earlier released draft Guidelines and seeks to prevent companies from making false or misleading claims about the environment-friendly nature of their products and services.

Concept of environmental claims and greenwashing

The Guidelines define ‘environmental claims’ to include any representation, in any form, suggesting environmentally friendly attributes aimed to convey a sense of environmental responsibility or eco-friendliness of goods (either in its entirety or as a component), the manufacturing process, packaging, the manner of use of the goods or its disposal or any service (or any portion thereof) or the process involved in providing the services. These claims may include, but are not limited to:

1. having a neutral or positive impact on the environment or contributing to sustainability;
2. causing less harm to the environment compared to an earlier version of the same product or service;
3. causing less harm to the environment than competing goods or services; and
4. being more beneficial to the environment or possessing specific environmental advantages.

The Guidelines also highlight that any aspirational or futuristic environmental claims may be made only when clear and actionable plans on how such objectives are sought to be achieved are developed.

‘Greenwashing’ means any deceptive or misleading practice, which includes concealing, omitting or hiding

relevant information, by exaggerating, making vague, false, or unsubstantiated environmental claims or the use of misleading words, symbols, or imagery, placing emphasis on positive environmental aspects while downplaying or concealing harmful attributes. However, it excludes use of obvious hyperboles, puffery; or the use of generic colour schemes or pictures; either not amounting to any deceptive or misleading practice; or a company mission statement that is not specific to any product or service.

The Guidelines provide an illustration of what constitutes greenwashing and environmental claims:

A company’s mission statement that ‘its growth will be based on sustainability principles’ will not be treated as an environmental claim. However, if the Company further adds to the above-stated statement ‘and all its products are manufactured in sustainable manner’, then such an environmental claim will be examined for greenwashing.

Applicability

The Guidelines are applicable to:

1. all environmental claims;
2. any manufacturer, service provider or trader whose goods/product/service is the subject of an advertisement; and
3. any advertising agency or endorser whose service is availed for the advertisement of such goods, product or service.
3. If any environmental claims are already regulated under any specific law, the Guidelines may be read as supplementary provision and not in derogation of such specific laws and where provisions of such other specific laws are in conflict with these Guidelines, then such specific law will prevail.

Substantiation of environmental claims

1. All advertisements making environmental claims must not use generic terms like ‘clean’, ‘green’, ‘eco-friendly’, ‘eco-consciousness’, ‘good for the planet’, ‘minimal impact’, ‘cruelty-free’, ‘carbon-neutral’, ‘natural’, ‘organic’, ‘pure’, ‘sustainable’, regenerative or other similar claims without adequate, accurate and accessible qualifiers and substantiation and adequate disclosures.

2. Advertisements must use consumer- friendly language and explain the meaning or implications when using technical terms like ‘environmental impact assessment’, ‘GHG emissions’ and ‘ecological footprint’.
3. All environmental claims should be supported by evidence which is easily accessible and verifiable and based on independent studies or third-party certifications.
4. The relevant advertisement or communication should specifically mention whether it refers to the goods (as a whole or part thereof), manufacturing process, packaging, manner of use of the goods or its disposal, or service (as a whole or part thereof) or the process of rendering the service.
5. Comparative environmental claims that compare 1 (one) product or service to another must be based on verifiable and relevant data and must disclose what specific aspects are being compared.
6. Disclosures regarding credible certification, reliable scientific evidence, internal verifiable evidence, certificates from statutory or independent third-party verification must be supported for specific environmental claims such as ‘compostable’, ‘degradable’, ‘free-of’, ‘non-toxic’, ‘100% natural’, ‘recyclable’, ‘refillable’, ‘renewable’, ‘plastic-free’, ‘plastic- positive’, ‘climate-positive’, ‘net-zero’ and other similar claims.

What constitutes adequate disclosures?

1. Any disclosures made in relation to environmental claims must be easily accessible to the consumers and should not contradict the relevant environmental claim.
2. Any person making an environmental claim by way of an advertisement or communication should disclose all detailed material information by inserting a QR Code or URL (or such other technology or digital medium) in such advertisements or communications.
3. While making disclosures in relation to environmental claims using data from research, both favourable and unfavourable observations should be highlighted.

Guidance for making environmental claims

CCPA also issued a guidance note to further detail the nature of claims that will be subject to scrutiny under the Guidelines.

Parameters	Explanation	Illustration
Truthfulness and accuracy	Environmental claims must be truthful, accurate and based on verifiable information, i.e., certificates by statutory/credible authorities or internal verifiable evidence.	Presenting a claim unaccompanied by requisite evidence or certification such as, ‘Our packaging is made from 100% recycled materials’ or ‘Energy-efficient technology for a greener tomorrow’
Clarity and unambiguity	Environmental claims must not use generic or technical terms without supporting studies or certifications.	Presenting a claim without adequate qualifiers/substantiation such as, ‘Go green with our product’ or ‘Harnessing the power of sustainable technology’ or ‘Made with minimal impact on the environment’
Fair and meaningful comparisons	Comparative environmental claims must be verifiable and based on relevant data.	Presenting a vague claim which misleads consumers by implying lack of safety of competitive products such as, ‘Chemical-free cleaning for a safer environment’ or ‘Our product is greener than the competition’

Parameters	Explanation	Illustration
Absolute and relevant claims	If an environmental claim pertains to a specific feature, part or stage then the fact that such environmental claim relates only to such relevant feature, part or stage should be fully disclosed.	Advertising a bottle of hand-wash as 'biodegradable' without clarifying that only the hand-wash, and not the bottle, is biodegradable.
Imagery sans substantive claims	Any form of visual environmental claim attempting to manipulate the consumer into believing that a product or service is environmentally responsible or eco-friendly, without providing relevant details or context.	A detergent advertisement showcasing a family in an open grass ground, with the tagline, 'Gentle on Clothes, Gentle on Nature' without necessary disclosures implies a connection between the product and an eco-conscious lifestyle.
Endorsements	Environmental claims suggesting endorsements/certifications that are (a) non-existent, (b) intentionally misleading, or (c) lack recognition from credible authorities	Labelling a product as 'certified organic' or 'recommended by leading environmental experts' or falsely implying that such product meets certain quality standards.

Conclusion

There is an increasing trend of inaccurate and misleading claims being made while marketing products, creating an illusion of environmental responsibility, in order to capitalise on consumers' growing environmental sensitivity. The Guidelines push for provision of correct information thereby enabling consumers to make informed choices. The Guidelines pose a significant step towards promoting transparency and accountability in environmental claims made in advertising, catering to the rising consumer interest in environmentally positive goods and services thus enhancing consumer trust.

Ministry of Micro, Small and Medium Enterprises

Onboarding of companies on the trade receivables discounting system platform

The Ministry of Micro, Small and Medium Enterprises, *vide* notification dated November 7, 2024, has instructed all companies registered under the Companies Act, 2013 with a turnover of more than INR 250,00,00,000 (Indian Rupees two hundred and fifty crore) and all Central Public Sector Enterprises to get themselves onboarded on the 'Trade Receivables

Discounting System' platforms. The onboarding process must be completed by March 31, 2025.



CERC

Draft framework for trading of Carbon Credit Certificates through power exchange

On November 13, 2024, the CERC notified the draft CERC (Terms and Conditions for Purchase and Sale of Carbon Credit Certificates) Regulations, 2024 ("CCC Regulations"). The CCC Regulations aim to provide a structured framework for the trading of Carbon Credit Certificates ("CCCs") through power exchanges, enhancing the efficiency and transparency of India's emerging carbon market. CERC has invited comments /suggestions/objections on the draft CCC Regulations, to be submitted on or before December 15, 2024.

Purpose

The primary aim of the CCC Regulations is to establish a robust market mechanism for trading CCCs on power exchanges. This framework caters to both industries with specific environmental obligations (“**Obligated Entities**”) and voluntary participants (“**Non-Obligated Entities**”).

Salient features

1. **Scope:** The CCC Regulations specifically govern the purchase, sale, and exchange of CCCs in accordance with the Carbon Credit Trading Scheme, 2023 (“**CC Scheme**”). They apply to CCCs that are offered for transactions on power exchanges, including contracts in CCCs that have received approval from CERC as per the provisions outlined in the CERC (Power Market) Regulations, 2021.
2. **Registry:** The Grid Controller of India has been designated as the ‘Registry’ for CCCs, responsible for creating and maintaining the necessary infrastructure to facilitate trading.
3. **Administrator:** BEE will act as the administrator, responsible for formulating detailed procedures for trading, transfer, and compliance mechanisms. BEE *inter alia* will also be responsible to:
 - a) formulate detailed procedure after public consultation and seeking approval of CERC for:
 - i) *re:* interface between the power exchange, registry, etc;
 - ii) registration of obligated and non-obligated entities; and
 - iii) dealing, transfer and other residual matters related to CCCs;
 - b) assist CERC in monitoring market activities;
 - c) disseminate relevant information;
 - d) ensure adherence to environmental laws; and
 - e) report instances of non-compliance to CERC for appropriate action;
4. **Value and validity of CCCs:** Each CCC represents 1 (one) ton of carbon dioxide equivalent emissions. The validity of these certificates will depend on the detailed procedure for compliance and offset mechanisms to be developed under the CC Scheme.
5. **Category of certificates:** CCCs will be categorised for Obligated Entities and Non-Obligated Entities by the BBE. The power exchanges may propose additional categories for approval by CERC.
6. **Trading of certificates:**
 - a) CCCs can only be traded through power exchanges, and separate market segments will exist for ‘Compliance Markets’ (for Obligated Entities) and ‘Offset Markets’ (for Non-Obligated Entities);
 - b) trading sessions will be conducted monthly, adhering to strict rules to prevent defaults;
 - c) the registry will monitor bids and transactions to ensure compliance and maintain market integrity;
 - d) entities with more than 3 (three) defaults in a quarter will be barred from trading CCCs for 6 (six) months, and their details will be published monthly; and
 - e) Power Exchanges must report transaction details to entities and update the Registry accounts post successful trades;
7. **Banking and extinguishment of CCCs:** The provisions for banking (saving) and extinguishment (retirement) of CCCs will follow detailed procedures under the compliance and offset mechanisms outlined in the CC Scheme.
8. **Pricing of certificate:** The price of CCCs will be determined through bidding on power exchanges. The transactions must occur within the floor price and forbearance price, as approved by CERC. CERC reserves the right to intervene in cases of abnormal price fluctuations or trading irregularities.
9. **Fee and charges:** The fees for registry management and the software platform will be determined by CERC in consultation with the BBE. These fees will be levied on Obligated Entities and Non-Obligated Entities participating in the market.
10. **Market oversight:** CERC, with the support of the BEE, will oversee market operations to ensure transparency, fairness, and compliance with regulations. Any irregularities or issues will be addressed promptly to maintain market integrity.

Conclusion

CERC's draft CCC Regulations provide a structured framework for the trading of CCCs. By defining roles, procedures, and compliance mechanisms, the CCC Regulations aim to streamline the carbon credit market and ensure effective implementation of the CC Scheme. The provisions for oversight, pricing, and management are designed to facilitate a clear process for both obligated and non-obligated entities, supporting the broader goals of emission reduction and market development.



Other Developments

Food Safety and Standards Authority of India launches project to address microplastics contamination in Indian food

The Food Safety and Standards Authority of India ("FSSAI") launched a project on August 18, 2024, to address the growing concern of microplastic contamination in food. This came in view of the report published by the Food and Agriculture Organisation which underlined the presence of microplastics in common Indian food items.

The initiative seeks to assess the prevalence and exposure levels of these contaminants in India, with collaboration from leading research institutions like CSIR-Indian Institute of Toxicology Research, ICAR-Central Institute of Fisheries Technology and the Birla Institute of Technology and Science.

This project is critical as the specific data discovered on microplastic contamination in Indian food, will help FSSAI formulate effective regulations and safety standards to protect public health. The findings will not only guide domestic regulatory actions but also contribute to the global understanding of microplastic contamination in food, aligning Indian research with

global efforts to combat this emerging environmental threat.

India – United States of America agree on initiatives to strengthen global clean energy supply chains

The Strategic Clean Energy Partnership Ministerial was convened by the United State of America ("US") Energy Secretary Jennifer Granholm and Indian Minister of Petroleum and Natural Gas Hardeep Singh Puri in Washington D.C. on September 16, 2024. US and India have committed to enhance the collaboration in clean energy supply chains to promote economic growth, job creation and climate goals. This initiative aims to leverage both countries' manufacturing capacities for clean energy technologies, focusing on partnerships in Africa.

As a part of the initiative, US and India plan to unlock USD 1 billion (US Dollars one billion) in multilateral financing through the International Bank for Reconstruction and Development to support India's clean energy supply chain. The initiative will prioritise investment in key clean energy components, such as solar panels, wind turbines, energy storage systems and EVs parts.

Further, the roadmap includes building relationships with African nations committed to clean energy deployment, focusing on solar and battery storage projects. Both countries will consult on policies to strengthen demand certainty for locally manufactured clean technologies, building on existing initiatives like the US Bipartisan Infrastructure Law and India's production linked incentive schemes.

This roadmap aims to drive short-term cooperation while informing a long-term strategy for sustainable clean energy development.

The Union Cabinet approves INR 12,261 crore (Indian Rupees twelve thousand two hundred and sixty-one crore) outlay to support hydro power projects

The Union Cabinet, chaired by Prime Minister Narendra Modi, on September 11, 2024, approved modifications to the scheme of budgetary support for enabling infrastructure in hydroelectric projects. With a total outlay of INR 12,461 crore (Indian Rupees

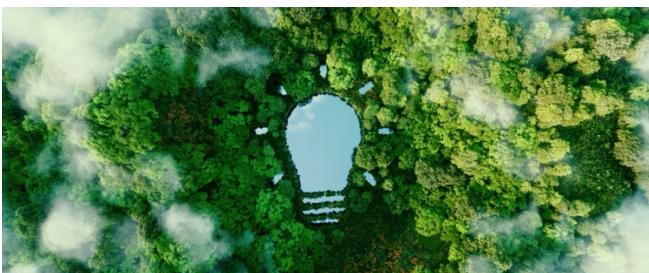
twelve thousand two hundred and sixty-one crore), the scheme will be implemented from FY 2024-25 to FY 2031-32. It aims to address challenges in hydro power development, such as remote locations and lack of infrastructure, by providing financial support for key infrastructure components including roads, bridges, transmission lines, ropeways, and communication systems. The revised scheme will apply to all hydro power projects exceeding 25 MW (twenty-five megawatt) capacity, including private sector and Pumped Storage Projects (“PSPs”).

The modifications are designed to accelerate the development of hydroelectric projects, especially in remote areas, by improving infrastructure and boosting local employment opportunities. The budgetary support is expected to encourage fresh investments in the hydro power sector and incentivise the timely completion of new projects. This will contribute to the generation of approximately 31,350 MW (thirty one thousand three hundred and fifty megawatt) of power and will also support a cumulative PSP capacity of around 15,000 MW (fifteen thousand megawatt).

India signs the Biodiversity Beyond National Jurisdiction agreement

The Minister of External Affairs of India, on September 25, 2024, signed the Biodiversity Beyond National Jurisdiction (“BBNJ”) agreement or the ‘Treaty of the High Seas’. The goal of the BBNJ agreement is to protect marine life and biodiversity in areas of the ocean where no country is the owner. As per the agreement, nations cannot claim sovereign rights over marine resources on the high seas.

The treaty aims to address the growing concerns over the long-term protection of marine biodiversity in the high seas. It sets precise mechanisms for the sustainable use of marine biological diversity through international cooperation and coordination for ensuring equitable sharing of benefits from those resources.



India and European Union strengthen partnership for sustainable water management at 6th European Union-India Water Forum

India and European Union (“EU”) have agreed to deepen their cooperation in sustainable water management during the 6th EU-India Water Forum, held alongside the 8th India Water Week in New Delhi between September 17 – 20, 2024. Both parties committed to advancing efforts in river basin management, promoting innovation and fostering technology transfer to address water-related challenges. They also discussed the potential for trilateral collaboration with East Africa, particularly focusing on issues affecting water bodies like Lake Victoria and Lake Tanganyika. The India-EU Water Partnership (“IEWP”), established in 2016 and currently in its third phase, aims to enhance technological and policy frameworks in water management, with joint funding for several research projects.

The forum brought together Government representatives, policymakers and experts from both regions to address critical water challenges and explore innovative solutions. Officials emphasised the successful achievements of the IEWP in supporting India’s water management strategies, which align with both India’s National 2030 Agenda and the EU’s Global Gateway Strategy. This partnership also aims to contribute to the United Nations Sustainable Development Goals, particularly those related to clean water and climate action. Through collaborative efforts, the India-EU partnership seeks to promote sustainable water management practices and ensure the resilience of water resources for future generations.

Solar Energy Corporation of India Limited signs memorandum of understanding to promote green hydrogen initiatives

The Press Information Bureau (“PIB”), *vide* Press Release dated November 20, 2024, announced a memorandum of understanding between Solar Energy Corporation of India Limited and H2Global Stiftung to establish a collaborative framework to promote green hydrogen initiatives. This aims to enhance knowledge exchange on market-based mechanisms and foster

cooperation between India and importing countries, thereby contributing to the global advancement of the green hydrogen economy.

India proposes a dedicated multilateral fund for a new international legally-binding instrument on plastic pollution

PIB, *vide* Press Release dated November 27, 2024, has announced India's proposal to dedicate a multilateral fund for a new international legally-binding instrument on plastic pollution, at the 5th Session of the Intergovernmental Negotiating Committee in Busan, Republic of Korea. The proposal links compliance by developing countries to be incumbent on developed countries meeting the incremental cost of transition of developing countries. The proposed new dedicated multilateral fund will provide grant-based finance to developing countries, and the developed countries will be mandated to replenish the fund on a periodic basis and also provide flexibility of accepting private funds based upon agreed modalities.



Child labour tracking system

PIB, *vide* Press Release dated November 28, 2024, has announced an online portal called 'Platform for Effective Enforcement for No Child Labour ("PENCIL")' to ensure effective enforcement of the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. To ensure strict implementation of the Act, District Nodal Officers have been appointed. The portal has 5 (five) components i.e., Central

Government, State Government, District Project Societies, Child Tracking System and complaint corner. In addition, MoLE has also framed model state action plan enumerating action points to be taken by respective State Governments for eradication of child labour including migrant, girl and schedule caste/schedule tribe children.

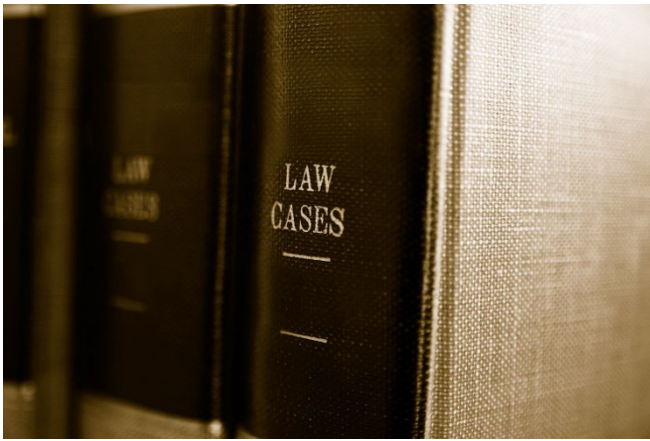
Department of Chemicals and Petrochemicals launches the first training programme on "Chemical and Petrochemical Industrial Safety"

Department of Chemicals and Petrochemicals, *vide* press release dated December 3, 2024, has announced the launch of the first training programme on "Chemical and Petrochemical Industrial Safety" at Ahmedabad, Gujarat. The first 2 (two) day residential training programme was conducted from November 28, 2024, to November 29, 2024, at Central Institute of Petrochemical Engineering & Technology: Institute of Petrochemicals Technology Ahmedabad, focusing on major accident hazard units in the chemical and petrochemical sector.

Union Minister of Steel and Heavy Industries unveiled the "Taxonomy of Green Steel"

The Ministry of Steel, *vide* press release dated December 12, 2024, announced that Union Minister of Steel and Heavy Industries, Shri H D Kumaraswamy, unveiled the "Taxonomy of Green Steel" for India. This initiative marks a global first, providing a formal definition for green steel while advancing India's commitment to achieving net-zero emission intensity by 2070.

The taxonomy sets standards to define and categorize low-emission steel, outlining a framework for green steel production, market creation, and securing financial support for the steel industry's green transition. The taxonomy introduces a star-rating system based on CO₂ emission intensity, categorizing steel into five, four, and three-star ratings for emission levels below specific thresholds, while steel with emissions exceeding 2.2 t-CO₂e/tfs is ineligible for green certification.



Supreme Court judgements/orders

The Supreme Court of India directs the Government of Rajasthan to consider proposals for renewal of mining leases and statutory permissions for mining in Aravalli hills

The Hon'ble Supreme Court of India ("Supreme Court") in the case of *T.N. Godavarman Thirumulpad vs. Union of India and Ors.*⁵ directed the Government of Rajasthan to consider the proposals for renewal of mining leases granted for operations in the Aravalli hills/ranges, as identified in the Forest Survey of India Report dated August 25, 2010. The Supreme Court clarified that the final permission for undertaking such activity will not be granted without obtaining its prior approval. The applicants approached the Supreme Court in view of its earlier Order dated May 9, 2024, wherein the State Government was allowed to consider and process the applications for grant/renewal of mining leases and other statutory clearances.

The Supreme Court directs Secretary, Ministry of Environment, Government of Uttar Pradesh to constitute a committee to verify allegations of disappearance of ponds/lakes/water bodies in Tehsil Nagina, Bijnor

The Supreme Court in the case of *Mirza Abid Beg vs. State of U.P. and Ors.*⁶ directed the Secretary, Ministry of Environment, Government of Uttar Pradesh to constitute a committee comprising of officials from the Revenue Department, Environment Department and SPCB to inspect old revenue records of

ponds/lakes/water bodies in Tehsil Nagina, Bijnor, U.P. and ascertain whether any new entries regarding the existence of ponds/lakes/water bodies were made to these records. Further, the committee was directed to suggest measures for restoration of the said ponds/lakes/water bodies. The Supreme Court emphasised the constitutional duty of the State to protect the ponds/lakes/water bodies and to ensure its restoration. The Supreme Court passed these directions while considering an appeal filed against the order of the NGT which disposed of the application before it on the basis of a report stating that the garbage dumped in the pond was removed.

The Supreme Court delivers a split verdict on petitions challenging Government approval granted for environmental release of genetically engineered mustard

The Supreme Court in the case of *Gene Campaign and Anr. vs. Union of India and Ors.*⁷ comprising of Justice B.V. Nagarathna and Justice Sanjay Karol have delivered a split decision in a batch of petitions challenging the trials and environmental release of genetically modified mustard and the rules governing them. The petitions were filed seeking directions to the Central Government to ensure that the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms, Genetically Engineered Organisms or Cells, 1989 ("GEO Rules") should be brought in consonance with the Constitution of India. The petitioners also sought directions to restraint the use of gene modification technology without having requisite safeguards and regulatory regimes in place. Another petition challenged the procedure adopted by the Genetic Engineering Appraisal Committee ("GEAC") for appraisal of Dhara Mustard Hybrid - 11 ("DMH-11"). It also alleged that the Assessment of Food/Feed and Environmental Safety Report considered by GEAC was inadequate, had discrepancy in its findings and lacked application of mind and comprehensive scientific scrutiny.

The judgement by Justice B.V. Nagarathna held that approval for environmental release of transgenic DMH - 11 was liable to be quashed and directed the GEAC to undertake a consultation with relevant stakeholders to

⁵ I.A. No. 130612 of 2024 and I.A. No. 134904 of 2024 in W.P.(C) 202 of 1995. Order dated July 23, 2024

⁶ C.A. No. 1904 of 2020. Order dated July 16, 2024

⁷ W.P. (C) No. 115 of 2004 etc.; Order dated July 23, 2024

decide whether transgenic mustard hybrid DMH-11 is a Herbicide Tolerant (“HT”) crop or not. Thereafter, a policy decision should be taken afresh on environmental release of the same. She also passed a general direction that the GEAC should be reformed to include experts in the field of agriculture, biotechnology, ethics, sociology, health and environment.

Justice Karol in his judgement opined that the ban on HT crops would be unwarranted as it should be a policy decision. The challenge to the constitutionality of the GEO Rules was also rejected. The judgment held that the decision of GEAC to grant conditional approval is not vitiated by non-application of mind or any other principle of law.

The bench passed the common judgement that the judicial review of decision taken by bodies concerned in the matter of genetically modified organisms is permissible and directed the Central Government to consult stakeholders in the field of agriculture, biotechnology, State Governments, representatives of farmers, etc. for evolving a National Policy on genetically modified crops. In view of the difference of opinion on the decision of GEAC granting conditional approval for environmental release of DMH – 11, the matter will be referred to the Chief Justice of India for consideration of the matter before an appropriate bench.



The Supreme Court directs Rajasthan, Punjab, Delhi, Uttar Pradesh and Haryana to fill vacancies in SPCBs by April 30, 2025

The Supreme Court in the case of *M.C. Mehta vs. Union of India and Ors. (In Re: Number of vacant posts in statutory Pollution Control Boards of various*

*states.)*⁸ directed the Governments of Rajasthan, Punjab, Delhi, Uttar Pradesh and Haryana to fill all the vacancies in their respective SPCBs by April 30, 2025. The Supreme Court was considering the issue of a substantial number of vacant posts in these 5 (five) States within the NCR. It observed that SPCBs have become ineffective due to the large number of vacant posts. Noting that the issue of stubble burning and pollution in NCR would arise soon, it directed all the States to urgently recruit for the important posts through direct recruitment within 2 (two) months.

The Supreme Court sets aside NGT's order for criminal action against Chhattisgarh Environment Conservation Board officers

The Supreme Court in the case of *P. Arun Prasad and Anr. vs. Union of India and Ors.*⁹, set aside the NGT directive for initiating criminal action against the Chairman and Member Secretary of the Chhattisgarh Environment Conservation Board (“CECB”). The direction was passed by NGT while considering an application filed by CECB seeking an extension of time to comply with an earlier NGT order. NGT had directed the CECB to make its website user-friendly and provide public access to industry-related information. NGT concluded that the CECB had adopted an uncooperative attitude despite the urgency of the matter, which related to environmental monitoring. It opined that the Chairman and Member Secretary had committed an offense by failing to comply with its orders and directed the initiation of penal action. However, the Supreme Court, while considering the appeal filed by the CECB officers, observed that although there was a delay, it did not amount to willful negligence or abject dereliction of duty. As the CECB is fully compliant with the NGT's directions, the Supreme Court set aside the order.

The Supreme Court directs States and Union territories to submit information on the utilisation of Compensatory Afforestation Management and Planning Authority Funds

The Supreme Court, in the case of *T.N. Godavarman Thirumalpad vs. Union of India and Ors. (In Re:*

⁸ W.P. (C) 13029 / 1985. Order dated August 27, 2024

⁹ C.A. No. 6707 of 2023. Order dated August 12, 2024

Compensatory Afforestation Management and Planning Authority Funds (“CAMP A”)¹⁰, directed all State Governments and Union Territories to submit information regarding the utilisation of the CAMP A funds. The direction was issued when the *amicus curiae* informed the Supreme Court that in most States/Union Territories, the utilisation of the CAMP A fund had been less than 50% for the period ranging from 2018 to 2024. The Supreme Court observed that the CAMP A fund was created following the Supreme Court directions for the purpose of compensatory afforestation and allied activities. On August 7, 2024, the Supreme Court directed States and Union Territories to file affidavits detailing the amount spent on afforestation and allied activities, the reasons for any remaining balance, the purpose for which the balance was utilised, whether the Steering Committee constituted under the Compensatory Afforestation Fund Act, 2016, is functioning and the amount spent in the last FY. On August 21, 2024, the Supreme Court reviewed the reports filed by various States and Union Territories and directed the Central Empowered Committee (“CEC”) to prepare a questionnaire in consultation with the national CAMP A fund. The chief executive officers of the CAMP A fund in each State were instructed to submit information based on this questionnaire.

The Supreme Court directs NGT to oversee the impact of silicosis-prone industries and factories across India and to take additional steps to prevent its spread in such industries and factories.

The Supreme Court, in the case of *Peoples Rights and Social Research Centre and Ors. vs. Union of India and Ors.*¹¹, directed NGT to oversee the impact of silicosis-prone industries and factories across India and ensure that the CPCB and respective SPCBs comply with its earlier directions. NGT was also directed to take any additional necessary steps to prevent the spread of silicosis in such industries and factories. The Supreme Court passed these directions while considering a petition filed in 2006, seeking its intervention to address silicosis among workers in various industries across the country. Silicosis is an

incurable occupational lung disease caused by prolonged inhalation of silica dust and is prevalent in industries such as mining, construction, stone-cutting and sandblasting, where workers are exposed to high levels of silica dust. The Court noted that several reports had been submitted by state-level committees, the National Human Rights Commission of India (“NHRC”), CPCB and the Directorate General of Mines Safety on environmental and compensation issues. NGT was identified as the appropriate authority to oversee environmental aspects, while the NHRC was tasked with overseeing compensation for affected workers. The Employees State Insurance Corporation and the Chief Secretaries of the respective States were directed to comply with NHRC’s directions and collaborate to ensure efficient compensation distribution.



The Supreme Court directs Central Government and State of Bihar to respond on issues related to plastic pollution in river Ganga

The Supreme Court in the case of *Ashok Kumar Sinha vs. Union of India and Ors.*¹² directed the Central Government and State of Bihar to file response addressing concerns regarding the widespread use of plastic in areas which are to be kept free from such pollution potential products. The Supreme Court passed the direction while considering the issue of illegal constructions and unauthorised encroachments in areas adjacent to Ganga and in and around Patna. While considering the issue, the Supreme Court observed that the dumping of plastic is causing serious environment degradation and impacting aquatic life in riverbanks and water bodies of the country. In view of the same, the Central Government and State of Bihar

¹⁰ W.P. (C) No. 202 of 1995; Order dated August 7, 2024

¹¹ W.P. (C) No. 110 of 2006; Judgement dated August 6, 2024

¹² Civil Appeal No. 3367 of 2020; Order dated August 2, 2024

were directed to respond to the concerns raised before the Supreme Court.



The Supreme Court sets aside the judgement by NGT directing closure of Garbage Processing Plant operated in Pune and shifting it to an alternate location

The Supreme Court in *Pune Municipal Corporation vs. Sus Road Baner Vikar Manch and Ors*¹³ set aside and quashed the judgement of NGT in Original Application (“OA”) No. 210 of 2020. The applicant in the OA had approached the NGT praying for restraining the operation of Garbage Processing Plant (“GPP”) on the ground that it was established without following the procedure prescribed by law. NGT disposed of the OA based on a report submitted by a joint committee constituted to inspect the GPP. The NGT observed that GPP was in violation of the applicable statutory norms and infringed the right to clean environment of the inhabitants. It directed the closure of GPP and directed that the site should be used to develop a bio-diversity park in terms of its original designation. The concessionaire of the GPP challenged the decision of NGT before the Supreme Court. While setting aside the judgement of the NGT, the Supreme Court observed that closing GPP would be detrimental to the public interest as the organic waste generated in the western part of the city will have to be carried through the city to the eastern side of Pune. It further held that the finding of NGT that the plot where the GPP is constructed was reserved for bio-diversity park is erroneous. The Supreme Court held that the NGT erred in allowing the OA and directing the closure of the GPP. The Supreme Court also directed the State Government to consider the possibility of growing Miyawaki forests

in the bio-diversity park to provide green lungs to the nearby areas.

The Supreme Court holds that head of the Government department will be held responsible for failure of Government department to comply with the order of the NGT

The Supreme Court in *Katiya Haidarali Ahmadbhai and Ors vs. Sanjeev Kumar IAS and Ors*¹⁴ held that the head of the Government department will be deemed guilty for the failure of the department to comply with the order passed by the NGT. The Supreme Court passed the order while considering an appeal arising out of the order passed by the NGT. NGT in its order held that it could not consider an execution application filed against the officers of the Government department because they were not impleaded in their personal capacity in the OA. The appellant challenged the order of the NGT on the ground that by legal fiction under Section 28 (1) of the NGT Act, 2010, the head of the Government department will be deemed guilty of failure and liable to be proceeded against when the Government department failed to comply with directions of the NGT. The Supreme Court observed that the NGT could not have interfered at the stage of issuing notice and should have allowed the respondents to raise all possible defenses including the defense that they were not responsible for complying with the order sought to be implemented in the execution application. The Supreme Court set aside the order passed by the NGT while clarifying that all the respondents are free to raise all defenses before the NGT.

The Supreme Court warns project proponents/applicants of contempt proceedings for failure to comply with the conditions imposed while obtaining permission for felling of trees

The Supreme Court in the case of *M.C. Mehta vs. Union of India and Ors*¹⁵, warned the project proponents/applicants which sought permission for tree felling of contempt proceedings in case of failure to comply with the conditions of the tree felling

¹³ C.A. No. 258-259 of 2021. Judgement dated September 12, 2024

¹⁴ C.A. No. 229 of 2024. Judgement dated September 11, 2024

¹⁵ W.P. (C) No. 4677 of 1985. Order dated September 6, 2024

permissions granted by the Supreme Court. The Supreme Court issued the order while considering a report filed by the CEC wherein it listed the compliance status of conditions imposed in tree felling permissions granted by the Supreme Court in 15 (fifteen) cases. The Supreme Court issued notice to these project proponents to file affidavits providing the details of the compliance of the conditions imposed while permitting the felling of trees. It also stated that action under the Contempt of Courts Act, 1971 will be initiated against the concerned parties if full compliance is not reported.

The Supreme Court appoints National Environmental Engineering Research Institute to define and clarify the meaning of 'non-polluting industries'

The Supreme Court in *M.C. Mehta vs. Union of India and Ors (In Re: Taj Trapezium Zone)*¹⁶ appointed National Environmental Engineering Research Institute ("NEERI") to define and clarify the meaning of 'non-polluting industries'. NEERI is directed to consult experts from the Energy and Wetlands Research Group, Centre for Urban Science and Engineering, Environmental Science and Engineering Department, IIT Bombay, Environment Safeguards Specialist, IIT Bombay, Department of Community Medicine and School of Public Health, Post Graduate Institute of Medical Education and Research while undertaking the task. It is also directed to include all the stakeholders before undertaking the exercise and submit a report by October 3, 2024.

The Supreme Court stays decision of the NGT imposing environmental compensation on Executive Officer, Nagar Panchayat Dasna for non-operation of sewage treatment plant

The Supreme Court in *Executive Officer vs. Afsar Ali and Anr.*¹⁷ stayed the operation of directions issued by the NGT for initiating penal action and imposing environmental compensation of INR 23,72,000 (Indian Rupees twenty-three lakh seventy-two thousand) on the Executive Officer of Nagar Panchayat Dasna ("Executive Officer"). The directions were issued by

the NGT for discharge of untreated sewage into drain for several years. NGT while passing the impugned order noted that on the previous date of hearing, the Executive Officer had shared incorrect information in respect of operationalisation of sewage treatment plant. NGT imposed interim environmental compensation which was computed for a period for 5 (five) years from the date when NGT took cognisance. The Supreme Court stayed the direction for initiation of penal action subject to deposition of the environmental compensation amount in the Supreme Court.



The Governments of Punjab and Haryana directed to take steps for compliance of directions issued by the CAQM

The Supreme Court in *M.C. Mehta vs. Union of India and Ors.*¹⁸ directed the Governments of Punjab and Haryana for implementation of directions issued by the CAQM. The directions were passed while considering the compliance report filed by CAQM. The Supreme Court noted that CAQM did not make any efforts to ensure compliance with the directions issued by CAQM. It also noted that during the meeting of CAQM sub-committee for safeguarding and enforcement, no direction for prosecution of violators under Section 15 of the EPA was passed. In view of the same the State governments of Punjab and Haryana were directed to show compliance with the directions issued by CAQM. The Supreme Court considered the responses filed by the governments of Punjab and Haryana on October 16, 2024, and noted that no action was taken against non-compliance of the direction of CAQM in both the States. The Chief Secretaries of both the States were directed to personally appear before the Supreme Court to

¹⁶ I.A. No. 64225 of 2022 in W.P. No. 13381 of 1984. Order dated September 6, 2024

¹⁷ C.A. Diary No. 45810 of 2024. Order dated October 23, 2024

¹⁸ W.P. (C) No. 13029 of 2024. Orders dated October 3, 2024, October 16, 2024, and October 18, 2024

explain the non-initiation of stringent actions against violators and government officials for failing to comply with the directions of CAQM.

Chairperson of Delhi Development Authority directed to personally file response on aspects regarding tree felling in Delhi ridge area.

The Supreme Court in the case of *T.N. Godavarman Thirumulpad vs. Union of India and Ors.*¹⁹ directed the Chairperson of the Delhi Development Authority (“DDA”) to file an affidavit responding to the aspects related to the illegal tree felling in Delhi ridge area. The order was passed in a contempt petition filed against the officials of DDA for felling trees despite the dismissal of their application seeking permission before the Supreme Court. The Chairperson is directed to furnish information regarding the steps taken for identification of officers responsible for suppression of facts before the Supreme Court in the earlier responses filed by DDA. Additionally, the Chairperson must clarify whether any disciplinary proceedings or criminal action were instituted against the responsible officers.



Constitution of State Environment Impact Assessment Authorities

The Supreme Court in *Union of India vs. Rajiv Suri*²⁰ has directed State Governments to establish State Environment Impact Assessment Authority (“SEIAA”), within 6 (six) weeks, if not already constituted. This decision arises from a matter concerning improper environmental clearances issued by District Environment Impact Assessment Authorities

(“DEIAA”) instead of SEIAAs. The Court emphasised stricter regulatory oversight for mining leases and extended the deadline for re-appraising earlier clearances until March 31, 2025. The matter will be reviewed in January 2025.

Supreme Court Quashes NGT Penalty on Benzo Chem Industrial for Environmental Non-Compliance

The Supreme Court in its order dated November 27, 2024, in the matter of *Benzo Chem Industrial Private Limited v. Arvind Manohar Mahajan & Ors*²¹, criticized the NGT’s methodology employed in imposing a penalty based on the appellant’s revenue, ranging between INR 100 crore (Indian Rupees one hundred crore) and INR 500 crore (Indian Rupees five hundred crore), as legally unsound. The Hon’ble Supreme Court emphasized that revenue figures were irrelevant to the assessment of environmental damages and that the NGT’s failure to notify the appellant before imposing such a significant penalty violated principles of natural justice.

Supreme Court Quashes NGT Penalty on Benzo Chem Industrial for Environmental Non-Compliance

The Supreme Court in its judgment dated November 27, 2024, in the matter of *Grasim Industries Limited v. State of Madhya Pradesh and Ors*²², reviewed appeals against orders passed by the NGT. The NGT had imposed penalties on Grasim Industries for alleged violations of the Environment Protection Act, including the failure to install an online flow meter to measure emissions and the hazardous nature of by-products produced by the appellant’s plant. The Hon’ble Supreme Court found that NGT had not followed the principles of natural justice, specifically, Grasim Industries was not made a party in the proceedings before the NGT or the Joint Committee, which had examined the plant. The Supreme Court quashed the NGT’s orders and remitted the case back to the NGT for reconsideration, ensuring that the appellant is impleaded as a party and afforded an opportunity to be heard.

¹⁹ W.P. (C) No. 202 of 1995. Order dated October 16, 2024

²⁰ Civil Appeal Nos. 3799-3800/2019

²¹ Civil Appeal Nos. 9202-9203/2022

²² Civil Appeal Nos. 1711-1712 OF 2021



Protection of sacred groves of Rajasthan and the community stewardship associated therewith

The Supreme Court of India, in its judgment dated December 18, 2024, in the case of *TN Godavarman Thirumulpad v. Union of India and Ors*²³ directed the forest department to recognise the sacred grooves/orans of Rajasthan as “forests” under the Forest Conservation Act, 1980. The court stated that the recognition should be based on the groves’ purpose, as well as their cultural and ecological significance to the local community, rather than solely on their size or extent. The Court further proposed suggestions to sustainably conserve the sacred groves/orans of the Rajasthan and empower the communities associated with their protection. Some of the key suggestions are as follows:

1. the Rajasthan Government should identify traditional communities that have historically protected sacred groves and designate these areas as ‘Community Forest resource’ under Section 2(a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (“**Forest Rights Act**”);
2. models like Piplantri village demonstrate how community driven initiatives can effectively address social, economic, and environmental challenges in a cohesive manner. Active measures are required at the Governmental level to ensure that such ideas are implemented/replicated in other parts of the country to promote sustainable development and gender equality; and
3. the MoEFCC is recommended to create a comprehensive policy for the governance and management of sacred groves across the country. As part of this policy, the MoEFCC must also

develop a plan for a nationwide survey of sacred groves, by whatever name they are identified in each State. Further, the court suggested that MoEFCC should strive to create policies and programs that protect the rights of these communities and involve them in forest conservation.

Delhi’s solid waste crisis demands immediate action; SC directs authorities to comply

The Supreme Court in its order dated December 19, 2024, in *MC Mehta vs. Union of India*, addressed several critical environmental concerns, particularly related to solid waste management, air quality, and pollution control raising concerns over the Delhi government and the Municipal Corporation of Delhi’s non-compliance with the Solid Waste Management Rules, 2016 (“**SWM Rules**”). It directed the Delhi government to submit a detailed affidavit outlining compliance with specific provisions and timelines under the SWM Rules.

The Court observed that Delhi generates 11,000 (eleven thousand) tonnes of municipal solid waste daily, however, experiences a processing shortfall of 3,000 (three thousand) tonnes per day which has resulted in widespread illegal dumping. This situation poses significant risks to the environment and public health while violating the citizens’ fundamental right to a pollution-free environment. The court urged authorities to adopt innovative solutions to address the deficit and warned that unchecked waste generation might necessitate a reassessment of the city’s development activities.

The Court also highlighted the daily dumping of 3,800 (three thousand eight hundred) tonnes of solid waste at the Ghazipur and Bhalswa sites, which causes environmental degradation and frequent fires. It directed the Delhi government to submit an affidavit by January 15, 2025, detailing measures taken to prevent fires at these sites and mitigate their environmental impact. Additionally, the Court instructed the Delhi government and the Municipal Corporation of Delhi to file a comprehensive affidavit addressing all aspects of compliance with the 2016 Rules.

²³ 2024 INSC 997



High Court judgements/orders

Delhi High Court directs inspection of private nursing homes for fire safety

The High Court of Delhi (“**Delhi HC**”) in the matter of *Delhi Medical Association and Anr. vs. Government NCT of Delhi and Ors.*²⁴ directed the Directorate General of Health Services, Delhi Fire Services and DDA to constitute a Joint Committee for inspection of all nursing homes that are members of the Delhi Medical Association. The direction was passed by the Delhi HC while considering a writ petition filed by the Delhi Medical Association challenging the communication dated August 2, 2019, to all private hospitals and nursing homes to undertake audit of fire safety measures employed by it. The petition claimed that the nursing homes are erroneously considered ‘institutional buildings’ and being asked to take fire safety clearance. The Delhi HC observed that its immediate priority is to safeguard public safety and ensure that basic fire safety equipment is installed at the premises of private nursing homes. The Delhi HC passed directions to the Joint Committee to ascertain the prevailing provisions of fire safety and formulate a comprehensive report delineating all non-compliances with fire safety norms by nursing homes, except for structural defect.

Delhi High Court issues notice to Commissioner, Municipal Corporation of Delhi, Deputy Conservator of Forest, North and Principal Secretary, Public Works Department for initiating contempt proceedings for violation of directions to de-concretise and revive trees

The Delhi HC, in *Bhavreen Kandhari vs. Shri C.D. Singh and Ors*²⁵, issued notice for initiating contempt

proceedings against the Municipal Corporation of Delhi, Deputy Conservator of Forest, North for their failure to comply with its earlier directions to take steps for de-concretisation of trees. The Delhi HC observed that in its earlier order dated February 14, 2022, it had noted that 3909 (three thousand nine hundred and nine) trees were under the jurisdiction of South Delhi Municipal Corporation. It also noted that 50 (fifty) trees had dried due to concretisation of earth around the tree trunks and needed to be revived. The Delhi HC observed that despite passage of two and a half years, no steps are taken on ground for de-concretisation of trees and compliance of the order. It also noted that *vide* order dated October 17, 2023, the Delhi HC had directed the Public Works Department to ensure that all the trees in the District Courts of Delhi and Delhi HC are de-concretised within 48 (forty-eight) hours. It noted that despite the passage of almost a year, the trees in Delhi HC have not been de-concretised. In view of the observations made by the Delhi HC, it issued notice for initiating contempt proceeding against the Principal Secretary, Public Works Department.

High Court of Kerala directs Railways and Municipal Corporation of Thiruvananthapuram to undertake immediate steps to remove legacy waste accumulated in Aamayizhanjan canal

The High Court of Kerala (“**Kerala HC**”) in the case of *Suo motu vs. State of Kerala*²⁶ directed the Railways, Municipal Corporation of Thiruvananthapuram, and District Collector to provide reasons for flow of plastic waste into Aamayizhanjan canal. The directions were passed in a special sitting of the court based on reports of the death of a worker engaged in the cleaning of Aamayizhanjan canal near the Thiruvananthapuram Central Railway Station. The Kerala HC, while considering the submissions made by different departments observed that the canal became a cesspool of plastic which is clogging near the metal gratings and preventing the flow of drain water. It also observed that there are large quantities of legacy waste in the area. The Kerala HC directed the authorities to submit a plan of action to be adopted for clearing the

²⁴ W.P. (C) No. 6952 of 2022; Order dated July 3, 2024

²⁵ C.M. Application No. 53844 of 2024 and Contempt Case (C) No. 1149 of 2022. Order dated September 13, 2024

²⁶ W.P. (C) No. 7844 of 2024; Order dated July 15, 2025

legacy waste from within and outside the railway premises along with the timelines for completion of the plan.



Madras High Court sets aside the office memorandums issued by the MoEFCC permitting ex post facto EC and coastal regulation zone clearance

The Madras High Court (“**Madras HC**”), in ***Fatima vs. Union of India***²⁷, set aside 2 (two) Office Memorandums (“**OMs**”) issued by the MoEFCC concerning *ex post facto* EC and Coastal Regulation Zone (“**CRZ**”) clearance. The petitioners challenged the OM dated February 19, 2021, which outlined the procedure for cases where prior CRZ clearance had not been obtained before undertaking activities. The OM dated July 7, 2021, which prescribed the procedure for considering EC applications where activities/construction had already started without EC, was also challenged. The Madras HC noted that the core issue was whether EC, which is mandatory for certain projects/activities, can be granted *ex post facto*, i.e., after the project commenced. The Madras HC observed that the Central Government is authorised to issue notifications under specific sections of the Environment Protection Act, 1986. However, it emphasised that firstly, such notification should be for environment protection; secondly, the Environment Impact Assessment Notification, 2006 and CRZ Notification, 2011 mandate ‘prior EC’ and the OMs impugned proceeded on the basis that the project proponents commence work without EC which is clearly a violation / breach and it provides for certain standard operating procedures and ground for *ex post facto* EC; and thirdly, a slew of instruments were issued making *ex post facto* the norm and prior clearance an

exception while the Supreme Court held that *ex post facto* clearance should be resorted to as an exception. In view of these observation, the Madras HC set aside the 2 (two) OMs.

Punjab and Haryana High Court directs physical demarcation of Sukhna Lake catchment area to determine whether the High Court campus overlaps with the catchment area

The Punjab and Haryana High Court (“**P&H HC**”) in ***Vinod Dhatteerwal and Ors. vs. Union of India and Ors.***²⁸, directed the physical demarcation of the Sukhna Lake catchment area. The P&H HC was hearing multiple cases concerning the construction of commercial, residential or other structures in the catchment area of Sukhna Lake, which spans Punjab, Haryana and Chandigarh. The P&H HC had previously, on September 16, 2022, directed the constitution of a Technical Experts Committee with representatives from Punjab University’s Departments of Hydrology and Geology, the State of Punjab, the State of Haryana and the Survey of India. However, noting that the committee had not been constituted, the P&H HC reiterated its earlier direction for constitution of the committee.

P&H HC refuses to entertain challenge to directions issued under Section 31A of the the Air Act and Section 33A of the Water Act, citing availability of alternative remedy before NGT

The P&H HC in the case of ***M/s Sharanpal Cold Storage vs. Punjab Pollution Control Board***²⁹, declined to hear a writ petition challenging the direction issued by the Punjab Pollution Control Board (“**PPCB**”) under Section 31A of the Air Act and Section 33A of the Water Act. The petitioner was challenging an order for the closure of a cold storage facility. The P&H HC observed that the impugned directions pertained to liquid effluent discharge, which falls under the Water Act. Applying the ‘essentiality test’, the P&H HC concluded that the directions were primarily under Section 33A of the Water Act since they were in relation to liquid effluents discharged by

²⁷ W.P. (MD) Nos.8866 and 11757 of 2021; Judgement dated August 30, 2024

²⁸ C.W.P. (PIL) No. 9 of 2023; Order dated August 2, 2024

²⁹ C.W.P. No. 18072 of 2024; Order dated August 14, 2024

the petitioner. Since an alternative remedy was available under Section 33B of the Water Act, which allows the petitioner to approach the NGT, the P&H HC disposed of the writ petition, granting liberty to the petitioner to seek redress before the NGT.

Kerala HC restrains Kerala Government from transferring captive elephants into the State due to 'pathetic' condition of captive elephants within the State

The Kerala HC in *Walking Eye Foundation for Animal Advocacy vs. Union of India*³⁰ restrained the State of Kerala and the Chief Wildlife Warden from issuing any order under Captive Elephant (Transfer or Transport) Rules, 2024 permitting the transfer of any elephant from outside the State into the State of Kerala. The Kerala HC passed the interim order based on the observations made in another case titled *In Re Captive Elephants vs. Union of India*³¹ wherein it noted that the condition of captive elephants in the State of Kerala is far from satisfactory and can be even termed 'pathetic'. It further noted that between 2018 and 2024, 154 (one hundred and fifty-four) elephants have died in captivity within the State due to ill treatment and lack of proper care. In view of such observations, the Kerala HC passed the interim order.

Rajasthan High Court initiates suo motu proceedings against unauthorised construction and encroachments over rivers and water bodies in the State

The Rajasthan High Court ("Rajasthan HC"), in *In Re: In the matter of save the rivers, lakes and water bodies from illegal constructions and encroachments*³², initiated suo motu proceedings based on a news article published in 'Rajasthan Patrika' on October 18, 2024, alleging ongoing encroachments affecting ponds and lakes in the State. The article highlights that despite numerous directions issued by the courts and NGT, several rivers along with various other water bodies across the State are facing severe encroachment, jeopardising the well-being of all living organisms and environment. The Rajasthan HC observed that such news indicated serious failure of

the Central and State Government particularly MoEFCC and Ministry of Jal Shakti in protecting rivers from illegal encroachments. It also noted that the draft River Conservation Zone (Regulation of Harmful Activities) Rules, 2012 and the notifications regarding river conservation zone and river regulation zone in 2015 remain unimplemented till date. The Rajasthan HC issued show cause notice on why the directions for constituting committees at State level, divisional level and district level should not be issued. It also proposed the demolition of illegal and unauthorised constructions and encroachments on the rivers, flood plains and catchment areas of all rivers, water bodies, water courses and water channels.



NGT judgements/orders

NGT takes suo-motu cognisance based on study highlighting presence of cancer-causing chemicals in cars

NGT registered a suo-motu OA in response to a news article titled 'People Are Breathing In Cancer-Causing Chemicals in their cars study find'³³ appearing in NDTV.com dated May 8, 2024. This article pertains to a research study published in the Environmental Science and Technology journal. The study stated that the researchers analysed 101 (one hundred and one) electric, gas and hybrid cars with model year between 2015 and 2022 and found that the cabin air in 99% of these cars contained a flame retardant called Tris (1-Chloro-2-Propyl) Phosphate ("TCIPP"). The news article stated that TCIPP is being investigated by the United States National Toxicology Program as a potential carcinogen. The research further showed that most cars have 2 (two) more flame retardants namely, Tris (1,3-Dichloro-2-Propyl) Phosphate and Tris(2-Chloroethyl) Phosphate which are also considered

³⁰ WP (C) No. 27607 of 2024. Order dated September 6, 2024

³¹ W.P.(C) No.31520 of 2024. Order dated September 6, 2024

³² CW No. 16799 of 2024. Order dated October 24, 2024

³³ OA No. 717 of 2024 (PB); Order dated July 2, 2024

carcinogenic. The news item alleged that the source of these compounds is seat foam which is added with chemicals to meet an 'outdated' flammability standard with no proven fire safety benefit. Upon observing that the issue indicated violation of the Air Act and the EPA, the NGT impleaded the CPCB, MoEFCC, Indian Council of Medical Research and MHI to file their responses on the issue.

NGT directs state authorities to look into allegations of extensive pollution in Kanjia and Kaikani lakes

The NGT in the matter of *Smt. Haripriya Patel vs. State of Odisha and Ors.*³⁴ registered a letter petition alleging pollution of Kanjia and Kaikani lakes located between Nandankanan Zoological Park and Nandankanan Botanical Garden. The letter stated that Kanjia lake is the principal source of water and spread over 66 (sixty-six) hectares. It was declared as 'Wetland of National Importance' in 2006. The floral diversity of the site consists of 10 (ten) species of submerged macrophytes, 14 (fourteen) species of floating macrophytes and 25 (twenty-five) species of emerged macrophytes. The letter alleged that the purchase of land around the periphery of Nandankanan Wildlife Sanctuary for urbanisation and construction of buildings is causing gradual shrinking and depletion of forest land. Upon consideration of the allegations made in the letter, the NGT directed the Odisha SPCB and Divisional Forest Officer to undertake site inspection and submit an inspection report.



NGT to consider plea against large scale felling of trees in urban areas of Gurugram

The NGT in the case of *Vaishali Rana and Ors. vs. State of Haryana and Ors.*³⁵ is considering an application

alleging illegal felling of trees in urban areas of Gurugram. The application alleged that even the permissions granted for felling of trees were arbitrary. It stated that some of the Tehsils in district Gurugram were not covered under any regulation for preventing indiscriminate felling of trees. The applicants highlighted that the imposition of a meagre fine of INR 500 (Indian Rupees five hundred) did not consider the ecological value of the trees felled and the compensatory plantation to be undertaken was not ensured. The applicants raised the contention that there is no central legislation or regulation for prevention of tree felling in urban areas and such laws were enacted only in certain states such as Karnataka, Delhi and Goa. The applicants relied on the information obtained through right to information, to claim that there was no record of the number of trees cut from the year 2017 to 2021 and 5,494 (five thousand four hundred and ninety-four) trees had been cut between 2021 and 2022. NGT directed the state respondents to file their responses to the allegations made in the OA.

NGT disposes of complaints alleging illegal cutting and pruning of trees by office bearers of DDA Market Association, directs the Tree Officer cum Deputy Conservator of Forest to consider the allegations

The NGT in the case of *Jabar Singh vs. DDA*³⁶ disposed of an application alleging inaction by the Municipal Corporation Delhi, DDA and Commissioner of Police against alleged cutting and pruning of trees and destruction of green cover and natural space in DDA market area. NGT while considering the application observed that under the Delhi Preservation of Trees Act, 1994 ("DPT Act"), and the notifications issued thereunder, the Tree Officer cum Deputy Conservator of Forest (North) is empowered and required to enquire into complaints made through the application and pass appropriate orders under the DPT Act. NGT disposed of the application and directed the Tree Officer cum Deputy Conservator of Forest (North) to treat the application as a complaint filed under the DPT Act for inquiry of the allegations and taking appropriate action.

³⁴ OA No. 109 of 2024 (EZ); Order dated July 4, 2024

³⁵ OA No. 680 of 2024 (PB); Order dated July 4, 2024

³⁶ OA No. 366 of 2024 (PB); Order dated July 19, 2024

NGT disposes of letter petition challenging e-tender process for sand mining in Ayodhya

The NGT in the case of ***Makarandhuj vs. State of U.P.***³⁷ disposed of an application raising grievance against the e-tender process initiated by Executive Engineer, 3rd Division, Ayodhya for sand mining. The NGT had registered the application based on a letter submitted by the applicant. The NGT observed that the allegations raised in the letter petition were not related to violation of environmental laws and the petitioner was instead challenging the tender process undertaken in pursuance of rules enacted under the Mines and Minerals (Development and Regulation) Act, 1957. Therefore, it dismissed the OA on the ground that no cause of action arose under the NGT Act, 2010.



NGT calls for report on allegations against indiscriminate cutting of trees on Delhi-Saharanpur-Dehradun Expressway

The NGT in ***Pt. Girdhari Lal vs. Govt. of NCT of Delhi***³⁸ registered an application on the basis of a letter petition alleging large scale illegal cutting of trees on Delhi-Saharanpur-Dehradun Expressway. The NGT observed that the letter *ex-facie* raises substantial question relating to environment and constituted a Joint Committee comprising of representative of Secretary, Department of Environment and Forest, U.P., Principal Chief Conservator of Forest, U.P., Regional Officer, MoEFCC, Lucknow and Uttar Pradesh SPCB to submit a factual report.

NGT refuses to entertain letter petition filed by letter petitioner represented by Counsel

The NGT disposed of an application in the case of ***Captain (Retd.) C Krishnanan vs. State of Tamil Nadu***³⁹, which was registered based on a letter petition on the ground that the complainant was represented by a counsel. It observed that the complainant had the resources to approach the NGT by filing an application as per the rules and procedures prescribed under the NGT (Practice and Procedure) Rules, 2011. NGT noted that the complainant claimed to be a Captain and was represented through a counsel and therefore had the resources to approach the NGT in the proper way.

NGT takes suo motu cognisance of illegal entry of luxury vehicles into Ranthambore National Park's critical tiger habitat

NGT registered a *suo motu* case based on a Zee Rajasthan news article titled '***Ranthambore Ke Jungle Mei Luxury Gaadiyo Kee Ghuspaith Video Hua Viral***'⁴⁰, dated August 16, 2024. The article alleged that several luxury vehicles had entered the critical tiger habitat in Ranthambore National Park during the monsoon closure. It further claimed that the vehicles could not have entered without permission from the Forest Department, given the park's surveillance and anti-poaching systems. The NGT impleaded the Principal Chief Conservator of Forests, Rajasthan, the Chief Wildlife Warden, MoEFCC and the District Magistrate, directing them to file their responses.

NGT takes cognisance of increased urban flooding and water body disappearance in Delhi

The NGT initiated a *suo motu* case based on a Hindustan Times article titled '***From oasis to forsaken Where did***'⁴¹ dated August 16, 2024. The news item related to the increase in instances of flooding in Delhi and its collection to the disappearance of water bodies in the capital. It alleges that although short bursts of heavy rainfall and climate change are contributing factors, the experts have attributed the

³⁷ OA No. 682 of 2024 (PB); Order dated July 19, 2024

³⁸ OA No. 686 of 2024 (PB); Order dated July 22, 2024

³⁹ OA No. 688 of 2024 (PB); Order dated July 22, 2024

⁴⁰ OA No. 1116 of 2024 (PB); Order dated August 30, 2024

⁴¹ OA No. 1117 of 2024 (PB); Order dated August 30, 2024

problem to disappearance of water bodies and wetlands in the region which is coupled with inadequate drainage infrastructure. The article highlights that wetland comprising water bodies, including ponds, lakes and percolation ponds (*johads*), have traditionally played an indispensable role in flood management and water security by acting as natural reservoirs. These areas absorb excess water which prevented the city's drainage from getting overwhelmed. It further alleges that nearly half of the city's 1,347 (one thousand three hundred and forty-seven) recorded water bodies have disappeared, been encroached upon or are present on paper but missing on ground leaving only 656 (six hundred and fifty-six) intact. It also highlights discrepancies between the number of water bodies noted in various surveys. NGT impleaded the Delhi PCC, CPCB, Ministry of Jal Shakti, Delhi Wetland Authority, Geospatial Delhi Limited and directed them to file response.

NGT takes suo motu cognisance of a news article reporting the presence of microplastics in Indian salt and sugar brands

The NGT taken suo-motu cognisance of news article titled '**All Indian salt sugar brands contain microplastics reveals study**'⁴² appearing in Business Standard dated August 13, 2024. The article referred to a study that revealed the presence of microplastics in forms such as fibre, pellets, films and fragments in Indian salt and sugar brands. As per the article, the study tested 10 (ten) types of salt, including table salt, rock salt, sea salt and local raw salt and 5 (five) types of sugar purchased from both online and local markets. As per the study, iodised salt had the highest concentration of microplastics (89.15 (eighty-nine point one five) pieces per kilogramme) while organic rock salt had the lowest (6.70 (six point seven zero) pieces per kilogramme). In sugar samples, the concentration of microplastics ranged from 11.85 (eleven point eight five) to 68.25 (sixty-eight point two five) pieces per kilogramme, with the highest concentration found in non-organic sugar. NGT impleaded the CPCB, Indian Institute of Toxicology Research, Indian Council of Medical Research and FSSAI and directed them to file their response.



NGT takes suo motu cognisance of a news article reporting the declining habitat of the Himalayan Brown Bear in Sonmarg due to unplanned waste disposal

The NGT took *suo motu* cognisance of news article titled '**Saving Kashmir Brown Bears is a Race Against Time Wildlife SOS and J&K Wildlife Protection Dept. take challenge**'⁴³ appearing in India.com dated July 27, 2024. The article noted that as per a study by Wildlife SOS in 2021, 75% of the diet of bears was human made garbage dumps including plastic, chocolates and organic food waste. It further states that there is little knowledge about the ecology and behaviour of bears in India which severely affected its population due to factors such as tourism, construction activities, livestock grazing, agriculture, settlements, highways, railroad, tunnelling and poaching. NGT impleaded Wildlife SOS, Principal Chief Conservator of Forest, Jammu and Kashmir, MoEFCC, CPCB, Jammu and Kashmir Pollution Control Board, District Magistrate, Kupwara and directed them to file response.

NGT takes suo motu cognisance of a news article alleging illegal operation of stone quarries in Ri Bhoi district in Meghalaya

NGT took *suo motu* cognisance of news article titled '**Ri Bhoi village troubled by stone quarries**'⁴⁴ alleging that Nongthymmai-Garo village in Umling subdivision of Ri Bhoi district, Meghalaya is severely affected by illegal stone quarrying. It alleges that the quarries which began in 1990s stopped briefly due to NGT's directions but resumed operations after the COVID 19

⁴² OA No. 1094 of 2024 (PB); Order dated August 23, 2024

⁴³ OA No. 1046 of 2024 (PB); Order dated August 5, 2024

⁴⁴ OA No. 1008 of 2024 (PB); Order dated August 2, 2024

pandemic. It states that these quarries are significantly damaging the local environment and posing risks to the residents. The villagers report continuous quarry operations, causing disturbance and safety hazards. The quarry activities include detonator blasts, resulting in structural damage to houses and posing injury risks due to flying debris. Villagers face severe health issues due to stone dust, noise pollution and vibrations from detonator blasts. Respiratory problems and sleep disturbances are common. Villagers lease their land at low prices due to lack of awareness and economic necessity, leading to further impoverishment as they seek employment in the hazardous quarries. The NGT issued notice to CPCB, Meghalaya SPCB, MoEFCC, Principal Chief Conservator of Forests, Meghalaya, District Commissioner, Ri Bhoi and directed them to file their responses.



NGT issues notice in plea seeking implementation of star rating mechanism for passenger vehicles based on fuel efficiency and carbon dioxide emissions

The NGT in *Tsunami on roads through Dr. Sanjay Kulshrestha vs. Ministry of Road, Transport and Highways and Ors.*⁴⁵ directed the MHI and Public Enterprises, Ministry of Road Transport and Highways, MoEFCC, MoP to file responses to a plea seeking implementation of star rating system for all passenger vehicles based on fuel efficiency and carbon dioxide emissions. The application claims that such star rating systems of vehicles have already been introduced in most of the developed countries including Thailand, Vietnam and Singapore. The application further claims that vehicular pollution is the most important

contributor in air pollution as it is responsible for 40% of such air pollution.

NGT directs CPCB to submit report on incomplete combustion in vehicles leading to air pollution

The NGT in *suo motu* case titled '*How partial combustion fuels your bad air woes*'⁴⁶, directed the CPCB to file a report on the issue of incomplete combustion in the vehicles leading to air pollution. The case was registered *suo motu* based on a news article referring to a study claiming that incomplete combustion of various fuels in vehicles contributed significantly to poor air quality. The study found that older, poorly maintained vehicles and ones lying idle can cause incomplete combustion, leading to greater air pollution. The NGT issued the direction upon consideration of CPCB's previous report and noting that it did not address the main issue of incomplete combustion in the vehicles.

NGT takes *suo motu* cognisance of a news article claiming that the forest department in Pune is struggling to reclaim 14,000 (fourteen thousand) hectares of land

The NGT took *suo motu* cognisance of a news article titled '*Forest Dept. struggling to regain 14,000 hectares of land in Pune*'⁴⁷ published in Hindustan Times dated August 28, 2024. The article claims that the Pune Forest Department is facing challenges in reclaiming land which is being held by the Revenue Department. The article claims that the earlier state policies resulted in large scale transfers of forest land while negligence resulted in encroachment over time. It claims that the Forest Department is struggling to regain its land and prevent it from future encroachment. The article explains that the issue has historical roots, dating back to the British era, when the forest and defence departments owned majority of the land. Subsequently, the Indian Government in 1978 ordered the Forest Department to transfer some land to the Revenue Department for administration, town planning and agriculture. However, due to incomplete documentation during subsequent land transfers,

⁴⁵ OA No. 638 of 2024. Order dated September 20, 2024

⁴⁶ OA No. 646 of 2024. Order dated September 20, 2024

⁴⁷ OA No. 1165 of 2024 (PB). Order dated September 19, 2024

some portions of the forest land were encroached upon and over time both the Forest Department as well as the Revenue Department neglected the land. The NGT noted that the issue indicates violation of provisions of the Forest (Conservation) Act, 1980 and EPA and impleaded the Principal Chief Conservator of Forest, Maharashtra, MoEFCC and District Magistrate, Pune to file their responses.

NGT disposes of application alleging illegal excavation of sand from rivers Khari and Mansi in Rajasthan based on inspection report

The NGT disposed of an application titled ***Bhanwar Lal Gurjar vs. State of Rajasthan and Ors.***⁴⁸ alleging that illegal excavation of *bajri* sand was being undertaken in violation of environmental rules resulting in demolition of open wells, irrigation pipelines, standing crops, full grown trees and causing huge financial losses to villagers and residents of Shahpura. While disposing of the case, the NGT considered the observation made by the committee constituted by the NGT. The NGT noted the observations of the SPCB and the committee stating that no mining activity relating to *bajri* sand was observed in the river bed area and there is no violation based on the production report received from the mining department. It further noted that machinery is being used for excavation of *bajri* and as per the visual observation of active working and old working, mining had not been done beyond the permissible depth. The NGT disposed of the application based on the observations that no violation was reported.



NGT issues notice in plea challenging implementation of in situ slum redevelopment and rehabilitation by DDA in Southern Central Ridge in Delhi

The NGT issued notice in an application titled ***Society for Protection of Culture, Heritage, Environment, Traditions and Promotion of National Awareness vs. Union of India and Ors.***⁴⁹ The applicant claimed that the slum redevelopment was being undertaken in violation of Aravalli Notification of 1992 which bars construction of buildings and roads, electrification and felling of trees in '*gair mumkin pahar*' land. The applicant claims that an area of 692 (six hundred and ninety-two) acres located northwest of Vasant Vihar in Kusumpur Pahadi is notified as protected forest by Delhi Government and no non-forest activity is permissible in that area. The applicant also claims that the in Situ slum rehabilitation scheme of Kusumpur Pahadi for development of 2,800 (two thousand eight hundred) dwelling units is impermissible under law. The NGT observed that the allegations raised substantial issues related to compliance of environmental norms and implementation of the provisions of the scheduled enactment and directed the MoEFCC and other respondents to file their responses.

NGT restricts sand mining in Rayan Ramchandrapur sand source till the completion and approval of District Survey Report by SEIAA, Odisha

The NGT in ***Abani Kumar Sahu vs. State of Odisha and Ors.***⁵⁰ imposed environmental compensation on a mining operation for carrying out mining operations during monsoon and held that no mining operation will be undertaken until the SEIAA, Odisha approves District Survey Report ("**DSR**"). The NGT was considering an application alleging illegal sand mining in Rayan Ramchandrapur sand source in Jaleswar, Balasore, Odisha. The NGT observed that the environmental clearance for sand mining was granted without a valid DSR and was therefore illegal. It further noted that SEIAA, Odisha was entirely at fault for acting in gross ignorance and violation of the Sand Management Guidelines of 2016 and 2020 by granting environmental clearance for sand mining in absence of

⁴⁸ OA No. 148 of 2023 (CZ). Order dated September 19, 2024.

⁴⁹ OA No. 1151 of 2024 (PB). Order dated September 10, 2024.

⁵⁰ OA No. 84 of 2023 (EZ). Judgement dated September 18, 2024.

DSR. The project proponent was held liable for payment of environmental compensation for undertaking mining during the monsoon season. The NGT directed SEIAA, Odisha to compute environmental compensation payable by the project proponent.



NGT directs reappraisal of district level ECs granted for mining leases

NGT in ***Noble M. Paikada vs. Union of India and Ors.***⁵¹ directed that the ECs granted at the district level by DEIAAs should be reappraised by the SEIAAs at the state level by November 7, 2024. The direction was passed in an application challenging the validity of Office Memorandums (“OMs”) dated November 3, 2023, and March 15, 2024, which extended the validity of the ECs granted by DEIAA. The applicant argued that these OMs contradicted the judgements of the Supreme Court and NGT. NGT considered the legal development of the amendments to the Environment Impact Assessment Notification, 2006, in 2016 which allowed DEIAAs to grant ECs for mining projects with area less than 25 ha (twenty-five hectares) without public consultation. This was deemed inconsistent with the judgement of the Supreme Court, which mandated stricter environmental assessments for mining activities. NGT had previously directed that such procedures be aligned with the directions of the Supreme Court and all ECs granted between January 15, 2016, and December 11, 2018, must be reappraised by the SEIAAs by November 7, 2024. It further directed that in cases where the reappraisal is not completed within this period, the mining operation will cease. MoEFCC was also directed to issue revised guidelines to ensure compliance with the directions issued by the Supreme Court and NGT.

NGT orders investigation into unauthorised occupation of public land and waste burning in Mohali

NGT in ***Sudhir Kumar vs. State of Punjab***⁵² took *suo motu* cognisance of a letter petition regarding unauthorised waste burning by migrants on public land. The petitioner highlighted that the burning of scrap was causing significant smoke emissions, leading to respiratory and other health issues for the residents. The letter further alleged that no action had been taken by local authorities despite multiple complaints. NGT noted the lack of specific details in the complaint, such as the identification of the violators and precise locations of the alleged activities. However, recognising the potential environmental and health impacts, the NGT directed the District Magistrate of Mohali (S.A.S Nagar) and the PPCB to jointly visit the site to verify the claims of environmental law violations. They were instructed to take remedial, preventive and other necessary actions within 1 (one) month if any violations were found.

NGT directs Himachal Pradesh to improve sanitation and environmental management for Manimahesh Yatra

NGT in ***President (Shiv Nuala Committee) vs. State of Himachal Pradesh***⁵³ directed the State of Himachal Pradesh to take steps for improving the sanitation and environmental management for Manimahesh yatra. The order was passed in a *suo motu* application registered based on a letter from the President of the Shiv Nuala Committee, highlighting the environmental issues caused by the influx of pilgrims during the Manimahesh Yatra in Chamba, Himachal Pradesh. The letter pointed out the lack of adequate toilet facilities, unregulated commercial activities, and the resultant environmental damage. NGT constituted a joint committee comprising the District Magistrate, Chamba, the Himachal Pradesh SPCB and the Divisional Forest Officer, Chamba, to investigate the issues raised in the application. The report filed by the joint committee revealed that the existing 204 (two hundred and four) temporary toilets were insufficient for the approximately 6,00,000 (six lakh) pilgrims. It also noted the presence of commercial activities along the yatra route without proper permissions, contributing

⁵¹ O.A. No. 370 of 2024. Judgement dated October 22, 2024.

⁵² O.A. No. 989 of 2024. Order dated October 21, 2024.

⁵³ O.A. No. 689 of 2024. Order dated October 18, 2024.

to the environmental degradation. The report further noted the need for better waste management practices and the regulation of commercial activities to protect the eco-sensitive zone. NGT directed the State of Himachal Pradesh to implement the recommendations of the joint committee. These include increasing the number of toilets, enforcing waste segregation at source and regulating commercial activities through a transparent process. NGT also emphasised the need for an annual assessment of the carrying capacity of the trek route and the implementation of an online registration system for pilgrims. The Chief Secretary of Himachal Pradesh was instructed to ensure compliance with these recommendations and submit a report.

NGT seeks response from authorities on news article claiming presence of heavy metals in PM 2.5 in East Delhi

NGT in a *suo motu* application titled '**Heavy metals in PM 2.5 New Study reveals air quality concerns in East Delhi**'⁵⁴ sought response from authorities on article claiming the presence of heavy metals in PM 2.5 in East Delhi. The application was registered based on newspaper article about a study conducted by the Indian Institute of Technology, Delhi revealing severe heavy metal pollution in East Delhi's air, raising significant health concerns. As per the news item, the study detected alarming levels of heavy metals such as lead, cadmium and nickel in the air. In East Delhi district, chromium, copper, zinc, molybdenum and lead were the major heavy metals found in PM2.5. The news item states that the study formulated the heavy metal exposure index in East Delhi (part of a mega city), Jaisalmer (desert), Ludhiana (industrial city), Visakhapatnam (coastal), Panchkula and Patiala. The news item claims that the primary sources of these pollutants include industrial emissions, vehicular exhaust and construction activities. Furthermore, the presence of heavy metals poses serious health risks, particularly to vulnerable populations such as children and the elderly. NGT impleaded the Delhi PCC, PPCB, CPCB, MoEFCC, District Magistrate, East Delhi and District Magistrate, Ludhiana and directed them to file responses to the issues raised in the article.



NGT proposes action against officials responsible for making false statements in respect of concretisation of trees in Noida

NGT in ***Vikrant Tongad vs. State of Uttar Pradesh***⁵⁵ addressed the issue of continued concretisation around trees in Noida. The applicant argued that despite previous orders, the Noida Authority had not removed the concretisation and had made false statements to the NGT to obtain favorable orders. NGT considered the photographs presented by the applicant, showing ongoing concretisation around trees in various locations such as Noida Golf Course, Hosiery Complex Phase-II and certain sectors of Noida. NGT noted that the Noida Authority had indeed made false statements in their replies, which were misleading and resulted in the rejection of the applicant's stay application. NGT directed the Chief Executive Officer of Noida and the Deputy General Manager (Work Circle) of Noida, who signed the misleading reply, to appear personally before it to explain why they should not be prosecuted for making false statements and misrepresentation. NGT emphasised the seriousness of the issue, highlighting that the false statements had led to judicial orders being obtained under false pretence.

NGT orders investigation into pollution by pyrolysis industry in Andhra Pradesh

NGT in ***Thota Surya Prakash Reddy vs. State of Andhra Pradesh***⁵⁶ took *suo motu* cognisance of a letter petition highlighting severe pollution caused by Sri Raghvendra Swamy Pyrolysis Industry in Akuledu village, Ananthapuramu District, Andhra Pradesh. The petitioner reported that the industry was emitting poisonous gases and foul smells, leading to respiratory problems, eye irritation and other health issues among local residents. NGT formed a joint committee

⁵⁴ O.A. No. 1233 of 2024. Order dated October 16, 2024

⁵⁵ O.A. No. 363 of 2022. Order dated October 17, 2024

⁵⁶ O.A. No. 984 of 2024. Order dated October 16, 2024

comprising the Andhra Pradesh Pollution Control Board and the District Magistrate of Ananthapuramu to verify the claims and gather factual data. NGT directed the said joint committee to visit the site, collect relevant information and submit a factual report to the Registrar of the Southern Zone Bench of the NGT within 2 (two) months.

NGT seeks report on illegal tree felling for solar plant in Rajasthan

NGT in *Ganeshdan Beetu vs. State of Rajasthan*⁵⁷ took *suo motu* cognisance of a letter petition alleging that Ayana Renewable Power Private Limited was cutting down *khejri* trees illegally at night and selling the wood to nearby factories. NGT noted that similar issues had been addressed in previous cases, where illegal tree felling by solar companies in Rajasthan was found to be a significant environmental concern. NGT had previously directed the planting of ten times the number of trees cut and imposed fines on the violators. In this case, the NGT constituted a joint committee comprising the District Magistrate of Bikaner, the Rajasthan SPCB, a representative from the Central Arid Zone Research Institute and the Principal Chief Conservator of Forests, Rajasthan, to investigate the matter.



NGT seeks response on application alleging notification of e-tender for riverbed sand mining without DSR

NGT in *Yadram Singh vs. District Magistrate, Hamirpur and Ors.*⁵⁸ sought response from the District Magistrate, Hamirpur, on an application

challenging the notification of e-tender for riverbed sand mining for various sites in Hamirpur, Uttar Pradesh. The applicant alleged that e-tenders are issued in absence of DSR in Hamirpur district. The applicant claims that the DSR prepared in 2017 expired in 2022 and during the validity of the DSR an amendment was made in February 2019 which also expired in February 2024. Subsequently, no DSR was prepared for district Hamirpur. NGT directed the state authorities to respond to the allegations raised by the application.

NGT seeks response on application challenging the approval of DSR of districts Banda, Basti and Shamli by Uttar Pradesh SEIAA without conducting replenishment study

NGT in *Yadram Singh vs. SEIAA, UP and Ors.*⁵⁹ directed the State authorities to respond to the allegations raised in the application challenging the approval of DSRs of districts Bandi, Basti and Shamli by Uttar Pradesh SEIAA. The applicant alleges that the DSRs were approved without conducting any replenishment study and the study mentioned in the DSR is undertaken mechanically without conducting any study. NGT issued notice to the State respondents and directed them to file responses on the allegations raised in the application.

NGT seeks response of State authorities in Haryana on allegations regarding sale of Aravalli Forest for mining

NGT registered a *suo motu* case based on news item titled '*Notified Aravalli forest portion sold for mining*'⁶⁰ published in the Times of India on September 15, 2024. The news report alleged that 506 (five hundred and six) acres of the Aravalli tract in Rajawas village, Mahendergarh, Haryana was declared as 'protected forest' under the Forest (Conservation) Act, 1980 ("FCA") on July 20, 2023. This designation was part of a compensatory afforestation effort intended to offset environmental damage from a major infrastructure project in Great Nicobar, which had resulted in the loss of a million trees. However, on the same day, 119.5 (one hundred and nineteen point five)

⁵⁷ O.A. No. 834 of 2024. Order dated October 14, 2024

⁵⁸ O.A. No. 1215 of 2024. Order dated October 14, 2024

⁵⁹ O.A. No. 1220 of 2024. Order dated October 14, 2024

⁶⁰ O.A. No. 1203 of 2024. Order dated October 1, 2024

acres of this land was auctioned for mining and a company was awarded a 10 (ten) year lease to quarry stones and operate stone crushers. The article alleged that the mining department is unaware of the notification of the land as a protected forest, while forest officials confirmed that a no objection certificate was not issued for mining in the protected area. NGT impleaded the Inspector General of Forest, MoEFCC, and the Principal Chief Conservator of Forests, Haryana, Haryana SPCB, CPCB and District Magistrate, Mahendergarh for filing their responses on the claims made in the article.

NGT sets up a joint committee to examine Bengaluru's nitrogen dioxide levels

NGT, *vide* Order dated December 19, 2024, has constituted a joint committee to examine the high levels of nitrogen dioxide in Bengaluru. The said committee is instructed to visit site, collect relevant information and submit a factual report within 2 (two) months from the date of this order, with the Registrar, Southern Zonal Bench, Chennai of this Tribunal.



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18 Practices and
41 Ranked Lawyers



7 Ranked Practices,
21 Ranked Lawyers



12 Practices and 50 Ranked
Lawyers



14 Practices and
12 Ranked Lawyers



20 Practices and
22 Ranked Lawyers



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