

Transparency, Accountability and Good Governance: Experiences from India

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Manila*

Ritwick Dutta
Legal Initiative for Forest and Environment,
New Delhi

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India's Environmental Reality

- 14 of the 15 most polluted cities in the world located in India (WHO)
- 177 out of 180 in Environmental Performance Index (EPI)
- Highest number of Environmental Related conflicts in the world (EJ Atlas)

14 out of world's 20 most polluted cities in India, says WHO; Delhi, Varanasi on list

By: PTI | Updated: May 2, 2018 4:08 AM

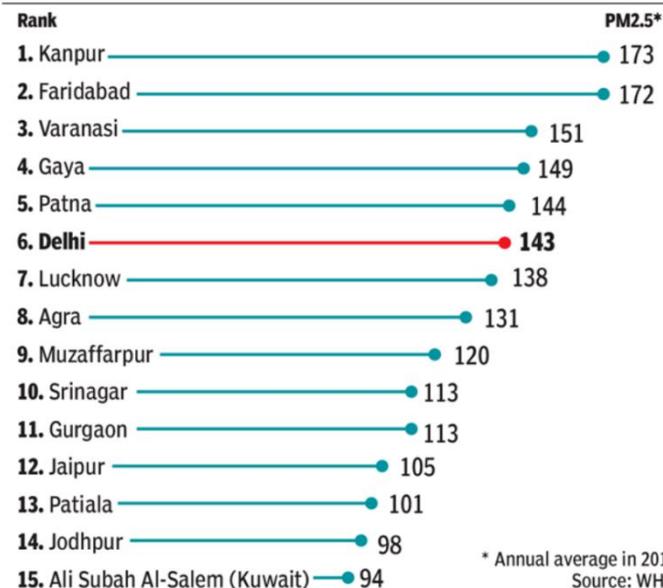
India has 14 out of 15 most polluted cities in the world.



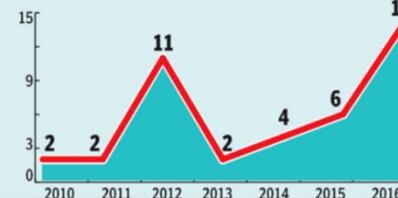
TNN | Updated: May 3, 2018, 07:49 AM IST

The WHO global air pollution database reveals that India has 14 out of the 15 most polluted cities in the world in terms of PM 2.5 concentrations, with the worst being Kanpur. Here's more...

WORLD'S MOST POLLUTED CITIES ARE IN INDIA



Number of Indian cities among 15 most polluted



India ranks 177 out of 180 in Environmental Performance Index



PTI

NEW DELHI, JANUARY 24, 2018 21:00 IST

UPDATED: JANUARY 24, 2018 21:00 IST

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What Drives India's Environmental Conflicts

Water management

60

Fossil fuels and climate justice/energy

48

Industrial and utilities conflict

37

Infrastructure and built environment

19

Mineral ores and building material extraction

18

Waste management

17

Nuclear

12

Biomass and Land Conflicts (Forests, Agriculture and Livestock Management)

8

Tourism and recreation

4

Biodiversity and conservation conflict

1

Environmental Justice Atlas (EJAtlas) ranks India among the top while mapping the ecological and environmental injustices



Environmental Justice Atlas (EJAtlas.org): India reaches the top while mapping the ecological conflicts and environmental injustices

The Environmental Justice Atlas or EJAtlas.org is a freely accessible on-line interactive information portal that helps academic scholars and public policymakers across the world in identifying exemplary cases of peoples' resistance against climate change and environment degradation. EJAtlas.org is conceived by the EJOLT project – an acronym for the 'Environmental Justice, Liabilities and Trade' project. EJOLT is a European Commission FP7 programme-funded global research project operated during 2011–2015 and concluded recently. It represents a global distribution map of the ecological conflicts, resistances and environmental injustices, which are mostly located in the Global South. The stated purpose of the project is: 'EJOLT is a global research project bringing science and society together to

resistances in India, which are located across the country in almost every state and union territory. Table 1 shows the

first-level categorization of conflicts in India. Conflicts related to the 'water management' category appear highest

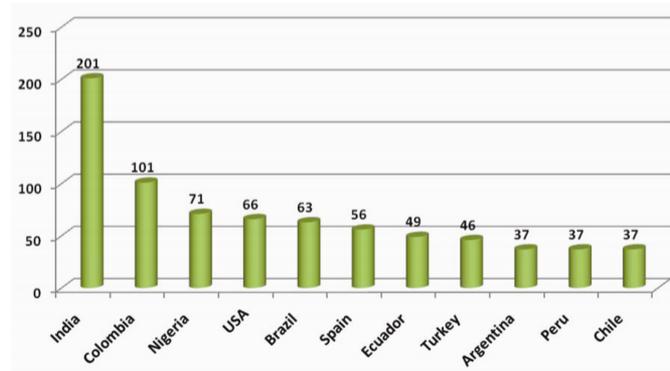
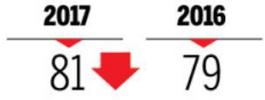


Figure 1. Top 11 countries reporting environmental conflicts on EJAtlas.org portal.



INDIA'S RANKING SLIPS



CHINA HAS MOVED UP



Source: Transparency International

Attempting in locating the reasons for the present state of environment

Enforcement

Lack of
Informed
decision making

Governance

Lack of
Information

Enforcement Challenges

“ Enactment of a law, but tolerating its infringement, is worse than not enacting a law at all. The continued infringement of law, over a period of time, is made possible by adoption of such means which are best known to the violators of law”

Indian Council For Enviro-Legal Action v. Union of India, Supreme Court (1996) 5 SCC 281 at page 293

Even though, it is not the function of the court to see the day-to-day enforcement of the law, that being the function of the Executive, but because of the non-functioning of the enforcement agencies, the courts as of necessity have had to pass orders directing the enforcement agencies to implement the law

Indian Council For Enviro-Legal Action v. Union of India, Supreme Court (1996) 5 SCC
281

POLLUTION UP, BUT CASES DOWN

Cases relating to 'green' offences decline in India



Break-up under different green offences in 2016

No. of offences



Top 5 states in terms of registering maximum number of cases in 2016



Zero case under air pollution in Delhi reflects gap in green law enforcement

Vishwa Mohan | TN

Severe air pollution in Delhi, still no criminal cases filed, NCRB data for 2016 shows

Delhi was not among the three states that registered criminal cases under the air act.

Law Enforcement

Choking Delhi has not registered a single case against air polluters in the last three years

Across India, only 123 cases related to violation of air pollution norms have been filed since 2014, latest data from the National Crime Records Bureau shows.

TABLE 22.1
Incidents of Environment Related Offences During 2015

S. No.	State/UT	Forest Act, 1927	Wildlife Protection Act, 1972	Environmental (Protection) Act, 1986	Air (Prevention & Control of Pollution) Act, 1981	Water (Prevention & Control of Pollution) Act, 1974	Total Environment Related Offences
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
STATES:							
1	Andhra Pradesh	177	2	1	0	1	181
2	Arunachal Pradesh	0	3	0	0	0	3
3	Assam	31	74	0	0	0	105
4	Bihar	4	0	0	0	0	4
5	Chhattisgarh	0	12	0	0	0	12
6	Goa	0	0	6	0	0	6
7	Gujarat	7	20	1	0	3	31
8	Haryana	9	10	1	0	0	20
9	Himachal Pradesh	101	12	0	0	0	113
10	Jammu & Kashmir	5	4	0	0	0	9
11	Jharkhand	198	34	0	1	0	233
12	Karnataka	135	74	1	1	0	211
13	Kerala	12	2	1	0	0	15
14	Madhya Pradesh	16	3	1	0	0	20
15	Maharashtra	18	20	46	42	1	127
16	Manipur	4	0	0	0	0	4
17	Meghalaya	0	0	0	0	0	0
18	Mizoram	0	1	0	0	0	1
19	Nagaland	0	0	0	0	0	0
20	Odisha	0	0	0	0	0	0
21	Punjab	4	1	0	0	0	5
22	Rajasthan	1828	239	3	3	1	2074
23	Sikkim	0	0	0	0	0	0
24	Tamil Nadu	14	2	1	0	0	20
25	Telangana	6	9	0	0	1	16
26	Tripura	0	0	0	0	0	0
27	Uttar Pradesh	1311	234	234	0	0	1779
28	Uttarakhand	41	14	0	0	0	55
29	West Bengal	6	50	1	3	3	63
	TOTAL STATE(S)	3927	820	297	50	10	5104
UNION TERRITORIES:							
30	A & N Islands	0	0	0	0	0	1
31	Chandigarh	0	0	2	0	0	2
32	D&N Haveli	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0
34	Delhi UT	41	8	0	0	0	49
35	Lakshadweep	0	1	0	0	0	1
36	Puducherry	0	0	0	0	0	0
	TOTAL UT(S)	41	9	2	0	0	52
	TOTAL ALL INDIA	3968	829	299	50	10	5156

ENVIRONMENT

Do You Pollute the Air? Expect a Friendly Letter From the Authorities.

You know you will be penalised for driving a car without a license. But if you spewed toxic materials into the air without a licence under environmental law, you only need to fear receiving an amiable letter.

Zero case under air pollution in Delhi reflects gap in green law enforcement

By [Vishwa Mohan](#), TNN | Dec 05, 2017, 10.25 PM IST



0 Comments



Save



Photo: AP

NEW DELHI: Delhi had seen one of the worst years in terms of air pollution last year but the city did not file a single case against anyone for violating the Air (Prevention and Control of

Severe air pollution in Delhi, still no criminal cases filed, NCRB data for 2016 shows

Delhi was not among the three states that registered criminal cases under the air act.

[DELHI](#) Updated: Dec 05, 2017 18:01 IST

 [Malavika Vyawahare](#)
Hindustan Times, New Delhi

registered in Maharashtra and two each in J

Law Enforcement

Choking Delhi has not registered a single case against air polluters in the last three years

Across India, only 123 cases related to violation of air pollution norms have been filed since 2014, latest data from the National Crime Records Bureau shows.

Public Trust: High Degree of Judicial Scrutiny

‘Public Trust doctrine *does not* prohibit alienation of natural resources held on public trust by the State for commercial exploitation by private persons – public trust doctrine provides for a high degree of judicial scrutiny of any action of state in allocating/ dispensing/ alienating natural resources held on public trust’

In re, Special Reference No. 1 of 2012 (2012) 10 SCC 1

The State is the legal owner of the natural resources as a trustee of the people and although it is empowered to distribute the same, the process of distribution must be guided by constitutional principle including the doctrine of equality and the larger public good

Centre for Public Interest Litigation v. Union of India (2012) 3 SCC 1

Probe 2 Ex-Chief Ministers In Karnataka Mining Scam, Says Supreme Court

◀ a | Reported by A Vaidyanathan, Edited by Alope Tikku | Updated: March 31, 2017 09:28 IST

Bellary Mining Case

The Supreme Court should not lie entrapped within the confines of any of the relevant statutes.The mechanism provided by any of the statutes in question would be ineffective in dealing with the extraordinary situation that has arisen on account of large scale illegalities in the operation of mines....

Samaj Parivartan Samudaya Vs State of Karnataka (2013) 8 SCC 154

‘The Situation being extraordinary, the remedy, indeed, must be extraordinary’

Samaj Parivartan Samudaya Vs State of Karnataka (2013) 8 SCC 154

BELLARY MINING SCAM



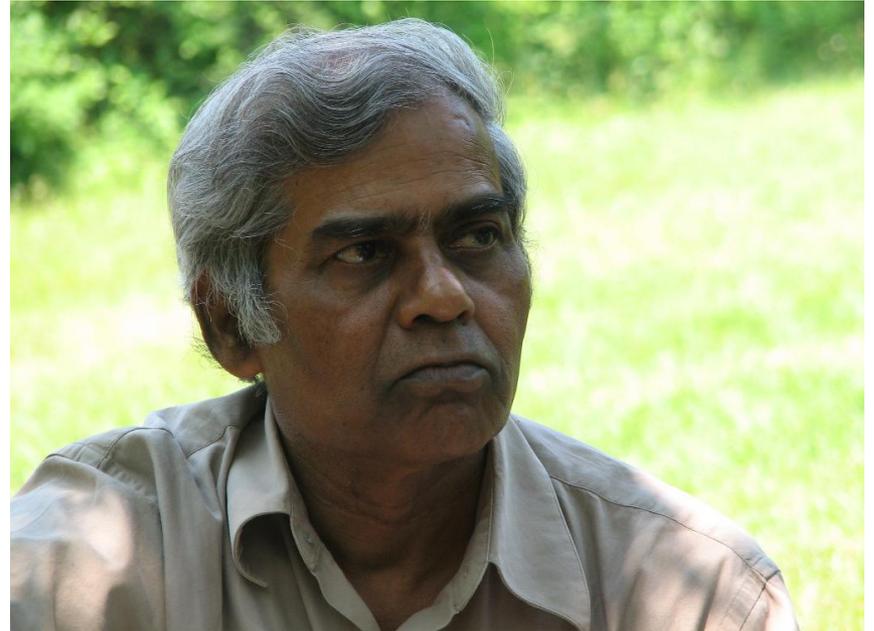
REDDY BROTHERS



The arrest of Janardhan Reddy



The Petitioner: S.R Hiremath



Coal scam: Former coal secretary H C Gupta, two other IAS officers get two years in jail

The case relates to alleged irregularities in the allocation of Thesgora-B/ Rudrapuri coal block in Madhya Pradesh to Kamal Sponge Steel & Power Ltd.



News / Magazine / The Big Story / IAS officer's conviction for corruption sends shockwaves through bureaucracy, th

IAS officer's conviction for corruption sends shockwaves through bureaucracy, threatens to paralyse government

What should ordinarily have passed off as just another judicial decree suddenly had the entire civil bureaucracy on its feet.

Arbitrariness

Misuse of
discretion

Favouritism

Diversion of
Public Funds

NATIONAL

Green tribunal cancels forest clearance for Chhattisgarh coal blocks



Nitin Sethi

NEW DELHI, MARCH 24, 2014 17:32 IST

UPDATED: AUGUST 18, 2016 15:02 IST

Jairam Ramesh reacts strongly to NGT censure over approving Adani coal mine

Former environment minister gives reasons for overruling forest advice and land diversion for mining in the Hasdeo-Arand region

 **The Indian EXPRESS**
Tuesday, December 4th 2018

Minister cannot overrule wildlife board, rules NGT

In 2012, then Environment Minister Jayanthi Natarajan overruled the views of the expert members of the NBWL standing committee and granted it wildlife clearance.



Former environment minister Jayanthi Natarajan booked by CBI, premises searched

The case pertains to clearance given for diversion of forest land in Saranda Forest, Singhbhum in Jharkhand to mining company Electrosteel in alleged violation of Forest (Conservation Act) in 2012.

INDIA Updated: Sep 09, 2017 21:11 IST

Rajesh Ahuja
Hindustan Times, New Delhi



Former environment minister Jayanthi Natarajan. (AFP File Photo)



The CBI searched on Saturday the Chennai home of Jayanthi Natarajan, the previous UPA government's environment minister, over allegations of unlawfully diverting 55.59 hectares of forests in Jharkhand for "non-forest" use.

News / India / Tamil Nadu / Jayanthi Natarajan booked in a corruption case, her premises raided by CBI

Jayanthi Natarajan booked in a corruption case, her premises raided by CBI

The CBI today raided the properties of former environment minister Jayanthi Natarajan in Chennai. The CBI has registered FIR against her in a corruption case.

Clean Energy

India diverts Rs 56,700 crore from the fight against climate change to Goods and Service Tax regime

Unused money in the National Clean Energy and Environment Fund has been diverted to compensate states for loss of tax revenue.

India diverts clean energy fund for GST compensation

by Juhi Chaudhary | Aug 25, 2017

There will be significant impact on initiatives involving decentralised renewable energy access as the central government compensates states on Goods and Services Tax from the national clean energy fund

INDIA

SC surprised over Punjab spending from CAMPA funds to pay lawyer



Amicus curiae: Lawyer helps Supreme Court on forest fund, his Punjab fees come from it too

Between July 2016 and May 2017, advocate Rao — when he was the SC amicus curiae — represented the Punjab forest department before the National Green Tribunal (NGT) to defend the state's decision to cut down trees.



Whistleblower bureaucrat Sanjiv Chaturvedi wins Magsaysay award

GN Bureau | July 29, 2015

#sanjeev chaturvedi #anshu gupta #sanjeev chaturvedi magsaysay

NEWS QUICK BYTES

Magsaysay Winner Sanjiv Chaturvedi Donates Award Money to AIIMS for the Treatment of Poor

by Tanaya Singh
September 23, 2015, 10:56 am

'Fighting corruption is like a second freedom struggle'

Centre's appraisal rating for Magsaysay award-winning civil servant: 'zero'

The court has already issued a notice to the Centre on his plea.

Moreover, he was given zero in his performance report for the same year in which he was conferred with the Magsaysay award.

GOVERNANCE **now**
LET'S MAKE IT WORK

Why a hero gets a zero

Dismal appraisal of Magsaysay winner raises questions



Pankaj Kumar | April 17, 2017 | New Delhi

Whistleblower Sanjeev Chaturvedi confined to research institute in Uttarakhand

DEHRADUN Updated: Nov 15, 2017 20:57 IST

 Nihl Sharma
Hindustan Times

U'khand HC Finds Centre Vindictive Towards Whistleblower IFS Officer, Imposes Cost Of Rs 25K, Sets Aside CAT Stay

BY: AKANKSHA JAIN | AUGUST 24, 2018 10:00 PM



There is need to minimise the scope of the arbitrary use of power in all walks of life. It is inadvisable to depend on the good sense of the individuals however high-placed they may be. It is trite to say that individuals are not and do not become wise because they occupy high seats of power, and good sense, circumspection and fairness do not go with the posts, however high they may be. There is only a complacent presumption that those who occupy high posts have a high sense of responsibility. The presumption is neither legal nor rational. History does not support it and reality does not warrant it. In particular, in a society pledged to uphold the rule of law, it would be both unwise and impolitic to leave any aspect of its life to be governed by discretion when it can conveniently and easily be covered by the rule of law.

**Delhi Transport Corporation vs D.T.C. Mazdoor Congress on 4 September, 1990
Supreme Court of India**