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As economic pressure on earth's environmental resources seems to be more pressing than the past, the world community is witnessing increasing number of socio-environmental conflicts. Primarily because, the world's most vulnerable and disadvantaged communities often live in the most degraded natural environments and have minimal rights over different environmental resources; which further limits their social and economic development. Therefore, the greatest challenge facing humanity in the 21st century is to resolve the socio-environmental conflicts and to incorporate principles of sustainability for future development discourse. The current issue of the Newsletter has its focus on socio-environmental conflict, Wastewater treatment, conflict in Manipur and discusses the dynamics of resolving these challenges.
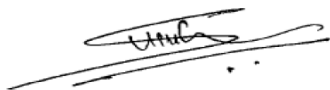
The special article by the Guest Editor, Dr. Pooja Sharma discusses the causal factors of social and environmental conflicts in developing countries like India. Further, she critically analysed the role of judiciary in addressing these conflicts in terms of judicial decisions and reforming effective laws and regulations. The author concludes that societal prosperity cannot be achieved at the cost of the environment. And therefore, sustainable development is the only answer to resolve the emerging socio-environmental conflicts.

The commentary by Dr. Shalila Raj presents the challenges of water management. The author argues in contemporary era water resources are the most abused and exploited natural resource in our planet. Particularly, the urban water bodies are increasingly turning into sewage canal or cesspool. As a solution to this growing water crisis, the author presents the concept of wastewater treatment process. The article highlights the need for conscious effort to reduce the wastage of water and to prevent the growing pollution of water resources.

Similarly, the commentary by Dr. Melody Kshetrimayum discourses the prevailing situation of conflict in the state of Manipur. The author highlights that in Manipur, conflicts exists in different form and propagate from one pattern to another with the change in the social and political system. Moreover, conflict has become part of the fabric of everyday life of people. The author suggests that there is a need to develop institutions which can provide human security and address insecurity and reconstruction.

I am sure the analysis of conflict and particularly, socio-environmental conflict in contemporary society discussed in this issue offers new thoughts for practice. International Council on Social Welfare (ICSW) has its commitment to work towards addressing these emerging societal challenges through policy practice and direct engagement.

Look forward for a better future without conflict and with sustainable development initiatives at the societal level.

P.K. Shajahan PhD
Regional President (South Asia) and Editor

SPECIAL ARTICLE

SOCIO-ENVIRONMETAL CONFLICTS IN INDIA- NEED FOR SUSTAINABLE APPROACH

Dr. Pooja Sharma

Abstract

Exposures to environmental pollution are posing a major health risk throughout the world, especially in developing countries like India, where people are more vulnerable towards adverse impact of environmental degradation due to poverty, lack of infrastructure, and weak environmental legislation. Economic globalisation has created opportunities for investment and development which has resulted in the displacement of local people and damage to the local eco- system and natural environment giving rise to socio-environmental conflicts in India. This paper analyses the social and environmental conflicts as by-product of economic development as well as critically discusses the role of judiciary in addressing these conflicts in terms of judicial decisions and reforming effective laws and regulations. Sustainable economic development along with integrated approach in addressing the disputes is suggested as epilogue recommendations.

Introduction

The environment affects mankind in a variety of ways. The interaction between human health and the environment has been extensively studied and environmental risks have been proven to significantly impact human health, either directly by exposing people to harmful agents, or indirectly, by disrupting life-sustaining ecosystems.

Exposures to environmental pollution remain a major source of health risk throughout the world, though risks are generally higher in developing countries like India, where poverty, lack of infrastructure, and weak environmental legislation combine to cause high pollution levels. In India the increasing economic development and a rapidly growing population that has taken the country from 300 million people in 1947 to more than one billion people today is putting a strain on the environment, infrastructure, and the country's natural resources. Industrial pollution, soil erosion, deforestation, rapid industrialization, urbanization, and land degradation are all worsening problems.

Overexploitation of the country's resources be it land or water and the industrialization process has resulted environmental degradation of resources. (Centre for Environmental health, n.d.)

According to the World Health Organization (WHO), 23% of global deaths and 26% of deaths among children under five are due to modifiable environmental factors. A significant proportion of the environmental disease burden is attributable to risks including poor ambient and indoor air quality, unsafe water, poor sanitation and hygiene, exposure to toxic chemicals, and climate change. According to the **Global Burden of Disease India Reports by WHO,** high blood pressure, indoor air pollution, tobacco smoking, poor nutrition, and outdoor air pollution are the five biggest killers in India. (World health organization, as cited in Centre for Environmental health, n.d.**)**

However, the nature of environmental conflicts in developing nations differs considerably from those in industrialized nations. In the latter, development has already occurred and most environmental conflicts are over how to minimize further resource destruction and how resources can be most efficiently used. But in the former, economic, social and political structures have not yet been widely

affected by environmental changes brought about by industrialization. Therefore, what is at stake in developing countries is not only the use of environmental resources, but also the very process of development. (Barbanti, 2004)

Sustainable development is defined as development that meets the needs of present generations without compromising the ability of future generations to meet their own needs. As evidence of the harm to health and well-being from widespread environmental degradation and global climate change grows, communities and governments are placing greater emphasis on assuring that economic development is achieved in a sustainable way. (National institute of Environmental Health Sciences, n.d.)

Social Implications of Economic Development

Modern India has embarked on an economic pathway to promote itself as a development juggernaut. Successive governments have focused on achieving high growth of its gross domestic product (GDP) believing it will also help the reduction of poverty and secure social and economic equality. Growth gurus argue the importance of maximising the efficient exploitation of the country's resources in order to achieve economic development. The latest economic strategy has assumed heightened significance under the leadership of India's current Prime Minister, Narendra Modi. He is known for his ability to drive change and his commitment to accelerate growth in Asia's third largest economy. (Gill, 2017*)*

Prime Minister Modi, at the 2015 United Nations (UN) Sustainable Development Summit, stated that the development process must be inclusive and sustainable resulting in benefits to all stakeholders*:*

"*Addressing the needs of 1.3 billion poor people in the world is not merely a question of their survival and dignity or our moral responsibility. It is a vital necessity for ensuring a peaceful, sustainable and just world. Our attack on poverty today includes expanded conventional schemes of development, but we have also launched a new era of inclusion and empowerment, turning distant dreams into immediate possibilities . . . We are focusing on the basics: housing, power, water and sanitation for all – important not just for welfare, but also human dignity . . . We are making our farms more productive and better connected to markets; and, farmers less vulnerable to the whims of nature . . . Nations have a national responsibility for sustainable development . . . There is no cause greater than shaping a world, in which very life that enters it can look to a future of security, opportunity and dignity; and, where we leave our environment in better shape for the next generation.....May all be happy, may all be healthy, may all see welfare.* (Firstpost, 2017*)*

In spite of these high end vision and goals, the social reality is somewhat disturbing. The paradox of converging economic development and environmental protection is creating a gloomy output for people of India. A **2015 UN report** states that, in India, nearly 300 million people live in extreme poverty and face deprivation in terms of access to basic services including health, education, water, sanitation and electricity (UN Food and Agriculture Organization 2015: 46). The **UN annual hunger report,** 'The State of Food Security in the World 2015', notes that India is home to 194 million hungry persons: a figure that surpasses China. The federal and state governments' policies and legislation to acquire for a pittance

fertile land for speculative investment, for mines and factories, for highways and expressways and the resulting urban sprawl have trapped desperate farmers in crippling debt and resulted in numerous suicides. These land-grabbing actions have detrimentally affected the livelihood of farmers and indigenous people. (*Gill, 2017*)

In 1928, 45 years before the birth of the Chipko movement, Mahatma Gandhi had said: "God forbid that India should ever take to industrialization after the manner of the West. The economic imperialism of a single tiny island kingdom (England) is today keeping the world in chains. If an entire nation of 300 million took to similar economic exploitation, it would strip the world bare like locusts." The key phrase in this quotation is 'after the manner of the West.' Gandhi knew that the Indian masses had to be lifted out of poverty; that they needed decent education, dignified employment, safe and secure housing, freedom from want and from disease. (Guha, 2013**)**

The right to a healthy environment is affected by industrialisation, modernisation and the impact of consumerism that has resulted in increased air and water pollution. According to the **2016 WHO Urban Ambient Air Pollution database,** India has 16 of the world's 30 most-polluted cities. Six Indian cities – Gwalior, Allahabad, Patna, Raipur, Ludhiana and Delhi – rank among the most polluted in the world. The levels of ultra-fine particles of less than 2.5 microns (PM2.5s) – which can cause fatal damage to heart and lungs are highest in India. In relation to water, Delhi has undrinkable water. India has the highest number of people without safe water. Nearly 76 million people have no access to a safe water supply. Approximately 140,000

Indian children die annually from diarrhoea (WaterAid, 2016)

Down To Earth and Centre for Science and Environment are releasing an annual report that discusses the connection between environment and health, and focuses on the risk factors that affect our health. Titled **Body Burden 2015,** the book lays emphasis on threats from air, water, food, forest and climate. In the words of Sunita Narain, MD of CSE "There is a very tangible link between our environment and our health. In fact, environmental degradation's first assault is on our bodies and this is one of the biggest reasons why we try to protect the environment. But the linkage is complex and is often disputed. We need to join the dots. We are often not able to take crucial decisions as we really do not know what is happening to our health and how is it linked to the environment. We don't know and so we don't care. There is a conspiracy of silence," (Narain, 2015)

Economic globalisation has created opportunities for investment and development which has resulted in the displacement of local people and damage to the local eco- system and natural environment giving rise to socio-environmental conflicts all over the world, particularly in India. Often-controversial developmental projects, such as hydropower plants and mining activities, are fuelling social and environmental conflict across India, according to the Environmental Justice Atlas. In fact, India has the most number of reported cases of socio-environmental conflict in the atlas. (Dasgupta, 2016)

The EJAtlas, which is an online interactive map, documents cases of people's resistance against projects like mining, hydropower plants, disposal of toxic waste, and improper water management.

An initiative of the European Commission-supported EJOLT project (Environmental Justice Organizations, Liabilities and Trade), EJAtlas aims to make ecological conflicts more visible and highlight the structural impacts of economic activities on the most vulnerable populations. The mapping project began in 2012 and is a work in progress. So far, It has catalogued 220 cases of socio-environmental conflict in India, highest among the 133 countries in the atlas. Colombia is second in the list with 116 cases of conflict, followed by Nigeria, which has 71 conflict cases. (Das. 2015)

The EJAtlas maps environmental and social conflict cases across 10 main categories, including nuclear power plants, extraction of mineral ores and construction material, conflicts arising from improper waste management, water management, industries, fossil fuel extraction, biodiversity conservation and tourism recreation.(ibid). This figure identifies the environment conflicts and resistances in India, which are located across the country in almost every state and union territory.
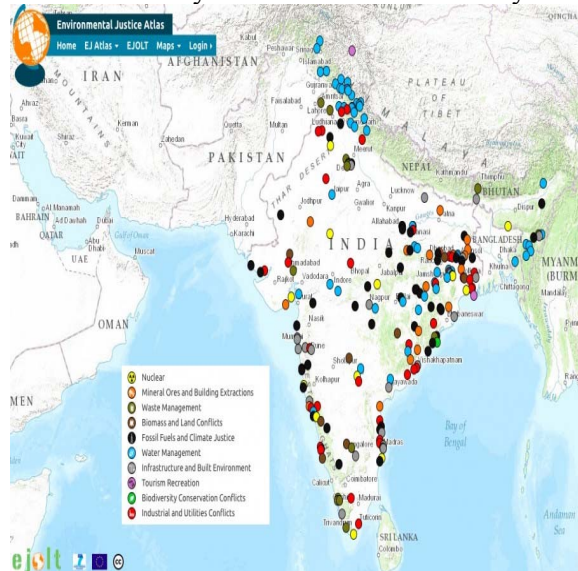
Source- Map from EJAtlas (ejatlas.org, n.d.)

According to the Joan Martinez Alier, coordinator of the EJAtlas, and a professor at the University of Barcelona,'"We are adding about 400 new conflict cases every year, and in February 2016 we reached a total of 1700 cases. Although incomplete, the atlas has "sufficient number of cases to draw some general conclusions. Many areas in India, he added, have a good coverage of conflict cases." He attributes the large number of conflict cases in India to the country's increasing economic metabolism. "More materials and energy are entering the economy," he said. There are therefore many environmental conflicts in India related to the extraction of materials and also waste disposal." (Dasgupta, 2016)

Competing claims over water and forests, in particular, are now a visible presence on the social landscape. They arise, typically, when one group of resource users - for example, industry or commercial farmers - is seen as violating (often with the aid of the state) a prior claim of another set of resource users - for example, subsistence peasants or tribals. With the resources in question becoming increasingly scarce owing to environmental degradation, these conflicts seem certain to intensify. (Gadgil & Guha, 1994).

There have been a number of conflicts in India between local communities and drinks companies abstracting water. Three examples involve bottling plants of Coca-Cola, which led to deterioration in groundwater levels, so that local people, in particular farmers, were left with less water for their own needs.(Responsible Research, 2010)

Groundwater impact of three Coca-Cola bottling plants in India

Location Change in groundwater levels	10 years prior to Coca-Cola bottling operations	10 years since Coca-Cola bottling operations
Mehdigani	+7.95 metres	-7.9 metres
Kala Dera	3.94metres	-25.35metres

Source: India Resource Centre

Coca-Cola opened a bottling plant at Palakkad, Kerala, in 1999. There were complaints and protests from the local community that the plant was using excessive amounts of groundwater, causing depletion and contamination in local wells. These protests were taken up by the panchayat. The panchayats – local councils– which are a distinctive feature of government in India, are responsible for regulating the use of local resources, including water. In many parts of India panchayats are weak bodies, but in Kerala there has been a deliberate political effort by the State to decentralise money and power to these bodies, providing the elected representatives with both training and professional volunteers to support their work, as well as a system of participatory planning and budgeting. In the case of the Palakkad bottling plant, the Perumatty Panchayat which covered the

area, filed a Public Interest Litigation (PIL) in the Kerala High Court, which ruled in the panchayat's favour. As a result, Kerala's Minister for Water ordered the closure of the plant in 2004. It has not been allowed to re-open, as long as the panchayat continues to withhold permission.(Hall & Lobina, 2012)

The production of drinks also produces waste sludge which pollutes the environment unless properly treated. In Palakkad, Coca-Cola tried to dispose of waste by offering it as a 'free fertiliser' to local farmers. It was found to be useless as a fertiliser, and contaminated with toxic chemicals including lead and cadmium. The company only stopped distributing its waste when ordered to do so by the state government. The state of Kerala also appointed a High Power Committee of experts to investigate civil and criminal claims against Coca-Cola, which concluded that the company had depleted water resources, caused environmental damage, and could be held responsible for causing economic losses to local residents totalling Indian Rupees 216 crore (US$ 48 million), that a special claims tribunal should be set up to facilitate such claims, and that Coca-Cola had breached a number of laws. The state government then passed a law to create the tribunal. (Drew, 2008)) Coca-Cola opened another bottling plant in Kala Dera, Rajasthan, in 2000, although the area's groundwater reserves had already been declared to be 'over-exploited' in 1998. A report by the Energy and Resources Institute (TERI) in 2008 noted that "The Company's assessment of water availability in the vicinity of a bottling operation should be from a perspective that is wider than business continuity..... Siting policies need to recognize and respect the existing (formal and informal) riparian rights. For instance, the informal rights of the farmers to extract

groundwater for irrigation need to be respected. "It specifically condemned the opening of the plant at Kala Dera, and recommended closure as "the plant's operations in this area would continue to be one of the contributors to a worsening water situation and a source of stress to the communities around." The report also noted that: "the state governments in India have not been able to value their water resources appropriately. The water use charges levied by various state governments render this important input into the production process virtually free". Groundwater levels fell a further 3.6 metres between 2009 and 2010. (TERI, 2008)

Several campaigns and demonstrations followed the publication of a report issued by the Indian NGO Centre for Science and Environment (CSE) in 2003. The report provided evidence of the presence of pesticides, to a level exceeding European standards, 25 in a sample of a dozen Coca-Cola and PepsiCo beverages sold in India.26 With that evidence at hand, the CSE called on the Indian government to implement legally enforceable water standards. The report gained ample public and media attention, resulting in almost immediate effects on Coca-Cola revenues. The main allegations made by the NGO against Coca-Cola were that it sold products containing unacceptable levels of pesticides, it extracted large amounts of groundwater and it had polluted water sources. 27 The above case involves Coca-Cola, but other companies have similar impacts. For example, nine out of 34 PepsiCo bottling plants in India were operating in areas officially designated as water-stressed ('overexploited', 'critical' or 'semi-critical'). (BBC, 2011, Sep 13)

In March 2016, the Minister of Environment and Forests, Prakash Javadekar stated his ministry granted environmental clearance (EC) to 943 projects in 21 months (Indian Express, 2016, March 31) for 'ease of doing businesses and to create a conducive environment for investors. However, evidence suggests that regulatory environmental laws and procedures were ignored or short-circuited in the race for economic returns**.** (Gill, 2017) Errors include failure to provide mandatory documentation, inadequate stakeholder participation, and deliberate concealment or submission of false or misleading information for the EC process. A study by the **Centre for Science and Environment,** a Delhi- based research and advocacy organization, stated, between June 2014 and April 2015, 103 mining projects and 54 infrastructure projects were granted ECs. The coal- mining sector was a special beneficiary as projects were allowed in critically polluted areas via a diluted public hearing requirement. (CSE, 2016, May 26) The data showed that 'projects were being cleared and processes were made so convoluted that they stopped working to protect the environment'.18 These developmental and infrastructure projects result in the displacement of the marginalized, the poor and in particular the tribal population. The 'backwash effects' (Mohanty, 2011) of displacement, deforestation, loss of agricultural land and environmental degradation led to further exclusion of the tribal poor from mainstream society rather than aspirations integration. The primary thrust of state agencies to pursue an economic development model accommodates corporate interest and manipulates and subverts laws and safe- guards that protect the rights of the tribal poor and marginalized. (Gill, 2017)

Role of Jurisdiction in addressing the conflicts

Around the world, environmental regulation is one of the key public services that governments provide to their citizens. While these regulations impose costs on businesses and households by requiring them to dispose of pollution in a responsible way, in return they promise better health, a cleaner environment and other related benefits. India is no exception. It has an impressive number of environmental regulations, centred on the original Water Act of 1974 and Air Act of 1981, to deal with increasingly hazardous pollution levels. Moreover, India has an extensive network of government offices (both at the national and state level) that are designed to implement these regulations. Yet public opinion on the effectiveness of these regulations has not always been positive. There are countless newspaper articles or reports detailing the ineffectiveness of these regulations, as well as accusations of the mismanagement of funds earmarked for these purposes, ranging from underuse and incorrect reporting to diversion of funds. (Greenstone & Hanna, 2012).

The government has recognized the need for planned land and water resource management and the protection of environmental resources is included in the constitution since 1976. The constitution, 42[th]amendment act of 1977 obligates the Government to protect and improve environment for the good of society as a whole. It also makes an environmental protection an obligation of the state and individual citizen and reads, "The state shall Endeavour to protect and improve the environmental and to safeguard forests and wildlife of the country." Article 51-A (9) states "It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures." A lot of Acts like

Biodiversity Conservation Act, environment Protection Act, Wildlife Preservation Act, Water Pollution Prevention Act, Air Pollution Prevention Act etc. are enacted from time to time for environment preservation. (Sudhakar, 2015, June 5)

Prior to 1980s, only the aggrieved party could personally knock the doors of justice and seek remedy for his grievance and any other person who was not personally affected could not do so as a proxy for the victim or the aggrieved party. But around 1980, the Indian legal system, particularly the field of environmental law, underwent a sea change in terms of discarding its moribund approach and instead, charting out new horizons of social justice. This period was characterized by not only administrative and legislative activism but also judicial activism. (Bagai, 2015)

In the 1980's two remarkable developments in the Indian legal system provided a strong impetus to judicial activism in India. There was a broadening of existing environmental laws in the country and judicial activity through public interest litigation began in earnest in India. These two developments gave more scope to citizens and public interest groups to prosecute a corporation or a TNC (Transnational Corporations) which violates environmental norms. (lal & Jha, 1999).

Until the enactment of **Environment Protection Act of 1986**, prosecution under Indian environment laws could only be done by the government. Public interest groups or citizens had no statutory remedy against a polluter who discharged an effluent beyond the permissible limit. But under the Environment Protection Act1986, Section 19, a citizen can prosecute any company provided a 60-day notice is given of her/his intention to

prosecute. Other provisions allowing citizens to participate in the enforcement of pollution laws are now found in Section 43 of the **Air Act**, as amended in 1987, and in Section 49 of the **Water Act** as amended in 1988. Both these Amendments require the Pollution Control Board to disclose internal reports to citizens seeking to prosecute a polluter. (Ibid)

There has also been an expansion of citizens' participatory rights in public interest litigation (PIL). Traditionally only an individual who had her or his rights violated could seek remedy under PIL. This meant that a person wishing to prosecute had to show that he/she had suffered some special injury over and above other members of the public. Thus, cases of air or water pollution were difficult to redress. Now, however citizens can challenge environmentally harmful actions even though they may not suffer any greater harm than others. The closure of limestone quarries in the Dehradun district of UP, as well as polluting tanneries along the Ganges is important landmarks in the history of India's public interest litigation. In a landmark decision in West Bengal, the Green Bench of Supreme court ordered the closure of 30 large industries, including 9 TNCs, wherein the court enforced the non-exercised Environmental (Protection) Act, 1986, to impose daily fines upon the defaulting companies till they installed pollution abatement equipment. One distinct advantage of injunctive relief is that it gives Courts the freedom to innovate upon their decision depending upon the gravity and specific nature of the case. This enables courts to order prompt remedial measures and suggest broad guidelines to future policy making.(Ibid)

The formulation of certain principles to develop a better regime for protecting the environment is also a remarkable achievement. In the Bhopal Gas case, the Supreme Court formulated the **doctrine of absolute liability** for harm caused by hazardous and inherently dangerous industries by interpreting the scope of the power under Article 32 to issue directions or orders which ever may be appropriate in appropriate proceedings. In one of the earlier cases, Rural Litigation Kendra, that posed an environment development dilemma, Supreme Court gave directions that were necessary to avert an ecological imbalance, such as constitution of expert committees to study and to suggest solutions, establishment of a monitoring committee to oversee afforestation programmes and stoppage of mining operations that had an adverse impact on the ecology. (Bagai, 2004)

There are several cases where courts had shown the concern over the rights of livelihood and clean environment together. In **CERCs case**, Labourers engaged in the asbestos industry were declared to be entitled to medical benefits and compensation for health hazards, which were detected after retirement. Whenever industries are closed or relocated, labourers losing their jobs and people who are thereby dislocated were directed to be properly rehabilitated. The traditional rights of tribal people and fisherman are not neglected when court issue directions for protection of flora and fauna near sanctuaries or for management of coastal zones.

The right to humane and healthy environment is seen indirectly approved in the MC Mehta group of cases, decided subsequently by the Supreme Court. The first MC Mehta case enlarged the scope of the right to live and said that the state had power to restrict hazardous industrial activities for the purpose of protecting the

right of the people to live in a healthy environment. Although the second MC Mehta case modified some of the conditions, the third MC Mehta case posed an important question concerning the amount of compensation payable to the victims affected by the leakage of ileum gas from the factory. The Court held that it could entertain a petition under Article 32 of the Constitution and lay down the principles on which the quantum of compensation could be computed and paid. This case is significant as it evolved a **new jurisprudence of liability** to the victims of pollution caused by an industry engaged in hazardous and inherently dangerous activities. It started with the strict liability principle followed by the absolute liability principle and then compensation under Article 32 and finally the polluter pays principle. (Ibid)

The **Polluter Pays Principle** involves that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of Sustainable Development and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost to the individual sufferers as well as the cost for reversing the damaged ecology. (ibid)

Sometimes environmental issues especially those related to pollution can be extremely scientific in nature, for which court needs specific experts. The courts were having difficulties in handling such technical issues and choosing among the different scientific options available to deal with problems. Each option has different social implications associated with it. (Dutta, 2003)

In the Shriram Gas leak case the Supreme Court observed;

"...there is an increasing number of cases based on environmental pollution and ecological destruction coming up before the courts. Many such cases concerning the material bases of the livelihood of millions of poor people are reaching this Court by way of public interest litigation. In most of these cases there is a need for neutral scientific expertise as an essential input to informed judicial decision-making. We felt the need of such expertise in this very case and we had to appoint several committees to inform the Court as to what measures were required to be adopted....we had great difficulty in locating independent experts who would be able to advise the Court on these issues. ....we had to make an effort on our own to identify experts who would provide reliable scientific and technical inputs necessary for the decision in the case and this was obviously a difficult and by its very nature, an unsatisfactory exercise. It is therefore absolutely necessary that there should be an independent centre with professionally competent and public-spirited experts to provide the needed scientific and technological input in such cases. We would in these circumstances urge the Government of India to set up an Ecological Sciences Research Group consisting of independent, professionally competent experts in different branches of science and technology, who would act as an information bank for the Court or the concerned government department[10].

Source- M C Mehta V/s Union of India, 1986 (1) Scale 30

This concern over the year paved the path of establishment of **The National Green Tribunal i**n 2010 under the National Green Tribunal Act 2010 for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. It is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues. The Tribunal is not bound by the procedure laid down under the Code of Civil Procedure, 1908, but is guided by principles of natural justice.

New Delhi is the Principal Place of Sitting of the Tribunal and Bhopal, Pune, Kolkata and Chennai shall be the other four places of sitting of the Tribunal. . (Sudhakar, 2015)

The involvement of technical experts in decision making promotes better environmental results while simultaneously recognizing the uncertainty in science. India's record as a progressive jurisdiction in environmental matters through its proactive judiciary is internationally recognized. The neoteric National Green Tribunal of India (NGT) is a forum which offers greater plurality for environmental justice. The systematic review by the NGT is resulting in critical judgments. For example, the NGT Delhi bench imposed a ban on all diesel vehicles older than 10 years and prohibited vehicles over 15 years old from plying on the capital's roads. The response of Chief Justice H.L. Dattu to the appeal was: 'One tribunal is trying to do something which is good for people. Let us assist them and not discourage them, We are not interfering with their order'.(The Financial Express, 2015, April 20) Subsequently, the Supreme Court upheld the NGT order to limit the entry of tourist vehicles that did not have pollution certificates to the glacial Rohtang Pass, known as the 'Crown Jewel of Tourism in India'.(The Economic Times, 2015, May 26) In 2014 the Supreme Court upheld the decision of the NGT to cancel an inadequately prepared EIA. The result was that the proposed Aranmula International Airport in Kerala was stalled. (Rawjgopal, 2014)

Conclusion

The socio-environmental conflict resolution in developing countries is more challenging than it is in industrialized countries. There are many more issues tied up in the environmental concerns. One

cannot just address the environmental issues in isolation. One must address them within the greater social, political, and economic structural framework and one must consider the vast diversity present in all of these dimensions. (Barbanti, 2004)

In developing countries like India, environmental issues and conflicts are only another form of economic conflict. Here environmentalism is interlinked with survival and livelihood options of the masses. In the words of Ramchandra Guha and Madhav Gadgil, "Clearly, in the Indian case environmental degradation and the ensuing resource shortages directly threaten survival and livelihood options. ..environmentalism has its origins in conflicts between competing groups-typically peasants and industry over productive resources. By contrast, environmental conflicts in the West have characteristically emerged out of threats to health and leisure options. The forces for environmental destruction are, in cases, overwhelmingly state agencies and private enterprise. In one scenario, intensification of resource use undermines existing but subsistence-oriented economic activities, while in the other it poses a threat to the health or amenities of local communities. In advanced industrial societies, quality of life issues such as environmental protection, have somewhat displaced economic conflicts as the motivating factor behind collective action; while in the 'developing' world, environmental conflict is, for the most part, only another form of economic conflict. "He continues, 'environmental degradation has been, in terms of its human consequences, a far more serious issue in India, as in most of the Third World generally. For in the Western world, the destruction of the environment has had an adverse impact primarily on health and on natural habitats valued for reasons of science, aesthetics or

leisure, whereas in the poorer countries it has in addition gravely undermined the life chances of millions of rural (and urban) households. With the environment becoming a major theme in global politics, there is more need than ever for a fuller understanding of the social roots of environmental concern: of its origins, motivations and forms of expression in different countries and social systems. (Gadgil & Guha, 1994). When conflict emerges, other difficulties also take place. Public bureaucracy is also one of the main sources of conflict in India. The lack of efficient, transparent and accountable public administration makes it very difficult to negotiate with state governments. Frequently, this is because of corruption. To reduce such difficulties, state governmental structures must be reformed to reduce corruption and better meet the needs of local communities.

Although, the judiciary in India has been a partner with civil society groups and concerned citizens in safeguarding India's rich biodiversity as well as guaranteeing a clean and decent environment for the people. It has played the difficult role of balancing the need to preserve the environment and the need to facilitate development. Yet, in its attempt to do so it has been partially successful. Many environmentally damaging projects could not be stopped by the courts despite stiff opposition from affected people. There is no means for any law, unless it's an effective and successful implementation, and for effective implementation, public awareness is a crucial condition. Therefore, it is essential that there ought to be proper awareness. (lal & Jha, 1999)

The society shall have to prosper, but not at the cost of the environment and in the similar vein, the environment shall have to be protected but not at the cost of development of the society. The need of the hour is to strike a balance between the two i.e., development on one side and pollution free environment on the other. A process by which development can be sustained for generations by improving the quality of human life while at the same time living in harmony with nature and maintaining the carrying capacity of life supporting eco-system. It focuses at integration of developmental and environmental imperatives. Thus, sustainable development is the only answer and administrative actions ought to proceed in accordance therewith.

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COMMENTARY

TURNING WASTEWATER INTO WATER

By Dr. Shalila Raj

What does water mean to us? Other than the understanding that it is an indispensable element for our survival do we attempt to understand our approach towards water use? Most of us do not think beyond the moment it goes down the sink, bathroom, toilet, or yard wherever it is used. It is a pity that we do not bother to assess the significance water has in our daily life. If we try to make an inventory of water use then the list is endless; drinking, washing, cooking, cleaning and mopping, flushing, bathing, and number of other activities. The amount of water used varies as per the population, age of the individual, socio-economic status, size of family, hygiene practices, outdoor water use for agriculture or gardening, use of water appliances, availability/supply of water, quality of water, geographical location, and other aspects (Fan et al. 2013; Committee on Sustainable Water Supplies in the Middle East 1999).

What makes water so important? The vitality of water is clear from its presence in the human body which constitutes approximately 60 percent of its body weight (Hanslmeier 2011). It is impossible for human beings to survive without water even for a few days. In this context, it is presumed that water should be treated with care and compassion. However, in reality water resources are the most abused and exploited compared to any other natural resources. Severe water pollution is a grappling issue for the state. Among the pollutants, untreated wastewater discharge into fresh water bodies is a significant contributor towards environment degradation and severe public health issues (CPCB 2009). Most of the urban water bodies are turning into sewage canal or cesspool. Waste is indifferently dumped into the rivers, streams, or ponds without considering the dire consequences it has on environment, marine life, and public health. Dumping wastewater into the water bodies or environment has become a routine. We give the justification of lack of space or infrastructure for disposing wastewater. In this context, wastewater treatment is something that appears as a feasible solution.

What is wastewater treatment? It is a process of removing contaminants from the used water before discharging it into environment or reusing for any non-potable activities (Corcoran et al. 2010). To a certain extent wastewater treatment safeguards the environment and protect public health. However, this process is not as simple as it sounds. For years we believed that the water bodies have the ability to dilute the waste, so we kept dumping anything and everything into it. Unfortunately, we forgot the fact that the amount of waste could exceed the capacity to dilute. At present, the amount of waste discharged into the river is beyond its ability to treat or dilute. The socio-cultural and economic context also has a role in our attitude towards water bodies. Rituals, beliefs, practices have an influence on our perception on water. It is difficult to alter certain attitudes and approaches as they are deeply imbibed in our mind. However, we live in a time where potable water resources are depleting due to natural causes as well as human actions. Since water is a scarce resource now, it is necessary to identify ways to counter water crisis due to pollution as well as depletion. Discharge of treated wastewater into the rivers or sea is a better option to reduce pollution as it decreases the pressure on the water body. Protection and preservation of existing water resources and recharge of ground water will help in improving the water table level.

In India, the urban wastewater generation over the period of time has increased due to exorbitant population growth and rapid urbanization. Urban areas record high water consumption pattern though water supply is inadequate (Shaban and Sharma 2007). Therefore, wastewater generation and discharge is high in urban areas. The sewage or wastewater generated in cities is generally collected by the municipality to dispose of safely after treatment. However, infrastructure to collect all the sewage generated in cities is inadequate. Developing countries lack adequate resources for collection and disposal of wastewater (Drexhage and Murphy 2010). On the other hand, studies show that inadequate sanitation facilities in cities raises health and hygiene concerns (Shaban 2008).

Appropriate infrastructure facilities for collecting the wastewater from all the buildings in an area is the first step in wastewater management. In cities, there are drains to channel wastewater from households, commercial enterprises, schools, colleges, and others to collection points from where it is disposed after removal of solid wastes and silt. In rural areas, most of the wastewater treatment techniques are natural ponds or wetlands as per the availability of wastewater and land (Massoud et al. 2009). The treated wastewater can be used for various non-potable activities depending on the quality of reclaimed water. However, reuse of treated wastewater is considered as a last resort.

Though the process of wastewater treatment sounds systematic, the successful implementation of it depends on various aspects. The capital investment for constructing wastewater treatment plant is high, so is the operation and maintenance cost. The involvement of stakeholders in the process of wastewater treatment is minimal. Community participation depends on the sociocultural and geographical context of the wastewater treatment plant. Inadequate resources, poor social awareness and acceptance, institutional limitations, lack of stakeholder participation, sociocultural beliefs, and absence of technical guidelines are some of the issues pertaining to wastewater management.

There is a gap in wastewater generated and treated, for example in Mumbai sewage generated is 2671 million litres per day and treatment capacity is 2130 million litres per day (ENVIS 2016). We have data that shows the status of domestic wastewater treatment. However, the extent of industrial effluent discharge into rivers is yet to be ascertained. The dilemma is in identifying effective ways to bridge the gap in wastewater generation and treatment. Nevertheless, wastewater treatment can be considered only as a remedial measure for reducing water pollution. Improving infrastructure alone will not be sufficient to tackle the issue of wastewater.

The focus should be to reduce wastewater through conscious use of water. Sensitizing people regarding the ill effects of wastewater discharge is essential. Joint efforts of people, private organizations, industries, educational institutions, local and state governing bodies, and policy making for effective wastewater treatment and reuse is the need of the hour. Sustainable wastewater management should focus on promotion of public health, reduction of environment degradation, protection of natural resources, and identification of utility for treated wastewater (Milman and Short 2008). Sustainable development goals by United Nations have recognized the need for wastewater treatment and reuse to reduce water stress. What we need is a conscious effort to reduce the wastage of water and protect our water resources for us as well as for future generations.

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COMMENTARY

LIVING WITH CONFLICT IN MANIPUR

By Melody Kshetrimayum

Conflict in any form creates fear and insecurity among people. Conflict can be described to mean a form of relating or interacting where we find ourselves (either as individuals or groups) under some sort of perceived threat to our personal or collective goals (Miletic & Bretherton, 2016). The worst form of conflict is armed or violent conflict and it creates fear, and insecurity. In addition to fear and insecurity, people living with armed conflict become vulnerable with shortage of resources, and power, and sometimes, their very existence as human beings is threatened.

Jacob (2014) in his study based in Myanmar and Cambodia demonstrates that in states that have been heavily militarised for decades, and where security forces have served to preserve the political power of elites, routine and institutional practices within the security sector continue to produce insecurity for civilians. India is also militarised for the last three to four decades in the state of Jammu and Kashmir, Chhattisgarh, Jharkhand, Odisha, Bihar, Andhra Pradesh, Maharashtra and West Bengal, Assam, Nagaland, Meghalaya and Manipur. According to De Jong et al. (2008) study in two districts of Jammu and Kashmir with 510 respondents reported exposure to crossfire, round up raids, witnessing of torture, rape, self-experience of force labour, arrests/kidnapping, torture and sexual violence. A study in Kashmir conducted by the International Union for the Scientific Study of Population, IUSSP (2009) reported cases of mental health disorders (depression, anxiety and Post Traumatic Stress Disorders) due to armed conflict and an increased psychiatric morbidity from nine percent in the pre-

militancy days to twenty five percent in 1995.

Conflict creates a sense of insecurity that makes people no 'freedom from fear', 'freedom from violence', and 'freedom from humiliation and indignity' from people and places them in a situation that is distressing and traumatic. These situations threaten their human security. The International Institute for Democracy and Electoral Assistance, IIDEA (2006) emphasises the concept of human security as the protection of people from grave threats to their lives, safety from harm and violent conflict, and empowerment against such social threats as disease or crime.

In Manipur, conflicts exist in varied forms in Manipur and propagate from one pattern to another with the change in the social and political system. Conflict has become part of the fabric of everyday life of people. The activities and consequences of militarism and militarisation have affected individuals, communities, institutions, and social, political and economic aspects. According to South Asia Terrorism Portal (2014), there are six proscribed insurgent groups, twenty four inactive insurgent groups and nine active insurgent groups in Manipur itself. The activities of these groups have affected people's occupation, movement from one place to another, access to resources and institutions. In addition, the threat created by counter-insurgency operations of the army and state police personnels have only added to people's misery.

The Armed Forces Special Powers Act (AFSPA) that have been operating in the entire Manipur state since 1980, is violating and threatening people's freedom

from fear, freedom from violence, and freedom from humiliation and indignity from people. Arresting without warrant, beatings, kidnappings (read arresting and making youths disappeared from their custody), manhunts, killings, rapes, and so on are common. Women are treated like with indignity and are chased, beaten, pushed, abused and fired upon by police personnels during protests. Mukherjee's study (2014) in Manipur found that people's human rights to live without fear is violated due to extra-judicial killings, extra- judicial deprivation of liberty of village people because of groupings of villages/villagers, illegal imposition of curfew and detention for long periods at army posts and campuses, the use of churches and schools as detention or interrogation centres, rape and sexual harassment and intimidation of women, giving electric shocks, depriving people of food, sleep and water, threats to shoot, interrogation at gun point, desecration of churches, forced labour, large- scale looting of homes and granaries. People live in a war like situation everyday. Following such incidents, curfews, protests and bandhs are called that paralyses the everyday life of people. Constantly being in a conflict situation leaves people impaired physical and mental well-being. They feel fear, insecured, and humiliated at their own homes, communities and workplaces. People suspect anybody with odd behaviour and alert so that they can act fast when unwanted activities happen.

The root cause of armed conflict in Manipur lies in its history when it was forcefully merged with India in 1949. Since then, human security has been denied to people. Denial of human security by the state has led to numerous movements, protests, and agitations across the state. Women collective, *meira paibi* has been instrumental in organising such mass protests and movements. People have retaliated in various forms to bring peace

in the state. The government has turned a blind eye to people's insecurity and has been deploying AFSPA for more than three decades and still now (July 5, 2017), there is no consideration for removal. The Central government will review state governments' comments and decide but the comments are predictable.

Social relationships and networks are interrupted among people whose relationships were erstwhile strong and reciprocal. Community values are degraded due to lack of trust. Families do not have access to basic resources and institutions and therefore, disintegrates during conflicts and eventually, they develop a sense of uncertainty and insecurity. Localities are displaced during armed conflict, as people flee in search of safe place. Identity formation of children and youths is influenced by their traumatic experiences. Youths are often target groups and are the main victims of armed conflict. On the other hand, absence of recreational activities, opportunities and resources makes some of them inclined towards acts of insurgency. Livelihood options are severely affected. Psychological well-being of people is affected due to the traumatic experiences during conflict. They suffer from anxiety, depression, and stress due to trauma. These situations coupled with the lack of state and central government sectors to intervene and protect the people, has left people helpless.

There is no efficient channel through which people can avail security. They are not provided with the basic minimum protection and security that an individual need to protect himself from grave threats. As a result, people have no freedom from fear, freedom from violence, and freedom from humiliation, and indignity in Manipur. People are helpless and vulnerable. While one can understand that human security is threatened due to presence of fear, violence, humiliation and indignity, it is necessary to understand this

concept from the socio-political view keeping the Manipur context as its base. Protection of civilians is not an apolitical act, but necessitates the identification of the overarching security logic of states that is both implicated in the production of insecurity and a site of political contestation in the protective practices of key security actors (Jacob, 2014) .

Although the problems are increasing, people do not receive any protection measures from the government. Government and non-government institutions should provide job opportunities and recreational spaces for advancement for youths, and make them engaged in constructive socialisation. There is need to develop institutions to provide human security and address insecurity, and reconstruction. It requires assessments of forms of threats that people received and the causal factors of those threats. People's perspectives should be the focus of the measures.

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NEWS AND EVENTS

4th International Conference on Poverty and Sustainable Development (ICPSD 2017)

Conference, 5th to 6th December 2017
Colombo, Western, Sri Lanka

4th International Conference on Poverty and Sustainable Development (ICPSD 2017) will be held on 05th – 06th December, 2017 in Colombo, Sri Lanka under the theme of "Strategies for meeting SDGs: Ending poverty in all its forms everywhere"

Organized by: The International Institute of Knowledge Management
Deadline for abstracts/proposals: 12th September 2017

Website: http://povertyconferences.com/
Contact person: Ms. Gayumi De Costa

11th Annual Poverty and Social Protection (PSPC 2018)

Conference, 9th to 11th March 2018
Bangkok, Thailand

11th Annual Poverty and Social Protection Conference will take place from 9-11 March 2018 and will gather scholars, governmental officials, policy makers, social workers and international organizations representatives from over 40 countries worldwide

Organized by: Tomorrow People Organization
Deadline for abstracts/proposals: 1st February 2018

Website: http://www.pspconference.org
Contact person: Vladimir Ilic

AUTHOR GUIDELINES

The newsletter welcomes articles and commentaries on topics such as social welfare, governance, social policies, social protection, peace, and human security, with focus on South Asia. It encourages scholars and practitioners to write articles from their research work, academic papers, and field experiences. The newsletter strictly follows APA referencing style. It shall be the responsibility of the author(s) to ensure appropriate citations and referencing as per standard referencing rules. The selection of article and commentary would be primarily based on the quality of the manuscript andits relevance to the contemporary subjects and fulfilling the objectives of the newsletter. We request contributors to submit original articles and take due care in aspects such as methodology, theoretical discussion, clearer flow of arguments, and diplomatic language.

For Special Articles

The word limit is between 5000 and 6000 words (including abstract, keywords, and references). The author(s) should submit the article in MS Word format. It should have a cover page specifying aspects like title, author(s) name(s), affiliated institution, communication address, and short bio (of 100 words). Article should have an abstract of not more than 150 words and five keywords. In case of multiple authors, the first author will be considered as the corresponding author. A letter of authorisation from all they authors to agree to the order in which the names appear will have to besubmitted along with the article.

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The word limit for commentary is between 1000 and 2000 words. The author(s) should submit the article in MS Word format. It should have a cover page specifying aspects like title, author(s) name(s), affiliated institution, communication address, and short bio (of 100 words).

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The manuscript received will be reviewed by the Editor and the Guest Editor. The accepted manuscript may undergo a process to fit within the policy outline of this newsletter. The Editor and the Guest Editor will provide inputs to the author(s) and it is the responsibility of the author(s) to make the necessary corrections. The decision of the Editor will be the final. All the communication will be carried out through e-mail.

Communication

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