

INTERVIEW OF AN ENVIRONMENTAL LAWYER FROM INDIA

# 'Judiciary played a vital role in protecting urban environment'



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*Ritwick Dutta is a young environmental lawyer and activist from India. He has been practising at the Supreme Court of India since 2001. His focused areas include forest and wildlife issues. He has taken a number of cases to the Supreme Court and the High Court challenging destructive activities in national parks and sanctuaries. He has also moved cases of faulty environmental impact assessments and lack of public consultation to Central Empowered Committee and National Environmental Appellate Authority. Ritwick has authored more than ten books on environmental laws, includ-*

*ing the recent "Supreme Court on Forest Conservation" and "The Citizen's Guide for Participation in Environmental Decision Making."*

Ritwick Dutta, who came to Dhaka to attend a two-day South Asian regional workshop on protection of forest and forest dwellers, talked to The Daily Star on June 17 on judicial activism in protecting forests and particularly urban environment in India.

He cited a number of landmark cases and the role of the Indian judiciary for protection of fast depleting natural environment.

Dutta said the judiciary of India has played a very vital role in a number of cases in protecting forests and natural environment of urban areas. Judicial activism in this regard started in

the wake of public outcry for protection of urban environment in particular.

It was the insistence of the Supreme Court of India that expedited conversion of the entire public transportation system in Delhi into adaptation of environment-friendly compressed natural gas (CNG) to reduce air pollution.

Shopping mall culture, housing projects and holding mega sports event are putting tremendous pressure on the last remaining open spaces, green parks and flood plains in and around the major cities, he said.

Dutta believes that setting up more and more shopping malls and hosting short-lived mega sports events destroying green and open patches is something that developing countries cannot afford at the cost of urban environment.

The Delhi Ridge, a forest area of 7,000 hectares in the Indian capital, for example, has recently been encroached by different authorities. A shopping mall was constructed last year on an area of 90 hectares of land in the Ridge.

The army has taken 300 hectares where construction of a housing project is going on.

The Delhi Development Authority (DDA) itself has occupied 325 hectares for a proposed housing project, said Dutta.

The Ridge is crucial for groundwater recharge because of its geological formation. It percolates 3 billion litres of water into the aquifer every monsoon. According to the report of Geological Survey of India (GSI), underground layers of the

Ridge area is formed with quartzite rocks and it is one of the best recharge areas.

Dutta mentioned that a nursing home was set up at a public park in Bangalore. Following a petition, the SC directed the authorities to stop the construction, observing that if they destroyed public parks and open spaces, they would require more and more hospitals.

He said M.I Builders built an underground shopping mall at a public park in Lucknow in Uttar Pradesh. When the issue was taken to the court, the SC of India ordered demolition and removal of the establishment, observing that the municipality trustee is entrusted with only maintenance of public parks and not to use them for commercial purposes.

Dutta noted that Times Global Village, a shopping and amusement centre, was set up on the flood plain of the river Yamuna. An organisation called Yamuna Jiya Abhiyan moved to court against the venture. The Delhi High Court on May 4 this year ordered removal of the establishment from the Yamuna riverbed terming the venture illegal.

Recently, an Indian organisation called Kalpa Vriksh moved to court seeking redress to extensive tiling of ground that seriously obstructs growth of trees. "The Delhi High Court has very recently ordered de-tiling of ground with an area of 6 feet by 6 feet around each tree in the urban area. I moved the case," said Dutta.

He said housing developers are fast filling up the wetlands in Kolkata setting the city for an

'urban disaster.' With the wetlands being destroyed, Kolkata gets instantly waterlogged and flooded now even with moderate rainfall every year.

Builders and developers have filled up the entire Metti River in Mumbai setting the city for a looming ecological disaster, Dutta said.

Dutta observed that in the way of saving the urban environment, slum dwellers have been the worst sufferers and the only victims of eviction in most cases.

He said the government has evicted some 40,000 slum-dwellers from the flood plains of the river Yamuna in Delhi on the ground that slum squatters pollute environment. But it is developing the Commonwealth Games Village-2010 exactly at the site from where slum squatters have been evicted.

He also said every city has its master plan detailing designated space for built up area and environment conservation. But master plans are illegally tampered with frequently to accommodate interests of the powerful quarters.

Sanctity of the approved master plan for every city should be maintained rigorously. Approved plans must not be altered at random to accommodate commercial interests of the powerful. The city managers must refrain from any development without making assessment and detailed social and environmental impact assessment, Dutta suggested.



STAR PHOTO

**City hawkers are now allowed to trade on the Manik Mia Avenue throughout the week where number of buyers is slowly increasing every day.**

## NAM flats to be rented out to government officials

CITY CORRESPONDENT

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The NAM flats, which were allotted to the lawmakers of dissolved eighth parliament, will now be rented out, cancelling earlier allocation that permitted the former lawmakers to stay in the flats until the new parliament is constituted.

Mainul Hosein, adviser, Housing and Public Works yesterday met Speaker Jamiruddin Sircar to discuss the issue.

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**"The flats will be rented among government officials for a short period of time," said the adviser. The adviser requested the speaker to take necessary steps to vacate the NAM flats, which were built during the Awami League government to accommodate delegates of the NAM summit**

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"For security reasons and proper maintenance the NAM flats in the city would be brought under the full control of the Ministry of Housing and Public Works," Mainul told reporters at

his office.

At the end of the eighth parliament, the House Committee has decided that the lawmakers can use the 324 NAM flats until new parliament is constituted.

But the ninth parliamentary election scheduled on January 22 was cancelled and is now scheduled at the end of 2008.

In this situation, the office of the chief adviser last month asked the parliament secretariat to cancel the allocation of NAM flats at Sher-e-Banglanagar and Nakhla para.

The lawmakers were allowed to stay in the NAM flats by paying nominal rents. But since the anti-corruption drive has begun, many former lawmakers left the flats to avoid arrest by joint forces.

About 100 former lawmakers have however vacated their flats as the January 22 parliamentary election was postponed. Now, 234 NAM flats are in the names of former lawmakers.

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5x2