



The Ganga's message

India must take its laws on waste seriously to stop microplastics pollution.

Highlights:

1. The Ganga might have stood witness to many stages of India's civilisation, as Mahatma Gandhi once noted, but in recent decades it has become a conduit for sewage, solid waste, industrial effluents and other pollutants.
2. It is depressing, though not surprising, therefore, that a new study by an NGO has found evidence of a modern-day scourge, microplastics, in the river, with the highest concentrations in Varanasi and Kanpur, followed by Haridwar.
3. What the data show is the alarming presence of plastic filaments, fibres, fragments, and in two places, microbeads, with their composition pointing to both industrial and secondary broken-down plastics from articles of everyday use.
4. These range from tyres, clothing, food packaging, bags, cosmetics with microbeads, garland covers and other municipal waste.
5. The finding of significant levels of microscopic particles invisible to the naked eye at below 300 micrometres to 5 millimetres in the country's holiest river calls into question the progress of two high-priority, well-funded missions of the NDA government, Swachh Bharat, to deal with solid waste, and Namami Gange, to rid the river of its pollution.
6. Surprisingly, Prime Minister Narendra Modi's support for the river clean-up, originally scheduled to be implemented by December 2020, has not saved it from serious deficits; official data indicate that 97 Ganga towns may be discharging about 750 million litres of untreated sewage a day into the river.

Mega disaster of microplastics:

1. Microplastics, recorded in recent times in the remotest of places — Mount Everest, Arctic snow, Icelandic glaciers, the French Pyrenees, and the depths of the Mariana Trench, among others — pose a hazard as plastics production outpaces the ability of governments to collect and manage waste.
2. Successive governments issued waste management rules, but dropped the ball on implementation. Although the Centre recently issued a draft to tighten the Plastic Waste Management Rules, cities have failed to implement existing



rules as well as the Solid Waste Management rules, on ending single-use plastics, waste segregation, recycling labels on packaging, extended producer responsibility for manufacturers and recovery of materials.

3. Moreover, growing plastic waste will far exceed the capacity of governments to manage it, given that recycling has its limits.
4. Swachh Bharat, therefore, must mean not merely keeping waste out of sight, achieved through costly dumping contracts, but sharply reduced generation, full segregation and recycling.
5. Plastic waste around the world is threatening the food web and the crisis demands a new global treaty modelled on the Montreal Protocol and the Paris Agreement. India needs to demonstrate that it is serious about a clean-up at home.

Empowering nature with biocentric jurisprudence

In a recent ruling, the Supreme Court of India has sought to move away from an anthropocentric basis of law.

GIB:

1. The Great Indian Bustard, a gravely endangered species, with hardly about 200 alive in India today, came under the protective wings of the Supreme Court of India in a recent judgment.
2. The Court said, in M.K. Ranjitsinh & Others vs Union of India & Others, that in all cases where the overhead lines in power projects exist, the governments of Rajasthan and Gujarat shall take steps forthwith to install bird diverters pending consideration of the conversion of overhead cables into underground power lines.
3. The overhead power lines have become a threat to the life of these species as these birds frequently tend to collide with these power lines and get killed.
4. The Ministry of Power in an affidavit said: The Great Indian Bustard (“GIB”) lacks frontal vision. Due to this, they cannot detect powerlines ahead of them, from far. As they are heavy birds, they are unable to manoeuvre across power lines within close distances. Thus, they are vulnerable to collision with power lines.



5. In protecting the birds, the Court has affirmed and emphasised the biocentric values of eco-preservation. The philosophy of biocentrism holds that the natural environment has its own set of rights which is independent of its ability to be exploited by or to be useful to humans.

Biocentrism

1. Biocentrism often comes into conflict with its contrarian philosophy, namely anthropocentrism. Anthropocentrism argues that of all the species on earth humans are the most significant and that all other resources on earth may be justifiably exploited for the benefit of human beings.
2. Expressions of such line of thought date back many centuries and find mention in Politics, a well-known work of Aristotle, as also the moral philosophy of Immanuel Kant amongst many others.

Species in danger

1. Humans share the world with countless other species, many of which are nearing extinction on account of man's imprudent insensitivity. About 50 years ago, there were 4,50,000 lions in Africa. Today, there are hardly 20,000.
2. Indiscriminate monoculture farming in the forests of Borneo and Sumatra is leading to the extinction of orangutans. Rhinos are hunted for the so-called medicinal value of their horns and are slowly becoming extinct.
3. From the time humans populated Madagascar about 2,000 years ago, about 15 to 20 species of Lemurs, which are primates, have become extinct.
4. The compilation prepared by the International Union for Conservation of Nature lists about 37,400 species that are gravely endangered; and the list is ever growing.

Right of Nature laws

1. Some aspects of constitutional law on ecoconservations are significant. It is to the credit of the judiciary that out of these still and placid waters, it has fished out enduring principles of sustainable development and read them, inter alia, into the precepts of Article 21 of the Constitution.
2. Pieces of legislations are slowly evolving that fall in the category of the "Right of Nature laws". These seek to travel away from an anthropocentric basis of



law to a biocentric one. In September 2008, Ecuador became the first country in the world to recognise “Rights of Nature” in its Constitution.

3. Bolivia has also joined the movement by establishing Rights of Nature laws too. In November 2010, the city of Pittsburgh, Pennsylvania became the first major municipality in the United States to recognise the Rights of Nature.
4. As a first step, these laws empower people in a community to “step into the shoes” of a mountain, stream or forest ecosystem and advocate for the right of those local communities”. These laws, like the Constitution of the countries that they are part of, are still works in progress.

In times like this the Supreme Court’s judgment in M.K. Ranjithsinh upholding the biocentric principles of coexistence is a shot in the arm for nature conservation.