

Review of: "Young Builders vs. University of Delhi: A case of maintenance of balance between environment and development in housing development for the megacity of Delhi"

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Potential competing interests: No potential competing interests to declare.

This paper reports a summary of the case often using the legal jargon of the ruling. The language for the commentary could be made much simpler and concise, with more clarity.

The authors report that although important issues like availability of water, serious levels of air pollution, traffic carrying capacity and the height of the building were incompatible with the location, these were deliberately or unmindfully ignored by the consultants during their environment impact assessment for the project and what is worse, the project was given Environmental Clearance (EC) by the authority in charge. Since the site adjoins Delhi University, the efforts of persons who understood the grave implications of the grossly unfitting development to the largely educational district of historic significance, made possible some reversal in the approvals given through the Green Tribunal, the appellate court. But not entirely.

The authors mention clearly, that the ruling on several issues states that the EC was given 'without application of the mind' by the MoEF&CC. (Pages 7, 15, 19, 20 &24) Strong words.

Any commentary on the case should ask 1. Why did the authority giving Environment Clearance ignore these important areas of concern? It is not enough that the Project Proponents (the Builders/Investors and their consultants) hid information from the authorities giving the EC. It is expected that an independent study would be conducted by the said authority (MoEF&CC) before giving approvals. Why is this not happening? All the environment experts who examined the project for EC surely had all the data for the site. Is it not mandatory that all relevant data be provided. If there is missing data the experts have the authority to ask for additional information. *The Ministry giving the clearance is a signatory to and committed to the UN Sustainable Development Goals which are detailed and comprehensive. It is the guardian of the nation's environment.*

It is surprising to note that,

'For the sake of environmental clearances, the project proponents must not directly appoint the environmental clearance appraisal team but must be done through a regulated central body which in turn appoints experts in the

matter' (p24)

is mentioned in passing. Can someone with a vested interest in profits from a construction project be expected to fairly conduct an environment appraisal? The authors should discuss their insights regarding the process of issuance of ECs or the problems with the institutional structure , if any.

'The tribunal rightfully decided in favor of the environment however, the question arises whether all the developmental projects in Delhi should be brought to judicial scrutiny and halted as the carrying capacity of the city's resources has almost reached its limit in terms of air quality, water, traffic, and many others highlighted in the Appeal.' (p24)

This question is not investigated/discussed although the authors put forward evidence to support that this case is not the first being handled by the Green Tribunal and that a significant number of projects given EC have been found to have flouted sustainable development norms. Their reference to the recent case of demolition of the twin towers (Supertech) in Noida brings home the concern regarding issuance of Environmental Clearance to unworthy projects.

But the focus and strength of their arguments is lost in the conclusions. The following statements in the conclusions are unnecessary and contribute nothing to the main argument

P24 – Does this mean the city cannot allow any new projects due to its insufficient carrying capacity?

*(Really! Is there any doubt that development has to be sustainable! The issue here is the **nature** of development. The quality of development. Climate Crisis is real. There are several prevailing sustainable practices on the subject of water and energy conservation, ambient urban built form for a residential neighbourhood, improving walkability.)*

and the fact that Delhi is one of the most polluted countries in the world cannot be neglected, but development cannot be restricted. A balance must be achieved with respect to the carrying capacity of the location and the need for housing the ever-burgeoning populace.

(Banal statement. How?)

Hence, in order to prioritize the environment, policies should be mandated and regulated to ensure sustainable development in our cities.

(Please elaborate what is meant here. How?)

What is missing is insights and discussions regarding issuance of ECs. Asking hard questions is important if we want to



improve