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With this thought, we hereby present to you

LawPublicus The Legal Portal

Diamonds Over *Oxygen?*

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Diamonds Over Oxygen?

By: Aishwarya and Simranjeet

It is an undisputed fact that the tropical forests are the richest habitat on earth. It is a fact universally acknowledged that where there is greenery, there will always be life blooming at its fullest. The Indian school curriculum teaches students the value of trees and their benefits. The Atharvaveda, that houses the knowledge of everyday life, also prescribes that one tree is equal to ten sons. However, nobody teaches how to overcome the dilemma of choosing between development and natural environment. In the environment versus development debate, we often tend to forget that monetary worth of financial capital can never be equated to value of natural capital — forests, rivers, land's worth. The ecosystem services provided by the nature is undeniably more essential and pertinent to the survival of the human beings as a species.

This essay provides an insight into the long-standing debate, pervading almost all spheres of life of conservation versus development, in the backdrop of the Bunder Diamond Block project. The Bunder Diamond Block project is in Chhatarpur's **Buxwaha** region lead by ESSEL Mining and Industries of Aditya Birla Group under which 2,15,875 (2.15 lakh) trees have been proposed to be cut down for the purpose of extraction of diamonds, bringing forest area of 382.131 hectare under the axe. The state government auctioned this forest two years ago where "Essel Mining and Industries Ltd" of Aditya Birla Group bid the highest. The state government is giving this land on lease for 50 years to this company. Encroachment of forest, air and river pollution caused by tailings, depletion of water levels in the surrounding villages due to digging of mine below the water table, and threat to biodiversity are few of the major concerns of mining activities that are set to routinely take place in the area as a requisite of the project.

In the report of Geology and Mining MP and Riotinto Company presented in May 2017 the leopard, eagle, bear, deer, peacock etc were among the countless species that found sanctuary in this forest. However, the new report sheds light on the grim reality of the absence of these species, which is highly suggestive of a force greater and more destructive than nature at work here. A clear demonstration of power and money is shown in the act of change in the report.

The Hon'ble Supreme Court has voiced its concern over the loss of green cover recently while hearing a plea on felling of trees in connection with the construction of foot overbridge on the India-Bangladesh border, stating, "deforestation is so rapid that before anybody knows everything will be lost, Green cover must be preserved. People are not willing to explore alternatives. There could be a way to create a path without cutting trees. It might be a little more expensive if you value the property, it would be better".

The real question that inevitably arises is that in a developing nation like India, that has almost 30% of its 1.2 billion population living in poverty, lacking even the basic amenities, should the real focus of the government be catering to the need of the poverty stricken, or should the government don the cap of development, turning a deaf ear to the plea of countless of those, who would directly be affected by it. Or should the government focus on conserving the natural habitat during the era where the nature has shown us its worst for interfering in it.

It is an undeniable observation that in times of adversity, human rises to his most creative self. We're a mean species, bent on furthering our selfish agendas, all in the name of greed and not survival. In times like these, when the Earth has not been very forgiving, it is crucial to lend time to earth to restore and replenish, and anything that's over overshoot threshold needs to be replenished artificially. Therefore, in order to strive to achieve the sweet spot of balance of sustainability, it might give positive results and save humankind. Moreover, the focus should be on sustainability, it sure is a word thrown around a lot these days, but it's the key, that doesn't necessarily mean to curb our interference but to have a relationship of minimum extraction and maximum endowment with the nature.

The concept of overshoot period has taken firm grip in the shallow grounds of depleting environment conditions. Overshoot period means the minimum number of days we take to extract resources from the environment, the same amount that the earth takes an entire year to replenish, and the rate at which the overshooting period is decreasing incessantly year after year has been a cause of alarm among different environmental communities and environmentalists.

The COVID-19 pandemic has brought to the forefront some of the most pressing global challenges that humanity has faced in recent history. If the crisis continues unabated, the reliance on forest goods and services is likely to see a sharp increase, raising the question of

assuaging the instances of deforestation and destruction of forests, in the face of growing dependency on the forests and the resources it carries within.

The permission for deforestation awarded to the company not only violates the provisions enumerated in the Environment Protection Act but at the same time, also infringing the basic elementary/fundamental rights of citizens/resident. The consequences of allowing the trees to be cut are irreversible and the subsequent determination of Buxwaha Protected Forest, at Chhatarpur's Buxwaha region as forest or even eco- sensitive zone would be completely irrelevant.

Pursuing monetary gain, filling the pockets of the large corporations/companies, without an ounce of human value and destroying the wildlife, flora and fauna and lives of the stakeholders in the name of development is absurd. To think that the monetary worth of a natural resource like diamond is worth the numerous essential advantages of forests, can only be thought of on a whip of those motivated to exhume the last bit of treasure the earth safeguards deep within its crevices.

The projects like Bunder Diamond Block will only lead to violation of citizen's basic rights especially today when people succumb to illnesses grasping for breath, when the people of the national capital were habituated with the cumbersome practice of wearing a mask, owing to the poor quality of air way before any pandemic of any magnitude was beyond comprehension, even in fiction. It, therefore, becomes necessary to vehemently oppose projects like these that blatantly side-lines the importance of forests in the name of unscientific and unsustainable development.

This case study is for information purpose only. Nothing contained herein shall be deemed or interpreted as providing legal or investment advice.