

**COVID-19 LOCKDOWN- IMPEDIMENT OR FACILITATION OF SUSTAINABLE
DEVELOPMENT GOALS?**

***GAUTAMI S KULKARNI¹**

“Our commitment to achieving the Sustainable Development Goals (SDGs) has not changed, but the urgency to act has.”- Mona Juul, President, Economic and Social Council, United Nations.

In one of the virtual recent discussions over the topic, ‘Joining Forces: Effective Policy Situations for Covid-19 Response’, several world leaders gathered together to deliberate the much needed action plan and directions for countries facing Covid-19 disastrous pandemic². Many of us are happy to see dolphins swimming near the coast, the beautiful flamingos that have migrated near Mumbai this year, and ozone layer repairing itself. We are celebrating the environment getting cleaner when the entire world is under stay-at-home order/lockdown. A lot is being discussed about how this lockdown has helped the environment, something that countries would not have been able to achieve with years of sanctions and regulations. However, it is not all so easy. The United Nations Conference on Trade and Development (UNCTAD) has predicted that this sudden environmental change may bring about bigger problems than solving a few. In 2015, UN came together with countries and pledged to achieve SDGs by the year 2030. These targets involve seventeen matters which are inter-connected and serve the aim of sustainable development. Several socio-economic factors come together to form a comprehensive strategy to conserve nature. India pledged to Agenda 2030 with a strong passion. To begin with, let us not forget that past few months have been a roller coaster ride for our mother Earth. We had unfortunate events like Amazon fire, Australian bushfire and a great deal of biodiversity harm. They have done an irreparable damage to the environment. The recent floods in Kenya which have displaced over almost 10,000 people and also the locust swarms, floods in Democratic Republic of Congo, and as reported by the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 200,000 people have been displaced in Somalia because of heavy floods.³ New Zealand has fallen prey to a 5.6 magnitude earthquake. The Taal, an often dormant volcano in Philippines, erupted some months ago, forcing the government to

¹ Advocate, Nashik,gautami.skulkarni@gmail.com

² <https://news.un.org/en/story/2020/05/1063742>

³ <https://www.unocha.org/story/somalia-flooding-displaces-thousands-their-homes-amid-covid-19>

close schools and other systems. In India, very recently cyclone Amphan in eastern India and locusts attack, which has been coming from the west are unfortunately adding to the worries of the masses. The exact amount of loss to the habitat of Sundarbans, the largest mangrove in the world, is still unknown. The houses, farmlands have been disrupted and people have nowhere to go. These are few examples of how calamities have struck in recent past. In light of such events, one should not rest with the short successes during the lockdown. One should look at the comprehensive environmental picture and also bear in mind that we have sustainable goals to achieve as a community and this is no time to settle for less.

Since a lot of people are out of their jobs and livelihood, there have been instances of illegal poaching in Africa and illegal deforestation in Brazilian Amazon. There have been more human-animal conflicts, with elephants and/or leopards coming into human settlements and destroying the properties. There also have been instances of ineffective biomedical waste management across the countries. Commercial fishing has come to a standstill, and that has nearly put the seasonal businesses of fishermen folk to a bare minimum. With the rising cases of Covid-19, the water consumption has drastically risen. The SDG of water consumption may be delayed because of the excessive and rather uncontrolled propagation of hand washing as a weapon against Covid-19. Combining the three dimensions of sustainable development – social, economic and environmental – is complex and requires an integrated approach that brings together key actors across traditional institutional arrangements and new types of partnerships. Governments will need to establish inter-sectoral mechanisms and procedures to address these issues, including partnerships, coordinating committees, evaluation criteria and consultation mechanisms.⁴ Not just these goals, but several other prominent SDGs are affected because of covid-19. Slowing down trade and commerce has also deeply affected SDGs of zero hunger and no poverty. The NITI Aayog states in its 2019-2020 SDG report that two SDG goals –goal 2 (zero hunger) and goal 5 (gender equality) demand special attention, as the overall country score is below 50.⁵ Are we as a country equipped to deal with these changes in the long haul? Have we chalked out the aftermath of environmental effects and possible environment degradation?

⁴ UN-Water, 2016: Water and Sanitation Interlinkages across the 2030 Agenda for Sustainable Development, Geneva.

⁵ SDG India Index, 2.0, 2019-2020

The view of courts and government in India: It was the courts that first gave impetus to sustainable development, under the able guidance and visions of luminous people like J. Bhagwati and J. Krishnaiyar. In *Rural Litigation and Entitlement Kendra, Dehradun v. State of Uttar Pradesh*⁶, the Hon'ble Court, for the first time, sought to strike a balance between environmental protection and development. In *Vellore Citizen's Welfare Forum v. Union of India*⁷, Supreme Court acknowledged very effectively the principles of sustainable development as laid down in Brundtland Report⁸. Time and again, through a range of decisions, the courts have been pioneering towards these goals. Recently Supreme Court has sought the safety of migrant workers, who have set to their hometowns on their foot. The Hon'ble Court, through a suo moto cognizance, has issued interim directions regarding migrant workers to the government with stern warning⁹. This has been followed by several High Courts. The Gujarat High Court addressing a Public Interest Litigation, commenting on the functionality of civil hospital in Ahmedabad is one of the many cases. The Court remarked, 'Civil hospital is worse than a dungeon...', and gave directions to the state government of Gujarat for better treatment and facilities for covid-19 patients. In another PIL filed in Gujarat High Court, the High Court ordered that the travel fare of migrant workers be either paid by the government or waived. Similarly in the first week of May 2020, the National Green Tribunal in the matter of Subhas Dutta v State of West Bengal and others, heavily came down on the state government to be more cautious and follow the guidelines given by the Central Pollution Control Board in the wake of this pandemic. Criticizing Maharashtra government, the Bombay High Court recently addressed the issue of creating covid-19 treatment facilities near the coast of Maharashtra (Ratnagiri and nearby districts having no covid-19 detection centers/facilities). High Court of Kerala took a suo moto cognizance of defilement of river Periyar¹⁰. One needs to tackle issues of hazardous waste during this time, which is being produced on a large scale. Managing biomedical waste has been problematic in India. The National Green Tribunal (NGT) has directed the Central Pollution Control Board (CPCB) to form a set of detailed guidelines to scientifically dispose the biomedical waste especially during times of covid-19. Similarly it has also asked the state agencies to educate the healthcare workers, cleaners to use appropriate methods, take precautions

⁶ 1985 AIR 652, 1985 SCR (3) 169.

⁷ AIR 1996 SC 2715 at 2720.

⁸ Our Common future—The World Commission on Environment and Development, 43, (1987).

⁹ In re : Problems and Miseries of Migrant Labourers, Suo Moto WP (Civil) No(s). 6/2020, order dated 28.05.2020.

¹⁰ Suo Motu v. State of Kerala, Suo Motu WP (C) No. 9500 of 2020, decided on 21-04-2020.

to contain the spread. All these instances show that the courts have been keen on striking a balance between economic, social and environmental conditions affecting lives, even in times of covid-19 crisis.

However there have also been instances which may prove a major setback for the SDGs. The Ministry of Environment has reversed the order of Central Pollution Control Board, where they have allowed the production of plaster of paris (PoP) idols and thermocol for a year, so that the businesses of idol workers/artists may be survived¹¹. This would not have been the only way out, however. Businesses of idol workers/artists can be saved by some other environmental-friendly activities too, such as shaadu (bio-degradable clay) idols, sale of items which are bio-degradable, etc. An instance like this shows the absence of commitment of the government towards sustainable goals, reveals fault lines in environmental management to fight this crucial time, which may delay the economic stability of some sections in the country. We find from courts' orders that government's faulty policies, ill co-ordination of centre-state relations, a withered zeal towards sustainable goals in the wake of the pandemic and rather sloppy execution of policies will not stand. Another unfortunate instance is the Environment Impact Assessment (EIA) Draft of 2020, issued by the Ministry of Environment¹². This draft is an anathema to sustainable development goals and has some serious pitfalls. The existing EIA rules primarily involve four stages- screening, scoping, public consultation, and appraisal. A lot of projects which fundamentally require the expertise on environmental matters, depending upon their magnitude and strength, have been put into the category of exemptions from EIA. The appraisal committee's powers are narrowed; the very important and effective mechanism of public consultation has been withdrawn in certain cases. All these proposed changes are contrary to the spirit behind sustainable goals and may cause serious environmental damage if those come into existence and acted upon. The true EIA can be successful by taking into confidence the inhabitants that live in and around the proposed project place/venue, interested elements in the environment such as NGOs, when it is carefully examined by environmental committees. These committees act as the watchdogs for environmental conservation. Silencing their voices by not inviting any comments and objections is not welcomed by courts in history. The courts have

¹¹ Express News Service, 2020.05.22, 'Environment Ministry allows use of plaster of paris for Ganesh Chaturthi, Durga Puja idols for a year', The Indian Express.

¹² http://moef.gov.in/wp-content/uploads/2020/03/Draft_EIA2020.pdf

frowned upon post facto grant of environmental clearances, which is precisely what the draft proposes.¹³

Is lockdown truly facilitation of SDGs? The environment is being continuously affected, but in a different way. Poor people, who do not have any shelter or food during this time can hardly think of sustainable development. Understandably, since this pandemic mostly includes surviving, we are forgetting that the apparent environmental changes, though positive, are nothing but a smokescreen to a huge responsibility that is going to be posed in front of the world soon in the future. Shakespeare cleverly wrote, “... when we are sick in fortune, often the surfeit (excess), of our own behaviour, we make guilty of our disasters, the sun, the moon, and the stars.” [Shakespeare, *King Lear*, Act 1, Scene II]. We expect environment to stay along forever, and often put the weight of environmental repair on environment itself. To some extent, the nature has its own way of doing it, as what it did during the lockdown, however, things do not stop there. The hope to a brighter future and a realistic view would be to have sustainable goals in mind and not get carried away by the instant small achievements. The NITI Ayog Report on SDGs in 2019-2020 has put forth some figures. Nearly 21.92% of India’s population is below poverty line.¹⁴ Approximately 85% of India's workers are employed in the unorganised sector and more than 90% in informal employment.¹⁵ Such employment is not covered under the majority of the labour laws, and these workers consequently lack access to benefits like safety standards and minimum wage.

Suggestions: a) Policies like Mid-day meal scheme (MMD), Antodyay Anna Yojana (AAY), MNREGA Scheme and several other schemes need to be revised to suit the post covid-19 situation. There is a high possibility that these statistics are likely to drop down and put a poor show post covid-19 situation. Therefore, experts, scholars, and researchers need to come together to assess the data post this pandemic and rearrange, reshuffle the policies to suit the achievement of SDGs.

¹³ Alembic Pharmaceuticals v. Rohit Prajapati, 1st April, 2020.

¹⁴ SDG Report, 2019-2020, page 23.

¹⁵ http://mospi.nic.in/sites/default/files/Statistical_year_book_india_chapters/Labor%26Employment.pdf

b) What matters the most is how the governments would regulate and administer the environmental sanctions and regulations after the lockdown (such as the draft EIA Notification). Environmental policies may not be sufficient to control, mitigate the damage done.

c) India needs to have more public awareness programs which talk about sustainable goals and urge the masses not to dwell on the apparent short-gain environmental successes.

d) Apart from national changes, one should also keep in mind the important international dialogues. The 26th Conference to Parties (CoP) to the United Nations Convention on Climate Change scheduled to be held in Glasgow, has been postponed. Instances like these tell us that even though there is a ray of hope in virtual sessions/discussions, important deliberations that countries are about to have during these crucial times have been put to a later date. This is a step back for sustainable development, because an open, inter-cultural dialogue is necessary for countries to face challenges together. Poor countries are forced to opt out of environmental endeavors to address the urgent covid-19 crisis. Covid-19 crisis is international issue and a nation in isolation cannot counter it.

e) The Swacch Bharat Yojana has been well received in India, however the need of the hour is to introduce new biomedical waste disposal measures in view of unforeseen pandemic like covid-19. It is understood that even though Bio-Medical Waste Rules address how to dispose hazardous waste, there still needs to be more thorough and vigilant disposal methods. In spite of these measures, we still see used masks and other hazardous waste thrown on to the streets by masses. Issues of burial grounds (one of which was taken up by Bombay High Court in May)¹⁶, has been recently addressed too.

Apart from the environmental factors, one also needs to regulate socio-economic issues to prevent poverty amongst unorganized sector, since they are the worst hit. In absence of livelihood, people may resort to meat poaching and smuggling or illegal deforestation as was observed in African countries.

f) Providing food packages, cash disbursement would be immediate temporary remedy but encouraging local start-ups or small scale industries to raise economic stability in low income

¹⁶ Sonam Saigal, 2020.05.22, 'COVID-19: Bombay HC rejects plea against burials in cemeteries in residential areas', The Hindu.

countries might be one of the ways to solve this issue. Similarly the public should realize the importance of local vendors, small scale shops or grocery stores in their locality, which have gone a long way in containing the spread, something that big groceries-essential supplies malls/chains would never have been able to do. Contrary to popular belief, environmental conservation is not an antithesis to development. If anything, both the concepts supplement each other. As the UNCTAD reports, the efforts taken by national and international stakeholders, producers to bring up small entrepreneurships, small scale businesses can go a long way in building up economies of countries. Slow and steady beginnings, with precautionary health measures with special attention to the unskilled force of India are the biggest need of the hour.

Conclusion: One must understand that as we go along the path of bringing back our lost economies and a sense of normalcy, we must also bear in mind that we as citizens have a larger duty on our shoulders than ever before - to balance socio-economic development to achieve the SDGs which will help us in living a harmonious future. India's ability and determination to bounce back to these goals will be the ultimate answer to the question posed above, and only strategic responses, renewed policies and public co-operation will be the head-on facilitation of SDGs against this crisis.