

# ENVIRONMENT

## Group Gears Up For Godavari Suit

By Juliet Bourne

The Supreme Court opened hearings of the suit, Leaders, Inc. v. Godavari Marble Industries, on June 24 in Kathmandu. First under consideration is the issue of *locus standi*, the right to petition. Four lawyers, Badri Bahadur Karki, Purnaman Shakya, Prakash Mani Sharma and Bipin Adhikari argued on behalf of Leaders while Kusum Shrestha represented the Godavari Marble Factory.

"We want Godavari Marble Factory to be banned, shut down, and the area declared a spot for environmental tourism," Adhikari said.

Adhikari said although he is not associated with Leaders, Inc. his affiliate, Scope, a non-government organisation (NGO) concerned with constitutional matters, considers the case an important one. Scope was established to further Nepal's democratisation process. "I'm interested in this because lawyers don't have enough interest in environmental matters, which are so crucial to every citizen," Adhikari said. One of Scope's aims is to devise effective systems of local self-government and to formulate new laws already supported by the Constitution. "Local governments have the right to consider environmental issues according to the Constitution, but the laws aren't yet in place. This case will establish new rules as supported by the Constitution," he said.

While Article 26 of the 1990 Constitution of Nepal says that the state shall give priority to the protection of Nepal's environment and the prevention of its further damage by developmental activities, Leaders-Nepal believes this has not been done. The group says Nepal's judicial system "possesses neither the professional training nor the inclination to assume responsibility in the area of environmental protection," and intends to force these issues to the forefront of public attention through litigation such as the case against Godavari Marble Factory.

Successful lawsuits, however, may be ineffective if their provi-

sions are not enforced, a very real concern of Leaders-Nepal. "The people must act," says M.C. Mehta, advocate of India's Supreme Court. "NGOs and private citizens can get this suit against Godavari enforced if the Supreme Court rules in their favour." Mehta has won 300 suits against corporations in India, only to see many of them fail to accomplish their goals. "People sitting in their offices don't realise the importance of the environment," he says.

As a prelude to the Godavari case Leaders-Nepal held a symposium June 20 on public interest litigation and conservation of natural and cultural heritages at APROSC Hall, Ramshah Path. About 60 people including lawyers, wildlife experts and concerned citizens attended the seminar, which focused on the upcoming litigation.

M. C. Mehta, who spends as much time as he can on non-lucrative environmental cases in India, gave the keynote speech. "Delhi is a choking city now, and here too I was surprised to see the shocking state of the Valley," he said.

A talk and slide show by noted ornithologist Hari Sharan Nepali pointed out dangers to Nepal's unique bird population through air and noise pollution and tree felling. Nepali said there are now 80 endangered bird species in Kathmandu valley, including 33 species in the Godavari Phulchowk area. Three, the rufous throated hill partridge, dusky green tit babbler and blue nipped Pitta, have become extinct in the past 35 years. He attributes these losses to industrial pollution such as that caused by the Godavari Marble Factory.

At the same seminar Greta Rana, whose short story "The Hill," graphically describes "the rape of Godavari," called for Nepal's citizens to bond together and take action, as people have since the beginning of history when faced with disaster. ("The Hill" will appear in the American magazine *Ms.*, and was recently published in Kathmandu in Nepali.)