

ECONOMIC DEVELOPMENT VIS A VIS ENVIRONMENTAL JUSTICE: A STUDY WITH REFERENCE TO THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT, 2020

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Abstract-

This paper examines environmental impact assessments (EIAs) in India and its possible effects on environmental justice. As we have argued, there were significant disconnects between the issues addressed in the EIA report and the lack of possibilities for public input, which served as important litigation triggers. Since it was made public and asked for feedback, the Draft EIA Notification has been criticised from both sides. The guiding philosophy of "growing now, sustaining later" should not be used since it is hazardously at odds by the concept of sustain development. By ensuring that EIAs represent local knowledge, values, and ambitions, these flaws could be fixed, improving the EIA framework, procedural components of environmental justice in India, and the chances for distributive, recognitional, and restorative justice. A global movement called access to justice in environmental law works to help people in rural areas seek compensation for environmental harms. Additionally, this study reviews India's environmental justice and equality laws. We have also demonstrated several doctrines and ideas that were drawn from Indian court cases.

Keywords -Environmental justice, Environmental impact assessment, Principles of Environmental justice, Sustainable development, Environment equity, Economic development.

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INTRODUCTION

The pursuit of economic growth, technical development, industrialization, globalisation, and urbanisation has put the world's natural balance in danger and threatens to destroy life as we know it. It forced the states to alter their objectives and create environmental protection policies. The cornerstone of many countries' environmental jurisprudence was formed throughout the 1970s with the creation of the worldwide environmental legal system. Environmental laws have been passed in agreeing countries as a result of worldwide environmental conferences and declarations. Several environmental laws were also passed in India after the Stockholm summit in 1972.

Humanity now has complete freedom to use natural resources without regard for ecological concerns thanks to advances in science and technology. Unchecked deforestation has been caused by industrialization and urbanisation. Because of them, there are now issues with sanitation, garbage management, air pollution, and acid rain. Natural resources are being depleted as a result of the quick rise in population and the faster rate of resource utilisation. Man has taken too much from nature to fulfil all his varied needs, wants, and goals. Nature no longer can stabilise itself.

1. ENVIRONMENTAL JUSTICE

All individuals have a right to be safeguarded from environment contamination and to live in and relish a clean environment, according to the environmental justice (EJ) theory. Environmental justice is the fair distribution of environmental benefits, the protection of all people's rights, and their meaningful involvement in the creation, application, and implementation of environmental laws, regulations, and policies.

Indians are incredibly proud of their heritage and culture. In our texts, we were taught to revere nature. This demonstrates awareness of the environment. We must acknowledge our dependence on the environment in order to worship. Since the Vedic era, living in harmony with nature has been a fundamental societal principle.

In one way or another, our ancient literature encouraged us to have a kind attitude toward all living things, including plants, trees, mother earth, the sky, the air, and water. It was believed that everyone had a holy responsibility to keep them safe. Hinduism emphasises reverence for the natural world, harmony with the environment, and conservation. As a result, people adore nature's representatives by worshipping trees, animals, hills, mountains, and rivers. Manu Smriti outlined several penalties for cutting down plants and trees. The demolition of forests was deemed the utmost dangerous crime against humankind by Charak Samhita. The fundamental principles of our faith are non-violence, truth, love, and respect for all other living things.

2. ENVIRONMENTAL IMPACT ASSESSMENT(EIA)

EIA is a tool for environmental policy intended to facilitate conscious and methodical evaluation of the environmental effects of development projects prior to decision-making (Wandes and Smith 1992). In order to prevent unwanted impacts, it forecasts the expected environmental effects of the project and presents the decision-makers with a range of options and alternatives (Environmental Economics Series Paper No. 7, 2 1993).

In its most basic form, it is the evaluation of the overall human environment's quality prior to the decision-making process for a project aimed at improving humanity (Royston 1978). The process of evaluating, anticipating, participating in, and mitigating environmental and developmental decision-making is systematic and integrative (Wood 1995). Regarding decisions and objectives that have an impact on the environment and society, it is very particular (Priour and Lembrechts 1979). It seeks to understand long-term repercussions, affects that spread through the food chain, alteration of natural habitats, and disruption of natural, physical, and ecological equilibrium due to its inherent futuristic



strategic nature (M.E. Colby, 1991). As a multifaceted human-oriented technique, it takes into account the social and human developmental processes in interactions between people and their physical surroundings, both natural and man-made (A. Armour, 1998). EIA support the goals for sustainable development that are implied in most nations' laws and regulations. Therefore, it is interesting to look at different definitions, conceptual understanding by academics, and noteworthy national and worldwide enactment while looking at EIA.

N. A. Robinson describes 'EIA' as a method to safeguard government activities to evade or minimise otherwise contrary effects and systematisation and institutionalisation of foreseeability of env. and developmental verdict (Nicholas A. Robinson, .ⁱ Mr. C. Wood sees EIA as an organised process of anticipation, and involvement of ecological effects by the planning and verdict.ⁱⁱ The environmental assessment has also been described as a tool by which info of the ecological impacts of a project is gathered, by developer and from various sources, and considered by the planning authority in making their findings on whether it should proceed ahead, by United Kingdom's Department of Environment (DoE), 1989.ⁱⁱⁱ

3. SOCIAL JUSTICE AND ENVIRONMENTAL JUSTICE

Socialistic aim to provide people & groups an equal conduct and a fair part of social, economic and environmental, advantages is the aim of social justice. No of one's background or status, the idea advocates for an equitable distribution of advantages and disadvantages within a society.

The distribution of environmental advantages and costs that people face at home, at work, or where they learn, play, and spend their free time is the subject of environmental justice. The environment benefits from investments in pollution reduction and landscape enhancements, as well as appealing and substantial greenspace, clean air, and water. Risks and dangers from industrial, transportation-related, and municipal pollution are among the environmental burdens.

Both environmental justice work and social justice work are sensitive to issues of power (who pollutes and who gets polluted), place a greater emphasis on communities or groups than on individuals, and have a propensity to take a comprehensive approach to analysing and addressing concerns and changes. Although there may occasionally be a contradiction between social and environmental aims, the term "environmental justice" is used here to refer to features of social justice.

4. HISTORY AND MOVEMENTS OF ENVIRONMENTAL JUSTICE

Movements for Environmental Justice (EJ) fights against the ecological distribution conflicts (EDCs). These conflicts, which are rooted in broader issues of racial, economic, caste, and gender inequities, revolve around the costs and benefits of the environment. They can also be referred to as social disputes brought on by unequal distribution of the costs of pollution and access to natural resources. They have changed over the past fifty years, and in recent years they have begun to encroach over new symbolic and spatial areas. EDCs are no longer just found in rural areas; they are now present in a variety of situations and environments, such as Mumbai protests the construction of a metro car shed in the city's last remaining green space, the Aarey forest.

India has the most environmental justice movements, as per the Env. Justice Atlas, a universal database of EJ initiatives (about 300 reported cases). Out of these disputes, Adivasi communities mobilised in more than 57 % of the recorded EJ movements from IND. Adivasi involvement in these movements' outcomes in multiple degrees of oppression because of historical marginalisation and exclusion. Despite this, they persisted in their protests to protect the water, Jungle, and Land that provide for them, & as a outcome of these popular uprisings, impactful legislation was passed that upholds tribal land rights.

The Forest Rights Act (2006), legislation is important because it acknowledges the historical injustice done to scheduled tribes and other traditional forest residents. In addition to establishing democratic community-based forest governance, it aims to protect customary rights to forest resources and land. Many of the communities that live in forests have been uprooted without rehabilitation for industrial and conservation projects since independence because they are perceived as "encroachers" on forest land. Because businesses or the government cannot legally start their initiatives until the recognition and certification process is finished, this makes the act an extremely potent tool.

A Supreme Court decision that will evict an estimated 10 million Adivasis whose FRA claims had been denied shocked environmental justice advocates and tribal tribes on February 13, 2019. Due to the widespread protests against the infringement on tribal rights in the guise of conservation, a stay order was issued on February 28 until the next hearing. In cases where claims had been denied, this directive instructed states to demonstrate that due legal process had been followed. The hearing has been delayed numerous times since then, and the central government was not there to defend the FRA. The SC then nullified the challenged above mentioned act as well as the rules created in accordance with them.

5. EVOLUTION OF EIA-

The EIA is a system for determining the environmental, economic, and social effects of development prior to its approval, according to the UNEP. At the planning and design stages of a project, it focuses on anticipating environmental effects. It then goes on to look for ways to lessen its negative consequences and adapts the project to the environmental circumstances with the use of alternative approaches and projections.

One of the 20th century's most effective environmental conservation strategies has been the EIA. It involves a codified code of behaviour that is recognised and followed in more than 100 nations worldwide. In the 1970s, the EIA became a required regulatory process with implementation of National Environmental Policy Act or NEPA in 1969, where countries such as Australia, Canada, and New Zealand took part in its initial development.

The Environmental Impact Assessment process gained popularity after the World Bank adopted the strategy for its big development projects in the middle of the 1980s. As a result, a borrower nation was required to follow an EIA process under the Bank's supervision.

In September, 2006, the MoEF had announced new EIA legislation that required environmental permits for a variety of projects, including those in river valleys, infrastructure, mining, thermal power plants, and minor electroplating or foundry units. However, in contrast to the 1994 notification, the recently enacted legislation allowed the State Governments control over the clearing projects based on their size and capacity.

As a result, the Coastal Regulation Zone Act of 1991—which also required a clearance—permitted a number of operations. This prompted donor organisations like the World Bank and the ADB to create new guidelines for approving environmental permits for projects they were funding.

5.1 PROCESS-

- **Screening:** The first stage of an EIA process is to determine whether the particular project proposed requires an EIA policy or not. After this, the level of assessment is proposed.
- **Scoping:** After the screening is done, the next stage is to identify important issues and impacts instigated by the proposed project. Scoping identifies the number of boundaries and time limits required for this study.
- **Impact Analysis:** Impact analysis is the stage that helps predict the environmental and social impacts of the project, which helps evaluate the overall significance of its effects on the environment.
- **Mitigation:** The next step in an EIA is to find alternate solutions for reducing and avoiding the potential dangers to the environment due to the proposed project.
- **Reporting:** Reporting is the stage that represents the overall result of an EIA based on a form or a report that will be forwarded to the deciding authority & several groups involved in the project.
- **Review of EIA:** This stage involves examining all the environmental consequences, effects, impacts, and alternative solutions in the report on the proposed project to provide the required decision for the same.
- **Decision-making:** This is the project stage where it might get approved, rejected, or need further changes.



- **Post Monitoring:** This stage arises when the project is finally accepted. This stage involves the assessment of the impacts of the project and ensures that there are no mistakes in limiting the legal norms & implementations of its measures as described in the report.

The phases of the abovementioned procedure are heavily influenced by the countries need, but much of its procedure follows a standard structure and application to adhere to the fundamental policy standard.

6. DRAFT EIA NOTIFICATION OF 2020 (DRAFT)

Many of the provisions that have been inserted in numerous Ministry notifications and had been modified since 2006 are contained in the Draft^{iv}. In contrast to the EIA Notification 2006, it does, however, make certain fundamental modifications to the EIA procedure and substance. To make the purpose and process of the EIA outline clearer, the Draft EIA Notification has established a set of explanations.^v It eliminates the necessity of categorising plans on a case for Category B and instead mentions three kinds of plans as A, B1, and B2. State Environment Appraisal Committees were required to categorise projects under B1 or B2 under the EIA Notification 2006 depending on the spatial impacts, affects human healthiness, & potential impacts on resources.^{vi}

Env. permission (EP)^{vii} has been established as a new method of approval in Draft with the existing method of previous environmental clearance. There can be some pros to the Draft. 1st it suggests creating a Expert Committee to classify or reclassify projects based on scientific principles.^{viii} The classification of projects is now done on the 'spatial extent of potential consequences on human health and natural and man-made resources'^{ix} however this is a change. 2nd, it shortens the time required to make a final judgement on whether to grant or reject an EC or EP from a hundred and five days to ninety days following the submission of the final application and all supporting paperwork.^x Third, it includes language allowing an appeal against the EC/EP grant to be made to the NGT in 30 days from the regulating authority's ruling.^{xi} It could be seen as a optimistic step against the occurrence of arbitrary deciding process of the authority.

Whereas the Draft adds a new class of exclusions to those needed as per the 2006 Notification, continuing the dilution of public engagement.^{xii} It is troublesome that Category B2 projects are free from public engagement, as many of them have the potential to have negative effects on the environment and nearby communities. Additionally, the Draft gives the union government the authority to create authority which regulate and expertise committees at the state and district levels, which is contrary to the decentralisation plan and tips the scales in the centre's favour.^{xiii}

6.1 THE NECESSITY FOR EIA:

- To develop a system of feedback and follow-up and to offer a flexible strategy for public participation in environmental conservation initiatives.
- To consistently use on any project concepts that might influence the environment.
- EIA offers a practical way to eliminate or reduce the negative effects of development initiatives.
- Before a development project is put into action, decision-makers can analyse how development activities will affect the environment thanks to EIA.

6.2 PROMINENT CHARACTERISTICS OF DRAFT EIA NOTIFICATION, 2020:

Conditions of Prior Environment Clearance

- Before beginning any construction work, installation, excavation, or other activity, all new plans or operations, including the enlargement or developments of projects under Category "A," require Prior Environment Clearance from the Environmental Ministry, Forest and Climate Change.
- SEIAA 's Prior Environment Clearance is required for all projects in Category "B1"
- There are two categories for projects in category "B2":
 - a) The projects for which the SEIAA needs Prior Environment Clearance
 - b) Some of them must first receive Prior Environment Permission from SEIAA before being presented to the Appraisal Committee.

Phases in EIA:

- Category "A" or Category "B1" prior environment clearance processes will include a maximum of six steps. These are the six phases:
 - i. Scope: The project's possible effects, the zone of affects, potential mitigating measures, and the requirement for monitoring
 - ii. The creation of the draught EIA report
 - iii. Preparation of Final EIA:
 - iv. Assessment
 - v. Approval of Prior Environment Clearance.

7. EFFECT OF ECONOMIC DEVELOPMENT ON THE ENVIRONMENT

An indicator of economic growth is actual output growth (real GDP). As a result, it is anticipated that increased productivity and consumption will have an impact on the environment. Rising use of non-renewable resources, growing levels of pollution, global warming, and the potential loss of environmental habitats are only a few of the environmental effects of economic growth.

Not all types of economic expansion are harmful to the environment. When actual earnings increase, people are better able to make investments in environmental protection and lessen the harmful effects of pollution. In addition, economic growth brought on by cutting-edge technology may result in more output with less pollution.

7.1 NATURAL ENVIRONMENT & ECONOMY

The preservation of the natural surroundings is vital for maintaining economic growth. It contributes in 2 ways: by provide the resources needed as input data to produce things, like water, timber, and minerals; and indirect means by providing ecological functions like sequestering carbon, water filtration, trying to manage flood hazards, and nutrient availability. Natural resources are absolutely essential in ensuring present and future financial prosperity.

Relevant factors include the size and composition of the economy, especially how much of the GDP is made up of services as compared to production and major industries, as well as technological developments that have the potential to both promote economic growth by reducing the adverse environmental impact of manufacturing and sales decisions.

To maintain economic growth, a total decoupling of product and service production from its environmental effects is required because many crucial natural resources and ecosystem processes are depleted or under threat. The sustainable use of resources, whether through enhanced resource effectiveness or the implementation of cutting-edge manufacturing tools and product designs. It also involves staying clear of critical points that, once reached, make natural resources useless and unable to sustain the required level of economic activity. The need for complete decoupling is illustrated by existing commitments to avert dangerous climate change, which call for a reduction in greenhouse gas emissions despite an expanding global economy.

7.2 ROLE OF ENVIRONMENT POLICY FOR A SUSTAINING GROWTH

In order to encourage gains in wealth and wellbeing for both the present and future generations, environmental policy must be used to govern the provision and use of environmental resources.

To do this, government action is required for several reasons. Natural resources would specifically be overused in the absence of government intervention due to market inadequacies in the provision and utilisation of environmental resources. India is a nation that is still developing. India has one of the world's biggest and fastest-growing economies. The three basic needs of clothing, food, and shelter are no longer sufficient due to the way of life changing as a result of modernisation. Development in a variety of fields, including agriculture, the manufacturing industry, coal, lumber, bottling plants, autos, gas, and chemicals, has been facilitated by industrialization. India's economy and residents' way of life have unquestionably improved as a result of this. Additionally, it had caused the environment and environmental conditions to deteriorate, the flora and fauna in various ecosystems to decline, rare species of animals, plants, and birds to go extinct, and natural resources to become depleted. Deforestation of ecosystems for industrialization is the primary cause of this.



Increased emissions of toxic effluents and pollutants into the air, soil, and water are a by-product of industrialization. The various species that live in those ecosystems have been severely and permanently destroyed by these effluents. Deforestation has made many kinds of life vulnerable, and some have already gone extinct. The ozone layer is being destroyed by global warming, the ground water sources are no longer pure, and some regions are now plagued by terrible diseases. This is mostly the result of extensive industrialization. The negative effects of industrialization are well understood, but the key decision is whether we want to let things get worse in the near future or do something about it now.

8. STUDYING THE IMPACT OF TRIBUNAL CASES WITH REGARDS TO ENVIRONMENTAL JUSTICE GIVING BIRTH TO VARIOUS DOCTRINES

Whenever there are some activities which are degrading the nature and the environment and which raises question on environment law, the judiciary plays the crucial role in giving the mother earth its Status Quo. Several years past and various disputes have arisen with respect to the environment this has eventually led to giving births to Doctrines and Principles which evolved from the judiciary branch. The *Karnataka Industrial Areas Development Board vs. Sri. C. Kenchappa and Ors*^{xiv}. Decision is the most significant ruling that reflects contemporary environmental law.

By seriously attempting to make a balance between industrial growth and biological conservation, this decision seeks to be in accordance by philosophy of "Sustainable Development." Court had turned to its famous decision as it explores its model for environmental jurisprudence and stated:

8.1 PUBLIC TRUST AND BALANCE:

The basic principle of the Doctrine Public Trust is that given the importance of resources like the air, sea, and forests to the general people, it would be wholly illogical to turn them over to private hands. The resources must be freely available to everyone, irrespective of socioeconomic stand, because they are a present from Mother Nature. The premise is that instead than allowing the exploitation of resources for personal or commercial gain, the government should protect them so that everyone can enjoy them. The natural resources are held in trust by State, who is not permitted to breach that trust.

In *M.C. Mehta vs. Kamal Nath*^{xv}, the Supreme Court mentioned the "Public Trust" doctrine. It was determined that in this instance, where an effort was made to alter the course of a river in order to enhance services at a hotel, the State and its instrumentalities are accountable for protecting and maintaining natural resources.

In *T.N. Godavarman Thirumalpad vs. Union of India and Ors*^{xvi}, it clearly explains the meaning of "balance" as it relates to the proportionality principle as it applies to sustainable development. The court noted that we must strike a balance between the importance of environmental conservation and development.

In "*MI Builders Pvt. Ltd. v. Radhey Shyam Sahu*: a city development authority was asked to dismantle an underground market built beneath a garden of historical importance."^{xvii}

8.2 PRECAUTIONARY PRINCIPLE:

The precautionary principle eventually became a cornerstone of environmental policy and was expanded to cover the protection of fisheries, marine pollution, and coastal ecosystems. The idea is stated in Principle 11 of the UN General Assembly's World Charter for Nature Resolution from 1982, and it was reaffirmed in Principle No. 15 of the Rio Conference in 1992.

Vellore Citizens Welfare Forum v. UOI^{xviii}: The preventative principle was cited by the Apex Court, which confirmed it to be a part of our nation's customary law. The idea was adopted in Tamil Nadu to prevent tanneries from poisoning underground water cradles.

Since compensating for pollution is a minor portion of the advantages individuals receive from their destructive activities or exclusions, the Prevention Principle protects the environment against irresponsible polluters who would otherwise continue polluting it. The essential step that aims to prevent harm is environmental impact assessment. In *Vellore Case*, the court said that: "The onus of proof lies on the actor or the businessman to show that his act is environmentally gentle."^{xix}



Likewise, in the *Narmada Bachao Andolan v. UOI* the Apex Court ruled that the 'precautionary principle' could not be applied to the choice for constructing a dam whose profits and losses were foreseeable and definite.^{xx}

8.3 PRINCIPLE OF POLLUTER PAYS:

It aims to make liable polluters accountable to both expense of repairing environmental damage and compensation to victims. The theory was partially accepted in the Bhopal Gas case, where the Apex Court denied to admit any of *Rylands v. Fletcher's* arguments, in so, articulated - Polluter Pays Principle.

In *Indian Council for Enviro-Legal Action vs. Union of India*^{xxi}, the Court saw that: "The principle stipulates that the businesses that cause pollution or the manufacturers of the goods that cause pollution should be responsible for the monetary burden of avoiding or resolving injury due to pollution. As per this principle, the government is not responsible to pay for the charges connected with preventing the harm or carrying out corrective deed because doing so would shift the price of the pollution happening to the general public.

Principle of Polluter Pays, as per the Apex Court, includes principles of paying the sufferer and reversing environmental deterioration. It also includes absolute culpability for environmental harm.

8.4 ABSOLUTE LIABILITY PRINCIPLE:

One in which the existence of culpability is not required is absolute or strict responsibility.

In *M.C. Mehta vs. Union of India*^{xxii}, The idea behind it was to provide compensation for those harmed by pollution brought on by hazardous industry. The Apex Court ruled that an enterprise that is involved in a dangerous business that could endanger the well-being of those who work in the manufacturing units and those who live nearby has a complete and not delegable liability to the community to make sure that no one suffers harm as a result of the action that it has commenced.

It shouldn't be a conventional defence for the business to claim that it exercised all reasonable caution and that the injury occurred without its fault. The firm must be totally accountable to compensate for such damages. The larger and more prosperous the firm, the greater the sum of reimbursement that must be given for the damage caused by an accident while engaging in a risky or dangerous activity.

8.5 SUSTAINABLE-DEVELOPMENT:

The natural world is a national treasure. Remember that PILs have typically been used to bring environmental matters before the court, either in compliance with Art. 32 or 226 of the Constitution. From the Brundtland Paper and other global treaties, some of the key tenets of "Sustainable Development." Intergenerational Impartiality is mentioned. (Better quality of life for present and future generations).

In *MC Mehta v. UOI*^{xxiii}: The Apex Court held idea of sustainable development to the situation while considering the terrible effects that the discharges from the 'Mathura Oil Refinery' had on the Taj-Mahal. In addition to issuing several orders, the Court intervened to carry out and oversee the subsequent acts.

The *State of Himachal Pradesh v. Ganesh Wood Products*^{xxiv}, Apex Court nullified jungle-based business, spotting the principle of inter-generational Equality & sustainable development.

9. ENVIRONMENT EQUITY

The concept of environmental equality refers to the fair allocation of the ecological liability, calamity risks, and pollution among all types of societal, commercial, and political groups. The underlying tenet of this idea is that no community should be given preference over another while dealing with environmental disruptions or crises. The words "environment" and "equity," together, form the notion of environmental equity. Alive and lifeless things can develop and flourish in their surroundings. The idea of an egalitarian society serves as the foundation for equity, which is linked to equity. Since people in this world are equal and should have the same opportunity and privileges to adore the advantages of our environment, regardless of any differences, environmental equity is built on this idea.

9.1 ENVIRONMENTAL EQUITY V. ENVIRONMENTAL JUSTICE

Env. Justice (EJ) is used to illustrate the activity accommodated to defend the people's right to Environmental Equity (EE). EJ is the method used to implement EE; however EE is the principle. Although they are related ideas, EE and EJ are no same. EE is the result of environmental justice. Environmental equity is carried out according to justice. The equitable sharing of environmental costs and benefits is known as EE. Justice is ensured without bias by equity. The policy known as environmental justice deals with problems like EV, discrimination, and prejudice.

Environmental justice activists contend that minorities are ignored once it comes to enforcement of environmental rules and that their needs are neglected when it comes to environmental clean-up initiatives aimed at safeguarding the environment from trash and risks. As a result, it negatively affects the towns residents' fitness and quality of life.

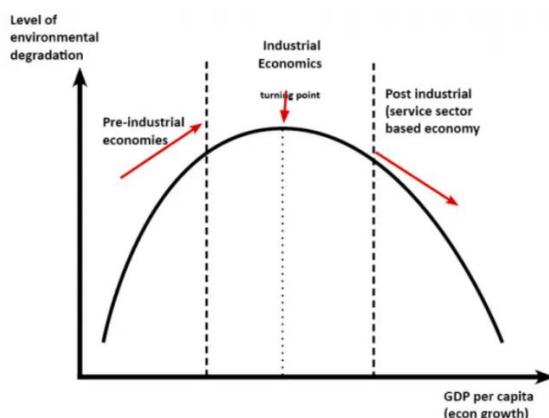
The idea of environmental justice and equity has emerged, reducing the impact of racism and environmental unfairness while also giving the underprivileged portions of civilization a foundation for environmentalism. Environmental Justice and Environmental Equity apply to all living things, not just humans. It is our responsibility as humans to preserve the environment and natural wealth for both our future generations and for animals in order to achieve the aim of sustainability.

10. A BALANCE BETWEEN ENVIRONMENTAL PROTECTION LAWS AND ECONOMIC GAIN BY CORPORATE DEVELOPMENT: WHICH ONE SHOULD PREVAIL

The quality of life for most people is improving along with the times, but the natural environment in which we live is deteriorating at the same time. The primary liability for the environment's devastation rests with businesses. The old extensive economic model, which most businesses often use, will result in lower cost investment in environmental protection equipment due to the simplification of the production management process and the widespread lack of environmental protection awareness. As a result, it might provide businesses more advantages quickly. However, over time, environmental harm and pollution will have an impact on the social standing, reputation, and sustained innovation and development of businesses. As a result, businesses, which are crucial to economic growth, should uphold their social obligations to protect the environment.

10.1 ENVIRONMENTAL KUZNETS CURVE-

Environmental Kuznets Arc is frequently used to depict the connection between monetary growth and environmental quality. It suggests that there may be an inverse U-shaped relationship between some measures of environmental quality and economic output for each individual.



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The following can be used to describe how the curve is shaped: Environmental deterioration increases together with GDP per capita. Beyond a certain point, however, rising GDP per person actually causes less environmental harm. An inverted U-shaped curve that represents the connection between per capita income and environmental deterioration is used to illustrate the EKC hypothesis.



Rapid industrialization and urbanisation during the early stages of economic development, when per capita income is minimal, leads to a decline in environmental quality. The trade-off between economic growth and environmental quality will vanish if per capita income reaches a certain level. With more resources and more technology, we can raise the environmental quality to the levels we want.

Since an increase in per capita income does not result in the desired levels of environmental improvement, the EKC is practically a phantom in reality. Empirical research from several nations shows that various initiatives to raise per capita income worsen the environment more.

10.2 THE INDIAN CONTEXT

According to a 2013 World Bank research, India's former greater economic growth imposed costs for environmental harm totaling \$3.75 trillion. According to a different World Bank research, in 2013 India's air pollution alone resulted in welfare losses equal to 7.69% of its GDP.

The implementation of pollution control measures is very poorly done in development policies, which place greater emphasis on creating income and jobs. For instance, over 25 years of pollution control initiatives in Tiruppur, Tamil Nadu, bleaching and dyeing units have not resulted in any pollution decrease. The livestock, agriculture, and health industries in that region have all suffered considerable, irreparable harm.

Currently, a commodity's price only covers the private cost of production, not the cost of harm. The commodity becomes relatively less expensive as a result, increasing demand and output as well as the cost of pollution and environmental harm. India's cities have a reputation for having some of the worst air quality in the world.

The challenges encountered for this are as follows-

- Due to a lack of data, studies often miss a wide range of economic effects on the environment.
- In the absence of pertinent data, identifying and quantifying ecosystem services for damage assessment is a challenging undertaking. Ecosystem services are extremely important economically, but because they are not exchanged in the markets, their real worth is not taken into account.
- Increased output and demand raise GDP value, but the cost of associated environmental degradation is not considered when estimating GDP.
- If we try to boost earnings and employment in established industries, we end up losing them in more environmentally sensitive industries.
- An economy that is trying to expand could be put under pressure by a lack of water, high pollution levels, extreme weather events, and the frequent occurrence of floods and droughts.

10.3 WAY FORWARD

We should not base our policy on the idea of "pollute first, clean up later." Recognize the direct environmental costs of economic expansion. Since a large portion of the world's poor rely on the environment for daily activities, putting more effort into improving environmental quality can spur economic development on a sustainable basis.

Market-based tools like pollution taxes and tradeable pollution permits need to play a bigger role. Strict environmental regulations could greatly lessen environmental harm. Future sustainable development can be attained with the aid of initiatives to build environmental accounting and a green GDP for India.

In order to discover ways to subsidise fresh energy and clean our watercourses and aquifers, India must collaborate with other governments and international organisations. A new "coalition of the willing" is needed for future "wars" to defend our environment because the problem we face is both local and world-wide.

Reducing pollution is undesirable, particularly for people who have less earnings who would be better off by their limited wealth to meet their basic needs. People begin to examine the trade-off between consumption and environmental quality after they reach a specific economic level, and environmental harm slows down. Expenditure on abatement eventually overtakes consumption because persons would rather to see gains in environmental quality than more consumption, and environmental quality starts to rise alongside economic progress.



11. THEORY OF JOHN RAWLS

A *Notion of Justice*, published in 1971, outlined Rawls' theory of justice as fairness. Beginning in 1974, Rawls wrote several journal papers that clarified and updated his theory, leading to the release of his most recent book, *Political Liberalism*.¹ Despite the fact that there have been numerous attempts to apply and adapt Rawls' theory of justice to the field of environmental ethics since it was first published in 1979, all such efforts to date have only taken into consideration the original theory as it is presented in *A Theory of Justice* and have ignored any clarifying articles that have been written in the interim.

The Kyoto Protocol should have included a cap on carbon emissions for all countries, according to a refined version of Rawls' theory of justice. Developing countries would have to take more chances as a result. It should also mandate increased assistance from the developed world to less developed countries. These results are a result of carefully adapting Rawls' theory of justice to address global environmental issues. The theory of Rawls has been severely tested by this revision, yet the test has been successful.

The first principle calls for a departure after the present hypothesis of unending economic expansion as a goal in and of itself, which is unsustainable from both the fiscal and an environmental standpoint. In contrast to the dominant paradigm, Rawls' theory of justice suggests a perspective that sees economic growth as a means to the creation and upkeep of "fair institutions" as the end or aim. In a system of social cooperation, there are usually 6 just institutions—those that have an impact on how people live their lives. When this objective is attained, according to Rawls, economic progress may begin to slow or even stop. Forming and upholding just institutes in practise is a continuous process since opinions regarding the conditions of political justice evolve throughout time.

It is therefore improbable that economic expansion will ever completely stop. The political discussion on environmental protection must gone from a zero-sum game that sets environmental security against commercial development, with the latter typically having precedence, by viewing commercial progress as a means to an end rather than as an aim in and of itself.

The Kyoto Protocol ought to have had a cap on greenhouse gas emissions for all countries, as demonstrated by the development of Rawls' theory of justice. Developing countries would have to take on more risk to achieve this. The developed world should be forced to provide traditional countries with more assistance as well. These conclusions result from a thorough revision of Rawls' theory of justice to make it applicable to global environmental issues. This revision has severely tested Rawls' theory, but the test has been successful.

CONCLUSION

After independence, India chose industrial development with adequate capitalism as its development strategy. Underneath the development of a vigorous industrial base under state control was given priority. However, the issues of pollution and the depletion of natural resources were not taken seriously by the industrialization programme. Without any discussion of the effects on the environment, land and water resources were made inexpensively available to corporations in order to foster industrialization. India has a fantastic potential to show sustainable growth and depart from previous development paradigms that largely ignored environmental concerns.

The Kyoto Protocol should have included a cap on carbon emissions for all countries, according to a refined version of Rawls' theory of justice. Developing countries would have to take more chances as a result. It should also mandate increased assistance from the developed world to less developed countries. These results are a result of carefully adapting Rawls' theory of justice to address global environmental issues. The theory of Rawls has been severely tested by this revision, yet the test has been successful.

Economic transformations were established in 1991 to do rid of several ineffective governmental and bureaucratic constraints that had stifled the manufacturing sector's expansion. The elimination of licencing was the primary change in the industrial. Despite these reforms, the industrial sector's contribution to GDP remained constant and even decreased when it came to creating jobs. In the years following the transformation, uncertainty has also grown in the industrial manufacture.



More reflective, critical, and involved people, communities, and movements are the first stage in the creation of environmental and ecological justice; there is some indication that these practises are expanding, especially within environmental justice movements previously discussed. However, the more productive phase of a involuntary transformation necessitates the incorporation of these various and important environmental knowledges into broader ecological, social, and environmental institutions. Beck contends that this action is necessary for modernisation, whereas ecological democrats contend that it is necessary for democracy. Here, I contend that it is also necessary for a comprehensive learning of ecological justice.

In order to address environmental and ecological justice—and to provide distributional equality, acknowledgment, involvement, and the competences and operative required for a good life—the ecological public sphere and the potential ecological state must continue to reflexively evolve the critical role of involved and discursive institutional structures in accomplishing fair ends. One method to create the pressure required to bring about such change is through a broad language of environmental and ecological justice that converges and congeals in movements and networks from the native to the universal.

The Draft's efforts to formalise the retrospective clearance go for the core tenets of EIA & would preclude the adoption of necessary and appropriate safeguards, increasing the risk of irreparable environmental and social harm. Retrospective clearance methods also undercut the precautionary principle, which is a component of both Indian domestic law and international law. The Draft minimized the period provided for public hearings from Thirty to Twenty days and excluded an extensive range of plans from public engagement, with those involving creation, offshore gas, and irrigation scheme modernization. At the time community consultation times have been the focus of legal rulings, India's judiciary has frequently emphasised the need for adequate time. Given the socioeconomic circumstances and geographic positions of susceptible groups badly impacted by these plans, limiting the consultation term to twenty days not be considered as reasonable and would effectively exclude a number of groups from the consultation. According to current legal developments worldwide on public engagement in transboundary EIA, the Draft exclusion of public input from projects in border regions may have significant detrimental environmental effects. To report the serious potential for environmental disaster and harm to local groups and wider communities, the Draft must be strengthened and reformatted from its current regressive state.

In order to start the sustainable progress, it is certainly time to add 'swachh paani' & 'hawa' to 'roti-kapada-makaan-aur-bijli.'

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^{viii} Draft EIA Notification (n 1) clause 9

^{ix} EIA Notification 2006 (n 23) clause 4

^x Draft EIA Notification (n 1) clause 17

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