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A CRITICAL ANALYSIS OF THE IMPACT OF POLITICAL DECISIONS AND ENVIRONMENTAL JUSTICE: A Case Study for Tamil Nadu

E. Prema & Vittiyaiye Teeroovengadum**

[Abstract There has been an escalating significance for the environment and the need to safeguard it over the years. The environment is a significant pillar of sustainable development, and the 2030 agenda has pressured countries to consider the environmental aspect in their political decisions. Environmental rule of law has gained importance both on the international level and the national level. This environmental rule of law can ensure that sustainable practices are adopted and that the coming generations inherit from a sound environment. The first requirement of an effective environmental rule of law is well-defined laws adapted to the present context. For instance, there are international conventions, like the Stockholm Declaration, which encourage countries to be engaged in the conservation of the environment. India has also demonstrated its commitment in protecting the environment through laws like Article 21 of Constitution of India, Environment Protection, Act. 1986 and Energy Conservation Act, 2001. However, the political decisions of governments can hinder the implementation of these laws.¹ The impact of such political decisions can have some consequential damages on the environment that are contrary to the intended purpose of the present environmental laws. The case of Tamil Nadu shall be considered in this research. The various weather patterns and natural disasters that the people experience in Tamil Nadu make it a very interesting State to study. Despite the natural disasters, the environmental disasters caused by human activities and the consequences of such disasters are sometimes more critical. Significant environmental disasters have occurred in this state, which may be due to unwarranted political decisions that are not in line with the provisions of Indian environmental laws. The rift between the Government of the State and the Central Government in deciding issues relating to the sharing of natural resources or policies in protecting the environment from degradation is common. These areas, on the contrary, need more collaboration to ensure a proper distribution and exercise of power by the executive and the legislative. There is a need for cooperation between the Central Government and the States as they are both

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empowered by the Constitution of India. A common reason for such conflict is that the central government supported a given party for the state government rather than the elected party. The national highways policies by the Central Government and the extension of the Veeranam water distribution project by the Tamil Nadu State Government are two decisions the people have protested as their livelihood was affected. Some of the disasters in Tamil Nadu that shall be considered in this paper are the Oil Spill in 2017, the Sterlite Copper Plant in 2018 and the ONGC Pipeline Fire in 2020. The political dynamics and relationships may change over time. Still, the political decisions should not be contrary to the principle of environmental rule of law and detrimental to the sustainable development of the country. Some recommendations on implementing the environmental rule of law shall be made in light of the analysis of this research.]

Keywords: Sustainable Development Goals, political decisions, environmental protection, environmental justice, rule of law, etc.

I

Introduction

Environmental justice can be described as a principle that will strive for the right balance between the environmental benefits and the economic and social issues.² There is a correlation between environmental justice and the different political decisions, and it is usually a complex one. One of the primary reasons for its complexity is that it will have to consider the various policies and strategies which will protect the environment, promote development and ensure that vulnerable groups of society are not forgotten³. It may be even for a country to find the right balance between a Central Government and different States with divergent opinions. The political decisions shall be geared towards sustainable development, and thus, the economic, social and environmental aspects shall all be regarded.⁴ Unfortunately, the focus is on the economic factor to the detriment of the environment. Development has been treated as a branch of the general science of economics for many years, but now one of the accepted indicators of development quality is the

²Decision 27/9: Advancing Justice, Governance and Law for Environmental Sustainability' UNEP/GC.27/17.

³ General Secretariat of the Organisation of American States "Environmental Rule of Law", (2015).

⁴H. Ahlawat,&S. Koonan, *Environmental Rule of Law in India: A Transformative principle or old wine in a new bottle*, Journal of Indian Law and Society, XIII JILS (2022)

standard of quality of the country's environment. All stakeholders should consider the environmental aspect. For instance, any multilateral agency responsible for promoting development projects involving large-scale financial aid must be concerned with the ecological determinants and not just the benefits to the developing country concerned.

Tamil Nadu is a State that has undergone rapid development over the years in terms of industrialization, infrastructure and urbanization. This State has thus benefited from socio-economic development. Unfortunately, some actions were detrimental to the environment and unfair to some social groups. Tamil Nadu is an interesting case study as there have been many environmental issues due to some political decisions which could be said to be mainly focused on the economic aspect. The analysis of the correlation between the political decisions and the impact of these decisions on the environment will help us to determine the degree of implementation of environmental justice and related issues. The possible gaps in the implementation of the policies or the enforcement of the laws that deter environmental justice shall be studied. The strengths and weaknesses of the policies shall give an insight into how environmental justice can be better integrated into the decision-making process.

II

The Growing Significance of Environmental Justice

The principle of environmental justice has gained significant importance in recent years due to numerous factors and global trends. One of the objectives of environmental justice is to ensure equity and social justice. Environmental justice emphasises fair treatment and consideration of all social groups, particularly marginalised communities, in environmental decision-making.⁵ Environmental justice also focuses on the proper distribution of environmental benefits and burdens. This is important as environmental issues usually consequently impact vulnerable communities, such as low-income earning people, indigenous peoples or other minority groups. Countries' commitment towards sustainable development has catalysed the significance of environmental justice in discussions and policy agendas.⁶ Moreover, the impact of climate change and other global environmental

⁵ Decision 27/9: Advancing Justice, Governance and Law for Environmental Sustainability UNEP/GC.27/17.

⁶Cinnamon Carlarne, *Delinking International Environmental Law & Climate Change*, IV MICH. J. ENVTL. & ADMIN. L. 6 (2014).

challenges have also contributed to the increasing importance of environmental justice⁷. Vulnerable social groups are the ones who will suffer more from the impact of climate change, such as natural calamities, increases in sea level, or decreases in food security.⁸

The countries are signatories to several international conventions that promote environmental justice. For example, the agenda 2030 by the United Nations has devised 17 sustainable development goals that directly recognize the necessity of ensuring environmental justice.⁹ There is also the Paris Agreement on climate change that has put forward the need to address the principles of fairness and equity when solving challenges related to the climate. Apart from the international commitment that countries have taken, there are grassroots movements and other NGOs that play a major role in increasing the stakeholders' awareness of environmental issues and acting as watchdogs advocating for equitable policies and practices. These local organisations have helped to prevent environmental injustices by highlighting practical and contextual issues and demanding accountability from the decision-makers. The growing influence of these movements has contributed to the broader recognition of environmental justice. The growing significance of environmental justice underlines the necessity for transformative policies, participatory decision-making processes, and inclusive approaches to ensure a just and sustainable future for all.¹⁰ By integrating environmental justice principles into policy frameworks and actively engaging with affected communities, governments, organisations, and individuals can work towards creating a more equitable and environmentally conscious society.

In India, several laws and regulations have been enacted in line with the environmental rule of law.¹¹ For example, the Indian Constitution provides for the right to a clean environment as a fundamental right. Furthermore, Article 21 of the constitution guarantees the right to life, and this right has been interpreted by the Indian courts to include the right to a healthy environment.¹² Apart from the Constitution, there are major legislations like the

⁷*Id.*

⁸A. Stephen, *Natural disasters in India with particular reference to Tamil Nadu*, I J. Acad. Indus. Res. Vol. July 60(2012).

⁹UNEP, *Global Report on Environmental Rule of Law*, (2021).

¹⁰*Supra* note 3.

¹¹*Burrabazar Fireworks Dealers Association v. Commissioner of Police* A.I.R. 1998 Cal 121.

¹²*Id.*

Environment (Protection) Act, 1986; the Wildlife Protection Act, 1972; the Forest (Conservation) Act, 1980; the Water (Prevention and Control of Pollution) Act, 1974; and the Air (Prevention and Control of Pollution) Act, 1981. These laws protect the environment and ensure environmental governance, pollution control, conservation of natural resources or biodiversity protection.¹³

In India, the Environmental Impact Assessment (EIA) is a critical component of the environmental rule of law in India and helps to ensure and control the enforcement of environmental justice.¹⁴ The EIA Notification of 2006 and related amendments regulate assessing the possible environmental impacts of development projects. For example, an Environmental Impact Assessment report has to be prepared, there must be a public consultation, and for specific projects, there is a need for environmental. The Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs) also help to enforce environmental laws. For example, they monitor and regulate pollution levels, issue relevant licenses and permits, conduct inspections when necessary and even take action against industries polluting the environment. The judiciary in India has also contributed to enforcing the environmental rule of law.¹⁵ The Supreme Court and High Courts have passed important judgments to protect the environment and enforce environmental regulations. Moreover, there are some public interest litigations against the concerned authorities on environmental issues and these judgments have reinforced the need to implement environmental rule of law.

India is a party to several international environmental conventions, namely the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, and the Paris Agreement. As previously described, India has integrated most of these international provisions in the national laws. It is uncontested that India has made enormous progress to ensure that the environmental rule of law is implemented correctly. Nevertheless, major challenges still exist, such as illegal mining, industrial pollution, deforestation, and inadequate waste management. The different stakeholders must provide

¹³*Id.*

¹⁴Sundararajan et al., *Comparative Analysis of Environmental Laws: Implementation and Lack Thereof*, International Journal of Innovative Research in Science, Engineering and Technology VI IJIRSET 5752 (2017).

¹⁵*Supra* note. 4.

additional efforts to improve environmental governance and increase compliance with environmental regulations.

III

Political Decisions of Government and Environmental Justice

Environmental disasters around the world

The countries are committed to the implementation of the environmental rule of law. Still, there are examples of political decisions by governments that are against this principle and have been detrimental to the environment.¹⁶ There are various examples of such events all over the world. For instance, there was the Dakota Access Pipeline in the USA in 2016. The Government has approved the construction of the Dakota Access Pipeline in the United States without considering the possible impact on the environment.¹⁷ Some major concerns were that the construction of the pipeline was threatening the water supply and some sites of the Indigenous communities, namely the Standing Rock Sioux Tribe¹⁸. Another example is the construction of the Belo Monte Dam in Brazil in 2011. It was argued that no consideration was given to the deforestation, loss of biodiversity and displacement of the indigenous communities in the Amazon Forest, which was against human rights and the protection of the environment.¹⁹

In 2019, the Adani Carmichael Coal Mine in Australia was another such event which has been highly criticised for its possible impact on the environment, such as the greenhouse gas

¹⁶Supra note 4.

¹⁷ Rebecca Hersher, *Key Moments in The Dakota Access Pipeline Fight*, available at: <https://www.npr.org/sections/thetwo-way/2017/02/22/514988040/key-moments-in-the-dakota-access-pipeline-fight> (last visited July 3, 2023).

¹⁸Sam Levin, *Dakota Access Pipeline: The Who, What and Why of the Standing Rock Protests*. THE GUARDIAN, (November 3, 2016) available at: <https://www.theguardian.com/us-news/2016/nov/03/north-dakota-access-oil-pipeline-protests-explainer> (last visited: 10 Nov. 2023).

¹⁹ Tom Phillips, *Belo Monte Hydroelectric Dam Construction Work Begins*, THE GUARDIAN, (March 10, 2011) available at: <https://www.theguardian.com/environment/2011/mar/10/belo-monte-hydroelectric-work> (last visited Nov. 10, 2023).

emissions and the damages.²⁰ The Critics raised concerns about its potential environmental impacts, such as increased greenhouse gas emissions, damage to the Great Barrier Reef and social injustice to indigenous communities regarding their rights on the lands and access to water resources²¹. In the above-mentioned examples, these decisions have been focused on the economic aspect and have entirely neglected the environmental and social aspects. The environmental rule of justice was not considered in the name of economic development.

The Case for India

India, like any country, has had instances where certain political decisions or actions have been regarded as not being in line with the environmental rule of law.²² One example is that presently in India, the proposed Jaitapur Nuclear Power Plant in Maharashtra has been heavily criticised by the local people and the activists protecting the environment. The stakeholders contested that there may be possible risks for the environment or displacement of certain communities. Furthermore, it was argued that some amendments to the environment laws have been reduced. For example, in 2020, the Ministry of Environment, Forest, and Climate Change proposed changes to the Environmental Impact Assessment Notification. The amendments were criticised as public participation has been reduced, it is easier to obtain licenses and many environmental safeguards are being disregarded.²³

In some cases, forest clearances have been granted for developmental projects in ecologically sensitive areas, even though concerns about deforestation and habitat destruction have been raised.²⁴ This includes cases where protected forest lands or wildlife habitats have been destroyed in the name of development projects. An example is the increase of coal mining activities and the creation of thermal power plants which have caused deforestation, increase greenhouse gas emissions and air and water pollution. Even if these projects have been detrimental to the environment, they have been approved by the concerned authorities.

²⁰ Jonathan Barrett, *Adani Claims US Investment Firm's Fraud Allegations are an 'Attack on India'*. THE GUARDIAN (January 30 2023) available at: <https://www.theguardian.com/business/2023/jan/30/adani-claims-us-investment-firm-hindenburg-research-allegations-attack-on-india> (last visited Oct. 11, 2023).

²¹ *Id*

²² *Supra* note 4.

²³ R. Handa, *A Comparative Study of the Environment Laws of India and England with Special References to Their Enforcement*, II IJRPR 2021.

²⁴ *Supra* note 4.

The Union -State Relationship and the Judicial Decisions

Under the Constitution of India, 1950, the power of governance is between the Union Government and the State Government. Under the Indian Constitution, the Centre and State have developed their relationship under Legislative Relations Art 245 to 255, Administrative Relations Art 256 to 263, and Financial Relations Art 268 to 293. Besides, the Local self-government in India plays a crucial role, where the respective states give them powers. There are three Lists, namely, Union List, State List and the Concurrent List under the Indian Constitution. The Three Lists provides for the division of Governmental powers is found in the Seventh Schedule, which includes many subjects dealt among the three lists. The environment related subjects such as minerals, natural resources, river and regulations of mines and minerals are placed under the Union List. The environmental subjects over which State legislatures can legislate are public health and sanitation; agriculture; communication; preservation, protection and improvement of stock and prevention of animal diseases; water; land; etc.²⁵

India has confronted many of the issues relating to balancing of right to environment and right to right to development. For instance, Article 19 (1)(g) of Constitution of India states “Right to practice any profession or to carry on any occupation, trade or business to all citizens subject Art 19 (6) which provides the nature of restriction that can be imposed by the State upon the above right of the citizens.” It is vital to realize that the obligation imposed upon the citizens also abides the state agencies or State or Centre authorities which processes the establishment of any industries or projects, execution of any policies that impacts environment or the livelihood of the people.

In *The Taj Mahal* case, is one of the landmark judgements where the Supreme Court of India issued directives and guidelines requiring that firms or industries in Taj Trapezium [TTZ] that used coal or coke and were damaging Taj Mahal must change to natural gas, be replaced or transferred outside Taj Trapezium. Again, the Supreme Court directed the Forest Department to protect the plants it planted around the Taj Mahal. The Divisional Forest Officer [DFO] in Agra is instructed to take immediate action to ensure that the plants get

²⁵Indian Institute of Ecology and Environment, *Environmental Policy in India*, available at: <https://www.ecology.edu/policy&constitution.html> (last visited Nov. 11, 2023).

enough water. Based on a copy of the report, the Union Government was directed to immediately transfer the funds without holding them up or waiting for the Uttar Pradesh Government to submit a proposal. After that, funding arrangements might be made with the Uttar Pradesh government.

Political Relationship between Central Government and Tamil Nadu

January 2023, the State of Tamil Nadu witnessed a few dramatic scenes during the Tamil Nadu State Assembly. The *Dravida Munetra Kazhagam* (DMK) government clashed with the Tamil Nadu Governor, who the Central Government appoints. The said issue began while in the Governor's address to the House, Governor Shri Ravi changed and added a few points from the State government-approved speech, which provoked the DMK and the allies' protests. The Chief Minister Shri M.K.Stalin highly condemned the action. In one of the previous incidents where the Governor mentioned "*Tamizhagam*" which means 'Home of Tamils' while *Tamil Nadu* means 'Land of Tamils' and this became sensational and as a result, Chief Minister Shri M.K.Stalin called the Governor as "BJP functionary".²⁶ The above-mentioned incident is an example, where the Centre and State government does not connected as alliance. Similarly, the infrastructure project such as highways, industrial gas pipelines which was proposed to the Tamil Nadu Government came into conflict of environmental protection and the livelihood of the farmers.

The relationship between the central government of India and the State government of Tamil Nadu has experienced various levels of cooperation and differences over the years.²⁷ But there are other instances where differences in opinion between the two have arisen. The Cauvery River water dispute between Tamil Nadu and Karnataka has been an issue for years.²⁸ The central government has played a role in mediating and implementing agreements between the two States.²⁹ However, at times, Tamil Nadu was not satisfied has

²⁶Key Issues in the Governor vs Tamil Nadu Government Stand-off, DECCAN HERALD (January 11, 2023) available at: <https://www.deccanherald.com/national/south/explained-key-issues-in-the-governor-vs-tamil-nadu-government-stand-off-1180035.html> (last visited Nov. 23, 2023).

²⁷*Supra* note 6.

²⁸ The Times of India, *Cauvery Water Dispute* available at: <https://timesofindia.indiatimes.com/topic/Cauvery-water-dispute> (last visited: Oct 20, 2023).

²⁹*Id.*

with the central government's way of handling the issue, especially for the release of allocated water.

In 2017, the implementation of the Goods and Services Tax has caused disagreements between the central government and the state government of Tamil Nadu.³⁰ The latter raised concerns about the loss of revenue and required compensation from the central government for the impact on Tamil Nadu's finances.

There are other examples that are not necessarily related to the environment but have caused a rift between the Central Government and Tamil Nadu. For example, the National Eligibility cum Entrance Test (NEET) for medical admissions has been a contentious issue in Tamil Nadu.³¹ The state government has expressed opposition to NEET about the impact on students from rural and economically disadvantaged backgrounds. The central government's stance on the matter has led to disagreements.³² Another example is the central government's decision to demonetize high-value currency notes in 2016.³³ Tamil Nadu expressed concerns about the impact on various sectors, particularly the informal economy and small traders.

The relationship between the central government and state governments will vary based on the political dynamics and specific issues at hand.³⁴ There are situations where there have been differences or disputes between the central government of India and the state government of Tamil Nadu but there have also been cooperation and collaboration on different matters for the development of India.

IV

A Critical Analysis of Environmental Tragedies in Tamil Nadu

Under Article 51-A of the Indian Constitution, 1950, states "It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and

³⁰ Ministry of Finance, ECONOMIC SURVEY 2022-23 42 (2023).

³¹ KV.Lakshmana, *Tamil Nadu Assembly Passes NEET Bills*, HINDUSTAN TIMES (February 2, 2017) available at: <https://www.hindustantimes.com/education/tamil-nadu-assembly-passes-neet-bills/story-a1r3EmQAoxW98hYujkIM2N.html> (last visited: Oct. 13, 2023).

³² *ibid*

³³ India News Desk, *Demonetisation Verdict: Supreme Court Upholds Centre's 2016 Decision With 4:1 Majority*, FINANCIAL EXPRESS, (Jan. 2, 2023) available at: <https://www.financialexpress.com/india-news/supreme-court-demonetisation-verdict-noteban-rs-1000-rs-500-justice-s-a-nazeer/2933733/> (last visited Oct. 21, 2023).

³⁴ *Supra* note 13.

wild life and to have compassion for living creatures.”. The question ‘is Article 51-A applicable only to the citizens or the government or government agencies too?’ In *Cooverjee B. Bharucha Vs Excise commissioner, Ajmer* (1954, SC 220), The Supreme Court, while deciding the matter relating to carrying on trade of liquor observed that, if there is clash between environmental protection and right to freedom of trade and occupation, the courts have to balance environmental interests with the fundamental rights to carry on any occupations.³⁵

Oil Spill in Ennore, Chennai

In 2017, there was an oil spill known as the Ennore oil spill incident. It happened on January 28, 2017, when two ships collided near the Kamarajar Port in Ennore, Tamil Nadu.³⁶ One of the vessels, MT Dawn Kanchipuram, was carrying petroleum oil lubricants (POL) and suffered damage, resulting in the release of an estimated 251 metric tons of oil into the Bay of Bengal.³⁷

The spill had a significant impact on the surrounding environment, including the Ennore shoreline and nearby fishing communities. It resulted in the contamination of water bodies, affecting marine life and the livelihoods of local fishermen. The spill also affected coastal ecosystems, mangroves, and bird habitats in the region.³⁸ The response to the oil spill involved various agencies, including the Indian Coast Guard, the Tamil Nadu Pollution Control Board (TNPCB), and other government bodies. Efforts were made to contain and recover the spilled oil, as well as to clean up the affected areas.³⁹ This included deploying booms, skimmers, and manpower to mitigate the environmental damage.

The incident prompted discussions on the need for improved preparedness and response mechanisms for oil spills in India. It also led to legal actions, with petitions filed in the

³⁵Pooja P. Vardhan, *Environment Protection under Constitution Framework of India*. PRESS INFORMATION, BUREAU GOVERNMENT OF INDIA (June 4, 2014) available at: <https://pib.gov.in/newsite/printrelease.aspx?relid=105411> (last visited Oct. 21, 2023).

³⁶*Ennore oil spill: What happened?* THE HINDU (NOV. 9, 2017) available at: <https://www.thehindu.com/news/cities/chennai/ennore-oil-spill-what-is-happening/article20044550.ece> (last visited Oct. 17, 2023).

³⁷*Id.*

³⁸*Id.*

³⁹ Bharani Vaitheesvaran, *Oil Spill Reported at Ennore Port Near Chennai*. THE ECONOMIC TIMES, (November 18, 2018) available at: <https://economictimes.indiatimes.com/news/politics-and-nation/oil-spill-reported-at-ennore-port-near-chennai/articleshow/66678363.cms> (last visited Oct. 19, 2023).

National Green Tribunal (NGT) seeking compensation for the affected communities and environmental restoration.⁴⁰

Sterlite Copper Plant

Sterlite Copper Plant Protests (2018): The Sterlite Copper Plant in Thoothukudi (Tuticorin) faced massive protests in 2018 due to concerns over environmental pollution and health hazards.⁴¹ The protests turned violent, resulting in clashes with the police and several casualties.⁴²

ONGC Pipeline Fire

The situation at Kathiramangalam village in Thanjavur district, where the locals are up in arms against the leak in an Oil and Natural Gas Corp. (ONGC) pipeline, is calm and adequate security has been arranged, Tamil Nadu chief minister K. Palaniswami.

Koodankulam Nuclear Power Plant

The establishment of the Koodankulam Nuclear Power Plant faced protests and criticisms due to concerns about potential health hazards, displacement of fishing communities, and inadequate public participation.⁴³ The decision-making process was seen as undemocratic, limiting the involvement of affected communities.

Chennai-Salem Expressway

The proposed Chennai-Salem Expressway project has faced opposition from environmentalists and local communities.⁴⁴ The project could result in the destruction of

⁴⁰*Id.*

⁴¹NGO That Organised Protests Against Vedanta Sterlite Plant in Thoothukudi Under Scrutiny: Home Ministry Tells Rajya Sabha. THE HINDU (April 5, 2023) available at: <https://www.thehindu.com/news/national/ngo-that-organised-protests-against-vedanta-sterlite-plant-in-thoothukudi-under-scrutiny-home-ministry-tells-rajya-sabha/article66702797.ece> (last visited Oct 21, 2023).

⁴²*Id.*

⁴³POWER TECHNOLOGY Kudankulam Nuclear Power Plant, Tamil Nadu, India (March 15, 2023) available at: <https://www.power-technology.com/projects/kudankulam-nuclear-power-plant/> (last visited Oct 15, 2023).

⁴⁴Fears Over Chennai-Salem Highway Project THE HINDU (May 1, 2018) available at: <https://www.thehindu.com/news/national/tamil-nadu/fears-over-chennai-salem-highway-project/article23741190.ece> (last visited Oct 9, 2023).

ecologically sensitive areas and the displacement of farmers.⁴⁵ Critics argue that alternative routes that cause less ecological damage were not adequately considered.⁴⁶

Industrial Pollution and Hazardous Waste

Several industrial clusters in Tamil Nadu, such as SIPCOT in Cuddalore, have faced accusations of disproportionately burdening marginalised communities with pollution and health risks. Political decisions that promote the establishment or expansion of such industries without adequate environmental safeguards can lead to environmental injustices.

Sand Mining

The unregulated sand mining industry in Tamil Nadu has caused significant ecological damage, including riverbank erosion, groundwater depletion, and disruption of river ecosystems.⁴⁷ Political decisions that fail to address illegal sand mining or implement sustainable mining practices contribute to environmental degradation and disproportionately affect marginalised communities dependent on natural resources.⁴⁸

V

Conclusion

The case study of Tamil Nadu highlights the critical link between political decisions and environmental justice. While developmental projects are necessary for economic progress, it is crucial to ensure that these decisions prioritize environmental sustainability and social equity.⁴⁹ Robust public participation, transparent decision-making processes, and adherence to environmental regulations are essential for achieving environmental justice.⁵⁰ By critically analyzing the impact of political decisions, policymakers and stakeholders can work towards fostering a more sustainable and equitable future for Tamil Nadu and beyond. Likewise, the hydrocarbon extraction project was planned by the Centre to be established in

⁴⁵*Id.*

⁴⁷K.J.Joy, Neha Bhadbhade, et.al. *Is Sand Mining Killing Our Rivers?* India Rivers Week (2020) available at: https://indiariversforum.org/wpcontent/uploads/2020/11/irw2020_westindiasandminingoverview_soppecom_v3.pdf (last visited Oct 10, 2023).

⁴⁸*Id.*

⁴⁹*Environmental Rule of law, First Global Report.* United Nations Environment Programme, DEL/2227/NA(2019).

⁵⁰A. Kreilhuber, and A. Kariuki, *Environmental Rule of Law In The Context Of Sustainable Development*, XXXV GLR 591 (2020).

the 12 lakh acres of agricultural land which is known as Cauvery delta region- 'rice bowl of Tamil Nadu'.⁵¹ In this issues, contrarily with the argument of political rift between Centre and State, the AIADMK (*All India Anna Dravida MunetraKazhagam*) Government which had a allies with the Centre also accepted few of the decisions of Centre and the same was opposed by the public and by the opposition party-the DMK. This is another issue that need to be looked into as the environment is put into danger in such situations.

In India, Public Interest Litigation (PIL) under Article 32 and 226 of the constitution of India resulted in a wave of environmental litigation. The leading environmental cases decided by the Supreme Court includes case of closure of limestone quarries in the Dehradun region, *Dehradun Quarrying case*, AIR 1985 SC 652), the installation of safeguard at a chlorine plant in Delhi, *M.C. Mehta V. Union of India*, AIR 1988 SC 1037 etc. In *Vellore Citizens Welfare Forum vs. Union of India* (1996) 5 SCC 647, the Court observed that "the Precautionary Principle" and "the Polluter Pays Principle" are essential features of "Sustainable Development.

Some of the recommendations of Sundararajan are interesting to improve the implementation of the environmental rule of law, such as, the establishment of environment courts with specialized judges, increase in social awareness on the need to protect the environment or more power to the institution enforcing environmental laws.⁵²It is essential that the decision makers, the Central government or the State government have sustainable development at heart when taking decisions. A decision can be good for the economic development of the country but has detrimental effect on the environment and vulnerable social group. It is essential that the right balance between the economic, social and environmental aspect in line with principle of sustainable development.

⁵¹ D. Govardan, *Tamil Nadu: Eight Issues that Will Influence Voters*. THE TIMES OF INDIA, (March 23, 2019) available at: <https://timesofindia.indiatimes.com/city/chennai/tamil-nadu-eight-issues-that-will-influence-voters/articleshow/68531805.cms>, (last visited Oct 9, 2023).

⁵²*Supra* note 14.

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