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# The Emergence of the Global Environmental Justice Movement and Its Impact on India's Green Jurisprudence

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## ABSTRACT

*Environmental issues have been rising globally at an alarming rate. Environmental justice involves the idea that all individuals and groups have the right to equal environmental protection without any discrimination under the law and the right to live in communities which are healthy and free of toxic conditions which could be life-threatening. The environmental justice movement emerged around the concerns of fairness, social equity, and environmental protection. Robert Bullard, Paul Mohai, Robin Saha, and Beverly Wright coined the term 'Environmental justice', which is described as the equitable and unbiased distribution of environmental benefits and harms through the restructuring of systems of oppression. In their revolutionary work, "Toxic Waste and Race", they debated that across the US South, landfills were disproportionately sited in low-income communities of color, leading to dissimilar human health impacts, lower economic value of property, and less green space accessible to these communities. The crystallising of environmental justice movement happened with the First People of Color Environmental Leadership Summit held in 1991 in Washington, D.C. The global environmental justice movement paved way to the development of India's Green Jurisprudence as well. The Chipko movement, the Appiko movement, the Narmada Bachao Andolan were few of the many movements which attempted to bring environment to the core of India's conscientiousness. Recent movements include those against Companies such as Vedanta in Tamil Nadu and Odisha, the Save Aarey Forest campaign in Mumbai, the Save Dehing-Patkai Movement, etc. These movements are against Ecological Distribution Conflicts (EDCs). The EDCs are fights around environmental costs and benefits owing to inequalities in power and income, and are rooted in the broader context of class, caste, race and gender asymmetries. These conflicts have evolved over time and are now not limited to just rural areas; rather they are apparent in different contexts and settings.*

**Keywords:** *Environmental Justice, India's Green Jurisprudence, Ecological Distribution Conflicts.*

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## I. INTRODUCTION

Environmental issues have been rising globally at an alarming rate. While such issues are a cause of concern for each individual on this planet, there are some who suffer more than the others. Environmental justice is founded on the notion that some groups in society are burdened by unequal environmental and economic problems such as poor air and water quality, and also unhealthy living conditions as a consequence of industrial, municipal, and commercial operations or the regulations and policies made by the State.

Environmental justice involves the idea that all individuals and groups have the right to equal environmental protection without any discrimination under the law and the right to live in communities which are healthy and free of toxic conditions which could be life-threatening.<sup>2</sup> It can be made possible when all the people shall have access to information and decision-making process affecting them, thereby enabling to take timely action and creating a positive environment for them.

Though there is no single or particular definition for environmental justice, the concept continues to evolve and includes collective themes of equal protection, community involvement and healthy living environments.

According to United States Environmental Protection Agency (USEPA), “Environmental justice means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:

- are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.”<sup>3</sup>

So, environmental justice essentially involves fair treatment as well as meaningful involvement of all people regardless of color, race, national origin, or income with respect to the

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<sup>2</sup> Environmental Justice Matters: What is environmental justice? (Apr. 22, 2024, 03: 15 PM), <https://detroitenvironmentaljustice.org/what-is-environmental-justice/>.

<sup>3</sup> *What Is Environmental Justice?*, (Apr. 22, 2024, 03:53 PM), <https://www.energy.gov/lm/what-environmental-justice>.

development, implementation, and enforcement of environmental laws, policies and regulations.<sup>4</sup> Fair treatment implies that no one shall bear a disproportionate share of the negative environmental consequences caused as a result of industrial, municipal, and commercial operations or the regulations and policies made by the State.

## II. EMERGENCE OF THE GLOBAL MOVEMENT

The environmental justice movement emerged around the concerns of social equity, fairness, and environmental protection.<sup>5</sup> In 1968, in Memphis, a city in the U.S. state of Tennessee, more than 1,300 Black workers from the Department of Public Works went on strike against a pattern of neglect and abuse of the city's Black employees that had caused the death of two sanitation workers.<sup>6</sup> A decade later, another landmark garbage dispute ensued in Houston, Texas, where African-American homeowners initiated a bitter fight to keep the Whispering Pines sanitary landfill out of their suburban middle-income neighborhood. The occupants of the area formed the Northeast Community Action Group or NECAG.<sup>7</sup> In 1979, a class action lawsuit was filed to block the garbage facility from being built. This lawsuit, *Bean vs. Southwestern Waste Management, Inc.*<sup>8</sup>, was the first of its kind to challenge the setting of a waste facility under civil rights law.

Three years later, the movement was brought to a national limelight during the North Carolina PCB Protests in 1982.<sup>9</sup> The dumping of PCB contaminated soil in the predominately Black community in Warren County sparked off massive protests and led to over 500 arrests. This was the first time Americans had been arrested protesting the setting up of a waste facility. This environmental injustice, including the disposal of toxic waste, land appropriation, etc. led to the formation of the global environmental justice movement.

During this time, Robert Bullard, Paul Mohai, Robin Saha, and Beverly Wright coined the term 'Environmental justice', which is described as the equitable and unbiased distribution of environmental benefits and harms through the restructuring of systems of oppression. In their revolutionary work, "Toxic Waste and Race", they debated that across the US South, landfills were

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<sup>4</sup> G. BOLTE, ET AL., *ENVIRONMENTAL JUSTICE: SOCIAL DISPARITIES IN ENVIRONMENTAL EXPOSURES AND HEALTH: OVERVIEW*, ENCYCLOPAEDIA OF ENVIRONMENTAL HEALTH, 459-470 (2011).

<sup>5</sup> R Bullard, *Environmental justice*, IESBS, 4627-4633 (2001).

<sup>6</sup> *MEMPHIS SANITATION WORKERS' STRIKE*, (APR. 23, 2024, 05:20 PM), [HTTPS://KINGINSTITUTE.STANFORD.EDU/MEMPHIS-SANITATION-WORKERS-STRIKE](https://kinginstitute.stanford.edu/memphis-sanitation-workers-strike).

<sup>7</sup> *The quest for environmental justice and the politics of place and race*, (Apr. 23, 2024, 07:42 PM), <https://www.climaterealityproject.org/blog/quest-environmental-justice-and-politics-place-and-race#:~:text=In%201978%2C%20in%20Houston%2C%20Texas,The%201979%20lawsuit%2C%20Bean%20v.>

<sup>8</sup> 482 F. Supp. 673 (S.D. Tex. 1979).

<sup>9</sup> *Environmental justice*, (Apr. 23, 2024, 06:10 PM) <https://create.umn.edu/wp-content/uploads/2020/02/Environmental-Justice.pdf>.

disproportionately sited in low-income communities of color, leading to dissimilar human health impacts, lower economic value of property, and less green space accessible to these communities.<sup>10</sup>

Initially, it was influenced by the American civil rights movement and concentrated on environmental racism within rich countries. However, as the movement gained some success in rich countries, environmental burdens were shifted to the Global South. The environmental justice movement has thus become more global, with some of its aims now being articulated by the United Nations.

The crystallising of environmental justice movement happened in 1991 when activists fighting against environmental racism assembled in Washington, D.C. for the First People of Color Environmental Leadership Summit. A significant outcome of the Summit was the adoption of the Seventeen Principles of Environmental Justice, which were later disseminated at the 1992 Earth Summit in Rio.<sup>11</sup> The main purpose of the movement is to attain agency for marginalised communities in making environmental decisions affecting their lives.

### III. ENVIRONMENTAL JUSTICE IN INDIA

Environmental justice is a fairly new term in India. Environmental concerns had been present in India for long time but needed more attention as they were mostly confined to local regions. Overtime, these concerns gathered public support.

The Chipko movement is often recognised as India's first environmental justice movement which attempted to bring environment to the core of India's conscientiousness.<sup>12</sup> However, the origin of environmental justice movement in India can be traced back to the early mass resistances to British Rule, like the Bengal peasant revolt which took place in 1859-63 against the indigo plantations. In 1968, the then Prime Minister Indira Gandhi led India's delegation to the UNESCO's 14th General Congress. This was the first time that India's position on environment and development was articulated on an international stage. While proposing a program named "A Design for Living," she declared that the main priority of the Indian government is commitment to the environment and improvement of the human conditions.<sup>13</sup>

Four years later, in 1972, she said, "development is not the cause of most of these problems but the cure. The poorer countries cannot but look upon planned development as an instrument to

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<sup>10</sup>. Michael Mascarenhas, et al., *Toxic waste race in twenty first century America*, 12(1), Environment and society, 19 (2021).

<sup>11</sup>. Environmental Justice Matters, *supra* note 1.

<sup>12</sup>. Shalin Verma *Environmental justice issues in India*, (Apr. 23, 2024, 06:34 PM).

<https://enterclimate.com/blog/environmental-justice-issuesinindia/#:~:text=The%20conflict%20created%20by%20the,or%20the%20Silent%20Valley%20protest.>

<sup>13</sup>. S. Ravi Rajan, *A History of Environmental Justice in India*, 7(5) EJ 115-116 (2014).

improve the quality of life. Such planning, however, should entail a reappraisal of the objectives of development to provide more explicitly for the social and human needs of health, shelter, clean air, water and the beauty of natural surroundings. We should move away from the single dimensional model which equates the growth of G.N.P. with development. Our emphasis should be on the qualitative improvement of life as a whole rather than on the quantitative growth of various sectors of economy.”<sup>14</sup>

The freedom movement led by Mahatma Gandhi also opposed industrialisation, thereby advocating for environmental justice. After independence, there was a sudden increase in infrastructure projects such as those relating to multi-purpose dams, steel plants, etc. This rapid industrialisation led to the fight for preserving water, forests and land.

After the Chipko movement of 1973, there were several other movements fought by different groups at different places across India. The Silent Valley protest was a movement to protect the Silent Valley Reserve Forest from being flooded by a hydroelectric project.<sup>15</sup> Similar to Chipko movement, another movement called the Appiko movement started in 1983 to conserve the trees of Kalse forests in Karnataka.<sup>16</sup> A year later, the Bhopal Gas disaster of 1984 brought in a nationwide push for environmental justice movements. The Narmada Bachao Andolan of 1985 was another mass movement by native tribals, human rights activists and environmentalists to protest the construction of large dams on river Narmada.

Recent movements include those against Companies such as Vedanta whose copper smelter plant was closed down by Tamil Nadu and another project to mine bauxite in the Niyamgiri Hills faced a roadblock in 2013 in Odisha.<sup>17</sup> The Save Aarey Forest campaign in Mumbai in 2014 witnessed protests to save the forest against the building of the metro car shed in the last green space of Mumbai.<sup>18</sup> In 2019, Global Climate Strike was led by Greta Thunberg in New York, which was also organised in 13 cities of India where people demanded climate action from the government.<sup>19</sup> In 2020, Save Dehing-Patkai Movement was led by the All India Assam Student Union (AASU) and the All Assam Matak Youth Students’ Union to oppose coal-mining

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<sup>14</sup>. *Ibid.*

<sup>15</sup>. SHEKAR DATTATRI, *SILENT VALLEY – A PEOPLE’S MOVEMENT THAT SAVED A FOREST*, (APR. 24, 2024, 11:10 AM) [HTTPS://WWW.CONSERVATIONINDIA.ORG/CASE-STUDIES/SILENT-VALLEY-A-PEOPLES-MOVEMENT-THAT-SAVED-A-FOREST](https://www.conservationindia.org/case-studies/silent-valley-a-peoples-movement-that-saved-a-forest).

<sup>16</sup>. The Appiko movement : Forest conservation in southern india, (Apr. 24, 2024, 01:15 PM) <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/appiko-movement-forest-conservation-southern-india>.

<sup>17</sup>. BROTI ROY, *INDIA’S ENVIRONMENTAL JUSTICE MOVEMENTS*, (APR. 23, 2024, 06:34 PM) [HTTPS://CASL.SAS.UPENN.EDU/IIT/BROTOTIROY](https://casl.sas.upenn.edu/iit/brototiroy).

<sup>18</sup>. *Save Aarey movement* , (Apr. 25, 2024, 06:50 PM) <https://aareyconservationgroup.org/save-aarey-movement/>.

<sup>19</sup>. MEHR GILL, *EXPLAINED: WHAT IS THE GLOBAL CLIMATE STRIKE MOVEMENT?* SEPT.20, 2019.

in the rainforest region.<sup>20</sup>

These abovementioned movements are against Ecological Distribution Conflicts (EDCs), a term coined in 1996 by Martinez Alier and Martin O'Connor.<sup>21</sup> This term is used to describe the social conflicts emerging out of unfair access to natural resources and the unjust burdens of pollution. The EDCs are fights around environmental costs and benefits owing to inequalities in power and income, and are rooted in the broader context of class, caste, race and gender asymmetries. These conflicts have evolved over time and are now not limited to just rural areas; rather they are apparent in different contexts and settings.

Though such conflicts affect the entire population to some extent, some suffer more than others. The most vulnerable are the indigenous communities who face direct and indirect violence as environment defenders. They have a significantly higher exposure in an attempt to protect their land and environment.<sup>22</sup>

To address this issue, the Parliament has enacted various laws to protect and improve the environment such as the Forest (Conservation) Act, 1980, Water (Prevention and Control of Pollution) Act, 1974, Wildlife (Protection) Act, 1972, Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981, National Environment Tribunal Act, 1995, National Green Tribunal Act, 2010, Biological Diversity Act, 2002, and the Hazardous Wastes (Management and Handling) Amendment Rules, 2003.<sup>23</sup> Besides, our courts have evolved several principles towards environmental justice. The Indian judiciary has played a proactive role by entertaining public interest litigation.<sup>24</sup> There have been a number of cases where the courts have upheld and encouraged the protection and conservation of environment while granting compensation to the sufferers.

#### IV. CONCLUSION

As already mentioned above, environmental justice involves the idea that all individuals and groups have the right to equal environmental protection without any discrimination under the law and the right to live in communities which are healthy and free of toxic conditions which

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<sup>20</sup>. Manash Pratim Borah, *Digitalization of Environment Movement: A Case Study on Dehing Patkai Rainforest*, (Apr. 25, 2024, 07:30 PM) <https://ssrn.com/abstract=4434366>.

<sup>21</sup>. *Ecological Distribution Conflicts* (Apr.24, 2024, 7.25 PM), <http://www.ejolt.org/2016/04/ecological-distribution-conflicts/>.

<sup>22</sup>. Brototi Roy & Joan Martinez Alier, *Environmental Justice Movements in India: An analysis of the multiple manifestations of violence*, 2(1) INSEE 77–92 (2019).

<sup>23</sup>. Ashish Verma, *Law Of Environment In India: Problems And Challenges In Its Enforcement*, 6(2) IMeJ 17-26, (2021).

<sup>24</sup>. Arun Kumar, *Environmental Justice In India*, (Apr. 25, 2024, 08:00 PM) <https://www.scconline.com/blog/post/2022/06/05/environmental-justice-in-india/>.

could be life-threatening. The global environmental justice movement paved way to the development of India's Green Jurisprudence as well. Accordingly, we have enacted laws and the courts have evolved guidelines and principles to protect, conserve and improve the environment. However, there is still a lack in the sense of protecting the marginalised communities, in particular the indigenous communities from the discrimination they face in the name of development. They are often at the forefront of the harms associated with industrial activities and consequently the first to defend their land and environment. Hence, it is crucial that their rights are equally protected and the impact of environmental injustice is mitigated.

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