

Defining Environmental Justice: The Indian Context

Kara Suvada

American University in Washington D.C.
United States of America.

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India is a powerhouse nation that is rapidly growing and developing. The country is one of the foremost leaders in Asia, and has emerged as a world power. In terms of the environment, India is one of the first countries in the world to have established a “green” court specifically for addressing legal cases related to the environment, and was a leading voice in the Rio+20 United Nations Conference on Sustainable Development in 2012. India is home to 13 of the 20 most polluted cities globally, making environmental challenges a familiar concept to the nation.¹ And while India has informally practiced and dealt with environmental justice for many years, this article is an argument that a formal definition is necessary.

Cases Studies: The Bhopal Disaster, the Plachimada Coca-Cola Factory, and the Mahan Mine Development

Bhopal

In December of 1984, one of the worst industrial tragedies occurred. The pesticide factory of the multinational Union Carbide Corporation in Bhopal, India, malfunctioned and leaked more than 30 tons of highly toxic gas into the surrounding area. Recent estimates exceed 15,000 in immediate mortality, and hundreds to thousands more have suffered from acute blindness, respiratory infections, pulmonary edema, liver and kidney damage, and infertility. Furthermore, many exposed pregnant women gave birth to stillborn infants and children with severe physical and mental impairments. And although Carbide has set up hospitals for affected residents and their children, there have been little to no efforts to decontaminate the ground water and soil that

¹Chainey, Ross. "Which Is the World's Most Polluted City?" *World Economic Forum*, June 25, 2015. Accessed May 25, 2016. <https://www.weforum.org/agenda/2015/06/which-is-the-worlds-most-polluted-city/>.

is crucial to the survival of the people in the area. This only means continued suffering and injustice until something, and many residents are socioeconomically disadvantaged.²

Plachimada

In Plachimada, Kerala, Coca-Cola bought property to create a bottling factory. Within the first six months of the factory's that left had turned a milky color and was deemed "polluted and unfit for domestic use" through a study by the Kerala-based, Non-Governmental Organization (NGO), Jananeethi.³ Additionally, sludge and waste from bottle washing in the factory was collected and deceptively labeled as fertilizer and sold to farmers. Villagers started complaining of gastritis and other stomach problems, and farmers' crops quickly died from the lack of water. Over 80 percent of Plachimada's residents are agricultural laborers, so this became a community-altering problem.⁴

Mahan

And in Mahan, Madhya Pradesh, there is another case that could end in ambiguity. Essar is a multimillion-dollar coal mining company that has been trying to secure property in India's "coal belt" for years. However, the proposed mine cuts into a major forest, destroying the livelihood of the indigenous people living in the area.⁵ The Mahan area is one of the most ecologically diverse places in the nation, containing endangered tigers, birds, and sloths, in addition to over 100

² Taylor, Alan. "Bhopal: The World's Worst Industrial Disaster, 30 Years Later." *The Atlantic*, December 2, 2014. Accessed May 25, 2016. <http://www.theatlantic.com/photo/2014/12/bhopal-the-worlds-worst-industrial-disaster-30-years-later/100864/>.

³ *ON THE AMPLITUDE OF ENVIRONMENTAL AND HUMAN RIGHTS RAMIFICATION*. Report. Plachimada: Jananeethi, 2002. July 2002. Accessed May 25, 2016.

⁴ Mathews, Rohan D. "The Plachimada Struggle against Coca Cola in Southern India." *Dialogues, Proposals, Stories for Global Citizenship*. July 2011. Accessed May 25, 2016. <http://base.d-p-h.info/en/fiches/dph/fiche-dph-8891.html>.

⁵ "Mahan Coal Block Won't Be Auctioned, Coal Min Says in RTI Reply." *The Times of India*, March 21, 2015. Accessed May 25, 2016. <http://timesofindia.indiatimes.com/city/bhopal/Mahan-coal-block-wont-be-auctioned-coal-min-says-in-RTI-reply/articleshow/46642702.cms>.

migratory animals.⁶ Clearing the forest would violate the religious beliefs of residents who have spiritual associations with this land, would negatively affect the jobs of over 500,000 people, and would take away grazing space for cattle.⁷ On the other side of the proposal, however, the project would supply India with another 900 tons of coal, which is crucial to the nation. Coal is one of the country's main power sources, and would help to supply 400 million with electricity. Additionally, demand for power is expected to double by 2022.⁸ As India has an estimated 300 billion tons of coal, 43 billion tons of lignite, 736 million tons of crude oil, 1,427 billion cubic meters of natural gas, and 147,615 Mega Watts of renewable power, the amount of resources are not the immediate problem.⁹ The problem is finding a balance between unabashedly tapping into these resources while contending with other factors, such as environmental grievances and human rights. The proposed coal plant in Mahan would aid the nation in properly utilizing its power reserves, reaching nationally outlined power goals and ensuring electricity for many, but would destroy natural lands and undercut the voices and rights of the people living near it.

These cases demonstrate the development of industry, environmental conservation, and human rights. It's hard to find a balance, especially in an emerging nation like India that needs a chance at its own "Industrial Revolution", which propelled such nations as the United States, Britain, and Germany, forward. And while development is crucial, all three cases have also experienced significant backlash from community members, grassroots movements, and NGOs.

But there is hope for environmental justice. In the case of Bhopal, residents demanded and are still demanding action from Carbide and the Indian government for their inherent right to clean

⁶ "ESSAR: QUIT MAHAN!" Greenpeace India. Accessed May 25, 2016. <http://www.greenpeace.org/india/en/What-We-Do/Quit-Coal/Save-Junglistan/>.

⁷ Santoshi, Neeraj. "Madhya Pradesh: Battle for Coal Divides Mahan Villages." *Hindustan Times*, February 4, 2015. Accessed May 25, 2016. <http://www.hindustantimes.com/india/madhya-pradesh-battle-for-coal-divides-mahan-villages/story-yyKkfeKOULc869B9wUVe3I.html>.

⁸ "India 'to Overtake China's Population by 2022.'" *BBC News*, July 30, 2015. Accessed May 25, 2016. <http://www.bbc.com/news/world-asia-33720723>.

⁹ Kumar, Ashish, ed. *Energy Statistics, 2015*. Report. 22nd ed. New Delhi: Central Statistics Office, 2015.

water, air, and land.¹⁰International organizations, such as The Bhopal Medical Appeal, have been created to donate to causes that help the Bhopal residents in order to raise awareness about the severity of corporate abuse and negligence. An additional piece of leverage that has been used in this case is the fact that the Indian Constitution sees the “enjoyment” of clean water and air as a right, though it is clear this community is being denied this right.¹¹Many grievances and inter-generational damages still have to be settled in this community.

In the “Plachimada Coca-Cola Plant Agitation”, residents were successful after years of non-violent protests, petitions, and advocacy. While much of the community is still suffering from the residual effects of the plant’s presence, the Panchayat (local governing body) was able to effectively engage and shut the place down.¹²*What made the difference?* The concept of Public Interest Litigation (PIL), or the implementation of a law by a court with the concern of the public or certain population in mind, was used in this case. Specifically, the principles of the Public Trust Doctrine (PTD) were employed, as it outlines that the state has “duties” to uphold in the “public interest”, which in this case, was keeping groundwater clean for the residents of Plachimada to drink and use for crops. This case was won largely due to PIL taken up by local Panachayats, NGOs, and active residents.¹³

With the ongoing “Essar: Quit Mahan” project, community activism, petitions, and the work of Greenpeace’s Priya Pillai have influenced the government to recently block Essar from expanding into the Mahan forests, despite ongoing energy demands and disagreement from state officials.¹⁴

¹⁰ Taylor, Alan. "Bhopal: The World's Worst Industrial Disaster, 30 Years Later." *The Atlantic*, December 2, 2014. Accessed May 25, 2016. <http://www.theatlantic.com/photo/2014/12/bhopal-the-worlds-worst-industrial-disaster-30-years-later/100864/>.

¹¹ "Union Carbide's Disaster." THE BHOPAL MEDICAL APPEAL. Accessed May 25, 2016. <http://bhopal.org/>.

¹² Mathews, Rohan D. "The Plachimada Struggle against Coca Cola in Southern India." *Dialogues, Proposals, Stories for Global Citizenship*. July 2011. Accessed May 25, 2016. <http://base.d-p-h.info/en/fiches/dph/fiche-dph-8891.html>.

¹³ Koonan, Sujith. *Groundwater: Legal Aspects of the Plachimada Dispute*. Report. New Delhi: Cambridge University Press, 2010. Accessed May 25, 2016. <http://www.ierlc.org/content/a1008.pdf>.

¹⁴ "Mahan Coal Block Won't Be Auctioned, Coal Min Says in RTI Reply." *The Times of India*, March 21, 2015. Accessed May 25, 2016. <http://timesofindia.indiatimes.com/city/bhopal/Mahan-coal-block-wont-be-auctioned-coal-min-says-in-RTI-reply/articleshow/46642702.cms>.

All three of these cases illustrate the complexity of environmental and development issues in India, and is why a formal and legal definition of environmental justice is timely and necessary.

Definitions of Environmental Justice

Taking conservation, human rights, and development simultaneously into consideration roughly sums up the concept of environmental justice. This relatively new idea is supposed to involve all people in regards to creating fair environmental laws, actions, and policies. However, the Indian government has not created its own interpretation of the phenomenon. According to the U.S. Environmental Protection Agency (EPA), the definition of environmental justice is:

Fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.¹⁵

This official definition works for the United States. One of the biggest problems in the U.S. regarding the environmental and human rights is the segregation of, namely, African-Americans, Latinos, and those of low socioeconomic status in places with pollution-emitting factories, contaminated ground water, and no green space. Many of these groups lack the funding and education to advocate, and, therefore, live in unjust conditions.¹⁶ The EPA's definition targets to create equity between all races and socioeconomic statuses in order to create fairer environmental policy and infrastructure. However, this discourse does not entirely work in the Indian context. While possibly a good springboard, it is first imperative to ask if environmental justice even needs to be defined within India. Environmental justice has been practiced and implemented for a number of years in the country without formal framing. However, it is ultimately necessary to define. A formal definition would help develop a balance between the

¹⁵ "Environmental Justice." EPA. Accessed May 25, 2016. <https://www.epa.gov/environmentaljustice>.

¹⁶ Kameri-Mbote, Patricia, and Philippe Cullet. "Environmental Justice and Sustainable Development." *International Environmental Law Research Center*, 1996. Accessed May 25, 2016. <http://www.ielrc.org/conent/w9601.pdf>.

key areas of conservation, human rights, and development within the context of environmental policy and action. This article is an argument and pursuit for a formal definition of environmental justice in the Indian context.

Conservation

Conservation is the first key aspect of defining environmental justice in India. How does India conserve its remaining natural wonders and ecological hotspots? The answer is very complex and has no one right method. Many times, conservation goes hand-in-hand with protecting the rights of often-marginalized tribes and remote villages. Take the Vedanta case, for example. In 2013, the London-based company, Vedanta, tried to claim the land of the DongriaKondh tribe in order to construct a bauxite mine. However, unlike most cases that have involved tribes and large, multinational corporations, the tribe won rights to their land.¹⁷ This victory marked a huge relief for conservationists. The Niyamgiri Hills, the place in which the DongriaKondh tribe resides, has been cited as one of the most bio-diverse areas left in India. Containing over 50 types of medicinal plants, hundreds of mammals and birds, multitudes of endangered species, and a migration center for elephants, this is not a place to lightly consider when pondering development schemes.¹⁸ Understanding the biological significance of these hills and putting it in the context of environmental justice is important to defining the concept. If Vedanta *did* place a bauxite mine there, an extremely significant biological hotspot would be severely undermined, and most likely destroyed from the lasting effects of pollution. According to the United Nation's (UN) *State of the World's Indigenous People*, biodiversity loss is 100 times greater than the natural rate, exacerbated climate change continues to endanger thousands of species, and an estimated 30 percent of the world's mammals and birds are expected to be extinct by the end of the 21st Century.¹⁹ It is also worthy to mention that India has historical roots in the conservation

¹⁷*Environmental Justice: Comparative Experiences in Legal Empowerment*. Report. New York: United Nations, 2014.

¹⁸*Biodiversity and Ecological Significance of Niyamgiri Hill Ranges*. Report. Accessed May 25, 2016. [http://www.indiaenvironmentportal.org.in/files/Biodiversity and ecological significance of Niyamgiri Hill Ranges.pdf](http://www.indiaenvironmentportal.org.in/files/Biodiversity_and_ecological_significance_of_Niyamgiri_Hill_Ranges.pdf).

¹⁹Zukang, Sha, ed. *State of the World's Indigenous Peoples*. Report. Vol. 13. Series 9. New York: United Nations, 2009.

of the natural world. In the 1970s and 1980s, villagers in the Himalayan region helped to start the Chipko, or “tree hugger”, movement where protestors would strap themselves to trees in order to prevent logging companies from chopping them down.²⁰ The natural world is also commonly interwoven with the spiritual one, garnering much respect and worship, and especially in the context of indigenous peoples.²¹ Taking the factors of protecting biodiversity, conserving natural resources, and understanding the significance of the natural world to the people who live in it, can help incorporate conservation into a formal definition of environmental justice.

Human Rights

The example of the Vedanta case can also be considered within the framework of human rights. In this situation, the population of focus is the Dongria Kondh tribe. This tribe, numbering over 8,000 people, depends on over half of their income from selling timber, flowers, and other resources from the forest (where the mine is proposed). This community is among one of the most marginalized and socioeconomically disadvantaged groups in the world; it is estimated that indigenous populations (disproportionately) make up 15% of the poor.²² It seems as though it would be relatively easy for a mega-company, such as Vedanta, to suppress these people and buy the land off; but, with recent legislation in the Indian government, tribes with rights to land are starting to gain more protections. One such piece of legislation is the Forest Rights Act (passed in 2006). This act ensures the “legal recognition” of the rights of “traditional forest dwellers” and also creates a narrative for these communities to voice their concern about encroachment and wildlife conservation.²³ The Dongria Kondh tribe, being “traditional forest dwellers”, used this act

²⁰ Guha, Ramachandra. "The past & Present of Indian Environmentalism." *The Hindu*, March 27, 2013. Accessed May 25, 2016. <http://www.thehindu.com/opinion/lead/the-past-present-of-indian-environmentalism/article4551665.ece>.

²¹ "The Chipko Movement." The Chipko Movement. Accessed May 25, 2016. <http://edugreen.teri.res.in/explore/forestry/chipko.htm>.

²² Khoday, Kishan, and Usha Natarajan. "Fairness and International Environmental Law from Below: Social Movements and Legal Transformation in India." *Leiden Journal of International Law* 25, no. 02 (2012): 415-41. Accessed May 25, 2016. doi:10.1017/s0922156512000118.

²³ "What Is This Act About?" The Forest Rights Act. Accessed May 25, 2016. <https://forestrightsact.com/what-is-this-act-about/>.

to voice their discontent of Vedanta's plans, and was successful in using PIL and environmental legislation to their advantage.²⁴ Another way these protections were gained was through advocacy. A group, NiyamgiriSuruksaSamiti, led by KutiaMajhi, raised awareness about the potential abuse that Vedanta would exercise, and got global NGOs, such as Survival International, involved in defending the rights of his tribe.²⁵ These actions helped bring the issue to not only a local scale, not only to a national scale, but also to an international one. By doing this, Majhi and his organization made it so Vedanta would have had to tell the world how building bauxite mines validated destroying the lives of 8,000 people. This would have been terrible public relations for the company, and their justification would have appeared weak. However, this advocacy would have not occurred if not for the existence of The Forest Rights Act and Public Interest Litigation in which to centralize around. Without these measures in place, the DongriaKondh might have been pushed out of their homeland. Perhaps if the Forest Rights Act would have existed during the "Plachimada Coca-Cola Plant Agitation", the community could have taken action sooner and suffered fewer damages. Seminal to the definition of environmental justice is the protection of human rights, and especially for those who are most vulnerable. Therefore, it is important that environmental legislation continues to incorporate the voices of community members and encourage grassroots activism, leadership, and advocacy.

Development

Typically contrasting with the cohesive fusion of conservation and human rights is that of development. In the Vedanta case, development is what suffered. Because of the successful efforts for conservation and protecting tribal rights, a bauxite mine was not constructed. Bauxite is a crucial element for development, as it can be produced into aluminum, cement, and other

²⁴Mahapatra, Sampad. "Jairam Says No to Vedanta Mining Project in Orissa." *NDTV*, August 24, 2010. Accessed May 25, 2016. <http://www.ndtv.com/india-news/jairam-says-no-to-vedanta-mining-project-in-orissa-428592>.

²⁵Dasgupta, KumKum. "Vedanta's India Mining Scheme Thwarted by Local Objections." *Vedanta's India Mining Scheme Thwarted by Local Objections*, August 21, 2015. Accessed May 25, 2016. <http://www.theguardian.com/global-development/poverty-matters/2013/aug/21/india-dongria-kondh-vedanta-resources-mining>.

materials for construction.²⁶ India is a rapidly developing nation, so any and all resources are needed to support a growing populous, economy, and infrastructure. In fact, India is slotted to become the world's most populous country by 2022, with a projected 1.7 billion people.²⁷ With such growth, it is necessary that India have a chance to develop. Many government officials, including RK Sharma, the secretary general of the Federation of Indian Mineral Industries (FIMI), thinks that restrictions to building mines and factories, such as in the Vedanta case, are hindering the development of India. Sharma also thinks the number of NGOs in the country is "unsustainable", and that Western countries support these organizations so that India does not have a chance to develop fully. Additionally, officials in the state of Orissa, including Chief Minister Navin Patnaik, have expressed their discontent with the ruling of the High Court, and are "committed" to supplying Vedanta with bauxite mines.^{28, 29} These pro-Vedanta officials have a point. Many are concerned about the energy and resource crisis India is facing. The country's 12th Five Year Plan, taking place from 2012 to 2017, contains a section solely dedicated to energy goals, titled: "Securing the Energy Future for India." Under this initiative, the aim is to dramatically increase power generation capacities and eclipse former five-year plans that have generally been deemed deficient in terms of reaching energy goals. This part of the plan also aims to gain more long-term contracts with foreign investors and eventually establish market-based prices for energy. The initiative even states that the establishment of underground coal mines will be "especially supported." In addition to this initiative, the 12th Five Year Plan also aims to maintain an 8% GDP growth each year, which is typically linear with growth in energy production.³⁰ However, since 2012, the GDP has only met or surpassed this goal once,

²⁶ "Bauxite and Alumina Statistics and Information." USGS Minerals Information: Bauxite. Accessed May 25, 2016. <http://minerals.usgs.gov/minerals/pubs/commodity/bauxite/>.

²⁷ "India 'to Overtake China's Population by 2022.'" *BBC News*, July 30, 2015. Accessed May 25, 2016. <http://www.bbc.com/news/world-asia-33720723>.

²⁸ Mahapatra, Sampad. "Jairam Says No to Vedanta Mining Project in Orissa." *NDTV*, August 24, 2010. Accessed May 25, 2016. <http://www.ndtv.com/india-news/jairam-says-no-to-vedanta-mining-project-in-orissa-428592>.

²⁹ Dasgupta, KumKum. "Vedanta's India Mining Scheme Thwarted by Local Objections." *Vedanta's India Mining Scheme Thwarted by Local Objections*, August 21, 2015. Accessed May 25, 2016. <http://www.theguardian.com/global-development/poverty-matters/2013/aug/21/india-dongria-kondh-vedanta-resources-mining>.

³⁰ "Strategy Challenges-Planning Commission, Government of India." Strategy Challenges-Planning Commission, Government of India. Accessed May 25, 2016. http://12thplan.gov.in/displayforum_list.php.

highlighting the tug-of-war between environmental regulation and unrestrained development in which India is caught.³¹ These difficult situations further the argument for the need of a proper definition of environmental justice, as it would help provide clarity in murky cases like Vedanta.

Sustainability

Clearly, India has a lot to contend with. The Vedanta mine case is an extremely complicated situation because of the current discourse, and it is tough to decide what the right actions are. However, there are cases that create a more clear-cut direction to be followed to make a more sustainable resolution between environmental rights and development. One such project that met the goals of power demand, contributed towards sustainability, and committed efforts to the local population is the Siemens Dhuvaran cycle power plant in Gujarat. This plant committed to creating efficient and clean energy, meaning factory fumes would be funneled to turbines and not solely into the air.³² Additionally, Siemens worked with the city of Dhurvaran in developing the town up after construction, and made the plant a place for employment for much of the city.³³ The acceptance of this power plant and the rejection of the Vedanta mine, which resulted in opposite outcomes, is due almost entirely to context. In the case of Dhuvaran, Siemens got permission and worked with the community, delivered eco-friendly results, and contributed to India's development. In contrast, Vedanta neglected the environment, and disregarded the DangriaKondh. These starkly opposite examples go to show the critical necessity to integrate sustainable development into the discourse of environmental justice in India.

Finding Balance and Establishing Initiatives

³¹ "India GDP Annual Growth Rate | 1951-2016 | Data | Chart | Calendar." India GDP Annual Growth Rate | 1951-2016 | Data | Chart | Calendar. Accessed May 25, 2016. <http://www.tradingeconomics.com/india/gdp-growth-annual>.

³² Verma, Bina. "The Unique Dhuvaran Power Project." Review of *The Dhuvaran Power Plant. Construction Industry Review*, August 5, 2015. Accessed May 25, 2016. <http://apps.mmronline.com/constructionindustryreview/2013/09/10/the-unique-dhuvaran-power-project/>.

³³ "Sustainable Power Supply for Cities." Power Supply – Sustainable Development in India – Siemens India. Accessed May 25, 2016. <http://www.siemens.co.in/sustainable-development-in-india/power-supply.html>.

On one hand, it is imperative that India works to preserve what is left of its natural areas. It is also crucial that peoples' rights to land, water, and a voice are preserved. On the other hand, it is also necessary for India to utilize as many resources as possible to meet power aims, GDP goals, and the demands of a productive population. This is where a definition of environmental justice comes in. An explicit explanation of environmental justice for India could help strike a balance between these three indispensable concepts. Initiatives from the Indian government have looked into establishing guidelines, such as in the recent actions of *National Green Tribunal*, the aims of the *Food, Water, and Energy Nexus*, the participation in the UN Conference on Sustainable Development, and the implementation of the Right to Information Act. The *National Green Tribunal (NGT)*, established in 2010, was instituted into the Indian Constitution to handle "environment related litigations" and to "ensure speedy justice on environmental causes". As the third nation in the world to develop a green court, India is taking global initiative to integrate environmental justice into their laws, actions, and movements. For instance, in dealing with coastal zones, the NGT encouraged the Goa Coastal Zone Management Authority to file legal action against Sesa Goa, coincidentally, a firm of Vedanta, over litigations of habitat destruction and illegal activity.³⁴ Additionally, the *Food, Water, and Energy Nexus* of India aims to connect the inextricably related concepts of food production, (fresh) water use, and energy application. This nexus recognizes the inseparable relationships between food, water, and energy and aspires to create a dialogue across sectors for fair and sustainable development.³⁵ It is also important to note that India played a substantial role in the Rio+20, UN Conference on Sustainable Development in 2012. Of all the nations in the Asia-Pacific region, India was the largest contender in communicating and educating the goals and achievements of the program.³⁶ The aim of the Rio+20 program was and is to recognize the central role of communities in environmental law, encourage green economies, and promote sustainable development as a way to reduce

³⁴Bakshi, Shilpi Kapur, and Ipsita Kumar. "India and Sustainable Development Goals (SDGs)." *The Energy and Resources Institute*, no. 10 (November 2013). Accessed May 25, 2016. <http://www.teriin.org/policybrief/docs/sdg2013.pdf>.

³⁵"Water, Food and Energy Nexus." UN-Water. Accessed May 25, 2016. <http://www.unwater.org/topics/water-food-and-energy-nexus/en/>.

³⁶"Rio 20 India Program." Homepage - Rio 20 India Program. Accessed May 25, 2016. <http://www.iarc.res.in/rio/index.html>.

poverty.³⁷ This program also raised awareness of Sustainable Development Goals (SDGs), such as advocating for environmental education in schools and among communities, with the hopes of integrating SDGs into current policy.³⁸ Lastly, the Right to Information Act, approved in 2005, “promotes transparency”, “empowers citizens”, and “contains corruption” through allowing information to be passed into the public. This act is significant to the progression of establishing environmental legislation, as its aims are to ensure that Public Interest Litigation, environmental action, and human rights issues are not overlooked or treated unfairly through the procurement of government information.³⁹

All of these efforts by the Indian government, and especially the leadership in the Asia-Pacific region for the global campaign regarding sustainable development, show the country’s commitment to environmental justice. However, the government and its people need to establish a formal definition because there are still many practical challenges when applying this legislation to individual cases.⁴⁰ Therefore, it would be timely for India to frame an explanation of environmental justice in the contexts of its needs so that future legislation can look to it for guidance in the common goal of promoting conservation, maintaining human rights, and encouraging development.

Conclusion

In the argument that India needs an explicit definition of environmental justice, here is an attempt: *Environmental justice in India can be defined as the practice of conserving places of*

³⁷ "Rio 20 United Nations Conference on Sustainable Development: Outcomes." In *Rio 20 United Nations Conference on Sustainable Development*. Proceedings of Rio 20 United Nations Conference on Sustainable Development, Brazil, Rio De Janeiro. June 22, 2012. Accessed May 25, 2016. http://www.uncsd2012.org/content/documents/774futurewewant_english.pdf.

³⁸ Bakshi, Shilpi Kapur, and Ipsita Kumar. "India and Sustainable Development Goals (SDGs)." *The Energy and Resources Institute*, no. 10 (November 2013). Accessed May 25, 2016. <http://www.teriin.org/policybrief/docs/sdg2013.pdf>.

³⁹ "Right to Information Act 2005." Right to Information. Accessed May 25, 2016. <http://www.righttoinformation.gov.in/>.

⁴⁰ Ijaiya, Hakeem. "Environmental Rights in Nigeria and India." *International Journal of Environmental and Development*, 2nd ser., 9 (2012): 153-60. Accessed May 25, 2016. http://www.law.unilorin.edu.ng/publications/private/ho_ijaiya/8.pdf.

natural and ecological significance as defined by the government and community, in addition to protecting the Constitutional rights of citizens and encouraging individual involvement, especially among vulnerable groups, as well as consistently developing industry in a sustainable way through the implementation and enforcement of policies, actions, and laws surrounding the environment.

Perhaps if green courts, environmentally conscious companies, and a definition of environmental justice would have existed, disasters like Bhopal would have been prevented, or at least solved sooner. Unfortunately, humanity often learns best from making mistakes, and the residents of Bhopal are still showing the world the terrible effects of environmental negligence. With the help of emerging environmental consciousness and human rights is the reason for the successful conclusion of the “Coca-Cola Plant Agitation” in Kerala. The *National Green Tribunal*, together with international awareness, NGOs, and community activism continue to thwart both Mahan and Vedanta from moving forward, even if the progression of development is hindered. Additionally, environmental activism in the form of PILs has demanded mega-companies to change their attitude, or else face a wall of opposition. For the corporations that have listened, sustainable growth has occurred.

Unlike the unchecked growth and common negligence of workers’ rights that occurred during the Western Industrial Revolution, India has the burden of not only maximizing their opportunity to develop, but to do so in a sustainable and socially conscious way. In this manner, it is essential for India to define environmental justice, as it is the first step in finding and understanding the balance required between three major factors that must be contended with: conservation, human rights, and development.

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