

## Environmental Justice Movement and Ecological Conflicts in India

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### Abstract

This article provides a view on environmental justice movement in India. Using a combination of the environmental justice (EJATLAS) data base and other sources, I look at the areas of conflicts, violence on environmental activists, protests, changing slogans in the country. This article aims to analyze other visible and invisible areas in violence are manifested. Descriptive statistics and specific illustrations are used to give support above mentioned areas of environmental justice movement in Indian context. I shall then discuss the success of this environment justice movement and conclude with some scope for further research.

**Keywords:** EJATLAS, Environment justice, ecological distribution, climate justice, Statistical political ecology.

### I. Introduction

*"Earth provides enough to satisfy every man's needs, but not every man's greed  
– Mahatma Gandhi.*

Environmental justice movement is a worldwide ecological movement that promotes environmental, economic, social justice by recognizing economic, cultural, ecological, health, social issues. Environmental justice movements demand a safe, clean, sustainable community and workplace environment. It refers the policies, regulations, behaviours, decisions to support sustainability where all people can hold with confidence that their community and natural environment is safe and productive.

Environmental justice is fair treatment because it means that no population bears a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or from the execution of federal, state, and local rules and policies. Meaningful involvement needs

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effective and efficient access to decision makers for everyone, and the ability to take proper decisions regarding environmental issues to them. Before starting discussion on environmental justice, first of all we must have idea on the concept of 'Justice'.

### ***The Philosophical Concept of Justice***

"What is justice?" asked Socrates in Plato's *Republic*, and ever since, this has been one of the leading questions of philosophy and all social thinking. In 'Republic' by Plato, the character Thrasymachus argues that justice is the interest of the strong – merely a name for what the powerful or cunning ruler has imposed on the people.<sup>2</sup> Aristotle believed that participation in a common understanding of justice makes poleis. In other words, a common understanding of the principles of justice is the foundation of a political community. In Aristotle's view, justice is concerned with the regulation of human relations. He identified three types of justice: (a) Distributive Justice; (b) Retributive (also called corrective or Remedial) Justice; (c) Commutative Justice. The legislator should be concerned with retributive and commutative justice. Distributive justice deals with the allocation of honours and wealth.

John Rawls, one of the influential political philosophers of the twentieth century, has beautifully highlighted the importance of the concept of justice. He says that "Justice in the first virtue of social institutions as truth is of system of thought".<sup>3</sup> John Rawls has viewed justice in the background of society and for this reason he says that the main concern of the subject matter of justice is social structure which is the core of the society. The main theme of Rawls' theory of justice is it is interpreted as fairness. In Rawls' conception that arrangement can be called just or appropriate which does not create any scope of partiality or inappropriate. The principles for the distribution of rights, duties and advantages will be applied in such manner as will give no controversy.

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<sup>2</sup>ROBERT C. SOLOMON & MARK C. MURPHY, WHAT IS JUSTICE? CLASSIC AND CONTEMPORARY READINGS (2d ed. 1999).

<sup>3</sup>P.G. DAS, MODERN POLITICAL THEORY 176 (1996).

### *Ancient Indian Concept of Justice*

In ancient Indian society law and dharma were very interrelated concepts. In Smritis and Arthasastras, the concept of justice had invariably link to dharma. It is the concept of way of living and based on individual's behaviour, actions including duties, rights, and laws. In Buddhism dharma is considered 'cosmic law and order' which includes individual's right doings, righteousness phenomena. For Jains dharma refers to the teachings of Tirthankara (Jina) that explicates the body pertaining to the purification and moral transformation of human beings. Sikhs believe dharma means the path of righteousness and proper religious practice.

## **II. The Concept of Environmental Justice**

The concept of environmental justice is deeply influenced by new wave of global environmentalism movements. The concept of environmental justice has been neglected so far and had no ideological base. But now it is being equally treated with philosophical, religious, ethical, social, economic, and political justice. The movement of environmental justice was initiated by a section of people who had addressed the inequality of environmental sphere in order to protect their communities.

The United States Environmental Protection Agency (EPA) defines environmental justice as follows:

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, colour, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.<sup>4</sup>

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<sup>4</sup>United States Environmental Protection Agency,(Nov.25, 2019), <https://www.epa.gov/environmentaljustice>.

In the first National People of Colour Environmental Justice summit in 1991 seventeen principles were adopted by the delegates. These 17 principles were developed to serve as a guide for organising, networking and relating to governmental and non-governmental organizations. We get the clear and broad pictures of environmental justice movement through these principles. These principles includes Environmental justice demands a public policy be based on mutual respect and justice for all people; right to ethical, balanced and responsible uses of land and renewable resources; to protect environment from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons; right to participate as equal partners at every level of decision making process; to provide safe and healthy work environment to the all workers without being forced to choose between an unsafe livelihood and unemployment; to protect the rights of the victims of environmental injustices; to rebuild and clean up our cities and rural areas through ecological policies in balance with nature; to oppose the destructive operations of multinational corporations, military occupation, repression and exploitations of land, people and cultures; to build an educational system which emphasizes social environmental issues etc.

### **II.I. Concept of Environmental justice under Ancient Indian Tradition**

According to Professor O.P. Dwivedi, the bonding between human beings and the environment have been flourishing form the Vedic period. The seers of the Vedic period were vehemently attracted to this bonding and acknowledged the cause of this relation happened to be the *PanchMahabhutas* (Five Great Elements) which are earth, air, space, water and light-fire. Traditionally these cosmic five great elements were believed the cause of the birth of all forms of life and responsible for preserving and sustaining the environment.<sup>5</sup>

According to Ancient Hindu scriptures it has been many times mentioned that all the creatures in the earth whether it is a human or an animal have the equal status. No creature is entitled to have the ultimate commandment on any other creature. Whole universe is seen as an extended family. This concept is known

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<sup>5</sup>O.P. DWIVEDI, A COMPANION TO ENVIRONMENTAL PHILOSOPHY 37-51 (Dale Jamieson., 1<sup>st</sup> ed. 2001).

as '*VasudhevKutumbakam*' where Vasudha means earth; Kutumba means larger family. The Atharva Veda (about 2000 BC) is one of the oldest scriptures in the world mentions to respect the earth and to maintain its purity and sanctity because it is the mother earth provides us everything useful for our survival. According to 'Prithvi Sukta' all the resources and elements of the world are entitled for everyone. No one is ultimate authority here. Everything is created and maintained by God and everything is being controlled, directed by him.

From the above discussion it is clear that India and ancient Indian texts have been rich in spiritual, cultural heritage of environmental issues. But real scenario is different. Despite of being rich heritage. Today we Indians are not very much conscious on environmental issues. We are less bother of our heritage and environmental tradition. We are gradually failing to perform our duties to keep our environment clean, beautiful. That's why some of our cities are considered to be the most polluted cities in the world. India has a long way to go to reach environmental quality standards.

### III. Environmental Justice: Issues and Conflicts in India

The Environmental justice movement in India has a very long history. The concern for environmental protection can be traced back during the British rule. One of the precursors of the ecological movement was the Bengal peasant revolt of 1859-63 against Indigo plantations are considered to have resemblances to the present-day protests against industrial tree plantations in the global south<sup>6</sup>. Numerous agitations and protests were done against the commercialisation and exploitation of forests during the British rule. Soon after India got independence the government of India wanted a fast and rapid growth in the economy. For this reason, Indian Government initiated to set up big scale industries, steady infrastructure, big dam projects, steel plants. Others big projects were also set up without considering environmental consequences and did not give impotence to the demands or views of the local affected people. This raised some serious agitations like Narmada BachaoAndolan, Appikomovement, the Silent Valley

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<sup>6</sup>VIKRAM K. AKULA, ECOLOGICAL RESISTANCE MOVEMENTS: THE GLOBAL EMERGENCE OF RADICAL AND POPULAR ENVIRONMENTALISM, 127-45 (Bron Raymond Taylor., 1<sup>st</sup> ed. 1995).

movement. The Chipko movement in 1973 is still considered one of the biggest movements till date. The protest over Bhopal Gas incident in 1984 has lasted till date. Others innovative protests like Koyla Satyagraha<sup>7</sup> against coal mining in tribal areas of central India or Zameen Satyagraha<sup>8</sup> against land acquisition in Rajasthan are the examples of protest on Gandhian principles. 283 cases of environmental conflicts have been reported in the EJAtlas as of 24<sup>th</sup> December 2018 since after the liberalization of Indian economy in 1991.

According to EJAtlas database, the number of environmental cases can be categorized as unknown, latent, low, medium and high intensity. Unknown cases are the ones without having sufficient data. Latent cases are considered the ones those are still coagulating and have no visible records. The low intensity cases are carried out by some local organisations and medium cases are more visible mobilizations such as street protests, rallies etc. The high intensity cases take place in more violent way and often remain for long period of time. The high intensity and medium intensity cases together constitute more than 85% of the total environmental conflict cases in India. Rest are constituted by low, latent or unknown intensity cases. Almost 74% of the total high intensity cases in India are water management cases, fossil fuel cases, industrial and utilities conflicts and mineral ores and building extractions. The nature of Indian environmental conflict cases is different from world perspective. Medium intensity cases (43.3%) are most frequent occurring in the world in terms of global environmental conflict cases. But in India high intensity cases are mostly registered.

#### **IV. Major Ecological Conflicts**

##### **IV.I. Kashipur Bauxite Mining Conflict**

The case of direct violence is perhaps the easiest to pinpoint. It refers to threats of bodily damage, physical intimidation and harm, and death as the most

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<sup>7</sup> Environmental Justice Atlas, (Oct. 10, 2016), <https://ejatlas.org/conflict/illegal-landacquisition-for-coal-mining-and-violent-protest-in-hazaribagh-jharkhand>.

<sup>8</sup> Environmental Justice Atlas, (Dec. 6, 2017), <https://ejatlas.org/conflict/zameen-samadhi-satyagraha-by-villagers-against-landacquisition-for-infrastructure-of-neendar-village-jaipur-rajasthan>.

extreme case of direct violence. One such case is that of the Kashipur bauxite mining conflict<sup>9</sup>. In 1991 government of India adopted the policy of Liberalization. In this context, in March 1993, the new National Mineral Policy was announced opening the mining sector to private investment. In the same year, the Utkal Aluminium Industrial Limited (UAIL) was formed as a consortium, originally as a joint venture between ALCAN, Canada; Hindalco of Birla Group, India; Tata, India and Norsk Hydro, Norway with the motive to mine bauxite from the Baphlimali Hills of Kashipur Block in Rayagada district in Odisha and construct an alumina refinery, also in Rayagada to refine it for exports. The open-cast mine was scheduled to produce bauxite. The project, however, was resisted since its very inception by the local indigenous people residing in the area, which although led to massive delays in the operationalization, was unable to stop the project in the end. Commonly known as the Kashipur anti-bauxite movement, it has a long and violent story, and is one of the historic environmental justice movements of Odisha. Kashipur Block in the Rayagada district has 412 revenue villages and 109 hamlets governed by 20 Gram Panchayats (GPs) with a total area of 1,505.90 sq. km and a population of 1, 21,044 (as per the 2001 census), out of which 61% belong to Scheduled Tribes and 20% to Scheduled Castes.<sup>10</sup>

The reason why the people resisted the project right from the beginning was their lack of confidence in the promises of employment, basic amenities and infrastructure and development, as NALCO had made similar promises in the early 1980s in the neighbouring regions for the creation of the biggest bauxite mine and refinery of the country. Opposition to the Kashipur bauxite mine was spearheaded by the PrakrutikSampadSurakshya Parishad (PSSP) movement and several Adivasi-Dalit movement organizations in South Odisha in addition to various national and transnational solidarity groups, including actions against Norsk Hydro and the movement called ALCAN't of Montreal.

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<sup>9</sup>Environmental Justice Atlas, (Mar. 24, 2019), <https://ejatlas.org/conflict/human-rights-and-environmentalviolation-for-bauxite-mining-in-the-baphlimali-hills-of-kashipur-rayagada-district-Odisha>.

<sup>10</sup>FELIX PADEL AND SAMARENDRA DAS, *OUT OF THIS EARTH: EAST INDIAN ADIVASIS AND THE ALUMINIUM CARTEL* 42 (2d ed. 2010).

#### **IV.II. Kalinganagar Violence**

Kalinganagar is other place where another infamous environmental violence took place. Kalinganagar is located under Sukinda and Danagadi blocks of Jaipur district of Odisha. This place was rural area located nearly 100 kms from the state capital. Government of Odisha came up with a plan to convert the area into industrial hub. There would be various factories located in the area which would produce 25 million tonnes of steel every year. Not only steel plants there would be an airport, hospitals, schools and covered with many other facilities. With this aim Government of Odisha had agreements more than 40 MOUs with various private companies to set up steel factories. Industrial Infrastructure Development Cooperation (IDCO) was made to look after this whole project. IDCO started acquiring lands in this purpose in 1992-94. IDCO allegedly acquired lands from people at a minimal price and sold the lands at very high rate to the industries. Compensation of the land was given to only those people who had patta (legal document of the land). This left a section of people uncompensated.

The name Kalinganagar became famous when on January 2, 2006, the State police opened fire on a protest by local Adivasi against the takeover and seizure of their land by a Tata Steel plant. As many as 16 people were killed, four more died in the hospital, besides a police constable was also killed in the clash. Despite this, Tata's projects for steel making in Kalinganagar went ahead, portraying a concoction of direct and structural violence

#### **IV.III. Industrial Sacrifice Zone Protest in Chennai**

The case of an industrial sacrifice zone, situated in the north of Chennai, bounded by the Korttalaiyar river, Ennore creek and Bay of Bengal can be seen as an example of ecological violence.<sup>11</sup> The case was the topic of a study by ecologist Nityanand Jayaraman that later was converted into an acclaimed Carnatic song by T.M. Krishna. This industrial area has three operational state-owned coal thermal power plants, next to the Ennore Port from where the coal comes. The site hosts several other polluting chemical industries, including

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<sup>11</sup>Environmental justice Atlas, (Feb.27, 2017), <https://ejatlas.org/conflict/fishers-protestdestruction-of-mangroves-in-ennore-india>.

paint, fertilizers, cement and pharmaceutical, as well as a landfill. This case combines issues of coastal protection and enormous environmental damage by industry and utilities and can be considered as a case of ecological violence.

#### **IV.IV. Essar Steel Project Protest**

Essar Steel is a flat carbon steel manufacturer that mainly known for pellet making, steel making, iron making and other metal related products. According to local people, Essar steel authority and government of Odisha made assurance to local people's employment, jobs in the project in replace of their land. In April 2018 nearly 80 families who lost their land and were displaced from the place due to Essar's Steel project started protest for employment and rehabilitation. Activists were averting factory's raw materials to get inside and finished products from coming out. They started dharna in front of the main gate of the factory with aim of hampering company's day to day work. In 2016, the company agreed to provide employment to each member from the displaced families.

Activist of Gram Surakhsya said that the displaced families are living very pathetic condition due to lack of developmental work. Local people are not being beneficiary by the company's activities. The company and government did not keep their promise to give jobs and rehabilitees to the displaced and local families. Government fails to resolve the issue. The villagers would again launch their protest if no necessary steps are taken, threaten by GSS.

#### **IV.V. Anti-Sterlite Protest**

The case of the Sterlite copper smelting unit in Tuticorin, is another ongoing example of environmental justice movement. The Sterlite copper smelter plant had begun operations in 1996. Protests against the plant began almost immediately. Hundreds of fishermen blockaded the port with their boats, so that ships could not unload the carrying copper ore. However, this did not stop the plant from operating. In July 1997, 165 women in a neighbouring factory—Ramesh Flowers, fainted as a result of a toxic gas leak from the plant. Some of these women later had miscarriages. Since then over a period of more than two decades—villagers and local residents have been protesting against noxious sulphur dioxide leaks and bad effluent management. Since 1996, several complaints have been made to no avail. In March 2013, the Anti-Sterlite People's Committee started protesting following a gas leak incident on March

23, 2013, when many people from neighbourhood areas fell sick. It is common knowledge that the toxic sulphur dioxide gas is a by-product of smelting. After this incident, 5000 people participated in the protest, a bandh (strike) was called and the town was shut down for several days in March 2013. In May 22, 2018 a violence took place during an ongoing protest against the expansion of the plant. Police opened fire on the agitators that killed 13 people and 102 people were badly injured. Several policemen were also injured during the incident.

### **V. Supreme Court Judgments on Environmental Conflicts Issues**

In *Subhash Kumar v. State of Bihar*<sup>12</sup>, the Court observed that “The right to live is a fundamental right under Article 21 of the Constitution, and it includes the right of enjoyment of pollution-free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has the right to have recourse to Article 32 of the Constitution...”. The Supreme Court in India, in its interpretation of Article 21, has mentioned to have an environmental jurisprudence to strengthen human rights jurisprudence in India and also the status of inalienable human rights and fundamental rights of Indian citizen have been given such as right to clean environment, drinking water, pollution free atmosphere etc.

In *M.K. Sharma v. Bharat Electronics Ltd.*<sup>13</sup>, the Court directed the Bharat Electric Company to provide safety measures strictly in order to prevent harmful X-Ray radiation to save employees. The Court did sounder the ambit of Article 21, justifying the specific order on the reason that the radiation affected the life and liberty of the employees. In *M.C. Mehta v. Union of India*<sup>14</sup>, the court explicated that life, public health, environment must be given priority at any circumstances. The Court has successfully isolated specific environmental law principles upon the interpretation of Indian statutes and the Constitution, combined with a liberal view towards ensuring social justice and the protection of human rights.

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<sup>12</sup>*Subhas Kumar v. State of Bihar*, A.I.R. 1991 S.C. 420 (India).

<sup>13</sup>*M.K. Sharma v. Bharat Electronics Ltd*, (1987) 3 S.S.C. 231 (India).

<sup>14</sup>*M.C. Mehta v. Union of India*, (1987) 4 S.C.C. 463 (India).

Vellore Citizens Welfare Forum v. Union of India<sup>15</sup>, the Supreme Court has explicitly recognized the precautionary principle as a principle of Indian environmental law. More recently, in A.P. Pollution Control Board v. M.V. Nayudu<sup>16</sup>, the Court applied precautionary principle in order to protect right to clean water under the ambit of Article 21. Furthermore, in the Narmada case<sup>17</sup>, the Court explained that “When there is a state of uncertainty due to the lack of data or material about the extent of damage or pollution likely to be caused, then, in order to maintain the ecology balance, the burden of proof that the said balance will be maintained must necessarily be on the industry or the unit which is likely to cause pollution.”<sup>18</sup>

## VI. Conclusion

India has the highest number of cases reported in the EJAtlas database. But few are considered as successful environmental justice movement. We must believe in findings many paths towards the common goal of environmental justice. Each one of us representing different groups, communities, ethnic and religious, regions, cultural tradition in India. Though commercialisation, modernisation must not always be blamed for environment degradation. Urbanisation, development, roads, industries, multipurpose infrastructures are important factors for growth of a country. But Government must be enough caring to the victims. Many cases related to environmental justice have been pending. Sufferers have been neglected from long time. Even many cases or issues related environmental justice are not coming out through media, NGOs. Necessary financial legal and technical assistance may be given to NGOs or groups engaged in environmental protection. People should be educated about different aspects of environmental protection. Environmental Education should be made compulsory at every level of learning.

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<sup>15</sup>Vellore Citizens Welfare Forum v. Union of India, A.I.R. 1996 S.C. 2715(India).

<sup>16</sup>A.P. Pollution Control Board v. M.K. Nayudu, A.I.R. 1999 S.C. 812(India).

<sup>17</sup>Narmada BachaoAndolon v. Union of India, A.I.R. 2000 S.C. 3751(India).

<sup>18</sup>*Id.*