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Environmental Justice: Concept and Challenges of Implementation in India

1. Introduction

Environmental Justice (EJ) is a framework that links environmental protection with social justice. It asserts that no community—particularly marginalized groups based on caste, class, gender, or ethnicity—should bear a disproportionate share of environmental harms. The concept emerged in the United States during the 1980s but has gained global significance, especially in developing countries like India, where environmental degradation intersects with poverty, inequality, and displacement.

In India, Environmental Justice is closely connected with issues of tribal rights, land acquisition, pollution exposure, climate vulnerability, and access to natural resources.

2. Meaning and Core Principles of Environmental Justice

Environmental Justice rests on three core principles:

Distributive Justice – Fair distribution of environmental benefits and burdens.

Procedural Justice – Equal participation in environmental decision-making processes.

Recognition Justice – Respect for cultural identity, indigenous knowledge, and community rights.

Thus, EJ goes beyond environmental protection to address structural inequalities.

3. Theoretical Perspectives

(1) Political Ecology

Political ecology argues that environmental conflicts are rooted in power relations and unequal access to resources.

(2) Sustainable Development Debate

EJ critiques growth-centric development that prioritizes GDP over ecological balance and social equity.

(3) Human Rights Approach

Environmental justice links the right to a clean environment with fundamental human rights, including the right to life and livelihood.

4. Environmental Justice in the Indian Context

In India, environmental injustice is visible in:

Industrial pollution affecting slum populations.

Displacement due to dams, mining, and infrastructure projects.

Forest restrictions impacting tribal communities.

Urban air pollution disproportionately harming the poor.

Climate change affecting coastal and agrarian populations.

Environmental risks are often shifted to economically and socially marginalized groups.

5. Constitutional and Legal Framework

Environmental Justice in India is supported by constitutional provisions and legislation.

Article 21 – Right to Life (interpreted to include the right to a clean environment).

Article 48A – Directive to protect and improve the environment.

Article 51A(g) – Fundamental duty of citizens to protect the environment.

Key environmental laws:

Environment (Protection) Act, 1986

Forest Rights Act, 2006

National Green Tribunal Act, 2010

The judiciary has played a proactive role through Public Interest Litigations (PILs), expanding environmental rights.

6. Role of Judiciary and Public Interest Litigation

The Supreme Court of India has:

Expanded the scope of Article 21.

Introduced principles such as:

Polluter Pays Principle

Precautionary Principle

Public Trust Doctrine

The establishment of the National Green Tribunal (NGT) strengthened specialized environmental adjudication.

However, access to justice remains uneven.

7. Major Areas of Environmental Injustice in India

(1) Displacement and Development Projects

Large dams, mining projects, and industrial corridors displace tribal and rural communities.

(2) Urban Environmental Inequality

Slums are often located near garbage dumps, polluted rivers, or hazardous industries.

(3) Climate Justice

Climate change impacts—heatwaves, floods, droughts—disproportionately affect vulnerable populations.

(4) Caste and Environmental Discrimination

Marginalized caste communities often live in environmentally degraded areas.

8. Challenges in Implementation of Environmental Justice

(1) Weak Enforcement of Laws

Despite strong legislation, enforcement mechanisms remain weak due to:

Bureaucratic inefficiency

Corruption

Political pressure

(2) Development vs. Environment Conflict

The state often prioritizes economic growth over environmental protection.

Environmental clearances are sometimes granted despite ecological concerns.

(3) Limited Public Participation

Environmental Impact Assessment (EIA) processes may lack transparency.

Marginalized communities often lack access to information and legal resources.

(4) Corporate Influence

Globalization and corporate investment influence policy decisions, sometimes undermining environmental safeguards.

(5) Judicial Limitations

Though proactive, courts depend on executive implementation.

Legal processes can be lengthy and expensive.

(6) Climate Change Complexity

Climate justice requires global cooperation, but international negotiations often reflect unequal power dynamics.

9. Contemporary Relevance

Environmental justice is increasingly important in:

Climate adaptation policies

Renewable energy transitions

Urban planning

Tribal land rights recognition

Grassroots movements, civil society organizations, and local governance institutions play crucial roles in advancing EJ.

10. Conclusion

Environmental Justice in India represents the intersection of ecological sustainability and social equity. While constitutional provisions and judicial activism have strengthened environmental rights, significant challenges persist in implementation. Structural inequalities, corporate influence, weak enforcement, and development pressures hinder equitable environmental governance. Achieving true environmental justice requires participatory democracy, stronger institutional accountability, and integration of social justice principles into environmental policy-making.