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RESEARCH ARTICLE

THE POLITICS AND REALITY OF ENVIRONMENTAL JUSTICE IN INDIA: RESERVATIONS BETWEEN THEORY AND PRAXIS

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Abstract

This paper examines the dynamics of environmental justice in India, focusing on the disparities between theoretical ideals and practical implementation. The main objective is to critically analyse the intersection of environmental protection, social equity, and human rights in the Indian context and to identify the challenges and opportunities in achieving environmental justice. The paper highlights the persistent environmental injustices in India, despite the presence of robust legal frameworks. It explores the complex interplay between environmental governance, socio-economic factors, and institutional mechanisms, shedding light on the root causes of environmental disparities. The findings indicate that while India has made strides in environmental legislation and policy formulation, there are significant gaps in their execution and enforcement. Bureaucratic inertia, regulatory capture, and inadequate access to justice pose formidable barriers to achieving environmental justice. Moreover, the paper underscores the disproportionate impact of environmental degradation on vulnerable populations, exacerbating existing socio-economic inequalities. The study suggests that addressing these challenges requires a multi-faceted approach, including policy reforms, community empowerment initiatives, and enhanced institutional capacity building. It emphasizes the importance of democratizing environmental governance and amplifying the voices of marginalized communities in decision-making processes. The study contributes to a deeper understanding of the complexities and realities of environmental justice in India, offering insights into the gaps between theory and practice. It calls for concerted efforts to bridge these gaps and advance towards a more just and sustainable future for all.

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Introduction:-

Environmental justice (EJ) first originated in the United States in 1980s as an activist-led mobilisation in response to the discriminatory placing of the environmental hazards, such as toxic waste dumps and polluting industries in close proximity of the predominantly black communities (Ikeme, 2003). Initially centred around the concept of “environmental racism,” which focused on the geographical distribution of waste siting facilities and its relation with race and poverty (Walker, 2012), the movement evolved into a broader framework known as “environmental justice.” It widened the scope of the EJ research by encompassing other socio-economic attributes like gender, age,

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income that are equally significant if not more than race in determining the disproportionate burden on particular communities.

Over the years, EJ discourse has evolved in its meaning, theoretical orientation and scope away from its original conceptualization in the United States. On the one hand, it moved beyond racism to include other deprived sections of the society such as women, children and the poor, who irrespective of their race or ethnicity, are way too often deprived of their environmental rights (Cutter, 1995), on the other hand, it went global, expanding into issues of distribution both inside and across nation-states (Stephens et al., 2001; Newell, 2005). Moreover, EJ initially emerged as a prominent activist endeavour, but swiftly evolved into a more expansive undertaking encompassing political and scholarly dimensions (Debbane&Keil, 2004; Walker, 2009). Environmental justice today stands at the intersection of environmental protection, social equity, and human rights, embodying the principle that all individuals, regardless of race, ethnicity, or socio-economic status, have the right to a clean and healthy environment (Agyeman et al., 2003; Schlosberg, 2004).

In the context of India, a nation grappling with rapid industrialization, urbanization, and population growth, the pursuit of environmental justice is paramount. However, the reality often falls short of the lofty ideals espoused by environmental theory. Despite the existence of robust legal frameworks and progressive policies, environmental injustices persist, disproportionately affecting marginalized communities and exacerbating existing socio-economic disparities. This paper seeks to critically examine the politics and reality of environmental justice in India, directing particular attention to the inconsistency between its theoretical foundations and practical realities of implementation. By examining the gap between theoretical principles and on-the-ground realities, this study aims to shed light on the complexities inherent in the pursuit of environmental justice in India and to offer insights into potential avenues for improvement. The purpose of this investigation is to contribute to the broader dialogue on environmental justice in a global setting by gaining an understanding of the complexities, obstacles, and possible solutions that arise in the context of India.

History of Environmental Justice in India

Environmental justice is a concept that encompasses the fair distribution of environmental benefits and burdens, as well as meaningful participation in environmental decision-making, regardless of one's socio-economic or demographic background. Environmental justice per se as and how it has been defined in the peer-reviewed literature is relatively new in India. However, India has a rich heritage of environmentalism most of which has been about social justice (Ranjan, 2014). Indian brand of environmentalism embodies the aspiration for an equitable and sustainable coexistence with the environment. While the environmental consciousness in India dates back to Vedas and Upanishads, environmental movements as a whole did emerge only in the 1970s (Guha, 2000).

Environmental justice in India has a long and complex history. It evolved from the initial emphasis on conservation and preservation to address environmental degradation, to a more nuanced and comprehensive understanding of EJ that focuses on the systemic and structural factors that contribute to environmental disparities, particularly in relation to the socio-economic status of individuals. The background for the modern environmental justice movements in India may be traced back to early twentieth-century struggles against forest commercialization under British rule (Guha, 2000; Sahu, 2007). Such early grassroots resistances with ecological implications, such as the Bengal peasant uprising of 1859-63 against Indigo plantations, are said to have similarities to current demonstrations against industrial tree plantings in the global South (Akula, 1995; Gerber&Veuthey, 2010). Post-independence, in order to industrialize faster, massive infrastructure for nation-building such as multi-purpose dam projects and heavy industries, received a significant boost. This phase of Indian environmental history, particularly the decades of the 1950s and 1960s has been described in the academic literature as "age of ecological innocence" (Guha, 2000). Although this push for quick industrialization did not result in the intended economic development, it unintentionally usher in a surge of environmental justice movements in India, since the environment had suffered heavy degradation.

The environmental concerns started to reappear in the public discussions in the 1970s, particularly following the 1972 United Nations Conference on Human Environment, commonly referred to as the "Stockholm Conference." This event sparked a renewed and intensified consciousness surrounding environmental issues, both within India and internationally. Environmental activism during this period wasn't just a matter of academic discussion; it took shape as widespread social movements across the country, addressing various environmental and social issues. In 1973, India witnessed a significant resurgence of environmental consciousness with the Chipko Movement (Hug-The-

Tree), highlighting a range of natural resource conflicts that erupted in different parts of India during the 1970s and 1980s. Following Chipko, subsequent campaigns such as the Narmada Bachao Andolan (Save the Narmada movement), the Appiko movement or the Silent Valley protest, and the Kerala fisherfolk movement drew attention to the potential marginalization of vulnerable communities. These movements also challenged the notion that a developing nation like India could not be ecologically responsible. In the 1980s, local movements became more active in addressing environmental issues. A significant event during this time was the Bhopal Gas Disaster in 1984, which brought up new concerns. This tragedy highlighted the government's role in managing hazardous systems. It also showed how environmental problems can affect people and communities, especially those who are less well-off. It is undeniably a reflection of environmental justice and the political economy that define environmental risks across the world. By the late twentieth century, it became clear that India's economic policies were harming the environment and, consequently, the lives and livelihoods of its people. As a result, studies started paying more attention to social justice issues while also addressing environmental concerns.

Environmental Governance in India

The frameworks for environmental governance and control in India may be traced back to around 1700–500 BC, with the Upanishads and Vedas linking civilization's prosperity to living in harmony with nature (Dwivedi, 2001). These standards were faithfully observed by Indian Emperors, as evidenced by examples recorded in Indian History (EnviStats India – Facilitating Environmental Governance in India, 2020). Emperor Chandragupta Maurya, for example, is said to have appointed a special officer to protect the forests and to allow the use of forests only for specific purposes, such as religious study, forest produce, royal elephant grazing, and hunting, whereas Emperor Ashoka promoted tree plantation along roads and the cultivation of medicinal plants. The introduction of the National Forest Act in 1878, which subsequently gave birth to the Indian Forest Act in 1927 during the pre-independence era, re-energized these traditions.

The history of environmental governance in post-independence India began in 1972 when then-Prime Minister Indira Gandhi, alongside B.P. Pal, established the National Environmental Planning and Coordination Committee. This move led to the creation of a dedicated Department of Environment in 1980 to address environmental concerns more systematically. In 1985, this department was incorporated into a separate Ministry of Environment and Forests, which became the primary authority overseeing India's environmental policy and planning. Additionally, India established specialized organizations for environmental management, such as central and state pollution control boards. Originally formed as the Central and State Water Pollution Control Boards to enforce the Water (Prevention and Control of Pollution) Act, 1974, they were later renamed the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs) following the enactment of the Air (Prevention and Control of Pollution) Act, 1981. These boards are tasked with implementing constitutional and legislative directives aimed at managing and mitigating environmental pollution. The government has since then created over 200 laws to safeguard the environment (Ghosh, 2018), including The Wildlife (Protection) Act, 1972; Water Act, 1974; Air Act, 1981, The Environment (Protection) Act, 1986; Hazardous Waste Handling and Management Act, 1989; Public Liability Insurance Act, 1991; Biological Diversity Act, 2002; National Water Policy, 2002, 2012; Forest Rights act, 2006 and recent National Green Tribunal Act, 2010; Plastic Waste Management Rules, 2019, etc. Additional regulations pertaining to the management of hazardous waste have been proposed, including the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules of 2008 and the Regulation of Persistent Organic Pollutants Rules of 2018. The implementation of numerous environmental legislations in India has been a direct consequence of the endorsement of various multilateral environmental agreements. These agreements have demonstrated their efficacy in improving India's environmental institutional capacity.

In general, India's government is well aware of its environmental problems and operates under a wide range of rules and regulations to protect natural resources, improve environmental quality, and effective pollution control. Numerous environmental policies have been formulated with the aim of addressing various environmental challenges. For instance, National Policy on Pollution Abatement (1992), National Environment Policy (2006), and the Clean India Mission (2014) represent some crucial initiatives focused on environmental management, pollution control via promoting cleanliness, sanitation, and waste management practices throughout the country. Indian judiciary, specially, the Supreme Court has been instrumental in the development of environmental justice. The Indian Constitution includes provisions that recognise the right to a healthy environment, and the Supreme Court and other courts have interpreted these provisions in a number of cases to protect the environment and ensure that individuals and communities have the right to seek remedies when their rights of the environment are violated. The Courts have also rendered directives pertaining to a variety of matters including but not limited to pollution, wildlife

protection, and hazardous industries. Furthermore, it has instituted dedicated environmental courts to adjudicate cases concerning environmental justice. The establishment of the National Green Tribunal (NGT) in 2010 was a watershed moment. Their excellent enforcement of environmental laws and fast resolution of disputes has been a high point for national environmental governance (Gill, 2016).

The Terrain of Environmental Inequities

Environmental justice issues in India are complex and multifaceted, with many intersecting social, economic, and political factors that have been at play for a long time. With every passing day, India is facing an unprecedented loss of its natural resources, triggering dreadful impact on the lives and livelihoods of indigenous communities that depend on it. Further, there is severe degradation of water, soil, air and food across India. Biodiversity loss seldom elicits a response from the government, which approves major development projects without conducting a thorough environmental and social impact assessment (Naik, 2019). The Environmental Performance Index (EPI), which rates 180 nations based on 32 performance metrics spanning environmental health and ecosystem vitality, ranked India last in its 2022 edition (EPI, 2022). Not only that, but there is a poor track record of environmental compliance in current projects, which affects people living in such zones. Extreme weather occurrences, such as floods, heatwaves, and even droughts, have become the new normal. The majority of cities are in the grip of a public health crisis caused by traffic congestion, pollution, and new strains of disease-spreading vectors. Some of the key environmental justice issues in India are;

Air Pollution

Air pollution is a serious concern in India with millions of people being exposed to excessive amounts and concentrations of pollutants. Studies have shown that exposure to air pollution has resulted in reduced life expectancy (Ghude et al., 2016; Patankar & Trivedi, 2011) and is the fifth leading cause of death in India (Balakrishnan et al., 2019). Further, India accounts for 32 per cent of the world's burden for chronic respiratory illness, with air pollution accounting for more than half of this burden (Salvi et al., 2018). According to World Health Organisation (WHO) study, fourteen of the twenty most polluted cities worldwide are located in India (WHO, 2022). Nearly 76 per cent rural households use solid biomass for their cooking needs (Balakrishnan et al., 2011). Also, the coal-based electricity production and uncontrolled use of personal diesel generator sets coupled with growing usage of brick kilns pose increased risks (Mannucci & Franchini, 2017). However, the burden of air pollution is not distributed evenly across populations, both globally and at the national level also. In the domestic sphere, significant research has been carried on pollution and social segregation, but only few have actually linked the two together to show disproportionate impact of pollution on particular section of the society (Kathuria & Khan, 2007; Sabapathy et al., 2015).

Water Justice

Water is an essential resource for life and a fundamental human need. It has become the focus of environmental justice debates from around the world since it engages issues relating to both human needs and sustainable use of resources (Agyeman et al., 2002). Globally, over 2 billion people are still dependent on unsafe water sources while 4.2 billion have access to sanitation systems that allow untreated excreta leakage into the environment (WHO, 2019). This issue is especially grim in India where millions struggle with inadequate supplies or poor-quality drinking water, affecting their health, livelihoods, and overall wellbeing significantly. According to National Institution for Transforming India (NITI) Aayog's "Composite Water Management Index" report, more than 600 million people are currently facing high-to-extreme level of water stress (NITI Aayog, 2019). Another major issue is the unequal distribution of water resources. India has a total of 4 per cent of the world's freshwater resources, but the distribution of water across the country is highly uneven. Geographically, the northern and eastern regions of the country have relatively abundant water resources, while the southern and western regions face water scarcity. This uneven distribution has resulted in water being a significant source of tension between states and regions (Water Privatization-Commercialization Resistance Committee, 2011).

Water pollution is another major issue, with the country's water bodies such as rivers, lakes, and groundwater sources, severely polluted, primarily due to industrial waste, agricultural runoff, and untreated sewage. According to a report by the NITI Aayog, only 28 per cent of India's wastewater is treated before being discharged into water bodies, while the rest is directly disposed of in the rivers, lakes, and groundwater aquifers, thus contaminating both surface and groundwater sources (NITI Aayog, 2022). This pollution not only affects the health of people who depend on these water sources for drinking, cooking, and bathing but also has serious ecological consequences, such as the loss of biodiversity, water quality degradation, and reduced soil fertility.

Chemical toxicity

The release of hazardous chemicals into the environment due to industrialisation and rapid economic growth has resulted in chemical toxicity, which is a significant contributor to environmental injustice in India. The potential health implications of exposure to this matter are multifaceted, encompassing carcinogenicity, reproductive toxicity, and neurological dysfunction. India has experienced numerous instances of chemical disasters that have caused substantial harm to nearby communities, attracting significant media attention. The Bhopal gas tragedy of 1984 was a catastrophic event that took place due to a gas leak at a pesticide plant. Another compelling evidence of environmental injustice is the Kodaikanal mercury poisoning (Bhargava, 2003). In recent times, there has been a growing apprehension regarding the potential health implications of hazardous chemicals present in the water supply of India. Rivers across India exhibit elevated concentrations of hazardous heavy metals, such as lead, cadmium, and chromium. The impact of chemical toxicity in India is particularly pronounced among low-income and marginalised communities, who are disproportionately located in close proximity to hazardous waste sites and industrial areas (Basu & Chakraborty, 2021; Chakraborty & Basu, 2018). In India, environmental justice proponents are actively engaged in heightening consciousness regarding the perils of chemical toxicity and advocating for more stringent regulations and safeguards for impacted populations. However, these endeavours are frequently encountered with opposition.

Solid Waste Management

According to the World Bank report, “What a Waste 2.0: A Global Snapshot of Solid Waste Management to 2050,” South Asia is among the fastest waste generating regions with 334 million tonnes (MT) of waste generated per year and more than 70 per cent of this waste is openly dumped (World Bank, 2018). In India, approximately 65 MT of waste is generated annually, with a significant portion of over 62 MT constituting municipal solid waste (Agnihotri, 2022). Out of this, approximately 75-80 per cent of the waste is collected and only 22-28 per cent undergoes proper processing and treatment. Most of the waste ends up in landfills or dumped in open spaces, creating health hazards and environmental pollution. It has broad social impacts also with the way waste is managed disproportionately affecting the vulnerable urban population. Inadequate SWM affects urban poor and impacts the quality of their health, housing, services, and livelihoods. Compared to high-income areas, in low-income neighbourhoods, about two-thirds of solid waste goes uncollected (Baker, 2012). Even the waste collected from other places of the city centres is dumped or burned in close proximity to the urban poor making them more vulnerable to pollution and diseases. These communities essentially face the brunt of the harm that garbage disposal causes to the ecosystem, yet having little influence over how waste management decisions are made.

Land Use Conflicts

In India, the issue of land use has become a major concern in terms of environmental justice. This is due to conflicts that have emerged over access to resources and land rights. The implementation of large-scale infrastructure projects, mining activities, and urbanisation often results in the compelled displacement of communities and loss of their livelihoods. This has legitimised both the relocation of polluting industries and the forced displacements of poor citizens to the periphery (Mehta et al., 2014). The majority of the displaced population in the country comprises of individuals belonging to tribal communities (Adivasi) and lower castes (Dalits). These communities face land alienation, the deprivation of access and control over forests, forced displacement arising from development projects, inadequate rehabilitation measures, and the heavy burden of debt (Nadimpally et al., 2019). Forced displacement has caused these groups to live in hostile and unfamiliar environments, thereby increasing their vulnerability by pushing them to poverty, chronic malnourishment, starvation, compromised physical and mental health, and severe psychological trauma. It is noteworthy that a significant proportion, specifically 73 per cent, of individuals who have been displaced are still awaiting rehabilitation (Kumar, 2015).

The Question of Reservation

The issue of reservation in India regarding environmental governance unveils a stark disparity between theoretical ideals and practical implications. Despite the country's augmented legislative capacity in environmental matters, there has been scant improvement in its environmental performance. The environmental policies in India, as highlighted by Gadgil and Guha (1995), exhibit a colonial nature that lacks a sincere commitment to the sustainable development of the broader ecosystem. These policies often overlook the critical discourse surrounding the overall well-being and health of the population in general, with a particular disregard for marginalised communities (Gogoi & Sumesh, 2023; Swahney, 2018). The Bhopal Gas Tragedy (1984) and The Winrock International India project (2004) stand as pivotal events shedding light on environmental justice issues. Yet, despite increasing recognition of these issues, the rhetoric has not been fully translated into action (Chaturvedi, 2009). People continue

to grapple for equitable distribution of benefits and burdens related to both the built and natural environment. Further exacerbating the issue is the misrecognition prevalent in environmental governance. On one hand, certain populations, such as minorities, face disproportionate environmental risks due to their socio-economic status. On the other hand, universal environmental solutions may impose undue burdens on communities that are not the primary contributors to environmental degradation. This dichotomy reflects the complexities and challenges in achieving environmental justice in India.

The research indicates that Indian environmental governance faces difficulties in implementation, particularly in relation to laws formulated to protect the environment (Kandpal, 2018). Surprisingly, the government has not been proactive in ensuring strict adherence to these laws, thereby compromising their efficacy. Most often, the question corresponds not to the economy versus environment dichotomy, rather it is about the degree of adherence to legislation promulgated by the parliament (Ramesh, 2010). Another significant issue pertains to the pressure exerted by various business elites, private interest groups and particularly the political class on regulatory bodies, compelling them to disregard legal statutes (Khator, 1989). In the realm of Environmental Justice, existing research suggests that higher pollution levels in developing countries and urban areas stem from a combination of weak governance systems and geographical vulnerabilities (Hamilton, 2022). Weak governance allows industries to operate with minimal oversight, while factors like proximity to industrial zones and inadequate access to clean resources exacerbate environmental risks. Additionally, a country's inability to effectively manage natural resources contributes to various environmental issues, indicating the limitations of its capacity to address critical environmental challenges (Gibbs & Jonas, 2000). These factors ultimately lead to adverse outcomes for both the environment and its inhabitants.

A substantial body of research indicates that environmental laws in India have fallen short in their efforts to promote greater equity, justice, and overall welfare for both people and the natural world. These limitations can be classified into two primary areas. Firstly, environmental laws have been crafted and enforced in a manner that seemingly targets impoverished populations, portraying them as the primary threat to environmental preservation. Secondly, the lack of effective environmental governance disproportionately affects marginalized communities. Studies suggest that Indian environmental laws exhibit inherent biases based on factors such as race, class, and caste, both in their design and implementation. This discrepancy between environmental ideals and their practical application underscores the pressing need for reforms in environmental governance. It is imperative to ensure that environmental policies and practices are equitable and sustainable, benefiting all members of society and safeguarding the natural environment for future generations.

Conclusion:-

The environmental challenges in India cannot be simply ascribed to a dearth of regulations, as the nation already has in place a wide range of legislative measures that define environmental guidelines and impose constraints on emissions and liquid waste management. The root of the problem and the potent difficulties at hand correspond to the efficacy of these regulations in enabling individuals and enterprises to adhere to them. Hence, the emphasis should not solely be on enacting legislation but on formulating and implementing policies with earnestness and dedication. Central to this endeavour is the democratization of the environmental governance framework, ensuring equitable representation and inclusion of all, especially marginalized groups, in both theory and practice.

The findings of this study reveal a historical context rich in environmental stewardship, yet plagued by challenges in implementation and equity. The analysis uncovers a mismatch between current environmental ideals and their practical implications. When the ideals of fair environmental practices don't align with their real-world implementation, it erodes people's trust in plans and commitments to establish a just and healthy environment. This hinders the efficiency of rules and policies, impeding progress towards a cleaner and more equitable world. Furthermore, this frequently results in specific communities facing a greater share of environmental challenges without reaping the rewards of environmental protection. This discrepancy between theory and praxis underscores the urgent need for reforms to ensure equitable and sustainable policies that benefit all members of society and safeguard the natural environment for future generations.

The study further suggests that policymakers must prioritize the alignment of environmental policies with principles of equity and justice, addressing the needs of marginalized communities and ensuring their voices are heard in decision-making processes. Strengthening enforcement mechanisms, enhancing transparency, and promoting inclusive governance structures are essential steps towards achieving environmental justice in India and

beyond. Moreover, future policy initiatives should focus on bridging the gap between environmental rhetoric and action, translating awareness into tangible outcomes that prioritize the well-being of both people and the planet. Collaborative efforts involving government, civil society, academia, and industry are crucial in driving meaningful change and fostering a culture of environmental responsibility. In conclusion, the journey towards environmental justice is ongoing and multifaceted, requiring a holistic approach that integrates social, economic, and environmental considerations. By addressing systemic inequalities, promoting sustainable practices, and fostering inclusive decision-making processes, we can pave the way for a more just and sustainable future for all.

Author Disclosure Statement

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