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# **BALANCING INDUSTRIAL GROWTH WITH ENVIRONMENTAL JUSTICE: CHALLENGES TO SUSTAINABLE DEVELOPMENT**

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## **Abstract**

Industries are one of the backbones of our economy. Industrialisation helps to accelerate the economy and makes the country robust by introducing advanced techniques to improve the living standards of society worldwide. From the industrial revolution to the recent development of industries, it has played a significant role in shaping the country's well-being and economy by providing job opportunities to both organized and unorganized sectors and assisting in the growth of GDP and the national economy. However, the development of industries not only helps economic growth but also contributes to environmental degradation through activities like discharging trade effluents into water bodies, untreated waste disposal, and emission of greenhouse gases into the air. Due to these unregulated industrial activities, the biodiversity, climate, and human beings are adversely affected, leading to the disruption of the sustainable environment. The industrial growth and sustainable development are interrelated to each other because they promote inter-generational equity and the objective of social equality. To reduce the impact of industrial pollution on the environment, the judiciary plays a prominent role by addressing the various environmental issues and interpreting laws towards sustainable development. This paper deals with the laws and judicial pronouncements that help to maintain the balance between industrial growth and a sustainable environment. Apart from the legal perspectives, this paper also deals with several challenges to achieve a balanced environment, such as unequal burden of pollution, non-compliance with laws, lack of transparency, and inadequate monitoring of industrial projects etc.

**Keywords:** Industrial pollution, sustainable environment, GDP, National economy, industrial growth, environmental justice.

## Introduction

The Industrial Revolution was the cornerstone in history through transforming our nation from the countryside to an industrialized mode of production. The phase of the Industrial Revolution began during the 18<sup>th</sup> century and spread worldwide through making remarkable changes in economic development and industrial growth. Thus, Industries are the driving force for the economic development of the nation, which helps to transform and modernize the society. This phase introduced several technological advancements in the industry's landscape steam engines, spinning jennies, and power looms, which are helping to accelerate the production of goods, specifically in the industries of textile, coal, and railways etc. The industrial revolutions also brought significant changes in social aspects by creating job opportunities, leading to the mobilization of people from rural areas to urban cities, which were having industries to improve their living standards and economic status.

Due to the rapid growth of industries and technological advancements, there is a serious concern about the environment which need to be focused. Environmental pollution is the major impact caused by industrial pollution by way of industrial emissions, capable of polluting the air, water, and land which is leading to degrade the quality of air, polluting the water bodies, and soil contamination. As a result, human beings are suffering from respiratory and water-borne diseases in the long run. Predominantly, industries are dependent on the raw materials accessible through natural resources to run their business, leading to the depletion of resources turned into deforestation, a reduction in groundwater water and loss of biodiversity. Climate change is one of the major concerns in the environment, causing due to industrial pollution, as industries often release emissions into the air, causing global warming and extreme weather conditions, and discharging hazardous waste, causing soil degradation. By establishing large-scale industries, forests, agricultural lands, and indigenous habitats have been encroached and resulting in destruction and displacement of local communities, leading to social injustice.

Economic growth is important for every nation to combat poverty, improve infrastructure development, technical advancements, and improve living standards, etc. However, economic growth should not compromise environmental concerns, such as environmental sustainability, climate change protection, and preservation of natural resources, to balance the social and environmental needs. To maintain balance, the legislature has introduced several legislations, such as the Environment Protection Act, 1986, the Air Act, 1981, and the Water Act, 1974,

etc., to regulate the industries in terms of establishment, environmental impact assessment, trade emissions, pollution control standards, hazardous waste management, and penalties for non-compliance with provisions. The judiciary is also playing a prominent role in the protection of the environment by addressing the environmental issues helps to set standards through landmark decisions. Even though there are many challenges prevailing to balance both industrial growth and environmental justice effectively.

### **Industrial growth and environmental justice**

Industrial growth is an activity related to the expansion of manufacturing, processing units, and technological advancements, which helps to accelerate the national economy as a whole by creating several job opportunities, raising living standards, and eradicating poverty etc. In this process, the industrial activities also contribute to industrial pollution in terms of air, water, land, and soil pollution, which adversely affects the environment along with human beings. Air pollution is causing due to the emissions from industrial activities, such as greenhouse gases, particulate matter, and other gaseous substances, leading to a reduction in the air quality and respiratory diseases in humans. Due to the discharge of untreated effluents and industrial waste into water bodies, lakes, and rivers, the groundwater is contaminated, the soil is contaminated, and it negatively affects aquatic culture. However, the people who are residing within the radius of the industrial area, such as the indigenous population, economically weaker sections, and marginalized communities, are more prone to industrial pollution and suffer from health issues, which ultimately result in social injustice.

The principle of environmental justice ensures the right to clean water and air, a sustainable environment, and fair treatment in all matters regarding the environment for all persons, especially for marginalized communities. This principle helps to prevent excess exposure to pollution and contributes to healthier and equitable societies. This principle gained prominence during the 1980s in the United States of America to protect the minority communities from hazardous industrial activities. Eventually, this principle became an integral part of a sustainable environment through the recognition of international instruments such as the Rio Declaration, 1992, the Stockholm Declaration, 1972, and the Sustainable Development Goals. Sustainable development plays a significant role in balancing economic growth with environmental protection and social equity. The term sustainable development has been defined by the Brundtland Commission in the report *Our Common Future* as “*development*

that meets the needs of the present without compromising the ability of future generations to meet their own needs.” This principle is constituted based on the pillars of economic growth, environmental protection, and social equity, which help to protect and manage the natural resources sustainably. This principle is also recognised in the Indian Constitution as a fundamental right and duty of citizens and other legislations, such as the Environment Protection Act, 1987. Apart from the legislation, the judiciary also interprets this principle in several instances while dealing with environmental issues.

### **Constitutional and legal framework**

The Indian constitution is the grundnorm for all laws and gives the ultimate validity of the other laws which are subordinate to it. The constitution provides several rights and duties to both citizens and state to protect the interest of the individual and maintain the supremacy of nation. To protect the environment constitution provides several provisions which is enumerated under the Fundamental rights, Fundamental duties and DPSP as follows –

#### **a. Right to life and personal liberty (Article 21)**

This provision protects the life and personal liberty of all persons from deprivation as a Fundamental right. If state wants to encroach the right to life and liberty, that should be follow a procedure which is established by law. This right also extended to the other aspects such as right to live with human dignity, right to livelihood, right to clean air and water through the judicial interpretations. According to this Article every person has a right to have a clean, healthy and pollution free environment. In the case of *M.C. Mehta v. Union of India*, which is famously known as oleum gas leak case deals with environmental jurisprudence upheld the pollution-free environment is a fundamental right under the Article 21 of the constitution. Eventually, judiciary also actively participating in validation of the scope of this Article through various judgments. In the case of *M.K. Ranjitsinh v. Union of India, 2024* – Supreme Court gives the recognition to climate change as a Fundamental right under Article 21 of the constitution and as a part of right to life.

#### **b. Protection and improvement of environment (Article 48A)**

This Article was added in the constitution through the 42<sup>nd</sup> Amendment Act, 1976 to impose the obligation of environment protection on the state as a Directive Principle of State Policy (DPSP). According to this provision, the state has a duty to improve the

standards for sustainable environment and adopt the measures to protect the forest and wildlife.

**c. Fundamental duty of citizens (Article 51 A(g))**

The environment protection is a collective responsibility of both the individuals and states. In this concern constitution mandates that every citizen has a duty to protect the natural environment such as forest, wildlife, Biodiversity etc. as a fundamental duty of every citizen added through the 42<sup>nd</sup> Amendment Act, 1976.

### **Legal framework in India**

There are several laws in India playing a significant role to regulate the industrial activities and protect the environment are as follows –

**a. Environment Protection Act, 1986**

This Act is an umbrella legislation to protect the environment by providing strict provisions to maintain the environment sustainably. This Act was adopted by the Parliament of India and enforced on 19<sup>th</sup> November, 1986. The main provisions of this Act are as follows –

- The central government has wide powers provided under this Act to take necessary steps to protect and improve the environment through giving directions for regulating the emissions and hazardous substances from the industries.
- The central government also has the power to give directions to any person or authority to prohibit and regulate the industrial process, if it causes damage to the environment.
- This Act specified the limit and prohibited the excess discharge of the untreated effluents released from the industries.
- This Act introduces the polluter pays and precautionary principle, making the person responsible for the damage caused to the environment through accidents. This Act not only protects the Environment but also provides penal provisions to punish persons who violate the provisions, including imprisonment for 5 years and a one lakh rupee fine or both. In the case of continued offence, an additional fine will be added five thousand rupees per day.

**b. National Green Tribunal Act, 2010**

This Act established a National Green Tribunal as a quasi-judicial body to resolve disputes regarding environmental concerns. This Act provides the provisions relating to the procedure for filing a case in the NGT, penalties, and compensations awarded by this tribunal. It has jurisdiction to deal with matters concerning environmental protection, conservation of natural resources, etc. While deciding the cases, this tribunal shall not follow the strict provisions of laws, but it shall deliver the judgment based on the principles of natural justice. The award provided by the tribunal shall be considered as a decree of the civil court as provided by the Civil Procedure Code, 1908.

This Act provided a wide range of powers to the tribunal to award compensation and enforce the polluter pays and precautionary principle through the awards. The Tribunal has an obligation to dispose of the cases within 6 months from the date of filing. If any person is not satisfied with the award of the tribunal shall have the right to approach the Supreme Court through an appeal within 90 days from the date of the judgment given by the tribunal. The provisions of this Act also aligned with the international instruments, such as the Stockholm conference, 1972, and the Rio declaration, 1992, for providing better protection to the environment.

**c. Air (Prevention and Control of Pollution) Act, 1981**

This Act was enacted by the Parliament to protect the environment by regulating the industrial activities which are causing air pollution. To regulate these activities, Central and State pollution control boards has been established under this Act with the main objective of monitor the air quality and mandate the industries to follow the fixed standards for emissions into air. According to the provisions of this Act, industries should take the prior consent from the authorities while establishing the industry. The judiciary also playing a major role through addressing the various issues. In the case of *M C Mehta v. Union of India (2002)* – this case is famously known as vehicular pollution in which this petition was filed to address the rapid growth of vehicular pollution specifically in Delhi. The Supreme Court directed to reduce the private vehicles and promote to use public transportation, use compressed natural gas to reduce the emissions.

**d. Water (Prevention and Control of Pollution) Act, 1974**

This Act is playing a significant role in prevention and control of water pollution to

build a sustainable environment. There are several provisions in this Act are prohibiting the discharge of pollutants into water bodies which are leading to water pollution. To monitor the several industrial activities and regulate the water pollution, this Act provided the provisions for the establishments of Central and State pollution control boards at both the centre and state levels. According to the provisions of this Act, every industry should take prior consent from these regulatory boards for discharging the industrial waste into any water bodies including rivers, lakes and ground water etc. Judiciary also playing a major role in preventing the water pollution through the judgments while addressing the several issues related to the water pollution.

### **Challenges to sustainable development**

Balancing industrial development and sustainable development is very challenging from a legal, economic, and social perspective because, although industrialization is necessary for development, integrating it with conservation and equity is very challenging as follows –

- One of the biggest challenges is that there is a contradiction between industrialization and conservation of the natural resources. The industrial sectors tend to choose for efficiency leading to the over exploitation of the natural resources and the environment. There are times when economic success is placed over and above the basic principles of sustainability and development.
- Lack of Strong Regulatory Enforcement is one of the major challenges even though regulations have been established but their execution has not been uniform due limitation of resource, lack of expertise, and administrative inefficiencies of these bodies. Lack of diligence in monitoring and effective enforcement of these regulations has allowed industries to disregard their standards.
- Eventually, Environmental Impact Assessment process has become general procedure because of Inadequate base data, limited public participation, and dilution of environmental safeguards compromise informed decision-making. In turn, this diminishes the effectiveness of EIA as a preventive tool to strike a balance between industrial growth and environment protection.
- Industrial pollution and land acquisition for industrial projects affect the weaker and marginalized sections disproportionately. Displacement, health hazards, and loss of livelihood raise serious concerns on environmental injustice made it as a great challenge to achieve sustainable environment.

- The weak deterrence mechanisms or less penalties fail to internalize environmental costs, making the operationalization of the polluter pays principle quite difficult or ineffective.
- The adoption and implementation of clean technologies and environmentally sustainable industrial processes involves high costs. Small and medium-sized industries are challenged by both cost and technological constraints in adopting environmentally sound production processes leading to damage the environment.

### **Conclusion**

Balancing industrial growth with environmental justice remains one of the biggest challenges to sustainable development. While industrialization is imperative for economic progress, unregulated and growth-centric development has led to environmental degradation and social inequities, affecting vulnerable communities disproportionately. There are several legislations in India, through constitutional mandates, statutory provisions, and judicial interventions, has increasingly attempted to balance economic development with environmental protection. Sustainable development, polluter pays, and precautionary principle are some of the strong principles that have enhanced environmental governance and accountability. A holistic and integrated approach is needed for achieving sustainable development, and, therefore, embedding environmental justice in the core of industrial policy is beyond required. Strengthening institutions, fostering cleaner technologies, making sure of public participation, and enforcing corporate accountability are central to reconciling industrial growth with ecological sustainability and social equity.

