Understanding Sustainable Development - Chennai-Salem Highway Case

What is the issue?

- The Supreme Court is to hear arguments on an appeal filed against a judgment of the Madras High Court in regards with the Chennai-Salem highway.
- The highway case gains significance as it will test the judiciary's assessment of environmental and economic interests.

What is the case about?

- The case relates with acquisition of land for the proposed eight-lane expressway connecting Chennai to Salem in the state of Tamil Nadu.
- The eight-lane highway is part of the "Bharatmala Pariyojana", a centrally sponsored highways programme.
- It is aimed chiefly as a corridor for more efficient freight movement.
- The intended highway will cover more than 250 km.
- Once constructed, it will pass through many agricultural and reserve forest lands.
- The project could have a harmful impact on the forests, the surrounding water bodies and the wildlife of the region.
- Given this, the key contention is the debate over the need for an environmental impact assessment (EIA) before land acquisition.
- According to the petitioners (mostly landowners), the state had failed to obtain an environmental clearance before acquiring land.
- Subsequently, the Madras High Court quashed a series of notifications acquiring land for the project.
- The Supreme Court too had already denied the National Highway Authority of India's urgent request for a stay of the judgment.

What is the government's stance?

- The TN government argued that its power to acquire land under the National Highways Act, 1956 was unconditional.
- It maintains that there was no law mandating an EIA before efforts are made to acquire private land.
- It says that a notification under the Environment (Protection) Rules, 1986

requiring EIA did not call for such an assessment for the purposes of securing the land.

How did the idea of sustainable development emerge?

- Recognising the state of deteriorating environment, in 1987, a UN-backed committee led by the former Norwegian PM Gro Brundtland proposed some measures.
- It gave a long-term strategy which called for sustainable development, among other things.
- The core idea was to meet the needs of the present without compromising the ability of the future generations to meet their own needs.
- In India, even before a binding international norm was in place, the Supreme Court read the idea as intrinsic to India's constitutional structure.

What is the approach at ground level?

- Over time, the traditional concept that development and ecology are opposed to each other became no longer acceptable.
- The courts have invariably seen sustainable development as demanding a balancing exercise.
- It is seen as that which requires a calculation of trade-offs between the environment and the economy.
- In other words, any development would have an adverse effect on the ecology and the environment, and so a balance had to be struck.
- So, if a project would bring in results which are far more useful for the people, difficulty of a small number of people has to be bypassed.
- The convenience and benefit to a larger section of the people has to get primacy over comparatively lesser hardship.

What is the concern here?

- The prominence accorded to sustainable development may be laudable.
- But the utilitarian calculations represent a problem inherent in seeing sustainable development as an ideal model.
- In effect, a project which may not be beneficial for the environment may be justified under the utilitarian calculations.

What does the Chennai-Salem highway issue imply?

- Going by the utilitarian argument, the project could be justified by the government as it would economically benefit many.
- But it is a greenfield project where an altogether new road will be constructed on virgin land.

- So to avoid an EIA before land was obtained would have created irreversible effects.
- This would have had a bearing not only on the environment, but also on the social and economic life of the landowners.
- The highway may further make way for new establishments, poaching of endangered species, illicit felling and transportation of valuable timber, etc.

What is the way forward?

- The idea of sustainable development will be truly beneficial only if the environment is seen as valuable for its own sake.
- The application of the country's environmental laws ought to outweigh those of procedural laws concerning acquisition of land.
- This is largely because the protection of environment takes prominence over the economic interest.
- The Madras High Court ruling had rightly established this, and now, the Supreme Court will have to uphold the environmental principles.
- Going ahead, the state should be made to look beyond exercises of balancing, and to see nature as intrinsically valuable.

Source: The Hindu

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