

## **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**

