
CASE COMMENT: HANUMAN LAXMAN AROSKAR VS. UNION OF INDIA

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ABSTRACT

The Supreme Court's decision in Hanuman Laxman Aroskar v. Union of India represents a pivotal advancement in India's environmental law by reinforcing the importance of procedural integrity within the Environmental Impact Assessment (EIA) framework. The Supreme Court annulled the Environmental Clearance (EC) issued for the Mopa International Airport project due to significant omissions in the EIA report, which included the concealment of extensive tree felling and the exclusion of ecologically sensitive areas. The ruling underscores that the EIA process transcends mere formalities, serving as a substantive safeguard linked to the right to life as enshrined in Article 21. This case underscores systemic deficiencies in public engagement, data transparency, and expert evaluation, while also bolstering the application of the precautionary principle. Ultimately, it advocates for structural reforms aimed at enhancing accountability and scientific rigor in environmental decision-making.

Keywords: Environmental Impact Assessment (EIA), Environmental Clearance (EC), Principles of Natural Justice, Sustainable Development, Precautionary Principle.

CASE COMMENT: HANUMAN LAXMAN AROSKAR VS UNION OF INDIA**CITATION: (2019) 15 SCC 401****BENCH: Justice Dr. D.Y. CHANDRACHUD and Justice HEMANT GUPTA****JUDGEMENT: MARCH 29, 2019****INTRODUCTION:**

The rapid expansion of infrastructure in India has heightened conflicts between developmental initiatives and environmental conservation. The EIA framework established under the EIA Notification, 2006 operates as a regulatory tool designed to reconcile these opposing interests. In the case of *Hanuman Laxman Aroskar v. Union of India* (2019), the Supreme Court reaffirmed that effective environmental governance must be founded on principles of transparency, accountability, and public involvement.

This case originated from the issuance of environmental clearance for the Mopa Greenfield International Airport in Goa, a project with considerable ecological ramifications due to its location near the Western Ghats. The Court determined that the EIA process should function as a predictive and participatory mechanism rather than a mere procedural formality. This stance is consistent with previous legal precedents such as *Vellore Citizens Welfare Forum v. Union of India*¹, which recognized sustainable development as an integral aspect of Indian constitutional law.

BACKGROUND OF THE CASE:

The legal conflict in *Hanuman Laxman Aroskar v. Union of India* emerged in relation to the proposed “**Mopa Greenfield International Airport Project**” located in Pernem Taluka, North Goa. This initiative was envisioned as a significant infrastructure project aimed at alleviating congestion at the existing Dabolim Airport while serving as a stimulus for tourism and economic growth within the State. Nonetheless, the project's site, situated on a laterite plateau adjacent to the ecologically sensitive Western Ghats, prompted substantial

¹ *Vellore Citizens' Welfare Forum Vs Union of India*, (1996) 5 SCC 647

environmental apprehensions from the beginning².

As a project classified as a 'Category A' activity under the EIA Notification of 2006, it necessitated prior environmental clearance from the Ministry of Environment, Forest and Climate Change (MoEFCC). The project proponent submitted an application that included a Form 1 and a preliminary Environmental Impact Assessment (EIA) report, leading to the issuance of Terms of Reference (ToR) in June 2011. These ToR required an extensive examination of environmental impacts within a "10 km primary study area and a 15 km secondary impact zone", addressing aspects such as biodiversity, hydrology, air quality, and socio-economic conditions.

Following this, an EIA report was compiled by a consulting agency, which served as the foundation for public consultation and expert evaluation. The **"public hearing held on 1 February 2015"** saw significant involvement from local residents and stakeholders, many of whom expressed concerns about deforestation, water shortages, ecological disruption, and the potential effects on local livelihoods. In spite of these objections, the Expert Appraisal Committee (EAC), after extensive discussions, recommended the approval of environmental clearance. Consequently, the MoEFCC granted clearance on 28 October 2015, contingent upon specific conditions.

Following the issuance of clearance, it became apparent that the project necessitated the removal of approximately 54,000 trees, a detail that was not clearly communicated in the EIA report, which instead characterized the project area as possessing merely "sparse vegetation". Furthermore, the EIA report inadequately identified "Ecologically Sensitive Areas (ESZs)" and forested regions within a 15 km radius, particularly those situated in the adjacent State of Maharashtra. These oversights cast significant doubt on the precision and thoroughness of the environmental assessment.

Dissatisfied with the granting of environmental clearance, the appellants sought recourse from the National Green Tribunal (NGT), arguing that the EIA process was marred by fundamental procedural deficiencies, including the concealment of critical information and insufficient evaluation of environmental risks. Nevertheless, the NGT upheld the clearance while instituting additional safeguards and conditions designed to mitigate environmental damage.

² Hanuman Laxman Aroskar Vs Union of India, (2019) 15 SCC 401

Unhappy with this resolution, the appellants appealed the NGT's ruling to the Supreme Court. This case thus provided a pivotal opportunity for judicial examination of the **"Integrity of the EIA process"**, especially concerning transparency, public engagement, and the involvement of expert entities in environmental decision-making. The Supreme Court's involvement ultimately elevated the dispute from a project-specific issue to a comprehensive review of procedural adherence within India's environmental governance framework.

ISSUES:

The case presented essential inquiries concerning the integrity of the Environmental Impact Assessment (EIA) process.

- A) Firstly**, it questioned whether, the concealment of significant environmental data undermines the validity of the environmental clearance.
- B) Secondly**, it examined if the public consultation process was substantive or merely a formality.
- C) Thirdly**, it assessed whether the Expert Appraisal Committee (EAC) executed its responsibility for an independent and informed evaluation.
- D) Lastly**, the case scrutinized the application of the precautionary principle in contexts characterized by scientific uncertainty.

These matters collectively evaluated the strength of the four-stage EIA process:

1. Scoping,
2. Public consultation,
3. Appraisal, and
4. Clearance.

ARGUMENTS:

ARGUMENT OF THE APPELLANTS:

The appellants firmly asserted that the environmental clearance awarded to the Mopa Airport

project was compromised due to **“Material Concealment and Misrepresentation”** in the Environmental Impact Assessment (EIA) report. They contended that the EIA process, as a predictive and participatory mechanism, necessitates **“Complete and truthful disclosure”** of all environmental impacts. In this instance, the EIA report inaccurately characterized the project site as having only “a few trees,” while subsequent official permissions disclosed that over 54,000 trees were slated for removal. This suppression, they argued, undermines the foundation of the decision-making process and invalidates the clearance.

Additionally, the appellants claimed that the EIA neglected to reveal the existence of “Ecologically Sensitive Zones (ESZs)” within a 15 km radius, including forested areas in the adjacent State of Maharashtra. This omission breached the Terms of Reference (ToR) and the stipulations under the EIA Notification, 2006, which require a thorough examination of the impact area. The failure to incorporate these vital ecological elements led to an incomplete evaluation of biodiversity and environmental hazards.

Another important issue pertains to the **“flawed public consultation process”**. The appellants contended that while a public hearing took place, the issues raised by local communities were neither sufficiently documented nor effectively addressed. This compromised the fundamental aim of participatory environmental governance.

Citing **A.P. Pollution Control Board v. Prof. M.V. Nayudu**³, the appellants highlighted that environmental decision-making should be guided by scientific knowledge and precise data. They also referenced the “precautionary principle”, arguing that in situations of environmental uncertainty, it is the responsibility of the project proponent to prove that the project is environmentally safe.

Ultimately, the appellants criticized the operations of the Expert Appraisal Committee (EAC), claiming that it did not engage in independent thought and merely depended on the submissions of the project proponent. They asserted that this reduced the appraisal process to a mere mechanical procedure, which is contrary to the goals of environmental law.

ARGUMENTS OF THE RESPONDENT:

The respondents, which include the Union of India and the project proponent, defended the

³ A.P. Pollution Control Board Vs Prof. M.V. Nayudu, (2001) 2 SCC 62

issuance of environmental clearance by claiming that **“all statutory requirements under the EIA Notification, 2006 were properly followed”**. They argued that the EIA report, along with its appendices, provided adequate environmental information and that the purported omissions were either trivial or unintentional, not constituting intentional concealment.

Furthermore, the respondents maintained that the project had undergone “multiple layers of scrutiny”, including evaluation by the Expert Appraisal Committee and review by the Ministry of Environment, Forest and Climate Change (MoEFCC). They asserted that the EAC's recommendation was based on technical assessment and expert advice, and thus warranted judicial respect.

Regarding the matter of public consultation, it was asserted that a public hearing was held in compliance with legal stipulations, and a multitude of representations were received and taken into account. The respondents argued that the process fulfilled the procedural requirements, even if not every individual concern was explicitly resolved in the final ruling.

The project proponent further highlighted the “Economic and Developmental Importance” of the Mopa Airport initiative. It was contended that the project was crucial for alleviating congestion at the current Dabolim Airport and for fostering tourism and economic advancement in the area. Significant financial investments had already been committed, and ceasing the project would lead to severe economic repercussions.

Moreover, the respondents noted that “mitigation measures and conditions” had been established as part of the environmental clearance, which included afforestation and environmental management strategies. They contended that these safeguards were adequate to mitigate potential environmental effects.

Consequently, the respondents implored the Court to embrace a “balanced approach”, acknowledging the necessity for sustainable development while refraining from excessive interference in administrative and technical determinations.

JUDGEMENT:

In *Hanuman Laxman Aroskar v. Union of India*, the Supreme Court conducted a thorough assessment of the Environmental Impact Assessment (EIA) process and determined that the environmental clearance issued for the Mopa Airport project was legally unsustainable. The

Court ruled that the clearance was **“invalidated due to significant omissions and incomplete disclosures”**, which compromised the legality of the entire decision-making framework.

A crucial element of the Court’s reasoning was its focus on the essential role of transparency within the EIA process. It clarified that environmental clearance cannot be issued based on partial or misleading information, as the EIA mechanism is designed to promote an informed and participatory decision-making process. The Court emphasized that the process should serve as a “Substantive evaluative exercise rather than a mere procedural formality”, ensuring that all pertinent environmental impacts are thoroughly evaluated prior to granting approval.

The Court further noted that “any misrepresentation or concealment of vital environmental data has a ripple effect on subsequent phases of the EIA process”. Given that public consultation and expert evaluation heavily depend on the accuracy of initial disclosures, any shortcomings at the EIA report stage undermine the integrity of the entire framework. In this case, the failure to accurately disclose issues such as tree removal and ecological sensitivity deprived both stakeholders and authorities of the opportunity to conduct a meaningful assessment.

Regarding “public participation”, the Court underscored that the consultation process must be authentic and effective. It pointed out that simply holding a public hearing does not fulfill the legal obligation; the concerns raised by affected individuals must be adequately considered and addressed. The lack of such meaningful engagement diminishes the legitimacy of environmental decision-making.

CRITICAL ANALYSIS:

The ruling holds doctrinal importance as it reinforces procedural protections within environmental legislation. By nullifying the clearance, the Court conveyed a definitive message that adherence to environmental protocols must not be superficial. This decision builds on previous judgments such as *Lafarge Umiam Mining Pvt. Ltd. v. Union of India*⁴, which underscored the necessity of transparency in environmental approvals.

Nevertheless, the case also reveals inherent structural weaknesses in the EIA framework. The dependence on project proponents for data gathering raises issues regarding bias and potential

⁴ *Lafarge Umiam Mining Pvt. Ltd Vs Union of India*, (2011) 7 SCC 338

conflicts of interest. Additionally, the absence of specialized expertise within the EAC constrains the quality of environmental assessments.

Although the Court ordered a reassessment, it refrained from imposing a permanent halt on the project, indicating an ongoing judicial effort to balance environmental conservation with economic growth.

REFORMS AND SUGGESTION:

This case underscores the pressing need for comprehensive reforms in India's EIA system.

1. Firstly, it is imperative to mandate independent third-party audits to validate environmental data.
2. Secondly, the incorporation of GIS-based mapping can improve transparency by precisely identifying ecological characteristics within the impact area.
3. Thirdly, the composition of Expert Appraisal Committees should include specialists to guarantee scientifically robust decision-making.

Moreover, enhancing public participation mechanisms is crucial to ensure that impacted communities possess a significant voice in environmental governance. These reforms would align the EIA process with constitutional values and international best practices.

CONCLUSION:

The Supreme Court's decision in *Hanuman Laxman Aroskar v. Union of India* ultimately underscores that the Environmental Impact Assessment (EIA) process is not simply a procedural formality, but rather a "substantive constitutional safeguard" enshrined within Article 21. The case distinctly establishes that "any environmental clearance acquired through suppression, misrepresentation, or incomplete disclosure is legally untenable". By nullifying the clearance for the Mopa Airport project, the Supreme Court reaffirmed that transparency and informed decision-making are fundamental to environmental governance.

Simultaneously, the judgment reveals deeper "structural deficiencies within India's EIA framework" notably the excessive dependence on project proponents for data, the limited autonomy of Expert Appraisal Committees, and the ineffective nature of public consultations.

While the Court adopted a measured approach by allowing reconsideration instead of outright cancellation, this reflects an ongoing judicial inclination to balance developmental priorities with environmental concerns.

Consequently, this article posits that mere judicial intervention is inadequate. What is essential is a “systemic transformation of the EIA regime”. The study strongly recommends for:

- i. Mandatory “independent third-party verification” of EIA reports,
- ii. “GIS-based environmental mapping” for precise disclosure,
- iii. Enhancing the “expertise and accountability of EACs”, and
- iv. Ensuring “meaningful public participation”, rather than mere symbolic compliance.

In conclusion, the article concludes that the future of environmental governance in India hinges on transforming the EIA process into a transparent, technology-driven, and scientifically robust mechanism. Absent such reforms, the goal of sustainable development, acknowledged in cases such as “Vellore Citizens Welfare Forum v. Union of India”, will remain an aspiration rather than a reality.