
INVISIBLE VICTIMS OF DEVELOPMENT: DISABILITY, INTERGENERATIONAL HARM, AND THE RESPONSE OF INTERNATIONAL HUMAN RIGHTS LAW

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ABSTRACT

Industrial and mining development activities are widely celebrated as symbols of national progress, but has produced generations of “Invisible victims”, whose disabilities and intergenerational harms remain unrecognised in the realm of law. The aim of this paper is to examine how toxic exposure from sites such as Jadugoda’s mines, Uranium mines in Navajo Nation (in US) and ultimately Bhopal Gas tragedy has resulted in congenital disorders and various chronic illnesses that extend way beyond immediate victims. Despite the presence of instruments like CRPD, ICCPR, ICESCR and UNGPs, these environmentally induced disabilities remain legally marginalised due to fragmented framework and weak corporate accountability. Through a comparative analysis of these case studies, this paper highlights structural gaps in India’s response, especially in recognising intergenerational disability. This paper also argues for a reconceptualization of justice that recognises time as a key dimension of accountability, mandates disability sensitive due diligence and finally integrates disability and chronic illnesses into environmental governance. True development is one in which life of present and future generations are protected and not sacrificed in the name of development.

Keywords: environmental disability, intergenerational harm, industrial development, human rights law, corporate accountability.

I. Introduction

Industrial and mining development has always been celebrated as engines of economic growth, modernization and progress. While developed economies industrialisation is associated with technological advancement and environment adaptation, in developing countries it primarily drives structural shifts from traditional sectors to modern industries.¹ Yet these celebrated gains often bypass marginalised communities, who disproportionately bear the consequences of such development. There is always a hidden human cost which is attached to such development, making marginalised groups the *invisible victims of development* as their struggles and losses rarely get featured in the mainstream narrative of progress. In particular, exposure to radiation, chemicals or pollutants have been linked to disabilities, intergenerational harm and congenital disorders. While studies from uranium mining regions in Jadugoda (India) documents cases of birth defects and chronic illness,² Navajo miners (USA) highlights adverse reproductive outcomes and elevated cancer rates.³ The Bhopal Gas Tragedy further demonstrates how industrial disasters lead to intergenerational harms.⁴ These incidents demonstrate how, although being intended for growth, have negative health repercussions that are not adequately addressed.

While discussing about the ills of development in mining and industrial areas often focus on pollution and chemical exposure, disability and intergenerational harm caused in the name of development remains underexplored. Existing frameworks categorize these harms under generic public health issues or environmental damages thus completely neglecting human rights dimension. The gap exists worldwide because instruments like Convention on the Rights of Persons with Disabilities (CRPD) hasn't systemically been applied to recognise industrially induced defects and disability. Corporate accountability mechanisms also remain weak in reveal these harms. This lacuna leaves the unprotected population invisible in the international discourse.

The aim of the paper is to address this gap by examining how international human rights law can be used to recognize and respond to disabilities and intergenerational harms caused from

¹ United Nations Industrial Development Organization, *How Industrial Development Matters to the Well-Being of the Population: Some Statistical Evidence* (2020).

² International Physicians for the Prevention of Nuclear War, *Jadugoda Health Survey* (2020).

³ Doug Brugge & Rob Goble, *The History of Uranium Mining and the Navajo People*, 92 Am. J. Pub. Health 1410, 1410–19 (2002), <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.92.9.1410>.

⁴ Upendra Baxi & Amita Dhanda, *Valiant Victims and Lethal Litigation: The Bhopal Case* (N.M. Tripathi 1990).

industrial and mining activities. By examining cases like Bhopal Gas tragedy, tragedy caused in mining areas of JADUGORA (India) and Navajo (US), the paper will highlight policy gaps in India and examine applicability of human rights instruments and corporate accountability principles. The contribution of this paper is twofold. First, to bring visibility of the neglected or invisible victims, the ones affected by disability and intergenerational harm caused in the name of development. Second, to emphasize the responsibilities of the state to prevent, mitigate and compensate for these harms fairly. Thus, by integrating disability, environmental justice and human rights law, the paper will argue that progress for the nation is worthless, if it is at the expense of invisible generations.

II. Conceptual framework

To grasp the full extent disability and intergenerational harm caused by industrial and mining activities, it is essential to adopt a framework that weaves together, human rights, environmental justice and mechanisms of corporate accountability.

Disability as a human rights issue

Viewing disability as a human rights issue shifts out focus from a medical model to a social model. Understanding disability only in a medical model renders disability as a “private misfortune” and not as a matter of justice. This approach is challenged by Convention on the Rights of Persons with Disabilities (CRPD). This is an international human rights treaty, which exists to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all disabled persons.⁵ Disability may be developmental or acquired and may arise from genetic factors, infections, traumatic or toxic exposure which results in perinatal or postnatal damage.⁶ Disability which is caused by product of systematic injustice can be best understood as the outcome of structural forces that perpetuate inequality. Thus this reconceptualization becomes critical in context of industrial harm where environmental exposure like radiations, pollutants and toxins interact with social inclusion, leading to systematic vulnerability. Thus, industrially induced disabilities must be recognized as a violation of human rights and not just an unfortunate outcome of development.

⁵ Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3.

⁶ Mohsen A.F. El-Hazmi, Early Recognition and Intervention for Prevention of Disability and Its Complications, 3 E. Mediterr. Health J. 141 (1997), <https://www.emro.who.int/emhj-volume-3-1997/volume-3-issue-1/article22.html>.

Intergenerational Harm as an Emerging Category

Industrial and mining activities frequently cause injuries that not only extends to immediate victims but also affects future generations which sometimes going unreported at the time.

Genetic damage, congenital disorders, and reproductive impairments create ripple effects across time. Due to their diffuse causation and delayed manifestation, industrially induced disabilities are often difficult to monitor and address through the conventional/traditional medical or legal framework. Human rights organisations have interpreted the International Covenant on Civil and Political Rights⁷ recognition of the intrinsic right to life and the International Covenant on Economic, Social and Cultural Rights⁸'s protection of the right to health to encompass duties pertaining to environmental and reproductive damage. Therefore, connecting intergenerational harm to disability expands the idea of environmental justice by placing the defence of health and well-being within a human rights framework that takes into consideration immediate victims and the “to-be” victims.

State and Corporate Accountability

The question of who bears responsibility for addressing these harms cannot be placed solely on the affected individuals or communities. It is particularly unjust that these people not only have to deal with health consequences of industrial or environmental exposure but are also to be burdened with pursuing legal remedies when justice is denied. The UN Guiding Principles on Business and Human Rights (UNGPs) are the most reputable set of standards in the world for resolving human rights violations in corporate operations and international supply chains, as well as for directing ethical business practices.⁹ Yet in practice, this enforcement remains weak. Corporate accountability, ever since the Bhopal Tragedy, has been criticized for prioritizing economic growth over human rights safeguards.¹⁰ So when should this accountability be demanded- only after when harm occurs, or when the struggle to prevent harm is already underway?

This conceptual framework thus looks at disability rights, fairness to future generations, and

⁷ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

⁸ International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3.

⁹ U.N. Human Rights Council, Guiding Principles on Business and Human Rights, U.N. Doc. A/HRC/17/31 (2011).

¹⁰ Surya Deva, *Regulating Corporate Human Rights Violations: Humanizing Business* (2012).

ways to hold companies accountable for harms caused by developmental activities. It shows that disability is not just an immediate effect limited to those near the site of exposure to toxins or pollutants, but can also affect future generations, making it a long-term issue of injustice.

III. International Legal Framework

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD aims at protecting the rights and dignity of people with disabilities. It operationalizes the social model of disability, acknowledging that people are disabled not only by impairments but also by structural and attitudinal barriers in our society.¹¹ within its framework, CRPD enshrines obligation on State parties to ensure equality and accessibility across all domains of life, including those who are affected by environmental degradation.

There are mainly four articles/provisions that come alive in the shadow of environmental harm, especially when driven by industrial and extractive activity where pollution and displacement strike hardest at people with disabilities. Article 11¹² compels the state to ensure safety and protection in situations of risk and humanitarian emergencies. Article 17¹³ established the right of every person with disability to have their physical and mental integrity respected on an equal basis with others. This right is undermined when toxic exposure corrodes both body and dignity. Article 25¹⁴ stands firm on guaranteeing the right to the highest attainable standard of health. It's a promise which renders hollow when toxins, contaminated water or polluted air overwhelm fragile health systems already out of reach for many persons with disabilities. Finally, Article 28¹⁵ affirms persons right to an adequate standard of living and social protection. Together, these provisions/articles reveal that environmental harm isn't just an ecological crisis, but is a direct human rights violation.

Despite these explicit guarantees, the CRPD has not yet addressed environmental harms as disability rights violation, leaving a significant gap in how State obligation should be operationalized.

¹¹ Convention on the Rights of Persons with Disabilities pmbl. ¶ (e), Dec. 13, 2006, 2515 U.N.T.S. 3.

¹² Convention on the Rights of Persons with Disabilities art. 11, Dec. 13, 2006, 2515 U.N.T.S. 3.

¹³ Convention on the Rights of Persons with Disabilities art. 17, Dec. 13, 2006, 2515 U.N.T.S. 3.

¹⁴ Convention on the Rights of Persons with Disabilities art. 25, Dec. 13, 2006, 2515 U.N.T.S. 3.

¹⁵ Convention on the Rights of Persons with Disabilities art. 28, Dec. 13, 2006, 2515 U.N.T.S. 3.

Other Human Rights Instruments

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) collectively establish a universal foundation for protecting life, dignity, and health. All of which are already implicated in cases of industrial environmental harm. Under Article 6 of ICCPR¹⁶, the right to life extends beyond mere existence to a life with dignity, which has also been affirmed by the Human Rights Committee¹⁷. Moreover, Article 12 of the ICESCR guarantees “the highest attainable standard of physical and mental health,” which the Committee on Economic, Social and Cultural Rights has interpreted to include the right to a healthy environment.¹⁸

In order to understand the intersection between environmental, disability and marginalization, United Nations Declaration on the Rights of Indigenous People (UNDRIP) becomes relevant. Article 29 of UNDRIP¹⁹ explicitly affirms indigenous peoples’ right to conservation and protection of their environmental. This right also includes protection from any hazardous materials on their land. Even when violations against this segment of people occur, the focus rarely falls on their health or displacement. Instead, their suffering is too often brushed aside and framed merely as “environmental concerns.” While it is true that environmental risks are significant, this cannot justify overlooking the fact that at the heart of these issues are people, and not just ecosystems.

Corporate accountability

Parallel to these human rights treaties, there is a growing corpus of other instruments which are aimed at regulating corporate responsibility, especially in cases of human rights violation and environmental governance. Once such treaty is UN Guiding Principles on Business and Human Rights (UNGPs), which articulates the tripartite “Protect, Respect, Remedy” framework²⁰. Under this, corporations must conduct proper due diligence to identify, prevent and mitigate

¹⁶ International Covenant on Civil and Political Rights art. 6, Dec. 16, 1966, 999 U.N.T.S. 171.

¹⁷ Human Rights Committee, General Comment No. 36: Article 6 (Right to Life), U.N. Doc. CCPR/C/GC/36 (2018).

¹⁸ Comm. on Econ., Soc. & Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health, U.N. Doc. E/C.12/2000/4 (2000).

¹⁹ United Nations Declaration on the Rights of Indigenous Peoples art. 29, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).

²⁰ U.N. Human Rights Council, Guiding Principles on Business and Human Rights, U.N. Doc. A/HRC/17/31 (2011).

adverse human rights impacts.²¹ While the latest draft does include some environmental provisions, it still doesn't specially mandate "disability-sensitive due diligence". This omission mirrors a form of structural *invisibility*, which can also be referred to as "ableism by omission".

Although the UNGPs does encourage the establishment of remedial mechanisms, they appear only shiny in theory. In practice, these victims of industrial disability rarely obtain any kind of compensation or even recognition of their rights. Even where compensation framework exists, they are slow, inadequate and often inaccessible to persons with disabilities, many of whom face additional hurdles of poverty, stigma and limited mobility. As a result, industrial mobility remains of the least acknowledge forms of harm which points out the gap between "lofty principle" and "lived realities".

Persistent Gaps and the Sidelining of Disability in Environmental Discourse

Despite a robust array of international treaties and guiding principles, the intersection between disability rights and environmental harm still remains doctrinally underdeveloped. Historically, environmental law has focused on protecting ecosystems and regulating pollution, while disability law has centred on social inclusion and accessibility which leaves their overlap largely unexamined. This gap translates into practical invisibility. Corporate accountability, meanwhile, continues to be largely voluntary and non-binding, dependent more on self-regulation and moral persuasion than on enforceable legal obligations. This leaves us with a reality in which environmental and disability although exist independently and in theory, they fail to protect those who exist at their intersection in practice. Thus, these international frameworks, although normatively rich, are of little consequence if not effectively directed and implemented.

IV. Case studies

The Jadugoda Uranium Mines, India

The case of uranium mines in Jadugoda, India is emblematic of how state led industrial development have provided long term, disability-inducing harm under the veil of regulatory neglect. This is the first mine in the country to produce uranium ore on a commercial scale.²²

²¹ Id. princ. 15.

²² K. Majumdar, Lal Chhandama, P. Kumari & D. Chatterjee, Effects of Uranium Mining on Health: A Case Study of Jadugoda of Jharkhand, India, Discover Global Soc'y (2025),

Since 1960s, the Uranium Corporation of India Limited has mined uranium ore and has discharged radioactive waste into many tailing ponds that ultimately leaked into the soil and water leading. Numerous cases were documented regarding heightened rates of congenital deformities, miscarriages, chronic lung diseases and even cancer among the local population, primarily composing of the Adivasi (indigenous) communities.²³ Studies have also proved that long term ingestion of uranium by humans may lead to progressive or irreversible renal injury.²⁴

The worst aspect of the situation was that, despite strong and frequent reports and evidence of radiation exposure, the authorities had essentially denied all health impacts from the uranium mines. A 2007 study led by Indian Doctors for Peace and Development found that congenital deformities in children living within 2.5 kilometres of the tailing ponds to be nearly ten times higher than those in control villages.²⁵ During a period of 24 years (1967-1990), they recorded only 30 deaths attributable to cancer that is 1.3 deaths per 10,000 people per year, far less than the national average of 4 to 5 cancer deaths per 10,000 people.²⁶ Rather than compensating these *victims* or even investigating the reported cases, the UCIL dismissed the findings as “unscientific”. Many individual who were connected to the UCIL even commented that there is no “safe way” to mine uranium or store these massive amounts of radioactive waste. It reflects a deliberate effort towards downplaying the harm caused by the uranium mines and evading accountability.

Although laws like Environmental (Protection) Act, 1986 and Atomic Energy Act, 1962 are there in place, they remain ill-equipped and fragmented in addressing environmental harms. In India the governing act in respect to disability is ‘Rights of Persons with Disabilities (RPwD) Act, 2016’ which replaced ‘Persons with Disabilities Act, 1995’. It redefined “disability” in largely medical terms and provided no legal avenue for linking disability with environmental causation. Despite the Supreme court’s expansive reading of Article 21 of the Indian Constitution (Right to Life), there remains a judicial and legislative silence in recognising environmentally induced disabilities as a violation of the Right to Life. Courts have expanded

https://www.researchgate.net/publication/394245231_Effects_of_uranium_mining_on_health_a_case_study_of_Jadugoda_of_Jharkhand_India.

²³ International Physicians for the Prevention of Nuclear War, *supra* note 2.

²⁴ *Id.*

²⁵ *Id.*

²⁶ A Deformed Existence, Down to Earth (India), <https://www.downtoearth.org.in/environment/a-deformed-existence-19930> (last visited Oct. 8, 2025).

the scope of Article 21 to include the right to a clean and healthy environment, yet have not extended this protection to include long term health consequences like congenital disorders or chronic illnesses resulting from industrial and mining activities.

The Jadugoda case exposes a dual form of exclusion: Indigenous marginalization and non-recognition of disability as a consequence of such industrial harm. The victims remain outside the ambit of formal disability recognition and even compensation.

The Navajo Uranium Miners, United States

A parallel narrative unfolded in Navajo Nation (extends into the states of Utah, Arizona and New Mexico) between early 1940s and late 1980s where over 30million tons of uranium ore were extracted to fuel the US's Cold war nuclear program²⁷. Hundreds of minors were unaware of the radiation dangers were employed without any protective gear. Decades later, they and their decedents suffered from lung cancer, fibrosis, and congenital disabilities.²⁸

The US eventually developed a legal response team through Radiation Exposure Compensation Act (RECA). RECA was responsible for offering lump-sum compensation to the miners, millers and ore transporters who were exposed to radiation by the mines. Although the state took responsibility, its scope remained limited. Compensation provided were modest and many victims even fell out of the eligibility window.²⁹ A lot of children and grandchildren of the exposed workers who continued to suffer genetic and developmental disorders were effectively excluded. Moreover, these people were required to show documentary evidences like employment records and medical documentation, which burdened the indigenous claimants whose employment was informal.

Navajo activists even invoked UNDRIP and CRPD to demand for stronger recognition of “environmental disability: as a right based concern.”³⁰ While the US has signed but not ratified the CRPD, Americans with Disabilities Act (ADA) has occasionally been used to argue for environmental accommodation.

²⁷ U.S. Environmental Protection Agency, Navajo Nation: Cleaning Up Abandoned Uranium Mines (2021).

²⁸ F.D. Gilliland, W.C. Hunt, M. Pardilla & C.R. Key, Uranium Mining and Lung Cancer Among Navajo Men in New Mexico and Arizona, 1969 to 1993, 42 J. Occup. & Env't Med. 278, 278–83 (2000).

²⁹ U.S. Dep't of Justice, RECA Summary Report (2023).

³⁰ U.N. Permanent Forum on Indigenous Issues, Statement by the Navajo Nation Human Rights Commission (Apr. 2022).

The Bhopal Gas Tragedy, India

The Bhopal Gas Tragedy remains one of the deadliest industrial catastrophes witnessed by the world. The release of approximately 40 tons of methyl isocyanate gas from the Union Carbide India Limited (UCIL) plant killed over 5,000 people on spot and exposed more than half a million others who were exposed to the same.³¹ In the decades since, generations of survivors have reported chronic respiratory diseases, congenital disabilities and reproductive disorders. The study found congenital malformations in 9 per cent of the 1,048 babies born to mothers who had inhaled the poisonous methyl isocyanate gas leaked by the industrial disaster. In contrast, just 1.3 per cent of the 1,247 babies born to mothers not exposed to the poisonous gas had congenital malformations.³²

Despite the magnitude of harm, the state and corporate accountability has been inadequate. In 1989, the Supreme Court approved a settlement of USD 470million between the Government of India and Union Carbide, effectively extinguishing further criminal and civil liability.³³ Despite fresh evidences, subsequent proceedings reaffirmed the settlement's finality. Union Carbide was acquired in 2001 by Dow Chemical Company and the company had consistently denied successor liability for over two decades.

Bhopal underscores how toxic exposure created *invisible* generations of disabled persons. It is difficult to put a price on a human being in the first place, but the injustice is compounded when their rights are not recognised. The National Human Rights Commission (NHRC) and various disability advocacy groups have urged the inclusion of Bhopal survivors under the Rights of Persons with Disabilities Act, 2016, yet no comprehensive policy has taken place.³⁴

The night of December 2-3, 1984 has ultimately ended, but years of death and suffering had just begun. The toxic gas may have dissipated from the air but it still lingers in the bodies, water, soil of Bhopal. This serves as a haunting reminder that such disasters do not end when the sirens stop but really stops when the victims are compensated fairly and rights are recognized.

³¹ Government of India, Bhopal Gas Leak Disaster: Report of the Scientific Commission (1987).

³² M.C. Mishra, Birth Defects Remain High in Bhopal Gas Survivors 35 Years After Disaster, Down To Earth (2019), <https://www.downtoearth.org.in/environment/birth-defects-remain-high-in-bhopal-gas-survivors-35-years-after-disaster-67979>.

³³ Union Carbide Corp. v. Union of India, 1989 AIR 1692 (India).

³⁴ National Human Rights Commission (India), Annual Report 2019–20 (2020).

V. Gaps in India's Response

These case studies, spanning two continents and three major disasters, reveal distinct yet similar patterns of harm. In India, cases like Bhopal and Jadugoda reveal deep structural deficiencies in how law and policy conceptualise, prevent, and address disability and intergenerational harm caused by industrial and mining activity. The fact that the state continues to treat industrial pollution as only an environmental infraction and not human rights violation, victims of congenital and intergenerational harm are excluded from meaningful redress.

Absence of Legal Recognition of Intergenerational Disability

The most striking gap in India's legal system is the absence of explicit recognition of intergenerational disability. This is the kind of disability which is transmitted across generations due to exposure to some toxic and radioactive substance. The Rights of Persons with Disabilities Act, 2016 (RPwD Act) provides for prevention, education and rehabilitation to people with disabilities, but doesn't address disability caused by hereditary transmission. It only concerns itself through individualized and medicalized lens as a result of which individuals who are born with disabilities linked to industrial exposure (like in Bhopal Gas Tragedy and Jadugoda Mines case) fall outside formal recognition framework.

As established in *Subhash Kumar v State of Bihar* (India)³⁵ Indian Supreme Court here held that the right to life under Article 21 of the Constitution includes the right to have a healthy environment and the enjoyment of pollution-free water and air. However this hasn't been extended to encompass the right to be free from disability-induced from environmental harm. Courts have focused primarily on air and water pollution rather than long term health consequences which stem from industrial contamination. The National Green Tribunal (NGT)³⁶ although has adjudicated many environmental cases, yet the orders generally address restoration and compensation, and never recognized permanent or hereditary disabilities as distinct rights violations.

This exclusion isn't always deliberate but stems from a lack of scientific integration. The disconnect between scientific data and court's reasoning in many cases creates a systematic

³⁵ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598 (India).

³⁶ National Green Tribunal Act, No. 19 of 2010 (India).

blind spot which can also be termed as “legal invisibility of slow violence”³⁷. Without admitting that exposure-induced disabilities are intergenerational, India's legal framework fails to address the human rights consequences of environmental degradation.

Weak Enforcement of Disability and Environmental Rights

Even with the existing framework in India, the implementations still remains weak. The RPwD Act mandates for creation of commissions but their jurisdictions rarely overlap with environmental and health departments. Environmental Laws such as Environment (Protection) Act, 1986 and the Air and Water Acts although are in place, but they rarely lead to any criminal prosecution or even give long term rehabilitation. We also see that compensation mechanisms (like Public Liability Insurance Act, 1991) are designed to address immediate and quantifiable loss but not chronic harm caused in the name of development. This short term focus thus overlooks the reality that industrial exposure does cause lifelong impairment and cross-generational damage, effectively excluding the most affected segments of people (especially tribals) from justice.

The Ministry of Environment, Forest and Climate Change (MoEFCC) regulates pollution, Department of Empowerment of Persons with Disabilities oversees disability policies and the Ministry of Health governs policies of health and family welfare. Thus, there exists an absence of cross-sectoral mechanism which results in “policy incoherence”.

Supreme Courts in *Indian Council for Enviro-Legal Action v. Union of India*³⁸ emphasized the “polluter pays principle” but the enforcement of such compensation remains inconsistent and excludes those segment of people who need it the most. Thus, even when concepts of environmental justice are mentioned, the human dimension of disability is overlooked.

Limited Corporate Accountability

The companies Act, 2013 and Corporate Social Responsibility provisions incentivise for voluntary social responsibility but fall short in creating binding obligations for preventing industrial harms and for compensating human rights violations. The National Guidelines on Responsible Business Conduct (NGRBC) and the UN Guiding Principles on Business and

³⁷ Rob Nixon, *Slow Violence and the Environmentalism of the Poor*, 13 *Safundi* 439, 439–43 (2011).

³⁸ *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 2 SCC 212, AIR 1996 SC 1446 (India).

Human Rights (UNGPs) articulate corporate duties in respect to human rights but their enforcement remains weak. The National Action Plan on Business and Human Rights (2020 draft) ³⁹although recognized environmental sustainability but makes no reference to disability of intergenerational harm. The Bhopal Gas Tragedy and Jadugoda cases both show how corporate actors avoid culpability. Dow Chemical, Union Carbide's successor in Bhopal, had avoided summons for decades, arguing lack of jurisdiction, while the UCIL's state-owned status shielded them from enquiry in the Jadugoda case. This duality undermines the state's duty to protect (under UNGPs) and contradicts with many norms on corporate accountability. Furthermore, India has not implemented a statutory regime analogous to the United States' RECA, which serves as a model for partial governmental restitution and recognition of radiation-related disabilities.

Lessons from Navajo Miners, USA

India can learn significant lessons from the Navajo experience. The US's RECA though imperfect, recognized their moral responsibility of the state towards population who were exposed to the radiations. From a global perspective, Convention on the Rights of Persons with Disabilities (CRPD) offers the world a blueprint for reorienting their approach from welfare to a matter of rights. They require the state to ensure protection and safety of persons with disabilities. Implementing these obligations would mean recognizing the environmental degradation constitutes a form of direct threat to the rights of people with disabilities.

India also might draw on emerging debates around UNGA's 2022 recognition of the right to a clean, healthy, and sustainable environment, which reaffirms that environmental hazards violate human rights, including right to health, life and dignity.⁴⁰ Following such principles, the TWC would help India construct a reliable and strong environmental disability justice framework. India should move beyond merely talking about CSR and instead focus on Corporate Accountability. This is because CSR only remains symbolic, allowing companies to avoid responsibility for the harm they cause. Corporate Accountability on the other hand would create binding duties to prevent and remedy human rights and environmental violations. Thus ensuring real consequences for corporate negligence.

³⁹ Ministry of External Affairs, Government of India, Draft National Action Plan on Business and Human Rights (2020).

⁴⁰ G.A. Res. 76/300, The Human Right to a Clean, Healthy and Sustainable Environment (July 28, 2022).

VI. Reconceptualizing Justice

The phrase “*justice delayed is justice denied*” captures the deep anguish that comes when the law moves too slowly to protect those who really need it the most. Justice loses its meaning if it doesn’t arrive when it needs to. The saddest part about delaying justice is that it often turns truth into tragedy. For victims, every postponed hearing isn’t just about a procedural matter but it’s a daily reopening of wounds and a constant reminder that their suffering is really invisible to the system. Timely justice isn’t just about efficiency, it is a moral duty that restores dignity.

The case studies above all testify to how justice, when delayed, ceases to be justice served at all. In Jadugoda, decades passed before the illness was even acknowledged and to this very day there has been no comprehensive compensation for the affected Adivasis families. Moreover, the Bhopal survivors, too, waited for year for meagre repartitions and that just reflects to the longevity of their suffering. The 1989 Supreme Court approved settlement of USD 470 million was not only inadequate but also symbolized that Indian courts were more concerned with the case’s closure rather than accountability. Each new generation born with congenital defects in Bhopal inherits not only the deadly legacy of methyl isocyanate, but also the unmet promise of meaningful legal remedy. Similarly, the Navajo uranium miners spent decades seeking recognition of their sufferings. The RECA was enacted in 1990, which is nearly 40 years after the peak of mining and that too offered only partial monetary relief and not acknowledgement of intergenerational harm. Another common thread running through all of these case studies is that many victims died before the compensation arrived, and many of their descendants continue to suffer and are denied eligibility.

What ties these cases together isn’t just the violence of toxic exposure but the violence of waiting. The slow bureaucratic process renders people’s suffering to remain invisible. Justice when deferred for a prolonged period of time becomes irrelevant and then transforms into a mechanism of erasure. In a lot of cases compensation arrives after lifetimes have already ended. A reconceptualization of justice must go beyond mere remedial compensation and post hoc accountability, it must recognize the temporal justice faced by the people. If the consequence of toxic contamination and radiation exposure is intergenerational harms, then why can’t justice also be forward looking and continuous? The first step towards it to admit that this isn’t just a case of administrative lapse but a case of ethical failure. The people of Jadugoda, Bhopal and Navajo nation didn’t merely suffer because of industrial negligence, they suffered because of

denial of justice.

VII. Conclusion

The paper address the critical problem of how industrial and mining development which is celebrated as a symbol of national progress, has invisibly produced generations of persons with disabilities and congenital defects. It sought to examine how international law can be mobilized to recognize and redress these intergenerational harms. The central objective of this paper was to expose how disability and environmental degradation remains segregated within law, rendering victims of “toxic development” unseen, unheard and uncompensated. So, how is this development possible if the only thing moving forward is the nation's GDP and not the lives of its citizens?

The findings reveal that disability resulting from developmental activities is systematically excluded from legal recognition both domestically and internationally. Case studies from Jadugoda, Bhopal and Navajo Nation show recurring patterns of delayed justice, corporate evasion and state neglect. Despite scientific evidence of radiation and toxin induced deformities and reproductive harm, institutional responses have been inconsistent and reactionary. International human rights law although is equipped to address such harms, they have been proved to be effectively in-operationalized. The CRPD hasn't integrated the concept of environmental disability, due diligence by corporate sectors under the UNGPs continue to remain voluntary, and states continue to treat toxic exposure not as a matter of human right violation. The analysis thus underscores justice, especially when it's delayed and dilutes and transforms into denial.

The Implications of these finds thus are urgent and far-reaching. There exists a demand of reconceptualization of justice, one that recognizes that time is an essential dimension of accountability and that justice delayed is justice denied. Speaking of India, integrating disability rights into environmental and industrial realm would mean expanding the scope of Article 21 (Right to Life) and to integrate freedom from inherited disability and chronic harm. Although it should naturally be understood that right to life should encompass the same, the continued occurrence of environmentally induced disabilities makes it necessary to explicitly reaffirm that these protections are indeed part of the Indian Constitution's promise of dignity and justice. Globally speaking, inclusion of disability-sensitive environmental standards and national action plans could help redefine the moral architecture of accountability.

This research acknowledged certain limitations too. It primarily focuses on three major cases, which while representative, cannot capture the full spectrum of environmental disability around the world. Moreover, the lack of detailed health data on intergenerational harm, birth defects and other conditions caused in the name of development makes it difficult to measure the problem in hand. Without such information, the real impact of toxic exposure on communities will remain hidden. Therefore, future research should adopt intersectional, scientific collaboration and legal analysis in order to create a fuller and more understanding of how environmental harms leads to disability and how justice can truly be served.

Future work must also push beyond retrospective compensation models and should take into consideration long term health monitoring, mandatory environmental disability audits and corporate accountability clauses in environmental clearances. Comparative analysis with countries who have successfully linked disability to environmental harm could guide India's policy. Moreover, recognition of "environmental disability" as a distinct rights category should be put in place to ensure that victims aren't excluded from seeking remedy and are no longer erased by procedural delay.

When progress leaves behind bodies which are marked by radiations, toxins, air thick with poison, it exposes the deep injustice hidden behind the language of growth, progress and modernization. Development which leaves behind harm on human health which is irreversible cannot be called progress as it becomes legacy of suffering being passed down through generations. True advancement must heal people and not harm them and must protect life in all forms. Recognizing this isn't only a matter of policy but really of conscience and serves as a constant reminder that measure of progress lies in the wellbeing and dignity of those who bear its cost.