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Liability Dimension of the Chamoli Disaster in Uttarakhand under the Legal Framework

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Abstract

The Constitution of India under Article 48-A directs the state to protect the environment, but in reality, the projects sanctioned by the state in the name of development and economic benefits are leading to environmental degradation. In recent times, the frequency of environment-related disasters in India has increased which are claiming more and more lives. The latest being the Chamoli Disaster in Uttarakhand that happened on February 07, 2021, in which 72 people died and 133 are still missing or declared dead. After such disasters, the public or private agencies involved, escape the liability by giving meagre fines or insufficient compensations to the victim's family in most cases, and nothing is done for the environmental restoration. National Thermal Power Corporation Limited (NTPC) and Kundun Group are involved in the two hydroelectric power projects, the Tapovan-Vishnugad project, and the Rishi Ganga Project respectively, in the eco-sensitive buffer zone of the Nanda Devi Biosphere Reserve. These companies were involved in improper muck disposal, use of explosives, and stone crushing activities in the river beds, even after the warning by the locals, orders by the courts, tribunals, and state pollution boards. The paper will try to enumerate the sources of justice to the victims of the Chamoli Disaster. Until and unless justice is not served to the victims of such disasters and companies are not made liable for their negligent acts which disturb the ecological balance, disasters like Kedarnath, Baghjan, and Chamoli are bound to happen in India again and again.

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Introduction

On Feb 07, 2021, a deadly flash flood devastated the Chamoli district of Uttarakhand, India at around 10 A.M. The lake breach at the Nanda Devi Sanctuary triggered a flash flood, which carried mud and other debris down the steep slopes. The flash flood hit the Raini village and two hydroelectric power projects (hereinafter referred to as HEPs) by National Thermal Power Corporation Limited (NTPC), the Rishi Ganga Project, and the Tapovan-Vishnugad project claimed 72 lives, and 133 are still missing.[1] The flood devastated the eco-sensitive valleys of Rishi Ganga, Dhauliganga, and Alaknanda, and its effects were observed several km downstream.[2]

Whenever any incidents of such a massive scale occur everyone including the public, media, and policymakers shows a sense of urgency to find the immediate cause. Debates and discussions are organized to find the immediate cause of the incident but as time passes public and policymakers slowly forget about the incident. The Chamoli tragedy happened just 60 km north-east of the area where Kedarnath Flash Floods occurred in 2013 claiming the lives of around 169 people and 4021 people were reported missing.[3] Constant human interference in the disaster-prone upper regions of the Himalayan valley close to the glaciers can lead to similar environmental disasters. According to the report submitted in 2013, by the Char-Dham committee which was appointed by the Hon'ble Supreme Court, the hydropower projects will have an irreversible and deleterious impact on the biodiversity and ecosystem of the region.[4] The same was reiterated by the Kedarnath expert committee, which in its report warned about the exploitation of the highly sensitive zones of Uttarakhand and the need to re-evaluate all the hydropower projects above 2000 meters. But the recommendations of these committees were not accepted.[5]

There is a correlation between rights and duties, when tragedies like the Chamoli disaster take the lives of hundreds of workers and impact the biodiversity of the eco-sensitive region

1 Nivedita Khandekar, *A Month Since Chamoli Disaster, Scientists Have Reason to Anticipate More*, THE WIRE (Apr. 16, 2021, 00:31 PM), https://science.thewire.in/environment/uttarakhand-chamoli-disaster-not-a-standalone-incident-more-to-come/.

2 Bhim Singh Rawat, *Tapovan Vishnugad HPP: delays, damages and destructions*, SANDRP (Feb. 20, 2021, 13:28 PM), https://sandrp.in/2021/02/20/tapovan-vishnugad-hpp-delays-damages-and-destructions/.

3 NIDM, Uttarakhand Disaster 2013, 04 (National Institute of Disaster Management, New Delhi 2015).

4 Shivani Azad, *Why hydel projects in the Himalayas are worrying,* The Times Of India (Feb. 09, 2021, 16:31 PM), https://timesofindia.indiatimes.com/india/why-hydel-projects-in-the-himalayas-are%20worrying/articleshow/80761439.cms.

5 Himanshu Thakkar, *Report of Expert Committee on Uttarakhand Flood Disaster & Role of HEPs: Welcome recommendations:*, SANDRP (Apr. 29, 2014, 17:28 PM), https://sandrp.in/2014/04/29/report-of-expert-committee-on-uttarakhand-flood-disaster-role-of-heps-welcome-recommendations/.

permanently then there are violations of rights, which means there is a breach of duty by someone. This paper tries to establish the liability dimensions of the Chamoli disaster so that similar disasters in the future could be averted.

Geography and Ecology of Chamoli District and the Nanda Devi Biosphere Reserve Region

The Raini village which was severely impacted by the flash flood is located in the Chamoli district of Uttarakhand, India. It has been famously known around the world for the Chipko Movement. With the elevation ranging from 800 meters to 8000 meters, the Chamoli district consists of high mountain ranges, it includes Nanda Devi which is the sound highest peak in India.[6] According to the 2011 census, the Chamoli district had a population of 391,605.[7] The high-altitude area of the district consists of glaciers and snow peaks which are the perennial sources of water in India. The Chamoli flash flood occurred on the Rishi Ganga River, which is a tributary of the Dhauliganga River, and it meets the Alaknanda River further downstream. The rivers in the districts flow with great force in the deep gorges and narrow channels, making them suitable for hydropower projects.[8]

On Feb 07, 2021, the flash flood occurred due to a landslide in the surrounding areas of the Nanda Biosphere Reserve. It was inscribed by UNESCO as the World Heritage Site in 1988. The reserve with unique topography and geographical location is the habitat of 1000 plant species with several native species with 10 endemic species and 225 near-endemic species. The reserve also has 312 floral species with 17 rare species, and it is renowned around the world for its Valley of flowers. The reserve is the refuge of many endangered species like Snow Leopard, Himalayan Black Bear, Himalayan Musk Deer, etc.[9]

The Nanda Devi National Park is a glacier basin surrounded by rising peaks like a fortress. It is drained by the Rishi Ganga River through deep gorges where the Rishi Ganga hydropower project was, in the beginning, the Rishi Ganga Power Corporation Limited (RGPCL) and latter under the Kundun Group. Around 15,000 people live in the Biosphere reserve with 45 villages and other local communities in the buffer zone of the reserve. The

6 *Chamoli Geography*, Government of Uttarakhand (Apr. 19, 2021, 22:33 PM), https://chamoli.gov.in/geography/.

7 Chamoli District: Population 2011-2021 data, Census 2011 (Apr 19, 2021, 22:40 PM), https://www.census2011.co.in/census/district/575-chamoli.html.

8 PTI, T*racing the Ganga's intricate waterweb*, The Hindu, (Aug 10, 2021, 18:33 PM), https://www.thehindu.com/news/national/other-states/tracing-the-gangas-intricate-waterweb/article33775391.ece.

9 UNESCO, *Nanda Devi Biosphere Reserve, India, United Nations Educational, Scientific and Cultural Organization* (Apr. 30, 2021, 15:28 PM), https://en.unesco.org/biosphere/aspac/nanda-devi.

transition area of the reserve consists of 55 villages.[10]

The hydropower projects are severely impacting the ecological balance of the region.[11] The Raini village which is situated in the buffer zone of the Nanda Devi Biosphere Reserve was severely impacted by the flash floods. The resident of the village had warned the authorities about the illegal mining and blasting activities going in the name of the Rishi Ganga Project. The villagers also filed a PIL in the Uttarakhand High Court in 2019 alleging that blasting activities and stone crushing on the river bed on the Rishi Ganga River that was suspected to could cause a huge impact on the local ecology of the region, and also their access to the forest was cut due to these operations but the matter remained sub-judice.[12]

Cumulative Impact Assessment and the State's Negligence

In the past, a large number of hydro projects have suffered damages due to flood-related disasters in Uttarakhand but no lessons were learned from them. In 2013, the Tapovan-Vishnugad project suffered damages due to heavy rain and flash flood. Before this incident in 2012, the Uttarkashi district of Uttarakhand saw a similar disaster in which more than 29 people lost their lives, many went missing and the loss of property remained unassessed.[13] After the disaster, the Uttarakhand State Disaster Mitigation and Management Centre (DMMC) submitted a report in October 2012, which recommended strict regulation of development activities and projects near the rivers and streams. It warned about the use of explosives in the unstable, fragile and disaster-prone Himalayan terrains for construction purposes and recommended banning blasting activities. In its report, the DMMC also recommended the need for a policy that will regulate the activities and firm executive action to ensure compliance with these policies.[14] But the warnings and recommendations of the DMMC were ignored and the hydropower projects especially the Rishi Ganga project

10 *Id.*

11 Pratiba Naitthani & Sunil Kainthola, *Impact of Conservation and Development on the Vicinity of Nanda Devi National Park in the North India*, 08, Journal Of Alpine Research (2015).

12 Neeraj Santoshi, *Uttarakhand flood: Raini villagers had raised alarm before HC around 2 years ago*, Hindustan Times (Feb. 07, 2021, 22:57 PM), https://www.hindustantimes.com/cities/dehradun-news/uttarakhand-flood-raini-villagers-had-raised-alarm-before-hc-around-2-years-ago-101612720348122.html.

13 *India monsoon floods kill 34 in Uttarakhand*, BBC (Aug. 06, 2012, 11:56 PM), https://www.bbc.com/news/world-asia-india-19144580.

14 *Investigations in the areas around Okhimath in Rudraprayag district on the aftermath of landslide incidences of September*, 2012, A report, DMMC, 35(2012), https://dmmc.uk.gov.in/files/pdf/Okhimath_Report_Final.pdf.

carried out massive blasting activities in the sensitive areas.[15]

In 2013, the National Mission for Sustaining the Himalayan Eco-System (NMSHE) is one of the eight national missions of NAPCC, NMSHE in its mission document of June 2010, recommended the creation of ecological buffer zones around the 4 pilgrimage sites commonly referred to as Char-Dham to protect the highly eco-sensitive Himalayan region. According to the NMSHE, the construction of roads to be prohibited beyond 10 km from the pilgrimage sites and national parks and sanctuaries in the region to be kept as protected places with no human intervention. But the recommendations of the mission were completely ignored and massive construction projects like Char-Dham all-weather road projects were carried out.[16]

The Ministry of Environment and Forest commissioned a study for the Cumulative Impact Assessment of HEPs on aquatic and terrestrial biodiversity in Alaknanda and Bhagirathi Basins, which was to be conducted by Wildlife Institute of India (WII), Dehradun. In 2012, WII submitted its report and suggested that 24 out of 70 projects in the Upper Ganga region should be stopped due to their impact on ecology.[17] But the suggestions of WII were not implemented.

In 2013, after the Kedarnath disaster,[18] the reluctant MoEF appointed an Expert Committee to study the role of HEPs in the Kedarnath Tragedy, on the direction issued by the Hon'ble Supreme Court in the case of *Alaknanda Hydro Power Co. Ltd. v. Anuj Joshi & Others*.[19] The Kedarnath expert committee in its report submitted in 2014, that out of the 24 HEPs recommended being reviewed by the WII, 23 HEPs should be stopped as they will have

15 Prashant Jha, *Uttarakhand: Locals red-flagged blasting near sensitive areas of Nanda Devi for Rishiganga hydel project years ago*, The Times Of India (Feb. 08, 2021, 22:58 PM), https://timesofindia.indiatimes.com/city/dehradun/locals-red-flagged-blasting-near-sensitive-areas-of-nanda-devi-for-rishiganga-hydel-project-years-ago/articleshow/80739332.cms.

16 *National Mission moots eco-zones for Himalayas*, The New Indian Express (Jun. 26, 2013, 08:40 AM), https://www.newindianexpress.com/nation/2013/jun/26/National-Mission-moots-eco-zones-for-Himalayas-490627.html.

17 Wildlife Institute of India, *Assessment of Cumulative Impacts of Hydroelectric Projects on Aquatic and Terrestrial Biodiversity in Alaknanda and Bhagirathi Basins*, Uttarakhand, Final Interim Report, Ministry of Environment and Forests, Government of India, at 76-78 (2011), http://forestsclearance.nic.in/writereaddata/AdditionalInformation/AddInfoReceived/Interim_Report_Hydro_CEIA_WII_28May2011.pdf.

18 *Supra* note 2.

19 Civil Appeal no. 6736 of 2013 (SLP (C) no. 362 of 2012).

a disastrous impact on the biodiversity of the region.[20] The report also warned about the exploitation of the highly sensitive zones of Uttarakhand and the need to re-evaluate all the hydropower projects above 2000 meters. But the warnings of the Kedarnath committee were blatantly ignored and construction works on 23 HEPs continued unabated.[21]

Tapovan-Vishnugad HEP under NTPC

In 2020, the officials of Uttarakhand Pollution Control Board (UPCB) made a field visit to the muck disposal site of the NTPC's Tapovan-Vishnugad HEP, after the orders of the Hon'ble National Green Tribunal (NGT) in the case of *Gram Pradhan & Residents of Tapovan v. the State of Uttarakhand*.[22] After the field visit the officials reported that the slope of the muck dump was hazardously double the standards. The UPCB submitted its report to the NGT on March 2020, based on the field observations, and stated that NTPC has violated the muck disposal norms laid down by the MoEF at the Tapovan-Vishnugad HEP.[23] The UPCB made certain recommendations to minimize environmental impact and to prevent the muck from reaching the Dhauliganga river system. But when the UPCB officials re-visited the muck disposal site in October 2020, it was observed that the NTPC had not acted upon measures suggested by them and ignored its recommendations. So, in December 2020, the Uttarakhand PCB fined the NTPC Rs. 57.96 Lakh for violating much disposal norms and environmental degradation. At the NGT, the NTPC admitted to its fault and assured the Tribunal to restore the site as directed,[24] but it was all too late and the irreversible damage was done.

Rishiganga HEP under RGPCL

Time and again the locals of the world-famous Raini village who are known for their

20 Expert Body, *Assessment of Environmental Degradation and Impact of Hydroelectric Projects During the June 2013 Disaster in Uttarakhand*, Ministry of Environment and Forests, Government of India, at 220-226 (2014), http://gbpihedenvis.nic.in/PDFs/Disaster%20Data/Reports/Assessment_of_Environmental_Degradation.pdf.

21 Himanshu Thakkar, *Report of Expert Committee on Uttarakhand Flood Disaster & Role of HEPs: Welcome recommendations*, SANDRP (Apr. 29, 2014, 17:28 PM), https://sandrp.in/2014/04/29/report-of-expert-committee-on-uttarakhand-flood-disaster-role-of-heps-welcome-recommendations/.

22 Original Application No. 61/2019.

23 Uttarakhand Pollution Control Board, *Expert Committee's Report on Much Disposal and Management in Tapovan - Vishnugad Hydroelectric Project*, Original Application No. 61/2019, National Green Tribunal, at 9-10 (2020), http://www.indiaenvironmentportal.org.in/files/file/muck-disposal-Tapovan-hydroelectric-project-report-NGT.pdf.

24 Megha Prakash, *Invitation to Disaster: Even before the Uttarakhand disaster, NTPC was violating muck disposal norms at Tapovan project*, Gaon Connection (Mar. 01, 2021, 23:21 PM), https://en.gaonconnection.com/uttarakhand-disaster-ntpc-violating-muck-disposal-norms-at-tapovan-project/.

symbiotic relationship with the Himalayan ecosystem had warned about the effects of the Rishi-Ganga HEP on the highly eco-sensitive area of Nanda Devi Biosphere Reserve. In 2008, the villagers protested against the illegal blasting activities and stone crushing on the river bed carried out by the developers which were affecting the wildlife.[25]

While in 2019, the villagers of Raini villagers did not celebrate the Chipko Andolan Anniversary to register their protest against the Rishi-Ganga HEP and the Kundan group (current owner of the Rishi-Ganga HEP) for blocking their pathway to Gaura Devi Smriti Van.[26]

The villagers also filed a PIL in the Nainital High Court in 2019 in *Kundan Singh v. State & Others*,[27] alleging that blasting activities and stone crushing on the river bed on the Rishi Ganga River could cause a huge impact on the local ecology of the region.[28] The High Court passed two orders in which a stay order was imposed on the use of explosives and mining of the river bed without supervision and prior permission from the concerned authorities, and the court also directed the Uttarakhand Pollution Control Board and District Magistrate of Chamoli to inspect the project site. But nothing was done and the matter has remained sub-judice, and the warnings by the locals were ignored.

The villagers of Raini also went to the NGT but no relief was provided to them. NGT formed a committee with the same indifferent local officials. When these officials visited the site for field inspection the locals were not even consulted. [29]

The State's Liability

The two projects namely Rishi Ganga Project and the Tapovan-Vishnugad project were carried out by two companies. According to the latest reports, Rishi-Ganga HEP was under the Kundun Group which is a private sector company. The Tapovan project was under the NTPC. As per the view of the Hon'ble Supreme Court seven judges Constitutional Bench in *Pradeep Kumar Biswas case*,[30] a body is a state if it is financially and administratively

25 Staff Reporter, *From Gaura Devi to Rishi Ganga Hydel Project*, Garhwal Post (Apr. 06, 2021, 19:48 PM), http://uttarakhand.org/2008/08/from-gaura-devi-to-rishi-ganga-hydel-project/.

26 Vineet Upadhyay, *Uttarakhand HC slaps state, Centre with notice on Rishiganga Power Project*, The Times Of India (May 16, 2019, 13:51 AM), https://timesofindia.indiatimes.com/city/dehradun/hc-slaps-state-centre-with-notice-on-rishiganga-power-project/articleshow/69348280.cms.

27 Writ Petition No. 116 of 2018 (PIL).

28 *Supra* note 10.

29 Jay Mazoomdaar, *Behind hydel project washed away, a troubled trail to accident in 2011*, The Indian Express (Feb 11, 2021, 07:49 AM), https://indianexpress.com/article/india/hydel-power-project-uttarakhand-flash-flood-glacier-burst-chamoli-district-7183561/.

30 Pradeep Kumar Biswas v. Indian Institute of Chemical Biology, (2002) 5 SCC 111.

under the control of the government. It is implied that NTPC is a state within the meaning of Article 12 of the Constitution of India since the government of India holds the majority of shares in the company i.e., 51.02% shares.[31] So, NTPC must conform to the constitutional mandates under Article 48-A of the Constitution.

According to the doctrine of *Parens Patriae*, the state is the sovereign owner of all the resources, so it should act to protect environmental resources. When the resources are damaged which are held by the state in public trust, or there is a harm to the welfare of the public, by another entity then as per the doctrine of *Parens patriae*, the states have the standing to seek relief based on its role as guardian, or its quasi-sovereign interest in the welfare of the people.

Civil Liability under Public Liability Insurance Act, 1991

To ascertain the civil liability in the cases of environmental damages and to provide relief to the victims, the Constitutional Bench of the Supreme Court of India in the case of *M.C. Mehta & Anr. Etc v. Union of India & Ors.*[32] introduced the new rule of Absolute Liability as to the part of the Indian Legal system which will have no exceptions that were laid down in the case of *Ryland v. Fletcher*.[33] Bhagwati C.J., who was arguing for this case said that-

> *"We must develop new values and establish new norms to adequately address the new issues that emerge in a highly industrialized economy. We cannot allow the law in England, or for that matter any other foreign nation, to constrain our judicial thought. We don't need the crutches of a foreign legal system any longer. We are certainly ready to accept light from any source, but we must first create our own jurisprudence."*[34]

The rule of absolute liability is implemented through the Public Liability Insurance Act, 1991. Section 3 of the Act makes the owner liable to provide relief to the victim on the principle of no-fault. As per the schedule, the reimbursement of medical expenses incurred is up to Rs. 12,500, and in cases of fatal accidents there will be additional relief up to Rs 25,000. In case of total permanent disability, the relief will be up to Rs. 25,000 and in case damage to private property Rs. 6000 depending upon actual damage. Under the principle of Absolute Liability, the acts make the owner is liable to provide relief to the victims of

31 Editors, *NTPC says Govt pares stake to 51.02%*, Business Standard (Mar. 05, 2020, 14:50 PM), https://www.business-standard.com/article/news-cm/ntpc-says-govt-pares-stake-to-51-02-120030500753_1.html.

32 1987 AIR 1086.

33 (1868) LR 3 HL 330.

34 *Id.*

environmental damages, and as per Section 4 of the Act, it is the duty of the owner to take out insurance policies against liabilities to give relief. Thus, it may be implied that NTPC and Rishi-Ganga Power Co., is absolutely liable pay compensation to the victims of Chamoli Disaster.

Criminal Liability under Sections 268 and 269 of IPC, 1860

As per Section 268[35] of the Indian Penal Code, 1860, a person is liable for causing public nuisance without *Mens Rea*. A common nuisance is also not excused under this Section. Section 269[36] of IPC, provides that an individual is liable for any negligent acts which are likely to spread disease dangerous for life. [37]

As per the "Polluter Pays Principle", the NGT dismissed the appeal of NTPC and upheld the penalty of Rs. 57.96 Lakh imposed by the UPCB for violating muck disposal norms and environmental degradation.[38] At the same time, the reported violations of environmental norms by the Kundan Group at Rishi-Ganga HEP,[39] ignorance of the constant warnings by the locals,[40] and illegal stone crushing and blasting activities at the buffer zone of the Nanda Devi Biosphere Reserve had an irreversible impact at the ecosystem. Thus, it can be said that the NTPC and Kundun Group becomes criminally liable for this disaster.

Conclusion

Immediately after the Chamoli Disaster, another incident of landslide occurred in the Chamoli District, Uttarakhand near the Indo-China border. The Sumna avalanche claimed the lives of 15 BRO workers who were working on a road construction project.[41] Experts have warned disaster that there will be more Glacial Lake Outburst, flash floods, landslides

35 Indian Penal Code, 1860, § 268-*"A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right. A common nuisance is not excused on the ground that it causes some convenience or advantage."*

36 Indian Penal Code, 1860, § 269- *"Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."*

37 *Supra* note 33.

38 *Supra* note 22.

39 *Supra* note 25.

40 *Supra* note 24.

41 Gopeshwar,*15 BRO workers killed in Sumna avalanche from Jharkhand*, Deccan Herald (Apr. 28, 2021, 05:18 AM), https://www.deccanherald.com/national/north-and-central/15-bro-workers-killed-in-sumna-avalanche-from-jharkhand-979732.html.

in the Himalayan regions. As per the Policy Brief 2018, by the Divecha Centre for Climate Change, IISC, Bengaluru,[42] the average temperature of the Himalayas has risen more than the global average. So, it is implied that there will be many more disasters like Kedarnath and Chamoli in the future if these unchecked, unregulated, and uncontrolled construction projects are carried out in the highly eco-sensitive zones of the Himalayas.

The cumulative impact assessment of the Rishi-Ganga HEP and Tapovan-Vishnugad HEP highlights the importance of the environmental impact assessment committee report. Dr. Madhav Dhananjaya Gadgil in The Hindu documentary regarding the landslide incidents in the Western Ghats region talked about the environmental impact assessment reports in India and said that: "*This is a state lawlessness that the environmental impact assessment reports are written elsewhere and completely fabricated reports are accepted...*"[43] He also highlighted the need for independent, free and fair reports. The states and other authorities need to understand the importance of these reports before sanctioning projects in the eco-sensitive regions to strike a balance through sustainable development. The district and state administration need to take warnings seriously by the local villagers and tribals as they are much more familiar with the ecosystem of the region. These local communities could be used to monitor and check the activities carried out by public or private companies in eco-sensitive areas. The state needs to examine thoroughly the suggestions, recommendations, and guidelines of the committee appointed by the courts or MoEF. There should be a mechanism for the implementation of the directions given by the courts and tribunals.[44]

Time and again justice has been betrayed like the Bhopal Gas Leak Case or the Baghjan case in which the amount of compensation was very less; similarly, the fine levied on the NTPC for environmental degradation is also insufficient for eco-restoration and no action has been taken against the Kundun Group. So, from the facts and circumstances of the Chamoli Disaster, it may be inferred that NTPC and Kundun Group are Absolutely Liable for the disaster that took place in Chamoli, based on the Principle of Sustainable Development as well as they have incurred both criminal and civil liabilities. Therefore, penalties and punishments shall be more stringent on the promoters of such deadly projects who value economic gains more than human lives and environmental concerns. The concept of sustainable development demands a middle way between economic development and environmental protection, it still prefers environment above economic growth, since without maintaining ecological balance no matter how high economic growth is achieved, intragenerational and intergenerational equity could not be restored.

42 Ashutosh Kulkarni, Rajiv Chaturvedi, et. al., *State of Himalayan glaciers and future projections, Policy Brief, by the Divecha Centre for Climate Change*, IISC, Bengaluru (2018).

43 Wounded Hills: *A documentary on the environmental issues of the Western Ghats*, The Hindu (Jan. 17, 2020), https://www.youtube.com/watch?v=rTV-56QagQM.

44 *Supra* note 21.