

CASE ANALYSIS: HANUMAN LAXMAN AROSKAR V. UNION OF INDIA (2019)

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Abstract

This paper provides a comprehensive analysis of the Supreme Court's decision in *Hanuman Laxman Aroskar v. Union of India*, a pivotal case concerning the expansion of the Mopa Airport in Goa. The litigation centered on the alleged procedural irregularities in the grant of Environmental Clearance (EC), specifically deficiencies in the Environmental Impact Assessment (EIA) report and the failure to conduct meaningful public consultations. The Supreme Court, setting aside the previous orders of the National Green Tribunal, underscored that procedural compliance in environmental governance is not a mere formality but a constitutional mandate essential for sustainable development. The judgment reinforces the principle that administrative discretion in environmental matters must be exercised with transparency, accountability, and adherence to natural justice. This analysis explores the court's rationale, its implications for the EIA framework, and the ongoing tension between infrastructural development and ecological preservation in Indian jurisprudence.

Keywords: Environmental Impact Assessment (EIA), Environmental Clearance, Natural Justice, Sustainable Development, Procedural Fairness, Judicial Review, Mopa Airport.

1. Introduction

Environmental governance in India operates at the critical intersection of constitutional mandates, statutory frameworks, and judicial intervention. The right to a healthy environment has been judicially recognized as a facet of the right to life under Article 21 of the Constitution of India⁹⁹². To actualize this right, the Environmental Impact Assessment (EIA) notification was established as a preventive legal tool to assess the potential ecological costs of industrial and infrastructural projects before they are undertaken⁹⁹³. However, the efficacy of this mechanism relies heavily on rigorous procedural compliance and transparent decision-making by administrative bodies.

Over the past few decades, the Indian judiciary has adopted an interventionist stance to ensure that environmental clearances are not granted as mere formalities. From *Vellore Citizens Welfare Forum v. Union of India*⁹⁹⁴ to *M.C. Mehta v. Union of India*⁹⁹⁵, courts have consistently emphasized that development cannot come at the cost of ecological destruction. Against this backdrop, the case of *Hanuman Laxman Aroskar v. Union of India*⁹⁹⁶ emerged as a litmus test for the integrity of the EIA process. The case was triggered by the grant of an Environmental Clearance for the construction of a greenfield airport at Mopa, Goa, which faced vehement opposition from locals and environmentalists due to alleged procedural flaws and ecological hazards.

⁹⁹² Constitution of India, 1950, Art. 21.

⁹⁹³ Ministry of Environment, Forest and Climate Change, *Environmental Impact Assessment Notification*, S.O. 1533 (E), 2006 (India).

⁹⁹⁴ *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.

⁹⁹⁵ *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

⁹⁹⁶ *Hanuman Laxman Aroskar v. Union of India*, (2019) 8 SCC 699.

This litigation is significant as it addresses the perennial conflict between the imperative for rapid infrastructure development and the necessity of preserving ecological fragility. It questions whether the state can bypass procedural safeguards in the name of "public interest" and economic growth. This paper critically evaluates the Supreme Court's emphasis on procedural integrity in environmental decision-making and its implications for sustainable development, arguing that the judgment serves as a necessary corrective to administrative arbitrariness.

2. Facts of the Case

The factual matrix of the case revolves around the proposal to construct a greenfield international airport at Mopa in the North Goa district. The project was conceived as a Public-Private Partnership (PPP) initiative aimed at boosting tourism and economic growth in the region. Given the project's potential environmental impact, the Ministry of Environment, Forest and Climate Change (MoEFCC) mandated an Environmental Impact Assessment (EIA) study under the provisions of the EIA Notification, 2006⁹⁹⁷.

The GMR Goa International Airport Limited (GGIAL) was the designated project proponent. An EIA report was prepared and submitted to the Expert Appraisal Committee (EAC). Based on the recommendations of the EAC, the MoEFCC granted the Environmental Clearance (EC) to the project in October 2015. The petitioners, including Hanuman Laxman Aroskar and other concerned citizens, challenged this clearance before the National Green Tribunal (NGT). They alleged that the EIA report was scientifically inadequate, failing to account for the seasonal variations in biodiversity and the specific ecological sensitivity of the Western Ghats region. Furthermore, they contended that the public hearing process was vitiated by fraud and a lack of transparency, as the concerns

raised by the local communities were not adequately recorded or addressed⁹⁹⁸.

The NGT, in its initial appraisal, dismissed the petition, upholding the validity of the clearance. Aggrieved by this decision, the petitioners approached the Supreme Court of India via a Special Leave Petition. The primary contention before the Supreme Court was that the project authorities had suppressed critical data regarding the ecological impact, particularly concerning the loss of forest cover and the disruption of wildlife corridors, thereby violating the fundamental principles of environmental law.

3. Issues Before the Court

The Supreme Court was tasked with determining several complex questions of law and fact. The core issues framed before the Court were:

1. Whether the Environmental Clearance granted for the Mopa Airport project was legally valid, given the alleged deficiencies in the EIA report?⁹⁹⁹
2. Whether the EIA process conducted by the project proponents complied with the statutory mandates of the EIA Notification, 2006, particularly regarding data collection and public consultation?
3. Whether procedural lapses in the public hearing and the appraisal process constitute a violation of the principles of natural justice and the rule of law?¹⁰⁰⁰
4. Whether the judiciary should intervene in technical environmental decisions when expert bodies have already granted approval?

4. Arguments by Parties

Petitioners' Arguments: The petitioners argued that the EIA report was fundamentally flawed and "cooked" to suit the convenience of the project proponent. They contended that the

⁹⁹⁷ *Supra* note 2.

⁹⁹⁸ *Supra* note 5.

⁹⁹⁹ *Supra* note 5.

¹⁰⁰⁰ *Supra* note 5.

study failed to cover all seasons, particularly the monsoon, which is crucial for assessing the hydrological impact and biodiversity of the region. Relying on the precedent set in *Narmada Bachao Andolan v. Union of India*¹⁰⁰¹, they argued that an EIA must be a comprehensive and truthful document; any suppression of material facts vitiates the clearance.

Furthermore, the petitioners highlighted serious irregularities in the public consultation process. They submitted that the minutes of the public hearing did not accurately reflect the grievances raised by the local villagers, many of whom were illiterate and relied on the proceedings being recorded faithfully. They argued that this violated their right to participation in environmental decision-making, a right upheld in *L. Chandra Kumar v. Union of India*¹⁰⁰². The petitioners urged the Court to apply the "Precautionary Principle," asserting that in the face of scientific uncertainty regarding environmental damage, the burden of proof lies on the proponent to show that the activity is harmless, which they had failed to do.

Respondents' Arguments: The Union of India, the MoEFCC, and the project proponents argued that all procedural requirements under the EIA Notification, 2006 had been strictly complied with. They contended that the EIA report was prepared by accredited experts and that the EAC, comprising specialists in the field, had scrutinized the report in detail. Invoking the doctrine of separation of powers and administrative discretion, they argued that courts should not substitute their own wisdom for that of technical experts unless there is a glaring error of law or perversity in the decision.

The respondents emphasized the "public purpose" of the project, stating that the new airport was essential for the economic development of Goa and to decongest the existing Dabolim airport. They argued that setting aside the clearance at this advanced

stage would cause huge financial losses and delay critical infrastructure. They relied on *Noida Extension Entrepreneurs Association v. Greater Noida Industrial Development Authority*¹⁰⁰³ to suggest that once a project is underway and substantial investment has occurred, judicial review should be tempered with pragmatism.

5. Judgment (Ratio Decidendi)

The Supreme Court delivered a judgment that prioritized procedural propriety over administrative convenience. While the specific operative order involved remanding the matter to the EAC for a fresh appraisal, the Court's reasoning established significant precedents regarding the validity of environmental clearances¹⁰⁰⁴.

The Court held that the Environmental Clearance was unsustainable due to the material lapses in the EIA process. The *Ratio Decidendi* hinged on the interpretation of the EIA Notification, 2006, which mandates that an EIA report must be a "living document" reflecting the true environmental cost of a project. The Court observed that the EIA report in question lacked baseline data regarding the ecological status of the area, particularly the impact on the Western Ghats, a globally recognized biodiversity hotspot. Relying on *Rural Litigation and Entitlement Kendra v. State of U.P.*¹⁰⁰⁵, the Court reaffirmed that development and environment are not enemies, but development must be sustainable.

Crucially, the Court held that procedural lapses cannot be cured by subsequent submissions or by the argument that the project is in the public interest. The Court stated that the EAC must apply its mind independently and cannot merely act as a rubber stamp for the project proponent's data. The judgment established that if the foundation of the Environmental Clearance (the EIA report) is defective, the superstructure (the clearance itself) must fall.

¹⁰⁰¹ *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664.

¹⁰⁰² *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261.

¹⁰⁰³ *Noida Extension Entrepreneurs Association v. Greater Noida Industrial Development Authority*, (2013) 7 SCC 136.

¹⁰⁰⁴ *Supra* note 5.

¹⁰⁰⁵ *Rural Litigation and Entitlement Kendra v. State of U.P.*, (1987) Supp SCC 309.

The Court emphasized that the "Public Consultation" stage is a statutory requirement designed to ensure democratic accountability, and any irregularity in recording the views of the affected people strikes at the root of the decision-making process¹⁰⁰⁶.

6. Obiter Dicta

Beyond the specific ruling on the Mopa Airport, the Court made several significant observations (*Obiter Dicta*) regarding the broader landscape of environmental governance. The Court lamented the tendency of project proponents to treat the EIA process as a mere hurdle to be cleared for obtaining a license, rather than a tool for scientific assessment¹⁰⁰⁷.

The Court observed that institutional integrity is paramount; expert bodies like the EAC must act as trustees of the environment rather than facilitators for industrial growth. It noted that the "rule of law" in environmental contexts requires that decisions be made not just according to the law, but in a manner that is transparent and accountable. The Court further commented on the need for the state to balance its role as a promoter of development with its constitutional duty under Article 48A to protect and improve the environment. It suggested that future projects must adopt a more stringent standard of disclosure, ensuring that local communities are not just heard, but their concerns are meaningfully integrated into the project design¹⁰⁰⁸.

7. Critical Analysis

(a) Strengths of the Judgment: The primary strength of the judgment lies in its reiteration of the "Environmental Rule of Law." By setting aside the clearance, the Court sent a clear message that procedural safeguards are not optional add-ons but essential components of environmental justice. This aligns with the principles laid down in *Vellore Citizens Welfare Forum v. Union of India*¹⁰⁰⁹, where the Court

introduced the Polluter Pays Principle and the Precautionary Principle into Indian law. The Aroskar judgment strengthens the credibility of the EIA process by ensuring that it cannot be manipulated through flawed data.

Furthermore, the judgment democratizes environmental governance by elevating the status of public consultations. It acknowledges that affected communities have a legitimate stake in developmental projects affecting their immediate environment. This prevents the centralization of environmental decision-making in bureaucratic corridors and empowers local stakeholders. The judgment also acts as a check on the "expert autonomy" of bodies like the EAC, reminding them that their mandate is to protect the environment, not merely to facilitate industrial expansion.

(b) Limitations / Criticism: Despite its progressive stance, the judgment is not without criticism. Legal scholars often debate the fine line between judicial review and judicial overreach. By delving into the technical adequacy of the EIA report – such as the specifics of seasonal data – the Court arguably encroached upon the domain of technical experts. As suggested in *A.P. Pollution Control Board v. Prof. M.V. Nayudu*¹⁰¹⁰, while courts have the jurisdiction to review the decision-making process, they should be hesitant to substitute their own scientific understanding for that of specialized agencies.

Another limitation is the potential for such rulings to delay infrastructure development. While environmental protection is paramount, the scrapping of clearances at advanced stages can lead to massive financial losses and project delays, which can hinder economic growth. Critics argue that instead of setting aside the clearance entirely, the Court could have mandated remedial measures or a supplementary EIA to cure the defects, provided the project was not ecologically catastrophic in its totality. This approach would balance environmental concerns with the need for

¹⁰⁰⁶ *Supra* note 5.

¹⁰⁰⁷ *Ibid.*

¹⁰⁰⁸ *Ibid.*

¹⁰⁰⁹ *Supra* note 3.

¹⁰¹⁰ *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, (1999) 2 SCC 718.

development, a concept central to *Noida Extension Entrepreneurs Association v. Greater Noida Industrial Development Authority*¹⁰¹¹.

(c) Comparative Perspective: The *Aroskar* judgment fits within a continuum of evolving environmental jurisprudence in India. It mirrors the proactive stance seen in *M.C. Mehta v. Union of India*¹⁰¹² (Oleum Gas Leak case), where the Court shifted the burden of proof to the industry. However, unlike *M.C. Mehta*, which dealt with absolute liability for accidents, *Aroskar* deals with preventive regulation.

Compared to *Lafarge Umiam Mining Pvt. Ltd. v. Union of India*¹⁰¹³, where the Court allowed mining to continue subject to forest clearance and ecological safeguards, the *Aroskar* judgment is stricter. In *Lafarge*, the Court prioritized the economic implications of shutting down a cement plant, whereas in *Aroskar*, the procedural lapses were deemed fatal enough to halt the project initially. This indicates a shift towards zero-tolerance for procedural violations in EIA, distinguishing it from earlier cases where economic considerations sometimes outweighed procedural defects.

(d) Personal Evaluation: In my evaluation, the judgment strikes a necessary, albeit somewhat rigid, balance between development and environment. While procedural compliance can sometimes be tedious, it is the only safeguard against indiscriminate exploitation of natural resources. However, I believe procedural compliance alone is insufficient without substantive review. The Court focused heavily on *how* the decision was made (procedure) rather than the ultimate environmental outcome (substance). A comprehensive environmental jurisprudence requires that valid procedure leads to ecologically sound outcomes. If the procedure is flawless but the project destroys a fragile ecosystem, the law fails. Therefore, while the judgment is a victory for transparency, future litigations must also

focus on the substantive carrying capacity of the region.

8. Impact and Significance

The *Hanuman Laxman Aroskar v. Union of India*¹⁰¹⁴ judgment has significantly impacted environmental governance in India. It has set a precedent that the "due process of law" is non-negotiable in environmental clearances. Consequently, regulatory bodies like the MoEFCC and State Pollution Control Boards have become more cautious, leading to more rigorous scrutiny of EIA reports post-2019.

The judgment has also encouraged civil society and local communities to actively participate in public hearings, knowing that judicial redressal is available if their voices are suppressed. It has forced project proponents to invest in higher quality, more comprehensive EIA studies to avoid litigation. Furthermore, it has strengthened the judiciary's role as the guardian of the environment, reinforcing the idea that statutory bodies cannot be allowed to function in a cavalier manner when the ecological integrity of a region is at stake. The case serves as a cautionary tale for future infrastructure projects: expediency cannot eclipse the rule of law.

9. Conclusion

The *Hanuman Laxman Aroskar v. Union of India* case is a landmark in Indian environmental jurisprudence, reinforcing the sacrosanct nature of procedural fairness in the EIA process. The Supreme Court's decision underscores that the path to sustainable development is paved with rigorous scientific assessment and democratic participation, not bureaucratic shortcuts. By setting aside the Environmental Clearance, the Court affirmed that constitutional duties towards the environment cannot be sidelined in the pursuit of economic growth¹⁰¹⁵.

However, the analysis reveals that while procedural integrity is a strong foundation, it must be coupled with substantive

¹⁰¹¹ *Supra* note 12.

¹⁰¹² *Supra* note 4.

¹⁰¹³ *Lafarge Umiam Mining Pvt. Ltd. v. Union of India*, (2011) 7 SCC 338.

¹⁰¹⁴ *Supra* note 5.

¹⁰¹⁵ Constitution of India, 1950, Art. 48A.



environmental safeguards. The judgment corrects administrative arbitrariness but also highlights the need for institutional reforms within the EAC and MoEFCC to prevent such lapses at the source. Moving forward, India must strengthen its EIA mechanisms to ensure that they are not just procedural hurdles but robust tools for ecological conservation. Ultimately, the case exemplifies the judiciary's pivotal role in ensuring that India's development trajectory remains sustainable and equitable for future generations.

