



Corporate Accountability and Environmental Victimhood: A New Era of Social Justice Litigation

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Abstract

One of the trends of modern environmental injustice has become environmental victimhood, especially in the Global South, where industrial production, extractive development, and non-enforcement of regulations has historically impacted marginalized communities. Although it is true that courts have been specifically requested to intervene in environmental injuries caused by companies, litigation as a means of accountability has not been evenly distributed. The paper discusses environmental justice litigation through a socio-legal lens of practitioners working in India and other similar jurisdictions of the Global South to see how environmental victimhood is identified, resolved, and rectified in practice.

The paper is based on a critical examination of litigated cases on industrial pollution, extractive projects, and toxic exposure, and it follows judicial interpretations of tort principles, constitutional rights, litigation in the public interest, scientific evidence, and new transnational liability principles. Through a media-to-docket triangulation approach, it separates socially recorded harm and legally enforceable accountability and shows recurring failures in delivering victim-focused remedies in the relationship between judicial acceptance of environmental harm and the provision of legal outcomes. Based on the analysis, it is clear that the expansion of the liability doctrine and the increased normative recognition of environmental harm by the court is still fragmented, delayed, and, most crucially, marked by weak administrative follow-through in enforcement.

The paper has presented a comparative case study and conceptual models of corporate accountability to argue that the main problem of the environmental justice litigation in India is not the lack of legal doctrine, but the lack of translation between the environmental harm, corporate responsibility, and remedial consequences. Environmental litigation can therefore be considered as a required yet structurally constrained instrument, one with the power to expose corporate bad practices and the ability to express rights, but which lack the capacity to provide timely, enforceable and remedial justice to victims of environmental harm.

Keywords: Corporate Accountability; Environmental Victimhood; Social Justice Litigation; Environmental Law; Climate Litigation; Human Rights; Transnational Liability; Environmental Governance; Community Empowerment; Ecological Harm

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1. Introduction:

In the past, the poor and economically and socially challenged communities have been unfairly and mostly invisible victims of environmental degradation and industrial pollution (Bullard, 2001; Mohai et al., 2009). In developing countries and the Global South, such burdens are exacerbated by the processes of rapid industrialisation, extractive economic policies, poor regulatory implementation and access to effective legal solutions (Setzer & Byrnes, 2020). Such environments are not just victims of development but products of structural processes that are the result of policies that put the interests of economic growth and corporate

profitability above the needs of the environment and communities (Osofsky & Peel, 2020). The damage experienced by the populations affected tends to be both long-term and multidimensional in nature such as loss of livelihood, displacement, cultural destruction, negative health effects as well as intergenerational trauma with little material redress.

In India, environmental victimhood has repeatedly manifested through large-scale industrial disasters and chronic environmental degradation linked to corporate activity. The Bhopal Gas Leak disaster of 1984 remains the most prominent example, exposing both the devastating consequences of corporate negligence and the limitations of existing legal frameworks in addressing long-term environmental harm. The litigation arising from the disaster, particularly *Union Carbide Corporation v. Union of India* (1991), adopted a state-centric approach that excluded direct victim participation. This exclusion was subsequently upheld in *Charan Lal Sahu v. Union of India* (1990), reinforcing the structural marginalisation of affected communities within formal legal processes. Subsequent incidents involving chemical spills, industrial explosions, groundwater contamination, and persistent air and water pollution demonstrate that environmental harm in India is not episodic but systemic (Knox, 2015).

The persistent inability of executive agencies and statutory regulators to prevent environmental harm or provide adequate remedies has increasingly compelled judicial intervention. Landmark decisions such as *M. C. Mehta v. Union of India* (1987) articulated the principle of absolute liability for hazardous industries, while *Indian Council for Enviro-Legal Action v. Union of India* (1996) reaffirmed the responsibility of polluting enterprises to bear the costs of environmental remediation. In *Vellore Citizens' Welfare Forum v. Union of India* (1996), the Supreme Court formally incorporated the precautionary principle and the polluter-pays principle into Indian environmental jurisprudence, signaling a shift toward a preventive and accountability-oriented approach.

Environmental protection was further constitutionalised through *Subhash Kumar v. State of Bihar* (1991), which recognised environmental degradation as a violation of the right to life under Article 21 of the Constitution. Judicial engagement with scientific uncertainty, evidentiary asymmetry, and institutional competence is evident in *A. P. Pollution Control Board v. Prof. M. V. Nayudu* (1999), where the Court emphasised the need for expert-driven environmental decision-making. Environmental displacement and ecological harm arising from development projects have also reached the courts, most notably in *Narmada Bachao Andolan v. Union of India* (2000). Long-term ecological degradation and regulatory inertia have been addressed through continuing judicial oversight in *T. N. Godavarman Thirumulpad v. Union of India* (1997), which established the mechanism of continuing mandamus in environmental governance.

More recent cases, including *Tamil Nadu Pollution Control Board v. Sterlite Industries (India) Ltd.* (2019) and *Goa Foundation v. Union of India* (2014), reflect the judiciary's ongoing effort to navigate the tension between economic development and environmental protection. Against this backdrop, corporate accountability litigation has emerged as a critical avenue through which environmental victims seek recognition, compensation, and remedial justice. In India, a distinctive jurisprudence has evolved through the convergence of tort principles, constitutional rights, public interest litigation, and environmental law to address environmental injustice (Osofsky & Peel, 2020).

At the same time, the outcomes of litigation have proved that there exist elevated structural and procedural barriers. Remunerations have not been very high or timely, the burden and superposition of evidence are significant, and scientific uncertainty continues to cover the communities that are being disadvantaged (Rodriguez-Garavito, 2018). There are some severe questions that arise as to whether the existing legal systems are actually helpful to victims of environmental harm or they are just symbolic in relation to accountability. The paper examines these challenges in a practitioner manner through the basis of litigated environmental cases to discern the general legal, institutional, and remedial inefficiencies of corporate accountability regimes. It reflects the judicial response to environmental victimhood in India and in other Global South locales by examining the achievements and disappointments in practice of the environmental justice-oriented litigation and attempts to enhance the success of the environmental justice-oriented legal practices.

2. Literature Review:

Academic interest in corporate responsibility and environmental victimhood has increased dramatically over the last few decades due to a rise in awareness of the unequal distribution of environmental damage across socio-economic, political, and geographic lines. As a body of scholarship, the environmental justice field of study has consistently shown that economically deprived, Indigenous, and racialised peoples are disproportionately exposed to pollution, hazardous disposal of waste products, as well as long-term ecological decline across borders (Bullard, 2001; Mohai et al., 2009; Schlosberg, 2013). This literature places environmental victimhood in the context of larger structural disproportions of land-use regulation, regulatory implementation, and unequal access to political and legal institutions and emphasizes how corporate action often capitalizes on preexisting vulnerability of those who suffer (Walker, 2012).

The changing form of corporate environmental liability is studied in substantial legal scholarly literature that follows a coalescence of regulatory frameworks, tort law, constitutional remedy and public interest litigation. Researchers note a slow change toward stricter systems of liability, more pronounced disclosure standards, and new types of extraterritorial accountability which contribute to broadening the channels through which the environmental victims can file claims against robust corporate stakeholders, including multinational corporations that can operate in the realm of fragmented regulatory frameworks (Armeni, 2016; Moules, 2020). At the same time, environmental litigation has become more driven by the human rights approach, and judicial bodies appreciate the interdependence between environmental degradation and the basic human rights to life, health, livelihood, culture, and subsistence (Knox, 2015; Dastyari, 2019). This shift in the rights has especially been more intensive in Global South jurisdictions, as courts of constitutional interpretation have attempted to repair regulatory failures by judicial creativity (Rodriguez-Garavito, 2018).

The other important branch of the scholarship is devoted to environmental justice movements and social mobilisation, which underlines how community activism predicts the lived experiences, regulatory reform and social accountability. The empirical and socio-legal literature captures the use of legal claims and media exposure and transnational advocacy networks by environmental movements to contest and prevent corporate malpractices, as well as document the lived experiences of environmental victims (Setzer and Byrnes, 2020; Osofsky and Peel, 2020). Indigenous and critical scholarship also questions the adequacy of dominant legal schemas by claiming that the existing models of remedies are not sufficient to deal with collective harm, land dispossession, cultural loss, and intergenerational trauma of the impacted communities (Schlosberg, 2013; Brisman and South, 2020).

Climate litigation is a more dynamic terrain in corporate accountability studies that is increasingly being theorized as a response to diffuse and cumulative, and transboundary environmental damage. The recent literature points to the increasing use of climate attribution science to form a causal relationship between corporate emissions, extreme events caused by climate, and harms at the community level (Setzer and Byrnes, 2020). In other cases, geospatial modelling, ecological forensics, and the long-term impact assessment have bolstered the evidentiary capacity of plaintiffs, even in very complicated cross-border cases involving multinational corporate participants (Voigt, 2018). Meanwhile, researchers warn that scientific complexity might only intensify existing inequalities in access-to-justice by raising the cost of litigation, obstacles to the process, and the need for specialist skills.

Regardless of this development, literature has always found certain deficiencies in the current legal and institutional reactions. Certain barriers to environmental victims, such as prohibitive litigation expenses, excessive evidentiary burdens, informational asymmetry, fragmentation of jurisdiction, and delay of process, remain severe burdens, which may at times be compounded by the strategic and institutional leverage of corporate defendants (Moules, 2020; Ma, 2019). These constraints have led to an increase in the academic attention given to mixed methods of accountability that involve bringing litigation and regulatory advocacy, community-based surveillance, and other forms of participatory accountability (Osofsky and Peel, 2020).

Lastly, recent academic literature is placing corporate accountability in a wider context of corporate governance, societal expectations and normative change. Studies indicate that formal legal liability works in tandem with reputational pressures, shareholder activism, sustainability reporting requirements and the shifting norms of corporate social responsibility in determining corporate behaviors and affecting the results of litigation (Osofsky & Peel, 2020). Combined, this interdisciplinary literature incorporates legal and socio-economic, scientific, and normative views. However, as this paper argues, the developments in doctrine still have very large gaps concerning the lived realities of environmental victimhood, gaps that become particularly apparent when the judicial practice and case litigations are scrutinized closely.

3. Methodology and Conceptual Framework:

This paper uses a multi-layered socio-legal approach to discussing the construction of contemporary environmental victimhood and corporate responsibility in the emerging models of social justice-oriented litigation. The study acknowledges that environmental harm exists on a scientific, legal, and socio-political level, as such, it integrates the doctrinal analysis of law, comparative case-based assessment, and a victim-based analytical approach to establish a coherent perspective on the litigation patterns. The methodological explanation is based on socio-legal studies that focus on the engagement of legal norms, institutional performance, and vulnerability on the level of the community (Knox, 2015). The conceptual framework used in this analysis is presented in Figure 1.

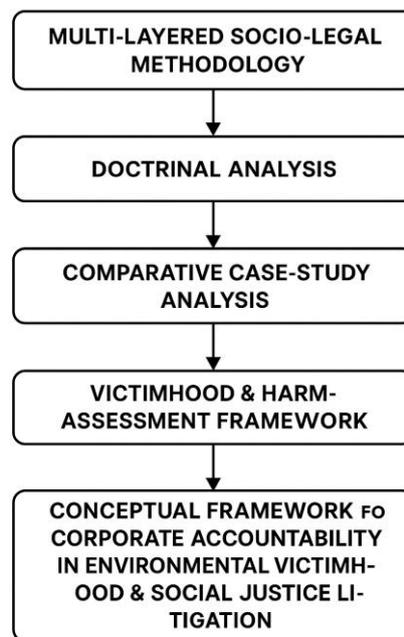


Fig 1. Methodological Framework for Corporate Accountability Litigation

The initial part of the methodological approach is the doctrinal legal analysis, which entails the analysis of the statutes, constitutional provisions, judicial precedents and other international legal instruments that govern the corporate environmental liability. The strategy will enable the discovery of new legal norms, such as the extension of corporate due diligence, changing principles of causation, and the growing integration of human rights principles into the environmental adjudication process. It takes a comparative framework of doctrines to show the multiplicity of judicial views based on jurisdiction, and to examine how the courts understand corporate responsibility, environmental degradation, and remedial justice to the victims (Voigt, 2018).

The second methodological pillar will involve a comparative case-study overview of the landmark environmental justice litigation in various areas. Case-based research, in particular, is best applicable to the field of environmental law because environmental law enforcement is contextual, marked by scientific uncertainty, and shaped by corporate behaviour. This paper relies on emblematic cases to evaluate how

the courts intervene in the field of science, how they evaluate corporate knowledge and negligence, and what accountability standards are used by courts. In this analysis, the methodology investigates the procedural and substantive aspects of environmental victim claims, such as court accessibility, evidentiary loads and remedy sufficiency.

The third pillar follows interdisciplinary research based victimhood-centred harm assessment framework. This framework acknowledges that environmental victimhood does not only entail physical environmental harm, but it also refers to sociological cultural loss, psychological distress, displacement, and intergenerational damages - aspects, which are often overlooked in traditional legal remedies (Adani Power Ltd. v. Union of India, pending). Scholars underline the importance of recognising the entire range of harm not only to adjudicate it fairly but also to place the lives of marginalised communities in the context of larger systems of environmental injustice.

Besides that, the methodology includes a corporate governance analysis, which will examine the impacts of internal corporate policies, the sustainability reporting practices and the risk-management structures on the litigation dynamics and the accountability outcomes. The literature on corporate accountability proves that transparency procedures, stakeholder interactions, and environmental regulation structures play a significant role in shaping the perception of corporate responsibility among the population and the uncovering of corporate responsibility (Dastyari, 2019). Inclusion of governance analysis allows the study to assess the contribution of the process of making corporate decisions towards prevention or continuation of environmental harm.

Lastly, the multi-layered approach is informed by a conceptual framework that puts social justice-based litigation within a framework of law, science, and community empowerment. This framework is based on the socio-technical systems theory and emphasises the influence on the litigation outcomes of the interactions between the legal institutions, scientific knowledge, mobilisation of communities, and corporate participants (Rodriguez-Garavito, 2018). It also aligns with more recent theories of climate justice that theorize litigation as a tool of redistribution of power and amplification of marginalised voices as well as a process of changing environmental governance. This framework offers a solid foundation on which it is possible to assess the potential of corporate accountability litigation in the context of environmental victimhood and the promotion of social justice by combining doctrinal, empirical, and normative approaches.

4. Tracking 'Live' Corporate Pollution Litigation in India: Media-to-Docket Triangulation

To answer this enforcement-oriented research question that emerged as the course of peer review, that is, what courts are really doing (or not doing) in practice in modern corporate pollution controversies in India, the paper takes media reports and non-governmental organisation (NGO) investigations as access points as opposed to sources of legal analysis. The inquiry involving India is based, as much as practicable, on primary legal documents, such as petitions, interim orders, final judgments, compliance affidavits and contempt or execution proceedings. This practice guarantees the commitment of claims of judicial action or inaction to the official history of adjudication as opposed to mere discussion by the populace.

The research design is operational in that it follows a media-to-docket triangulation workflow. The first one is the extraction of core identifiers of credible investigative reporting, such as the corporate actor or project, geographic location, and the alleged statutory or regulatory violation. Second, it determines the probable adjudicatory institution, which can be the appropriate bench of the National Green Tribunal, a jurisdictional High Court, or the Supreme Court by way of a special leave petition or appeal and the probable timeframe of the litigation. Third, it finds the relevant proceeding via official portals of case-information, judicial order repositories or cause lists. Lastly, it records essential case factors such as case title/ number, date of pertinent orders, reliefs being pursued, legal grounds being invoked, and most importantly the remedial orders actually granted by the court/ tribunal.

This paper has been made possible through this workflow; empirically testing and in any case scrutinizing the hypothesis that public protest and political pressure either replace or is required in order to mobilize

judicial action regarding corporate pollution cases. The identified cases are coded on three dimensions; (a) elapse of time between filing and interim relief, (b) kind of remedies adjudged (injunctions, compensations, restitution orders, or regulatory supervision), and (c) detectable signs of compliance. Such indicators can consist of recovery of environmental compensation, suspension or revocation of statutory clearance or consent, certified shutdowns or compliance retrofit, restoration, or such demonstrable pollution-reduction.

In cases where the reliable case identifier is not found despite intensive and systematic searches, the paper clearly indicates such lack as a data gap. In these cases, the quality of secondary reporting is applied to describe so-called harm and mobilisation dynamics but has not been attributed to judicial findings or results, unless there is a reference to the text of a formal order or judgment. Such transparency lies at the heart of the methodological dedication of the paper to draw the line between environmental harm as that which is socially reported and environmental accountability as that which is provided by law.

5. Applications and Emerging Results in Social Justice Litigation: Lessons from India and the Global South

With the above media-to-docket triangulation approach, this section evaluates the current functioning of social justice-focused environmental litigation with specific looking at the enforcement processes in India and other countries in the Global South. To answer the enforcement-oriented research question introduced in the process of peer review that is, what courts are actually (or not) doing in modern corporate pollution cases, this analysis considers media coverage and non-governmental organisation (NGO) research as initial indicators of harm and mobilisation but not legal evidence. In every opportunity that arises, the evaluation will be based on primary legal documents, such as petitions, interim orders, final judgments, compliance affidavits, and contempt or execution proceedings. This discipline of evidence implies that assertions concerning judicial efficiency are grounded on the official account of adjudication and not solely on popular or even political rhetoric.

Operationally, the implementation of the media-to-docket approach shows that there are patterns of translation of environmental victimhood into legal claims. The analysis through tracking disputes at the early reporting stages to the various courts including the National Green Tribunal, jurisdictional High Courts, or the Supreme Court, the kind of harm that would most commonly be covered by the court, the types of relief most commonly demanded, and the kinds of remedies that would be ordered by the court. In cases, judicial intervention is not evenly distributed: whereas interim relief and directions on regulatory oversight are fairly frequent, longer-term monitoring, compensation orders being executed on time, and environmental restoration with demonstration are not as frequent.

The categorisation of cases on three levels time to interim relief, nature of remedies and signs of observable compliance points out one of the tensions of Global South environmental governance. It seems that in a number of cases, the civil outcry, the mass media, and political influence seem to act as triggering factors leading to judicial intervention, at least on the interim level. But these very pressures fail to predict in any reliable way any long-term enforceability especially when the compliance relies on regulatory bodies that have limited capacity or are politically independent. This result makes it difficult to assume that litigation can be a substitute to weak institutions of enforcement, so courts are not likely to be used as long term regulators of corporate environmental behavior but as sporadic corrective measures.

Where the identifiers of a case situation cannot be systematically found, even after extensive searches, such gaps are explicitly marked as gaps in the analysis. Where this happens, either secondary reporting is mere description of the purported harm and mobilisation dynamics, not allotment of judicial findings or findings in the absence of identifiable order or judgment. This difference solidifies the analytical distinction between environmental harm as a socially experienced phenomenon and environmental accountability as a legally enforced phenomenon in the paper.

Figure 2 describes these dynamics in the sense that it shows how these claims of environmental victimhood are converted into corporate accountability claims in the context of judicial intervention. The figure follows the development of environmental damage to lawsuits, pointing to the mediating role of the courts in a

situation with a lack of regulations and enforcement of the law. By doing this, it highlights a larger trend observed in Global South research: the judiciary is turning into a critical yet imperfect place of environmental regulation as the executive fails to regulate people resulting in community harm (Osofsky & Peel, 2020; Rodriguez-Garavito, 2018).

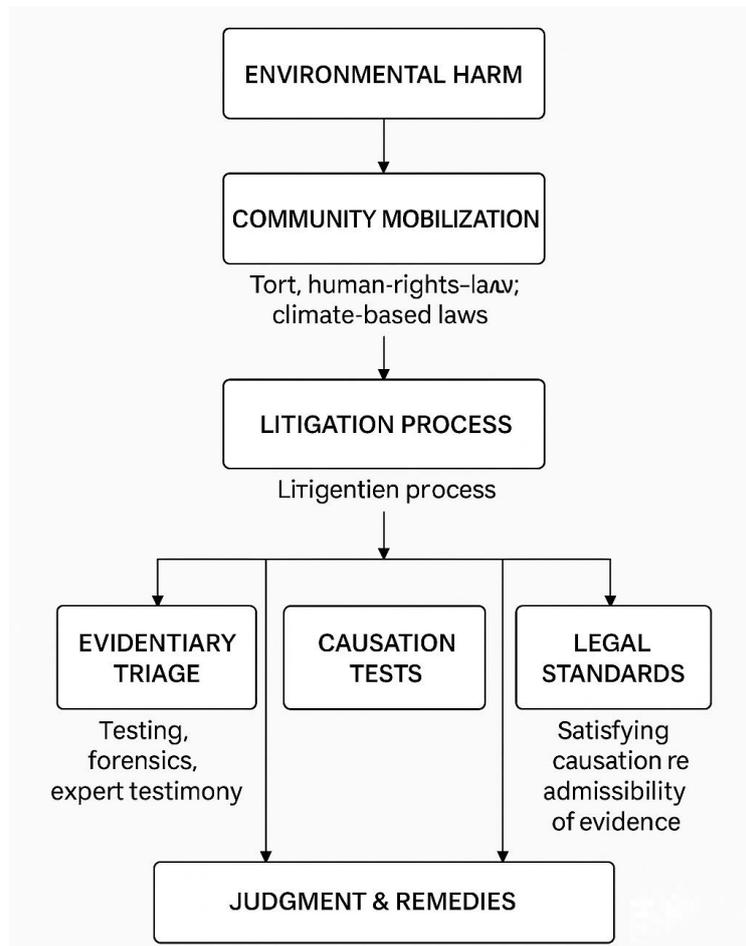


Figure 2. Environmental Victimhood Litigation Pathway

6. Recent Indian Corporate Pollution Disputes and Judicial Posture

In order to make victimhood-enforceability inquiry operationalised as envisaged at the beginning of this paper, the following are the recent and live disputes that are considered substantive case studies rather than cursory references to procedures. Every example is approached as a pragmatic example of supposed corporate environmental abuse, evaluated based on the character of the environmental problem, its effects on the impacted communities, legal action taken by the judge or tribunal and what the episode teaches us about environmental victimhood and the extent of legal enforceability in India. Media coverage is merely applied to put into context on-ground effects and compliance facts, and the court and tribunal activity leads to legal conclusions.

6.1. Sterlite Copper Smelter, Tamil Nadu

6.1.1. Nature of the Environmental Issue and Timeline

The Sterlite case explains the continued disparity between the official identification of environmental crimes and the application of effective accountable corporate norms. Regulatory violations were admitted and a fine was given but the action was prompted too late, too small, and lacked connection to the damages to communities affected. Individual health effects, long-term exposure and community suffering were not considered within judicial reasoning as being the result of a series of protests with corporate-environmental damage resulting in the death of individuals.

When it came to this division of responsibility, accountability was in principle but not in practice. The case illustrates that the Indian environmental adjudication frequently deals with pollution as an abstract regulatory failure, whereas environmental victimhood, which can be interpreted as long-term damages to the human health and ecological safety, itself can barely be seen in the legal solutions. In this sense, the case of Sterlite is an excellent example of the extent of enforceability in corporate pollution litigation, despite a history of long-term damages, continued outcry, and official disregard of the rules.

6.1.2. Environmental Harm and Impact on Affected Communities

Communities living around the Sterlite smelter consistently reported a range of environmental harm linked to the plant's operations. Allegations included deterioration in ambient air quality due to sulphur dioxide emissions, contamination of groundwater from copper slag and gypsum waste, and degradation of soil quality affecting local agriculture. Residents also reported persistent dust pollution from waste dumps, excessive industrial noise, and anxiety regarding long-term ecological damage. These harms did not arise from a single catastrophic incident but accumulated gradually over years, creating conditions of chronic environmental exposure.

Concerns over drinking water safety and agricultural productivity were particularly prominent, with fears that heavy metals had leached into local water sources. While community members reported respiratory illnesses and other health problems associated with pollution exposure, these impacts were largely documented through complaints and civil society reporting rather than through systematic medical or epidemiological assessments mandated by regulatory authorities or courts.

6.1.3. Judicial Response

The legal response to the Sterlite dispute was fragmented across multiple proceedings. The National Green Tribunal, in orders issued in 2013 and again in 2018, set aside closure directions and permitted the plant to operate subject to monitoring and compliance measures. The Tribunal held that the alleged violations were remediable in nature and that permanent closure would be a disproportionate response. Its reasoning relied heavily on expert committee reports and emphasised principles of natural justice in favour of the company.

In *Tamil Nadu Pollution Control Board v. Sterlite Industries (India) Ltd.* (2019), the Supreme Court set aside the Tribunal's orders on jurisdictional grounds, holding that the NGT lacked statutory authority to entertain the appeals in question. As a result, substantive issues concerning environmental damage, public health impacts, and corporate responsibility were left undecided. Earlier, in *Sterlite Industries (India) Ltd. v. Union of India* (2013), the Supreme Court had acknowledged violations of environmental norms and imposed a monetary penalty of ₹100 crore on the company under the polluter-pays principle. This amount was directed to be deposited with the District Collector for environmental remediation of water and soil.

However, the penalty was framed as compensation for environmental damage payable to the State, rather than as redress for affected individuals. No mechanism was established to identify residents exposed to pollution, assess health impacts, or provide individual or community-level compensation. Judicial attention remained focused on regulatory compliance and abstract environmental injury, rather than on the lived experience of environmental harm.

6.1.4. Implications for Environmental Victimhood and Corporate Accountability

The Sterlite litigation illustrates the persistent gap between the formal recognition of environmental violations and the enforcement of meaningful corporate accountability. Although regulatory breaches were

acknowledged and a financial penalty imposed, the response was delayed, limited in scale, and detached from the harms experienced by affected communities. Individual health impacts, long-term exposure, and community suffering were not judicially examined or compensated, and responsibility for protest-related deaths was treated as a failure of state action rather than as part of a broader chain of corporate-environmental harm.

In this fragmentation of responsibility, accountability existed in principle but not in practice. The case demonstrates how Indian environmental adjudication often addresses pollution as an abstract regulatory failure, while environmental victimhood—understood as sustained harm to human health and ecological security—remains largely invisible within legal remedies. As such, the Sterlite dispute exemplifies the limits of enforceability in corporate pollution litigation, even in cases marked by prolonged harm, sustained protest, and acknowledged regulatory violations.

6.2. Coca-Cola Bottling Plant, Kerala

6.2.1. Nature of the Environmental Issue and Timeline

Coca-Cola bottling plant in Plachimada, in Palakkad district, Kerala, started its operations in the late 1990s upon receiving licenses from local authorities. A few years after the start, the villages around it started complaining of massive groundwater depletion and worsening of the water quality that was attributed to the massive extraction of the groundwater by the plant to be used in the bottling plant. The situation escalated into complaints in the early 2000s when agricultural activities became unproductive and drinking water became scarce, especially to the small farming households and women who had to collect the water.

Local institutions of self-government (the Perumatty Grama Panchayat, in particular) retaliated by denying the renewal of the license of the plant and expressed the reasons connected to the health of the people and sustainability of the groundwater. Such bureaucratic measures elicited extensive legal battles where the company questioned the powers of the local authorities to control the extraction of groundwater and the issuance of licenses to industries. Though the plant was later closed in 2004, the case on jurisdiction, liability, and compensation dragged on even years after.

6.2.2. Environmental Harm and Impact on Affected Communities

The damage done to the environment in Plachimada was mainly caused by the depletion and contamination of groundwater. People in the area complained that wells that previously supplied households with adequate drinking and irrigation water were starting to dry up or deliver water that was not fit to be consumed. The agricultural productivity reduced because irrigation was no longer dependable, and the households had to rely on the water distributed by tankers or the government relief programs. Women, in particular, had to endure the burden of long distances in finding potable water, which aggravated the social-economic vulnerabilities.

Besides the problem of water scarcity, there was also an issue of disposing of sludge produced through bottling which was claimed by the villagers to have dangerous elements that caused soil pollution. Whereas health complaints and ecological stress were recorded by community groups and independent studies, the effects were not formally evaluated in terms of scientific or medical evaluation as required by court during the core stages of litigation.

6.2.3. Judicial and Institutional Response

In *Hindustan Coca-Cola Beverages (P) Ltd. v. Perumatty Grama Panchayat* (2005), the Kerala High Court addressed the scope of regulatory authority exercised by local self-government institutions. Although previous decisions on single benches had accepted that the Panchayat had the capacity to refuse licenses on the grounds of protecting the environment and health, the Division Bench restricted that interpretation by saying that groundwater control could not be accomplished in a way that was contrary to other major statutory provisions. The case focused on restrictions on local authority as opposed to the actual determination of the harm caused to the environment by the aggrieved locals.

This consequently resulted in the litigation course being characterized by jurisdictional wrangles instead of substantive decisions on whether corporations bear responsibility in the depletion of groundwater. Despite the fact that the plant was not operating, the law court failed to have a definite result on liability caused to the environment or to issue orders at right time to remedy water shortage. The compensation and remediation work, which was eventually suggested by various state-led procedures and committees, were postponed and acted outside the main judicial system, when the work had already come to a stop.

6.2.4. Implications for Environmental Victimhood and Corporate Accountability

The Plachimada case reveals the way environmental victimhood may be perpetuated not by means of judicial rejection but due to the loss of time in the form of the protracted procedure and discontinuous territorial jurisdiction. Although local groups were able to mobilize the administrative response and maintain the social opposition, the legal process itself was confined to the issues of regulatory competence as opposed to the responsibility to the environment damage. The lack of judicial redress in a timely manner resulted in the fact that the aggrieved residents were still faced with water insecurity and ecological pressure despite the pollution activity being stopped.

One particular weakness of the corporate accountability litigation in India mentioned in this case is the fact that in India, the courts are unable to monetize environmental harm into remedies that are subject to enforcement when regulatory jurisdiction is in dispute, and liability is distributed. Environmental victimhood in Plachimada was accepted socially and politically but was still not fully accepted in the legal doctrine, which is an example of how procedural legalism may become a tool through which environmental injustice is extended, rather than solved.

6.3. Illegal Mining in Odisha and Victim Displacement: Common Cause v. Union of India

6.3.1. Nature of the Environmental Issue and Timeline

The case of *Common Cause v. Union of India* (2017) was focused on the massive and illicit mining activities in Odisha, specifically those related to the mining of iron ore and manganese concessions. Profiteering that was undertaken and investigated by the Justice M. B. Shah Commission showed rampant environmental non-conformities such as mining outside the legal permit, absence of environmental clearance, and forest and wildlife laws. These activities led to massive ecological destruction and eviction of tribal and forest living populations. Mining firms worked with impunity, and they extracted millions of tonnes of mineral by the statutory requirements on the Environment Protection Act (1986), Forest Conservation Act (1980), and Mines and Minerals (Development and Regulation) Act (1957). The cumulative effect involved massive deforestation, contamination of water bodies, destruction of biodiversity, and loss of livelihood in the communities that were affected. The case was taken to the Supreme Court where public interest litigation (PIL) was petitioned by the NGO Common Cause to enforce the mining and environmental laws and compensate the extracting illegal mining.

6.3.2. Environmental Harm and Impact on Affected Communities

The ecological destruction in Odisha was so widespread. Wholesale clearing of forests was done without the necessary forest clearance as required under the Forest (Conservation) Act and mining was carried out even in the ecologically sensitive areas endangering local flora and fauna. The direct impact concerning the availability of drinking water and agriculture viability was the depletion and contamination of underground water as a result of open-cast mining activities. Adivasi communities were the most affected as they lost access to forest resources and customary land leading to dispossession and food insecurity as well as cultural erosion. Civil society organisations and local media made reports of respiratory illness cases, water-borne diseases, and also of increased poverty in areas near the mines. The communities did not have significant involvement in the regulatory process and there was little effort by the mining companies or the state to ensure that long term harm is avoided despite the magnitude of the impact.

6.3.3. Judicial Response

Ruling by the Supreme Court in *Common Cause v. Union of India* (2017) made history in the jurisprudence of environmental accountability. The Court determined that the mining activities that were done without environmental clearances were unlawful and constituted theft of natural resources. The Court also referred to the principle of polluter-pays and the doctrine of public trust so as to add weight on the responsibility of the corporate actors and the state. Consequently, it fined mining companies about [?]17,576 crore, to mine minerals without licentious clearance. The Court ordered such amounts of money to be repaid as compensation rather than as taxes and deposited at the state treasury to restore and incurable state funds. Nevertheless, the ruling did not enforce an individual compensation system to the communities that were relocated or harmed, and health monitoring and long term ecological restoration was not ordered.

6.3.4. Implications for Environmental Victimhood and Legal Enforceability

The given case proves how powerful and constrained the apex court in India is with regard to the governance of the environment. The Court once again firmly re-established the corporate liability on environmental damage and obliged financial compensation in a systemic scale. Nonetheless, restitution was still being applied through state recovery as opposed to victim-oriented justice. The forest dwellers, small farmers, and Adivasi groups, who suffered most in this destruction of the environment, were not directly redressed on their displacement and their health effects as well as the destruction of their cultural resources. The ruling showed that there was still a structural disjuncture between acknowledging environmental malpractices and providing restorative justice to environmental victims. Although the decision broadened the punitive scope of the environmental law, it also illustrated that the judiciary continues to utilize those same institutions to enforce the environmental laws, despite the fact that these same institutions failed to stop the violations in the first place.

6.4. Goa Foundation v. Union of India (2014): Mining Ban, Environmental Restoration, and the Limits of Corporate Penalty

6.4.1. Nature of the Environmental Issue and Timeline

The case of *Goa Foundation v. Union of India* (2014) is a result of an extended dispute over the mining of iron ore in Goa. Research by Justice M. B. Shah Commission found that there were rampant illegalities and destruction of the environment by mining companies such as mining in areas that were not on the leases, renewing of leases illegally and contravention of environmental and forest laws. Companies mining extracted large volumes of ore which were reported to be over 20 million tonnes per year without prior environmental approvals or following terms as set in the Environment Protection Act, 1986 and the Forest Conservation Act, 1980. The mining activities caused serious environmental effects: the excavation of hills, deforestation, erosion of topsoil, and the pollution of the water bodies with tailings and waste discharges. The activities also impacted on the traditional livelihood particularly the agricultural and fishing communities with many facing low income, water shortage and long term health hazards. In 2012, the Goa Foundation, an environmental NGO submitted a petition in the Supreme Court, which requested a total stop of all mining activities and the judicial review of lease renewal, law violation, and lack of due environmental supervision.

6.4.2. Environmental Harm and Impact on Affected Communities

According to the Supreme Court-appointed Central Empowered Committee (CEC), the mining had led to a massive ecological harm to the forests, rivers, and farmlands in Goa. Others such as Mandovi and Zuari rivers were heavily silted and important watersheds were disrupted. Transportation of ore was a major contributor to dust pollution that contributed to the poor quality of air in the surrounding villages and towns. The poor local people, especially the small-scale farmers and fisher folk bore the impact of the pollution and land degradation. The yields of the farmlands were reduced as a result of soil erosion and water pollution. Riverine and estuarine fisherfolk were reporting severe reduction of fish catch, which was usually blamed on sedimentation and pollution by mining waste. In spite of these harms, institutional recognition of the cumulative effect on livelihood or cultural traditions or health was limited. In addition,

the residents and environmental organizations complained without much administrative response until the Supreme Court took the matter up.

6.4.3. Judicial Response

The Supreme Court of 2014 in the case outlawed all iron ore mining in Goa and invalidated the renewal of 88 mining leases, proclaiming them unlawful. The Court observed that the doctrine of the public trust that applied to the natural resources was that the State had breached its fiduciary obligation by renewing the leases without due diligence and without due environmental protection. Future mining was only permitted by the Court under more stringent regulation. It commissioned the installation of the Goa Iron Ore Permanent Fund, in which 10 percent of the sales of the iron ore would be deposited to offset the damage on the environment and to cover the cost of restoration programs. It was an attempt at a revolutionary institutionalization of intergenerational equity that is based on the legal theory that natural assets in the form of citizenship must be allocated to future generations. Union of India, 2014). The ruling, however, did not require direct compensation to the affected communities or a formula for identifying victims, health compensation and long term social assistance.

6.4.4. Implications for Environmental Victimhood and Corporate Accountability

The Goa Foundation case is a good illustration of a judicial reaction to systemic environmental degradation and regulatory ineffectiveness. This Supreme Court acknowledged the illegality of the state practices and corporate impunity, the creation of liability based on the polluter-pays principle and an attempt at redirecting removed wealth to the environment restoration. Yet, as with other cases of high-profile environmental decisions, the gains of implementation were institutionally, as opposed to victim focused. The establishment of the Permanent Fund marked the change of emphasis to systemic repair and did not provide personal redress, community rehabilitation or health recovery programs to individuals who were directly injured. Regarding corporate responsibility, although the Court stopped the operations and terminated the leases, it did not charge the mining organizations with crime and did not oblige them to pay reparations to the funds other than the contribution to the fund. This watered down the penal role of environmental law and solidified the pattern according to which firms can still engage in business with a pattern of compliance at a later phase instead of active accountability. The case of Goa Foundation, therefore, offers useful reflection on the development of Indian environmental litigation over recent years to deal with structural injustice - and yet, in what respects remains unfocused with regard to the alignment of enforcement with lived environmental victimhood.

6.5. Environmental Clearance, Human Health, and Public Participation — Hanuman Laxman Aroskar v. Union of India

6.5.1. Nature of the Environmental Issue and Timeline

Hanuman Laxman Aroskar v. Union of India (2019) came about as a result of a challenge to proposed development of Mopa Greenfield International Airport in Goa. The MoEFCC had given the project environmental clearance in 2015. Nevertheless, local people and environmentalists were deeply worried about the inadequacy of the Environmental Impact Assessment (EIA), inadequate due process in the community consultations and also about dangers to the forest ecosystems, water resources and the lives of the people. The EIA report was claimed to have left out major details and did not take into account incremental environmental effects. It also diminished environmental sensitivity, especially the destruction of forests, recharged areas of ground water and places of the Schedule I fauna. In 2018, the petitioner, Hanuman Laxman Aroskar, submitted a writ petition under Article 32 of the Constitution in the Supreme Court of India and a petition to wind up the environmental clearance and reevaluate the environmental and health impacts.

6.5.2. Environmental Harm and Impact on Affected Communities

The location of the proposed airport was on a site that was ecologically rich and this area comprised of dense forests, perennial springs and areas sensitive to biodiversity. The area harbored diverse species of

wildlife and served as one of the main recharge areas of water. The development of the airport by clearing the land entailed cutting down of more than 55,000 trees and massive earthwork activities that had direct effect on the forest dwellers, the small farmers and those communities who relied on biodiversity. Environmentalists cautioned that the building would interfere with the micro-climate of the area, jeopardize water supply in the downstream villages and lower agricultural output because hydrology would change. Besides, the health effects of greater levels of particulate pollution and noise caused by aircraft operations were also a growing concern because the EIA had not fully discussed these issues. The exclusionary process of public consultation was also criticized as being procedurally flawed with the communities complaining that the most important documents were inaccessible and their objections were not properly recorded and heeded.

6.5.3. Judicial Response

The Supreme Court of India in a historic interim order in 2019 put on hold the construction work and mandated a fresh review of the environmental clearance. The Court highlighted the role of precautionary principle, sustainable development and the right to life as outlined in Article 21. It believed that the EIA process could not be turned into a bureaucratic ritual and that effective and constructive involvement of concerned communities was the key to environmental governance. The Court directed the Expert Appraisal Committee (EAC) to re-examine the clearance under certain directions to consider cumulative effects, to look at the risks that a particular biodiversity presents in a more detailed manner, and to provide a public health perspective on the analysis. It emphasized the need of sensitive environmental decision-making in the age of global warming and environmental deterioration. Union of India, 2019). Although the reinstatement of the final clearance was later reinstated under some conditions, the review of the process of EIA conducted by the Court was unprecedented and established significant procedural precedents.

6.5.4. Implications for Environmental Victimhood and Corporate Accountability

The case is an example of how courts can be quite instrumental in ensuring that procedural and substantive stringency is required in environmental clearance procedures. The intervention of the Supreme Court gave a breathing gap to a project that was ecologically harmful and instructed the re-assessment of the effects that otherwise would have remained unanalyzed. Nevertheless, although this meant a major judicial intervention, it was unclear what would be the long-term remedial results of the affected communities. Though the Court emphasized health and ecological hazard, it did not go to the extent of enforcing independent health surveillance, communal compensation or obligatory mitigation actions which are directly linked to the project operators. This is indicative of a larger limitation in the regimes of corporate accountability in India: although the consequences of environmental damage are recognized and judicial review enhanced, the solutions are institutionally (e.g., by reviewing approvals) rather than victim-focused (e.g. by reparations or health protection). Moreover, the case shows that knowledge asymmetry and technicality of EIA processes can discriminate communities. The lack of access to scientific professionals, information, and legal advocacy puts a mountain ahead of the people who need to tackle the decisions made by the state and corporations that affect the environment and the health of individuals. By doing so, Hanuman Laxman Aroskar is able to add to the literature on environmental victimhood because it demonstrates the importance of procedural compliance may not bring about substantive justice unless structural incorporation of the views of victims into the environmental governance.

7. Industrial Disaster, Toxic Exposure, and the Structural Limits of Corporate Accountability

The development of environmental justice jurisprudence in India and other jurisdictions in the Global South has been based on industrial disaster and toxic exposure litigation. Disaster incidents that relate to gas leakage, chemical pollution and dangerous industrial operations have brought courts multiple times to grapple with negligent corporate conduct and systemic regulatory ineffectiveness. The Bhopal Gas Leak disaster remains the paradigmatic reference point, marking a decisive doctrinal shift through the articulation of absolute liability for hazardous industries and the relocation of environmental risk from victims to corporate actors (*M. C. Mehta v. Union of India*, 1987). The suitability of compensation in Bhopal

has been extensively criticised, but the case has changed the legal terms of corporate environmental responsibility in a fundamental way.

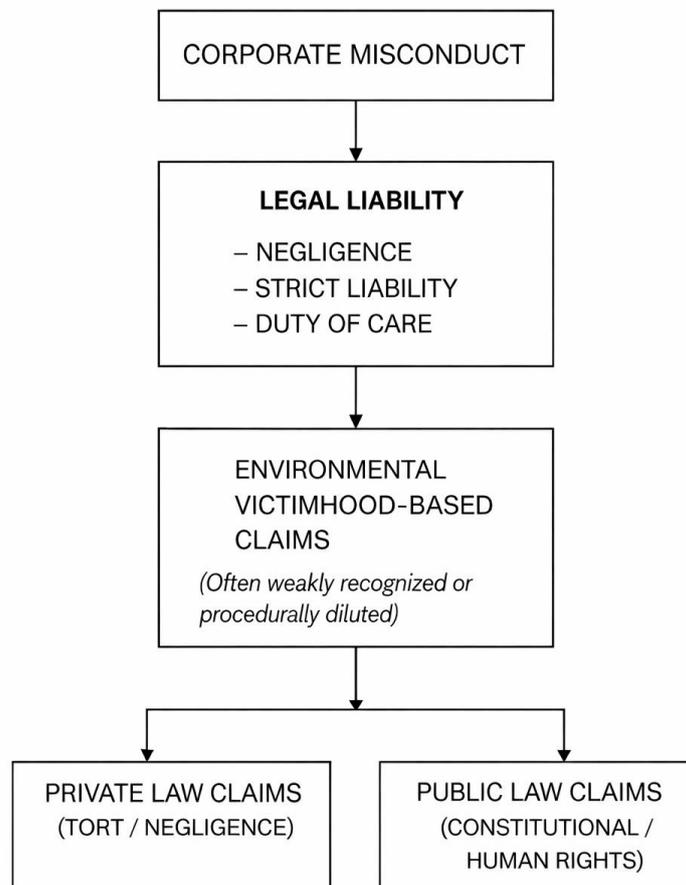


Figure 3. Corporate Accountability Structure in Environmental Justice

Figure 3 places these developments in a wider corporate accountability framework by visualizing the legal avenues in which corporate misconduct is transformed into liability doctrines and, ultimately, to victimhood of environment-based claims. As shown in the figure, Indian environmental law formally welcomes various pathways to accountability, such as the use of private law, based on tort and negligence, and the public law and constitutional litigation, based on the norms of human rights. On the level of doctrine, then, the legal system is seen to be very capable of identifying environmental damage and allocating blame.

However, the presence of pathways of doctrines as has been evident in the empirical case studies in Section 6 does not necessarily translate into effective and victim-centred remedies. The courts have become more open to the option of scientific evidence, environmental risk assessment, and regulatory failure in determining corporate responsibility (Knox, 2015). Nevertheless, enforcement is still sporadic. The principle of liability is frequently recognized, whereas compensation, cleanup and long-term health assurances are postponed, watered down or pushed over onto regulators with low capacity. Environmental victimhood is identified at the later stages of the adjudicatory process and is often proceduralized and not substantively dealt with.

An important aspect of such a gap is the use of human rights-based arguments to increase access to environmental justice. Indian courts have always understood that the constitutional right to life includes the right to a clean and healthy environment, which reduces the impediments of the processes and extends

the standing of the affected populations (Dastyari, 2019). This rights-based turn has made the harm of the environment gain normative status; however, this has not decreased the imbalance between corporate power and community vulnerability. The rights discourse is often successful at the judicial services of statement and fails at the enforcement exercise which leaves environmental victimhood officially recognized but literally uncompensated.

Such limitations are more enhanced in situations that relate to transnational corporate activities and risky technologies. Similar to the example of emerging PFAS-related issues and other transnational environmental conflicts, regulatory asymmetry allows activities of environmental risk to be shifted out of jurisdictions with stronger regulations to those with weaker or less comprehensive regulations. According to comparative jurisprudence, there is an incremental increase in parent-company responsibility and supply-chain due diligence, but these have not yet been crystallized to create a unified approach of anticipatory or preventive measures to protect the communities in which they occur (Osofsky and Peel, 2020).

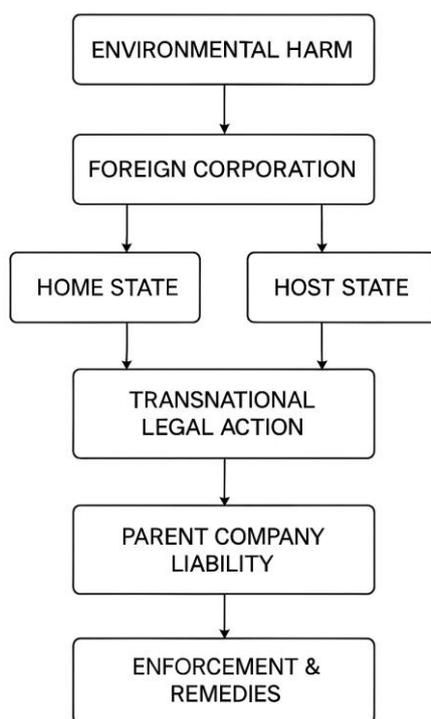


Figure 4. Transnational Liability Model for Environmental Harm

Figure 4 combines these dynamics based on a model of translational liability of environmental harm. The figure theorises the flow of environmental injury between harm to legal mobilisation, adjudication, and possible remedies and point structural places where this translation often fails. Applied to Global South litigation places of operation, the model emphasizes the role of interruption of the pathway between doctrinal acknowledgment and victim-concentrated results by delays of enforcement, fragmentation of jurisdiction and disputed corporate responsibility. Figures 3 and 4 combined illustrate that it is not the lack of legal norms, but the inability of legal systems to transform harm to the environment into a timely, enforceable, and reparative corporate liability.

8. Challenges and Systemic Limitations

Although there has been an increase in the exposure of environmental victimhood litigation, major structural and procedural constraints that hinder the effectiveness of corporate accountability regimes still exist. A major challenge has been causation and evidentiary complexity, especially in those situations where environmental damage is cumulative, long-term or transboundary. Courts tend to have a difficult time drawing direct causal connections between particular corporate conduct and influences at the

community level as sources of pollution are diffuse, exposure is long-term, or damage is spread out across time (Armeni, 2016). Despite the development of climate attribution science and ecological forensics, scientific evidence remains doubtful to undermine the claims and extend the adjudication.

Another associated constraint relates to strong power imbalance between the impacted communities and the corporate defendants. Companies are likely to have more financial resources, access to specialised legal advice and the ability to engage procedural tactics like a jurisdictional challenge, lengthy appeals and competing expert evidence. Such strategies have the capacity to drain resources in communities, discourage collective mobilization, and postpone ameliorative results. In the areas of intersection of corporate power with political systems or regulatory bodies, implementation can be also weakened, supporting structural disadvantage of environmental victims (Knox, 2015).

The victim-led litigation is also limited by barriers to access to justice and procedural inequality. Marginalised groups often struggle to offer themselves access to legal counsel, fund expert testimony and to navigate complicated legal and administrative frameworks. The restrictive rules of standing, limited discovery and high evidentiary standards discriminate against poor litigants especially in jurisdictions with weak institutional capability or regulatory capture. These limitations do not allow building a coherent and victim-oriented environmental jurisprudence.

The other long-term constraint is the insufficient nature of remedies. Even financial restitution can scarcely reflect the extent of environmental victimization, which usually encompasses non-economic and inter-generational damage like cultural drift, psychological trauma, and ecosystem destruction and erosion of communal harmony. The traditional compensation strategies cannot implement these dimensions, and recovery remains incomplete and the communities subjected to long-term vulnerability (Osofsky & Peel, 2020). Researchers have also noted that settlements and remediation orders can be mere surface or window dressing, which do not result in structural change or long-term environmental recovery.

Difficulties are also aggravated where extraterritorial corporate behavior and transnational supply chains are concerned. Despite some development of legal doctrine concerning parent-company responsibility and overseas jurisdiction, plaintiffs still face a number of procedural obstacles including forum non conveniens, jurisdictional fragmentation, and challenges in enforcing foreign judgment. These loopholes enable corporate players to take advantage of regulatory disparities in multiple jurisdictions to decomposit accountability in global value chains (Osofsky & Peel, 2020).

Lastly, the growing mass and technicalities of environmental litigation have placed a massive burden on judicial capacity, especially in low-income jurisdictions. Delays and unpredictability of adjudication are caused by overburdened courts, uneven experience in environmental law, and inconsistent precedent (Brisman and South, 2020). Combined, these constraints emphasize the fact that although there has been a development of environmental litigation in providing normative acknowledgement of the existence of harm, there are still structural, institutional, and scientific constraints that prevent effective and fair redress.

9. Practitioner Reflections and Reform-Oriented Recommendations

The study of litigated environmental conflicts in India and other Global South jurisdictions indicates that there are consistent gaps in corporate accountability regimes that cannot be addressed simply by developing the doctrine. In dozens of industrial disaster cases, extractive industry conflicts, and pollution litigation, courts have been over and over again faced with apparent evidence asymmetry, regulatory inertia, and power imbalance supporting inefficacy in remedies and marginalising environmental victims (Moules, 2020). These trends reveal the weaknesses of adversarial litigation in which corporate defendants can possess disproportionate procedural and technical benefits.

As a practitioner, better environmental justice would involve institutional changes that would enhance evidentiary access, enforcement power, and victim engagement in the current legal regulations. To address

information asymmetry and strategic hindrance, scholars and practitioners focus on the need to have independent scientific expertise, increased transparency requirements, and mandatory corporate due diligence (Dastyari, 2019). It is also crucial to note that the financial reward might not be enough to discuss the social, cultural, and ecological aspects of environmental damage.

Judicially managed amends, protracted well-being overseeing, and collaborative restoration systems have been discovered to be more receptive to the real-life experiences of the harmed populations, especially where cumulative harm and chronic exposure exist (Osofsky & Peel, 2020). Oppressed by more precise parent-company responsibility and long-term judicial monitoring of supply-chain liability provide new--yet imbalanced--detering and accountability prospects in transnational situations (Osofsky & Peel, 2020).

Such insights of the practitioners do not imply that courts can address environmental injustice independently. Instead, they emphasize the necessity of making judicial institutions work as active yet limited participants of larger governance ecosystems. As shown above, litigation is an important but imperfect tool in environmental victimhood-which is able to make responsibility articulate but is often limited in its ability to provide timely and victim-oriented remedies.

10. Conclusion:

The paper has explored the topics of environmental victimhood and corporate responsibility in India and similar Global South situations by dissecting the litigated cases, judicial practice, and institutional design into a unified perspective. Instead of considering environmental justice litigation as a formal doctrinal project, the paper has centred on how courts react in practice to environmental harm caused by corporations especially in cases where there is regulatory failure, scientific complexity and the community vulnerability. The discussion illustrates that though the Indian courts have been instrumental in identifying environmental destruction and defining broadened parameters of corporate accountability, these innovations have not formed a unified, victim-focused model of enforceable corporate liabilities.

The case studies show a repetitive tendency, in that the issue of environmental harm is often realized at the principle level, but the implementation of such realization into viable solutions is irregular and slow. The judicial interferences usually focus on procedural compliance, regulatory control, or environmental redress which are of an abstract nature rather than on individual and community-based redress. When compensation is applied, it is normally unrelated to the lived health effects, in the long-term case, and also the enforcement is highly reliant on an administrative follow-through that is not uniform and frail. The formal structure of corporate responsibility in environmental litigation (shown in Figure 3), offers a variety of doctrinal routes, as seen, but such routes rarely lead to a result which has any significance in environmental victimhood.

Figure 4 also explains this disconnection by theorising the translational disconnects between environmental harm, legal mobilisation, adjudication, and remedial enforcement. In both the domestic and transnational settings, liability is the most susceptible to dilution through the evidentiary attribution, jurisdictional challenging, and post-judgment execution stages. Such environments perpetuate environmental victimhood not by the lack of law but rather by the fact that law systems cannot transform recognition into enforceable and timely and restorative results. This is especially apparent with the larger corporate players, transnational supply chains and emerging environmental risks where regulatory asymmetric and procedural lag mean that damage may exceed responsibility.

The discussion also highlights the weakness of the reliance on litigation as a tool of environmental justice. Although rights-based arguments and the use of public interest litigation have increased access to the courts and formal recognition of the normative value of environmental damage, it has not addressed the power imbalance between the corporations and the affected communities. Structural constraints such as asymmetry in evidence, deficits in institutional capacity and constrained remedial frameworks still influence the outcome of litigation. Consequently, courts remain incomplete assurances of environmental justice and impermeable intermittent interventions in a piecemeal governmental environment.

Combined, the results of this paper indicate that the primary issue regarding the corporate environmental accountability in India is not the lack of legal doctrine, but the lack of translation between harm, responsibility, and remedy. The courtroom of environmental justice is still a very crucial instrument of harm revelation, right of voice and coercion of regulatory bodies, but it acts within structural boundaries that limit its transformative possibilities. These boundaries are not an objection of litigation, but one step to realising the appropriate place of litigation in the larger systems of environmental management. Any constructive progress in redressing environmental victimhood will therefore be determined by closing the divide between legal and lived redress to make corporate responsibility beyond symbolic liability to become enforceable and victim-focused outcomes that are aligned with ecological integrity and human dignity.

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