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CASE ANALYSIS ON HANUMAN LAXMAN AROSKAR V. UNION OF INDIA (AIRONLINE 2019 SC 318)

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I. ABSTRACT

In the case of Hanuman Laxman Aroskar vs. Union of India is a significant landmark judgment given by Supreme Court of India, concerning the grant of Environmental Clearance (EC) for the Mopa International Airport project in Goa. The Petitioners in this case challenged the validity of the EC on the grounds that the Environmental Impact Assessment (EIA) process was flawed and failed to adequately assess the consequences of the Airport project. They argued crucial information regarding biodiversity, forest cover, ecological sensitivity, and potential environmental damages was either overlooked during the decision-making process. The Supreme Court emphasized environmental protection and economic development are not mutually exclusive but should be balanced through the Principle of Sustainable Development. The Court observed the EIA serves as an important tool for decision-making and cannot be treated as mere procedural formality. It stressed that environmental governance must be guided by transparency, accountability, public participation and scientific assessment. The Court further recognized the concept of Environmental Rule of Law, which requires authorities to act in accordance with the environmental norms and statutory safeguards. The Court found shortcomings in the appraisal process and concluded that certain environmental concerns had not been addressed. As a result, it directed the Expert Appraisal Committee to conduct a fresh and comprehensive review of environmental clearance. The Judgment is widely recognized as a milestone in Indian Environmental Law because it strengthened judicial oversight of Environmental Clearances and reaffirmed the necessity of balancing developmental objectives with environmental protection. It highlighted that environmental procedure must be made through a fair and transparent process. The judgment promotes economic development, and environmental protection should go hand in hand.

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II. KEYWORDS

Precautionary Principle, Environmental Protection, Environmental Clearance, Environment Impact Assessment, Ecological Sensitivity.

III. INTRODUCTION

The case of *Hanuman Laxman Aroskar vs. Union of India* ((2019) 15 SCC 401) dealt with a very important question of environmental law – What comes first – Environment or Development? Adjudged on March 29th 2019 by Justices D.Y. Chandrachud and Hemant Gupta, the case of *Hanuman Laxman Aroskar v. Union of India* is a significant judgment in Indian Environmental jurisprudence. The case examined procedural compliance under EIA Notification, 2006, and emphasized public participation, and sustainable development. The Hon'ble Supreme Court highlighted the importance of ecological protection with infrastructural development.

IV. FACTUAL AND PROCEDURAL BACKGROUND OF THE CASE

1. On 14.09.2006, the Ministry of Environment and Forests (MoEF), now the MoEFCC, issued a notification which mandated prior environmental clearance (EC) for Category 'A' projects to be done by the Union Government and for Category 'B' projects by the State Level Environment Impact Assessment Authority (SEIAA). Additionally, the MoEF issued an Environmental Impact Assessment (EIA) Guidance Manual for Airports in February 2010.
2. In compliance with the Notification, the project proponent viz. the State of Goa, submitted Form 1 and applied for the terms of reference (ToR) to the MoEF. Eventually, the ToR were finalised by the Expert Appraisal Committee (EAC) and the MoEF issued the ToR for the preparation of the EIA report.
3. The airport was to be developed on the basis of a public-private-partnership. In May 2015, the project proponent submitted the final EIA report to MoEF, seeking grant of EC for the project.
4. In the meantime, the Federation of Rainbow Warriors, a non-profit organisation which strives to protect Goa's natural habitat and communities

from the ill-effects of large-scale infrastructure projects,³ submitted a representation before the Hon'ble Supreme Court to the EAC, upon which the EAC sought clarifications from the proponent. After deliberation between the parties, the EAC recommended the grant of EC on 20.10.2015.

5. On 28.10.2015, the MoEF communicated its approval for the grant of EC. Following the grant, the tender process was concluded and resultantly, the GMR Goa International Airport Ltd. (GGIAL) was awarded with the contract. In November 2016, the concession agreement was executed and the target date for commissioning of the first phase of the project was fixed as 03.09.2020.
6. The grant of EC was challenged by the aforementioned Federation and Hanuman Laxman Aroskar, an environmental activist.
7. On 07.11.2017, the NGT issued an interim order to restrain the cutting or felling of trees in the development site, which was later modified on the statement of the Advocate General of the state. The Principal Chief Conservator of Forests stipulated several conditions for the cutting and felling of trees, which included the enumeration of trees. This was allowed by the Hon'ble High Court vide a PIL and the project proponent was directed to file a miscellaneous application before the NGT to seek permission for felling and cutting trees.
8. The NGT disposed of the appeals and application and upheld the EC. It concluded that the aforementioned development would not compromise with the environment and formulated further safeguards for environmental protection.
9. Assailing the judgement of the NGT, civil appeals were filed by Hanuman Laxman Aroskar and the Federation.

V. LEGAL ISSUES INVOLVED IN THE CASE:

Whether EC granted to the proposed airport at Mopa, Goa by the NGT be upheld in light of concealment of material information pertaining to felling of trees, existence of

³ Derek Almeida, "In Goa, Rainbow Warriors build on community" *Civil Society Magazine*, Mar. 09, 2021, available at <https://www.civilsocietyonline.com/interviews/in-go-a-rainbow-warriors-build-on-community> (last visited on Apr. 10, 2026).

reserved forests and fauna, ESZs, inadequacy of the EAC's appraisal process, deficiencies in the EIA and ineffective redressal of concerns raised during public consultation?

VI. ARGUMENTS ADVANCED BY THE PARTIES:

A. Appellants' Arguments

1. That, Form 1 submitted by the project proponent had concealed material information as it had failed to disclose that 54,676 trees were required to be felled.
2. That, information about the existence of ecologically sensitive zones (ESZs) and reserve forests in Maharashtra within a radius of 15 kilometres from the Aerodrome Reference Point (ARP), and existence of wildlife, especially mammals, in the surrounding areas was concealed.
3. That, even though various environmental concerns were flagged in the public consultation on issues of the presence of perennial springs, porous nature of plateau and the existence of cashew plantations which provided livelihood to the local residents, the proponent stated that the objections solely pertained to employment opportunities. Therefore, the latter had failed to appraise the EAC about the nature of the environmental concerns raised in the consultation. The EAC had failed to apply its mind by grating EC on vague considerations.
4. That, the NGT had merely upheld the stance of the EAC without considering the implications of the project, which constitutes to be a substantial question of law.

B. Arguments on behalf of the MoEF

1. That, the appellants' submissions were not raised either in the public hearing or in the grounds urged before the NGT.
2. That, no reserve forests were declared under Section 20 of the Forest Act, 1927 within a radius of 15 kilometres in Maharashtra

3. That, the sampling points, though were not ascertained in Maharashtra, the data required was tracked across a radius of 10 kilometres from the ARP, which also included Maharashtra.
4. That, the aspects of avi-faunal studies and ESZ have been addressed by the EIA report and that the proposed project does not fall under any of the development restrictions.

C. Arguments on behalf of the project proponent

1. That, the setting up of the proposed airport is the necessary as the existing airport at Dabolim had reached its saturation point.
2. That, tourism, which is the major source of revenue for the State, would be adversely affected.
3. That, no major objections were raised and that the challenge to the EIA report was not substantial enough to override the state's development.
4. That, the judgement of the NGT had already addressed the aspects of felling of trees.

D. Arguments on behalf of GGIAL

1. That upon the grant of EC, a concession agreement had been executed, possession of the project was handed over and work commenced.
2. Citing the humongous investment and costs involved, it was contended that the project should not be stopped.

VII. RESEARCH AND ANALYSIS OF THE HON'BLE COURT:

A. Scheme of the Notification and Guidance Manual

The constitutional basis of EIA is founded under Articles 48-A and 51A(g) of the Indian Constitution, 1950. The object of EIA is to ensure that both environment and development is harmoniously balanced. The 1994 notification issued by the MoEF imposed restrictions and prohibitions on the expansion and modernisation of any activity unless EC was granted for the same. This was replaced by the 2006 Notification which significantly altered certain aspects of the EIA with regard to the grant of EC prior to the commencement of the construction work.

The MoEF released the Guidance Manual in February 2010, which dealt with the area to be studied for carrying out an EIA, and divided the data to be collected into primary data and secondary data.

1. **Forests:** The Hon'ble Court found the patent and abject failure of the project proponent in aiming at a full, complete and candid disclosure of the presence of wetlands, water sources, water bodies, biospheres, mountains and forests in Form 1. Such deliberate concealment or submission of false or misleading information shall render the application liable for rejection and resultantly, lead to the cancellation of the prior EC. The Court stressed upon an ordinary definition of forests, without reference to a notification under the Forests Act, 1927 or a statutory enactment.
2. **ESZs:** It was found that the EIA report had conveniently glossed over the Kasturirangan Report which includes ESZs, on the sole contention that stating that Pernem Taluka, where the project site is located, has not been marked as an ESZ, whereas as many as sixteen villages which fall within the study area have been mapped as an ESZ and fall within the 10-kilometre radius.
3. **Sampling Points:** It was found the authorities did not set proper sampling points in Maharashtra and instead focused only Goa and assumed it would represent the entire region.
 - **Air quality:** To study about the air quality, monitoring stations were established in Goa to measure pollutants such as SPM, RPM, SO₂, NO_x, CO, and HC. Covering a 10-km radius from the ARP, including the inter-state border. The Court found to be adequate and reliable.
 - **Water quality:** The EIA report stated that the groundwater quality was checked at four places and surface water quality at three. It was stated that water naturally flows from the Mopa plateau into the rivers of Goa. This plateau, made up of laterite, has natural drainage channels which helps to carry water. The following was concluded:
 - Greenfield Airport project could not block or damage these natural water channels.
 - But the EIA report did not properly study this impact scientifically.

- Even though, water testing was done, the report failed to study on how the Airport project might disrupt the natural flow of water, which could affect the whole water system
4. **Noise quality:** All 9 stations which were studied are located in Goa, except one which is situated in the inter-state boundary. Noise quality was studied mainly in Goa, although the report claimed that the impact analysis still considered both.
5. **Flora and fauna:** After analysing the EIA report, the following was concluded:
- Inadequate assessment of flora and fauna, which is very unrealistic for a biologically rich forest. The assessment of wildlife was totally incomplete and inaccurate.
 - Non-compliance with guidance manual requirements, as reports from Zoological Survey of India, Botanical Survey of India and Wildlife Institute of India were not considered in the EIA report.
 - No ecological data was collected from Maharashtra.
 - Contradiction by independent studies conducted by the experts revealed the presence of several important species such as the leopard, gaur, pangolin inter alia, but were not included in the report.
 - Failure to conduct an avi-faunal study.
6. **Felling of trees:** The EIA report stated that the vegetation was sparse in the area and indicated that this would be cleared. But in reality, permission for the felling of 54,676 trees was granted, which was not properly disclosed in the report. The proponent contended that the total area of the project is 2,133 acres, which averaged to about 25 trees per acre. But the Court rejected this reasoning, stating that mathematical averages cannot conceal the actual environmental impact.

B. Public Consultation

This is a crucial step in decision making. Its value can be categorised into:

1. Intrinsic value:

- Gives affected communities a voice.

- Recognises the rights and participation of stakeholders.
 - Builds public confidence.
2. Instrumental value:
- It serves a functional purpose.
 - Identifies environmental risks.

Numerous environmental concerns relating to water resources, biodiversity, deforestation, sacred groves, and ecological impacts were raised during the public hearing. However, the proponent misrepresented these objections before the EAC, by merely reducing them to issues of employment. The Court emphasized that public consultation is not a mere procedural formality, but a substantive requirement rooted in the rule of law and participatory democracy.

C. EAC Appraisal

Although the EAC initially sought clarifications on issues such as drainage patterns, rainfall data, traffic management, noise pollution, and energy conservation, the Court found that the EAC's final assessment was superficial and lacked proper analysis. Instead of focusing on environmental concerns, the EAC relied on vague justifications such as "peculiar circumstances," delays in land acquisition, and "larger public interest," which were irrelevant to its mandate. Since its recommendations form the basis for EC and can be challenged before the NGT, they must be well-reasoned and scientifically sound. Consequently, the Court held that this non-application of mind invalidated the Environmental Clearance.

D. Appellate Jurisdiction of NGT

The Court found that the NGT failed to carry out a thorough and meaningful review. Although several significant environmental concerns were raised before it, it disposed of the matter with only a brief analysis, merely accepting the conclusions of EAC without independent scrutiny. This fell short of the rigorous evaluation expected from an expert body composed of judicial and technical members. The Court emphasized that the NGT is not meant to act as a passive authority but as an expert adjudicatory body capable of examining scientific, technical, and legal issues in depth. As a result,

substantial questions of law arose under Section 22 of the NGT Act, justifying the intervention of the Supreme Court.

E. Environmental Rule of Law

The Court highlighted that a healthy environment is essential for human survival and is closely linked to the fundamental right to life under Article 21 of the Indian Constitution. Over the years, global efforts from the Stockholm Conference to the SDGs, have reinforced the need for sustainable and accountable environmental practices. The Court found serious flaws in the process of granting EC for the airport project. Important environmental information was not fully disclosed, the EIA report contained deficiencies, the EAC failed to conduct a thorough and reasoned appraisal, and the NGT did not perform an effective appellate review. As a result, the decision-making process did not meet the standards required by law.

VIII. JUDGEMENT:

The Supreme Court's judgment in *Hanuman Laxman Aroskar v. Union of India* may be split into the following heads:

1. Ratio Decidendi, which includes the binding principles of law, and
2. Obiter Dicta, which are the non-binding persuasive principles of law laid down by the Court.

A. Ratio Decidendi

1. **Transparency in the EC process:** The Apex Court held that although the EIA process under the 2006 Notification requires a complete disclosure of material facts, concealment and misstatement of essential facts of claiming only bushes were present in the area when in reality, 54,676 trees were to be felled, invalidates the clearance.
2. **Duty of the National Green Tribunal (NGT):** Under Section 16(h) read with Section 20 of the National Green Tribunal Act, 2010, the NGT is required to conduct a merits-based review of the Environmental Clearance, guided by the principles of sustainable development, the precautionary principle, and the polluter pays principle. It cannot substitute its

independent appellate scrutiny with a mere acceptance of the EAC's recommendations but must undertake its own reasoned evaluation of the environmental, scientific, and legal issues involved.

3. **Meaningful Public Consultation:** The project proponent failed to present the genuine environmental concerns raised during the hearings, pertaining to matters of springs, cashew plantations and porous plateau inter alia to the EAC, and reduced such concerns to merely to employment issues.
4. **Reasoned appraisal by the EAC:** In the present case, the EAC's recommendation lacked substantive reasoning, which only relied on vague grounds like 'public interest' and 'delay.' Therefore, in such circumstances, such expert bodies must provide clear and reasoned justifications whilst granting ECs.
5. **Environmental Rule of Law:** The Hon'ble Court emphasised that the principle of environmental governance is rooted in constitutional mandates enshrined under Articles 48A and 51A(g) read with other statutory safeguards. Therefore, development projects must comply with environmental law.

B. Obiter Dicta

1. Balancing the aspects of development and environment was the focal point of the case, as although the State of Goa, the project proponent herein urgently required the construction of a new airport due to the saturation of its pre-existing one, it was discussed that ecological safeguards should not be tampered or compromised with in the pursuit was development.
2. The EAC's recommendations must be transparent and reasoned.
3. Baseline data deficiencies pertaining to soil, air and water was not carried out in the State of Maharashtra, which compromised 40% of the study area.
4. The Court also took note of the inadequate surveys of mammals and birds in the area.
5. The High Court's direction to plant ten times the number of trees felled was acknowledged as a positive safeguard.

IX. CONCLUSION AND COMMENTS

The Mopa Airport case stands as a landmark judgment in India, reaffirming that development must go in line with environmental protection and the rule of law. The Supreme Court emphasis that environmental governance is not merely about achieving economic progress but ensuring such process is sustainable and transparent. The judgment underscores that environmental clearances cannot be granted mechanically, it must be based on the accurate data. It also affirms constitutional principles under Articles 14 and 21, which recognise the right to a clean and healthy environment as an integral part of life. The judgement emphasised the following points:

- 1. Reinforcing the Rule of Law in Environmental Governance:** The Court highlighted that environmental decision-making must strictly follow legal procedures. By directing the EAC to reconsider its recommendation, the Court underscored that compliance with statutory requirements under the 2006 Notification is mandatory. This ensures that environmental approvals are granted through a lawful and credible process.
- 2. Suspension of Environmental Clearance:** The suspension of the EC reflects the Court's precautionary approach. Rather than permanently cancelling the project, the Court opted for a balanced solution.
- 3. Strengthening the EAC's Role:** The EAC was required to impose additional safeguards relating to air, water, noise, biodiversity, land use, and socio-economic factors.
- 4. Balancing Development and Environmental Protection:** Instead of rejecting the project outright, the Court adopted a pragmatic approach that promotes responsible development. This reflects the doctrine of sustainable development, which seeks to balance economic progress with ecological preservation.
- 5. Ensuring Judicial Oversight and Accountability:** The Court exercised its powers under Article 142 to ensure complete justice. By requiring the EAC's report to be submitted directly to it and barring intervention by other courts or

tribunals, the Court ensured consistency, efficiency, and finality in the decision-making process.

6. **Recognition of Public Interest Litigation:** The Court rejected allegations that the appellants acted with personal motives and affirmed the importance of public-spirited individuals in safeguarding the environment.
7. **Emphasis on Constitutional and Global Environmental Values:** The judgment aligns with constitutional principles such as, the right to life under Article 21 and protection against arbitrary state action under Article 14. It also reflects international commitments like the SDGs and the Paris Agreement, demonstrating India's commitment to global environmental responsibility.

Following the re-evaluation by the EAC, the Court lifted the suspension on January 16th 2020 and allowed the construction of the airport with 40 new conditions and mandatory National Environmental Engineering Research Institute (NEERI) oversight and the concessionaire committed to a "zero-carbon" operation. The Mopa International Airport (GOX), officially the Manohar International Airport has been operational since January 2023.⁴

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⁴ Meera Emmanuel, "Decks cleared for Mopa Airport in Goa: SC lifts suspension of environment clearance grant following EAC recommendations" *Bar & Bench*, available at <https://www.barandbench.com/news/litigation/decks-cleared-for-mopa-airport-in-go-sc-lifts-suspension-of-environment-clearance-grant-following-eac-recommendations> (last visited on Apr. 10, 2026).

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