

# Human Rights & the Environment: Perspectives from India Panel

Wednesday, April 14th | 9:00 A.M.-10:30 A.M.  
Meeting ID: 948 1932 8763 | Passcode: 009912



The event is free and open to the public.

This panel features experts on a wide range of emerging challenges that India faces at the intersection of human rights and the environment including climate justice litigation, the interplay between sustainable development and the rights of indigenous communities, climate change communication and climate migration, and the relationship between climate migration and human trafficking.



Moderator: Prof. Randall S. Abate  
Director, Institute for Global Understanding  
Monmouth University

## SPEAKER 1

### *Abhishek Chakravarty, LL.M.*



*Assistant Professor of Law | Sai University (Chennai, India)*

Abhishek Chakravarty is an Assistant Professor of Law at Sai University and Faculty for the Daksha Fellowship in Chennai, India. He teaches courses on environmental regulation. Prior to joining academia, he worked as a Project Manager for European Union's Switch Asia Project in his home state of Assam in India, where he supervised the establishment of over 350 sustainable bamboo-based industries. He has also worked for the Centre for Policy Research, New Delhi, where he conducted extensive research on water laws and policies in India. His research interests lie in environmental law, climate change, and rights of indigenous people. He has also been a part of a six-year indigenous peoples' rights movement in Assam. He regularly writes opinion pieces for The Indian Express, The Print, The Jurist, Down to Earth, The Wire and several other platforms. Presently, he is also a part of the Water Law Initiative at Sai University, which aims to promote interdisciplinary research in the field of water law and policy.

### ***Climate Change and Natural Disaster Induced Forced Migration and Trafficking: Understanding the Co-Relation and Conceptualizing a New Legal Framework in India***

Climate change and natural disasters arising out of it are already much stronger drivers of migration flows than many of us may realize. Climate change increases the risk of natural disasters and places a strain on livelihoods. This may contribute to high-risk behaviors and other negative coping strategies among affected populations, such as resorting to unscrupulous recruitment agencies associated with human smuggling and trafficking. The North-East Indian state of Assam, regarded as a region severely affected by the ill effects of climate change, has seen several cases where climate change-induced disasters have turned people (especially young women and children) into victims of trafficking.

Although climate change and natural disasters have greatly contributed to human trafficking and forced migration, to date there is no legislation or policy to address this concern in India. Very few studies have been conducted to understand this co-relation and hence there is a deficiency of literature.

The purpose of my research is to look at the issue from a two-fold approach. First, the project explores the interrelation between climate change and trafficking, in the context of human rights law. Next, with the assistance of some real time case studies from Assam, the project seeks to establish the correlation between climate change and trafficking with concrete evaluation of facts and theories, followed by policy and legislative proposals to address it.

## SPEAKER 2

### *Dr. Deva Prasad*



*Assistant Professor of Law | Indian Institute of Management (Kozhikode, India)*

Deva Prasad is an Assistant Professor of Law at Indian Institute of Management, Kozhikode. His research interests include Environmental Law, Corporate Law, and IPR Regulation. He holds an LL.M. from National Law School of India University, Bangalore and a Ph.D. from National University of Juridical Sciences, Kolkata. Prior to his present position, he worked as Assistant Professor in NLSIU, Bangalore. He has published research works in national and international journals (including International Journal of Law and Information Technology, Statute Law Review, and Environmental Policy and Law). He has also contributed chapters to edited books.

## *Future of Environmental Litigation in India: Exploring the Possibility of Climate Change Litigation in India*



Climate change and natural disasters arising out of it are already much stronger drivers of migration flows than a crucial development witnessed in the field of environmental litigation is the sudden wave of climate change litigation. This phenomenon is evident across many jurisdictions, such as the Netherlands, United States, and Australia. Interestingly, the major victory for climate change litigants in the case of *Urgenda Foundation v. State of Netherlands* (2019) opens up the possibility of similar climate change litigation actions in other jurisdictions. In *Urgenda*, the Supreme Court of the Netherlands clarified the state's responsibility to take proactive actions in reducing climate change and its impacts. The court had relied on the obligations under the European Convention of Human Rights as well as international law, including the no harm principle in asserting the state's duty. Can similar litigation arise in the Indian context? Does the application of constitutional law, environmental law, and human rights framework require a qualified analysis? This presentation seeks to provide clarity on these inquiries.

Moreover, climate change litigation has taken a different form in tort law-based litigation against corporate actors where the duty of care is at issue. In certain instances, the litigation has taken the form of shareholder litigation for non-disclosure of business risk due to climate change. Similar actions against corporate actors in India and their feasibility will also be addressed.

### **SPEAKER 3**

### *Lisha Samuel*



*M.A. in Communication (Dec. 2020), Monmouth University*

Lisha Samuel holds a master's degree in Communication, with a Strategic Public Relations and Social Media concentration, from Monmouth University. A native of Mumbai, India, she graduated from the University of Connecticut with a major in Psychology before transitioning to pursue her master's degree at Monmouth University. Lisha has always had a passion for climate change. In Fall 2020, she was awarded funding from the Urban Coast Institute at Monmouth University to conduct research on climate change communication in India. Her research focuses on Kolkata, sea-level rise, and climate migration. Her proposal to increase public commitment to address this challenge relies on use of agenda-setting theory and narrative paradigm. More information about Lisha's research is available [here](#).

## *Climate Change Communication in Kolkata: Applying Communication Theories to Address the Threat of Climate Change Displacement*

Climate change communication is an emerging field that seeks to make climate change adaptation more manageable by informing the public about climate change risks and threats. Climate change communication is important in all countries; however, a developing country like India has not fully embraced its importance. This presentation will focus on Kolkata, which is the fourth most vulnerable city to sea-level rise in India. It will emphasize the "double whammy" effect of physical vulnerability that Kolkata faces from sea-level rise and accelerating subsidence rates. Sociocultural dimensions will also be considered as Kolkata is the third least prepared city to adapt to climate change and is at risk of receiving climate migrants from Bangladesh and the Sundarbans. Gaps and limitations in the applicable legal frameworks for climate adaptation and climate migration at the national, state, and local levels will be reviewed. Insights from law and policy experts from South Asia on climate migration, and members of the Indian media, are included to address current legal and sociocultural implications of the challenges. The media in Kolkata is covering potential threats like sea-level rise; however, they are not emphasizing the importance of migration from these vulnerable coastal areas. The presentation proposes use of agenda-setting theory and narrative paradigm from the communication field to raise awareness of and increase public commitment to this growing crisis. It also recommends strategies to strengthen media effects to enhance climate communication regarding the risk of forced migration.



*Ph.D. Research Scholar, Faculty of Legal Studies  
South Asian University (New Delhi, India)*

Siddharth Singh is a Ph.D. candidate at the Faculty of Legal Studies, South Asian University, an international organization jointly established by the SAARC nations in New Delhi, India. His research areas include international law, sustainable development, environmental justice, and human rights. He is a recipient of the Junior Research Fellowship (JRF), a research grant awarded to doctoral scholars by the Government of India through the University Grants Commission (UGC). Siddharth pursued a Five-Year Integrated Law graduation (B.A. LL.B.) from the Faculty of Law, University of Allahabad, India, and completed his LL.M. in International Legal Studies from South Asian University. Before joining the doctoral program, he gained professional experience in the legal discipline by teaching undergraduate law students at the University of Allahabad and JEMTEC School of Law, India. Follow him on Twitter @Sid\_heart\_says or visit his blog at <https://talkativescholar.wordpress.com/>

### ***Aligning Sustainable Development with the Rights of Indigenous Communities in India: A Judicial Perspective***

Sustainable development is an idea that seeks to balance environmental, economic, and social aspects; however, data suggests unsustainable trends of development, despite implementing sustainability strategies. Scholars suggest that the principle has been overused, misused, and has lost its legal and social essence due to its broad nature. In India, judicial decisions based on sustainable development oscillate mostly between environmental and economic considerations while ignoring its social dimension. These domestic judicial bodies' approaches diminish the idea of fairness and justice and significantly affect the indigenous communities' interests.

Tribal and indigenous communities constitute the marginalized part of the society that has disproportionately suffered from economic growth. Their democratic roles usually are sidelined in the process of constructing massive industrial, mining, and other development projects. In place of compensation, they are forced to migrate from their land and natural resources on which they have relied for many generations. In the 2013 Indian case of Orissa Mining Corporation Ltd. v. Ministry of Environment and Forests & Others, the Supreme Court deviated from its earlier position and recognized the sociocultural and religious interests of indigenous communities. This case reaffirmed the tribal population's sovereignty in deciding on development projects in their territories.

Environmental quality is inextricably linked to human equality. The absence of fairness and equity in judicial attitude demands that sustainable development be linked with environmental justice to preserve indigenous communities' interests. This presentation will analyze the role of the Indian judiciary in promoting the holistic development of tribal and indigenous communities by operationalizing the sustainable development principle. Further, it will explore avenues for incorporating the neglected social element under the aegis of environmental justice.