

## NARMADA BACHAO ANDOLAN VERSUS UNION OF INDIA

[\*Narmada Bachao Andolan versus Union of India\*, 1999](#), is a crucial case in Indian history that brought forth the issue of environmental degradation and ecological concerns caused by infrastructural development. Narmada Bachao Andolan (NBA), an NGO led by activists like Medha Patkar, Baba Amte and others, opposed the building of the dams, specifically the Sardar Sarovar Project, which was to be built at Navagam in Gujarat. The reasons cited for this were general, ecological, relief, rehabilitation and the tribunal awards. The major article invoked was Article 21, which guarantees the right to life and personal liberty.

The Narmada Bachao Andolan versus Union of India has its antecedent in the [Narmada Valley Development Project \(NVDP\)](#), which started in the 1950s. Narmada is the 5th largest river of India, originating from Amarkantak Hills in Madhya Pradesh and draining into the Gulf of Cambay/Khambhat in the Arabian Sea. The government, recognising the vast array of opportunities in the river, planned to create various dams on the Narmada River, which would facilitate irrigation, drinking water in arid areas and hydroelectricity for the states of Madhya Pradesh, Rajasthan, Gujarat and Maharashtra. Initially, a single dam was to be constructed at Navagam, Gujarat, in two stages. The Stage I work of the dam started after the creation of Gujarat as a separate state. However, soon it went into a slump due to disagreement between Madhya Pradesh and Gujarat regarding the height of the dam and water sharing. A committee named the Khosla Committee was formed, which delivered a master plan for the project. According to this, irrigation was given much more importance, and 12 dams were to be made in Madhya Pradesh with one terminal dam at Navagam. The report, however, could not be implemented due to objections raised by Gujarat against water sharing. A Tribunal was formed, which dealt with the issue of water sharing, dam height and hydropower allocation. 30 dams were to be constructed on the Narmada, according to the Tribunal Award.

NBA, led by environmental activist Medha Patkar, started opposing the construction of dams, specifically the Sardar Sarovar Project at Navagam, from 1986 onwards. The project got its clearance from the Ministry of Environment in 1987. The NBA argued that the NVDP can cause vast ecological issues as well as issues related to rehabilitation affecting the lives of various tribals living in this zone. Some negotiation talks took place with the Five Members Group in 1993; however, these failed, resulting in the NBA filing a writ petition against the construction of the dam. The NBA argued that the project has received clearance without adequate environmental assessment. The project violates Article 21 of the Indian Constitution, as there are no adequate provisions for the rehabilitation of tribals. Also, the NBA, in its petition, argued that alternative options like decentralised irrigation by smaller dams can be done, which are not considered by the authorities. The respondent, on the other hand, argued that the project is necessary for national development, supplying water, facilitating irrigation and providing hydroelectricity to the concerned four states, which would solve the problem of water scarcity in arid areas.

## **Question of Law**

The major question of law before the court was regarding the validity of the Project and whether it violates the right to life and liberty of the Tribals living in this zone. The other issue was regarding the validity of the clearance given to the project by the Ministry of Environment. The rehabilitation and resettlement measures were also contested. The court also had the question of whether the judicial intervention is violative of the doctrine of the Separation of Powers.

## **Judgment**

The court, in its Judgment, held the Narmada Valley Development Project totally valid and constitutional. Recognising the national importance of the Project, the court gave the green flag to the Project. The Court held that the rehabilitation and resettlement measures are decided by the Tribunal Awards, and though they have been delayed a bit, they should be done simultaneously with the construction of the dam. Narmada Control Authority was given the duty to look after the compliance with the Rehabilitation measures. Regarding the validity of clearance, the court held that clearance has been given through necessary assessments. The court held that the doctrine of Separation of Powers should be maintained, and until and unless there is a clear violation of constitutional rights, judicial intervention should not be made in policy matters.

## **References**

- *Narmada Bachao Andolan versus Union of India AIR 2000 SUPREME COURT 3751*  
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