



International Journal of Research Publication and Reviews

Journal homepage: www.ijrpr.com ISSN 2582-7421

Judicial Interpretation of Environmental Rights in India: A Study of Landmark Cases with Special Reference to Constitutional Provisions.

Anjay Kumar Verma, Sonalika Kumari

Post Graduate Research Scholar, Independent Researcher

Introduction

In India, rights regarding the environment, which include the entitlement to a lawfully protected sustainable, safe, and clean ecosystem, are progressively accepted as an integral human right. The Indian Constitution was initially silent on the specific recognition of environmental rights, but has with judicial activism developed astonishingly in this respect. In particular, the courts have pioneered Environmental Jurisprudence tailored to India which ensures the protection of the environment is linked with fundamental rights, especially with regard to the right to life as enshrined in Article 21¹. This judicial activism has, deep in the fabric of our legal insights over decades fashioned bold new constructions, some claiming a right to the environment, thus seeing it as essential to human dignity and well-being. Through landmark judgments, the Indian judiciary has held that pollution and environmental degradation is an infringement of the right to life and has set the stage for constructive legal regimes designed to safeguard these freedoms within constitutional order.²

The timeline seeking to place boundaries around constitutional rights to include the environment began in the 1980s and 1990s. During this time, the country focused on rapid industrial development which brought with it severe consequences such as pollution, deforestation, and habitat loss resulting in public health and ecological imbalances.

The Supreme Court of India and other High Courts played a transforming role by reading and extending the Constitution to include an implicit right to a healthy environment.³ These courts specifically used Directive Principles of State Policy, Fundamental Duties, and—above all—the Fundamental Rights clauses to protect environmental rights as concerned citizens and activists increasingly turned to the court for redress, resulting in a series of groundbreaking decisions that influenced India's environmental law.

Historical Background

India's environmental policy and its relationship to its constitutional duties have seen significant change since the country's independence. The Indian Constitution, which was adopted in 1950, initially did not explicitly state that environmental protection was a fundamental right or duty. However, as environmental concerns arose, the legislature and the judiciary attempted to incorporate them into the constitutional framework. This path began with constitutional amendments and resulted in a series of court rulings that expanded the definition of fundamental rights to encompass environmental protection.⁴

With two crucial clauses—Article 48A under the Directive Principles of State Policy (DPSP) and Article 51A(g) under Fundamental Duties—the 42nd Amendment to the Constitution brought about a dramatic change in 1976. Article 48A orders "the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country."⁵ Though not legally enforceable, this clause offers a guiding concept for governmental policy on environmental protection. Conversely, Article 51A(g) "to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures," mandates of every Indian citizen.⁶ This inclusion created a moral and ethical basis for environmental preservation and signalled a vital first step in sensitising people about environmental problems.

Furthermore very important in incorporating environmental rights within the sphere of fundamental rights are court interpretations of Article 21, which ensures the right to life and personal liberty. Article 21 was first read strictly, but over time the court broadened its interpretation to include the right to a clean, safe, and healthy environment as a necessary component of the right to life.⁷ This view has let people approach the court with environmental

¹ The Constitution of India, art. 21.

² K. K. Choudhary, *Environmental Protection: Law and Policy in India* 45 (Gyan Publishing House 2017).

³ Ranjan Kumar, *Environmental Law in India* 12 (LexisNexis 2021).

⁴ Dhananjay S. Bhosale, "Environmental Jurisprudence in India: The Role of Judiciary," 2 *Indian Journal of Law and Public Policy* 153, 155 (2021).

⁵ The Constitution of India, art. 48A.

⁶ The Constitution of India, art. 51A(g).

⁷ The Constitution of India, art. 21.

complaints, hence generating a rich body of environmental law. Often through Public Interest Litigations (PILs), Article 32—which grants the right to constitutional remedies—has also been a great weapon for citizens seeking court action on environmental concerns.⁸

By use of these constitutional clauses, a basis for court action in environmental issues was laid. Article 21 was used in historic decisions like *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*⁹ and *Subhash Kumar v. State of Bihar*¹⁰ to handle environmental concerns, therefore attesting to environmental rights in the constitution. These cases not only broadened the reach of Article 21 but also underlined the court's responsibility in upholding environmental protection as a fundamental component of constitutional democracy as this article will investigate.

Judicial Interpretation of Environmental Rights

The Indian court's approach to recognizing and upholding environmental rights under the Constitution has been significantly impacted by landmark rulings. Through these cases, the courts have developed a broad concept of environmental rights, especially under Article 21, making them part of the fundamental rights framework. The courts have also used a number of environmental law principles, such as the sustainable development principle, the precautionary principle, and the "polluter pays" notion, to bolster their rulings. The examples that follow demonstrate how court intervention has gradually enhanced environmental protection in India.

Litigation and Entitlement in Rural Areas One of the earliest cases to impact the court's endorsement of environmental rights was *Kendra v. State of Uttar Pradesh* (1985)¹¹. Significant mining operations in the Mussoorie hills in this case—sometimes known as the Dehradun Quarrying Case—caused landslides, water scarcity, and other ecological destruction, putting the livelihoods and way of life of the local people in jeopardy. The Supreme Court ordered the closure of many mining operations, highlighting the necessity of striking a balance between economic interests and environmental preservation. This case was significant because the court recognized environmental protection as a primary concern, so confirming the connection between environmental health and the right to life.

Subhash Kumar v. State of Bihar (1991) is another important case that broadened the reach of Article 21 in respect to environmental rights. Under Article 21, the petitioner in this case claimed that the pollution generated by industrial effluences in the Bokaro River violated his right to a healthy environment, therefore breaching his right to life. The Supreme Court maintained this assertion, saying that one's right to life encompasses their right to enjoy air and water free of pollution. This lawsuit demonstrated the direct link between environmental preservation and Article 21, therefore demonstrating that the enjoyment of life and personal liberty depends on a healthy environment.

With *M.C. Mehta v. Union of India* (1987)¹², often known as the Ganga Pollution Case, the court continued its proactive approach. The lawsuit, filed by environmental activist M.C. Mehta, challenged the Ganges River's unchecked pollution from untreated sewage and industrial emissions. The Supreme Court ordered many companies to install effluent treatment facilities and shut down non-compliant units, emphasizing the "polluter pays" theory. The decision in this case emphasized the necessity for companies to reduce their environmental impact and the court's determination to use judicial intervention to address environmental degradation.

Environmental protection and public confidence were further bolstered by *M.C. Mehta v. Kamal Nath* (1997)¹³. The lawsuit focused on a private company's unlawful commercial use of a river's diversion, endangering public access to natural resources. The Supreme Court ruled in its ruling that the state holds natural resources, such as rivers, forests, and lakes, in trust for the benefit of the people, based on the public trust doctrine. Since then, this landmark decision has played a significant role in the development of an Indian legal theory that has supported public access to natural resources by emphasizing that they cannot be monopolized or exploited for private gain.

Among other cases, they show how the Indian court has continually enlarged the scope of constitutional rights to include environmental protection, usually using creative ideas to handle fresh environmental problems. India's legal system has been greatly changed by the changing jurisprudence in these historic decisions, which have established environmental rights as an indispensable component of constitutional rights and guarantees that next generations inherit a better environment.

Principles Adopted by the Judiciary for Environmental Protection

Several fundamental ideas developed and embraced by the Indian court help to enhance the defense of environmental rights inside the constitutional framework. Rooted in international environmental law and jurisprudence, these ideas have not only guided court rulings but also helped to develop Indian policy and regulatory systems. Among the fundamental ideas are the public trust theory, the precautionary principle, the "polluter pays" theory, and the sustainable development principle. Taken together, they create a strong legal basis that has let the court properly handle environmental issues and defend public rights to clean surroundings.

⁸ The Constitution of India, art. 32.

⁹ *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, (1985) 2 S.C.C. 431.

¹⁰ *Subhash Kumar v. State of Bihar*, (1991) 1 S.C.C. 598.

¹¹ *Ibid.* 9.

¹² *M.C. Mehta v. Union of India*, (1987) 1 S.C.C. 388.

¹³ *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388.

The polluter pays principle states that those who produce pollution should bear the costs of controlling and reducing its effects rather than shifting the burden to society. This principle was basically upheld by the Supreme Court in the 1996 case *Indian Council for Enviro-Legal Action v. Union of India*¹⁴, when it mandated that chemical corporations responsible for pollution pay for environmental damage and cover the expense of corrective action. By putting this idea into practice, the court emphasized that the polluter should pay for pollution, deterring reckless actions that harm the environment. Over time, the polluter pays theory has developed into a cornerstone of Indian environmental law, influencing both legislative and court decisions.¹⁵

The precautionary principle, another fundamental idea, emphasizes that preventative measures should be taken to prevent environmental harm even when scientific data is ambiguous. In *Vellore Citizens Welfare Forum v. Union of India* (1996)¹⁶, the Supreme Court recognized the precautionary principle as an essential element of environmental protection, especially when it comes to pollution and health risks. The decision emphasized that when there is a risk of significant or irreversible environmental harm, delaying preventative action should never be justified by a lack of full scientific confidence. The court's application of this concept in subsequent rulings has strengthened India's approach to environmental governance and encouraged authorities to take preventive measures against potential environmental harm.

The harmony between environmental protection and economic progress is based on the sustainable development idea. This idea has been regularly used by the Indian court to guarantee that environmental sustainability is given thought in development initiatives. The Supreme Court underlined in the *2000 Narmada Bachao Andolan v. Union of India* case involving the building of the Sardar Sarovar Dam the need of balancing environmental protection with developmental requirements.¹⁷ The ruling of the court underlined how development projects should be carried out in a way that protects environmental integrity for next generations. Guiding policies and court rulings to give long-term ecological sustainability top priority above short-term economic gains, this notion has become important to India's environmental law.

The public trust principle states that certain natural resources, such rivers, lakes, and forests, that are preserved for the general public's benefit cannot be owned or used for private gain. This idea was firmly established when the Supreme Court ruled in *M.C. Mehta v. Kamal Nath* (1997)¹⁸ that natural resources are a public trust and should be protected for the public's enjoyment. The theory has since proven crucial in situations when private interests conflict with public access to environmental resources, ensuring that these resources be protected for the good of society rather than for financial gain.

When combined, these concepts demonstrate the judges' commitment to a robust and equitable approach to environmental conservation. They stand for a broader legal philosophy that prioritizes the rights of future generations, environmental preservation, and public health. The Indian court's adoption of these principles has had a significant impact on the development of environmental law in India, creating a framework that upholds environmental rights as essential components of human life and dignity.

Judicial Activism and Public Interest Litigation (PIL) in Environmental Cases

With Public Interest Litigation (PIL) becoming a necessary tool for resolving environmental issues, judicial activism has been transforming India's environmental law. Particularly in issues where underrepresented groups or natural resources lack direct representation, PILs let people or organizations petition on behalf of the public. This instrument has been crucial in bringing environmental concerns front and first on India's legal scene so that the court may act early in cases of environmental damage and policy neglect. In these cases, the court's action shows its will to defend environmental rights as a component of basic liberties and reflects its responsibility as a custodian of constitutional provisions on environmental protection.

As the Supreme Court took up significant environmental issues in the 1980s, the PIL process began to gain traction. In *M.C. Mehta v. Union of India* (1986), also referred to as the Oleum Gas Leak case, PIL played a vital role in drawing attention to corporate environmental negligence. This incident demonstrated the significance of stringent environmental regulations and demonstrated that companies must take adequate safety measures to prevent environmental harm. The court's determination to protect public health and safety was demonstrated by its recognition of the right to a safe environment. PILs enable citizens to hold polluters accountable and take legal action when environmental negligence occurs.

M.C. Mehta v. Union of India (1988), another landmark PIL-driven case, dealt with the contamination of the Ganga River. The Supreme Court ordered downstream industrial enterprises to build effluent treatment facilities or risk closure. The court determined that by addressing pollution through court decisions and requiring preventive measures, PILs might be a helpful tool in lowering industrial pollution and protecting natural resources. This case demonstrated the court's commitment to upholding Article 21 environmental rights and its plan to enact stringent regulations in response to PILs.¹⁹

PILs have also been effective in holding the government accountable for environmental policy. The loss of India's forest cover due to deforestation and the lax enforcement of conservation regulations was highlighted by a Public Interest Litigation in *T.N. Godavarman Thirumulpad v. Union of India* (1995)²⁰. In response to this PIL, the Supreme Court created comprehensive standards for forest preservation and ongoing monitoring systems, both of which have subsequently proven to be crucial for safeguarding India's forests. This lawsuit marked the beginning of India's long-standing judicial oversight of forest protection and validated the role PILs play in resolving systemic environmental issues.

¹⁴ *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 S.C.C. 212

¹⁵ Dhananjay S. Bhosale, "Environmental Jurisprudence in India: The Role of Judiciary," 2 *Indian Journal of Law and Public Policy* 153, 155 (2021)

¹⁶ *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647.

¹⁷ *Narmada Bachao Andolan v. Union of India*, (2000) 10 S.C.C. 664.

¹⁸ *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388.

¹⁹ A. P. S. Sethi, "Judicial Activism and Environmental Protection in India," 11 *Journal of Indian Law Institute* 100, 108 (1999).

²⁰ *T.N. Godavarman Thirumulpad v. Union of India*, (1995) 2 S.C.C. 251

A PIL was filed in *S. Jagannath v. Union of India* (1997)²¹ to cover environmental damage brought about by unchecked shrimp cultivation along India's beaches. The Supreme Court decided that throughout coastal areas, intensive aquaculture breached environmental rules and threatened coastal ecosystems. The court's decision underlined the need of sustainable development and resulted in laws compliant with ideas of environmental preservation. This case showed how PILs may be the basis for legislative and policy changes and help to solve particular environmental problems.

PILs have considerably increased access to environmental justice in India by letting people and civil society groups bring environmental concerns straight to the court. The court's acceptance of PILs as means of environmental campaigning has resulted in a proactive defense of environmental rights. Since the court has used PILs to handle environmental issues, enforce regulatory compliance, and preserve the right to a healthy environment as a fundamental right under the Indian Constitution, these instances highlight its dedication to environmental protection.²²

Role of the Supreme Court in Expanding Environmental Jurisprudence

Leading the front in extending environmental jurisprudence and creating legal precedents that profoundly affect environmental policy in India is the Supreme Court of that nation. By means of its proactive interpretations of constitutional clauses and integration of worldwide environmental concepts, the Court has expanded the scope of environmental rights, therefore securing their recognition and protection inside the larger framework of fundamental rights. By dint of its interpretation of Article 21, which guarantees the right to life and personal liberty, the Supreme Court has significantly shaped environmental law. The Court has read Article 21 in a sequence of historic decisions to incorporate the right to clean and healthy surroundings. This reading first surfaced in judgments like *Subhash Kumar v. State of Bihar* (1991), when the Court decided that the right to life includes the right to enjoy pollution-free water and air, therefore tying environmental protection squarely to human rights. The Court has strengthened the notion that environmental rights are a subset of basic rights by characterizing environmental quality as absolutely essential to human life and dignity.²³

Apart from broadening the reading of Article 21, the Supreme Court has also been rather helpful in implementing ideas from international environmental law such the precautionary principle, the "polluter pays" concept, and sustainable development. In the 1996 *Vellore Citizens Welfare Forum v. Union of India*, for example, the Court not only reiterated the precautionary and polluter pays ideas but also established a legal precedent by requiring their application in environmental protection. This case underlined that lack of scientific confidence should not preclude one from acting preventatively against environmental damage; this became a major strategy in next instances regarding industrial pollution and resource management.²⁴

The idea of intergenerational equity has also been discussed by the Supreme Court, therefore stressing the need of preserving the resources for next generations. Dealing with the building of the Sardar Sarovar Dam, the Court balanced developmental objectives with environmental sustainability in the *Narmada Bachao Andolan v. Union of India* (2000) lawsuit. Although it let the project to go forward, the Court underlined that developmental projects should take environmental effects into account to guarantee the long-term survival of ecosystems and communities. This point of view underlined the need of sustainable development in court rulings, therefore impacting national policy as well as environmental litigation. The Court has also protected public areas and resources under the public trust doctrine. The Court decided in *M.C. Mehta v. Kamal Nath* (1997) that the state holds natural resources in trust for the public and cannot distribute or exploit them just for private advantage. Since then, this idea has directed court rulings on the use of resources and enhanced the defense of rivers, forests, and other natural resources against privatization and abuse.²⁵

The Supreme Court's active involvement in expanding environmental jurisprudence has also aided in the development of institutional frameworks for environmental preservation. In order to swiftly resolve environmental disputes, the Court established the National Green Tribunal (NGT) in 2010. The NGT is currently crucial in handling cases involving environmental violations, upholding environmental laws, and providing individuals and communities with a platform to seek justice.²⁶

By means of its vast body of rulings and the creation of systems such as the NGT, the Supreme Court has firmly established environmental rights within the Indian legal system. Its readings of the Constitution, integration of international ideas, and judicial activism highlight the court's responsibility as a defender of environmental preservation in India, therefore guaranteeing that these rights are maintained as a fundamental part of India's constitutional mission.

Contribution of High Courts in Shaping Environmental Jurisprudence

While the Supreme Court has played a significant role in expanding environmental rights, India's High Courts have also significantly advanced environmental jurisprudence. By interpreting constitutional provisions and responding to Public Interest Litigations (PILs), some High Courts have upheld environmental rights, setting important regional precedents. These courts have been especially effective in expanding the reach of environmental legislation across India by notably addressing environmental concerns at the state and municipal levels.

²¹ *S. Jagannath v. Union of India*, (1997) 2 S.C.C. 87.

²² K. R. Shyam Sundar, "Public Interest Litigation and its Role in Environmental Protection," 4 *Environmental Law Journal* 70, 75 (2005).

²³ A. P. Bhardwaj, "Judicial Activism and Environmental Protection: A Critical Analysis," 8 *International Journal of Environmental Studies* 185, 190 (2015).

²⁴ R. D. Dhanda, "Environmental Justice and the Role of the Supreme Court," 6 *Indian Journal of Human Rights* 90, 93 (2009)

²⁵ M. A. Khan, *Environmental Law and Policy in India: A Comprehensive Overview* 117.

²⁶ R. R. Ghosh, "Role of the Judiciary in Environmental Protection: A Study of Selected Cases," 15 *Indian Journal of Environmental Law* 45, 50 (2008)

The Calcutta High Court made a significant contribution in the *People United for Better Living in Calcutta v. State of West Bengal* (1993)²⁷, case, also referred to as the Calcutta Tanneries case. The severe pollution caused by tanneries that run beside the Ganges River was the subject of this court case. Recognizing the harm that untreated wastewater causes to the environment of the river, the High Court mandated that these companies relocate to a leather complex that has the necessary effluent treatment equipment. Because it emphasized the polluter pays principle—later upheld by the Supreme Court in similar cases—and the need of corporations to prevent environmental harm, this decision was significant.

Similarly, in *Attakoya Thangal v. Union of India*, the Kerala High Court made a major advancement in the right to a clean environment.²⁸ In this example, over extraction for drinking water needs resulted in groundwater depletion in the Lakshadweep Islands. The High Court expanded state-level environmental rights by ruling that the right to safe drinking water is included in the right to life under Article 21 of the Constitution. This decision emphasized the sustainable development idea, which has since influenced environmental governance in the region, and the necessity of regulating the use of natural resources to prevent ecological imbalance.

Especially by stressing urban environmental management, the Madras High Court has also greatly added to environmental jurisprudence. The High Court decided in *S. Jagannath v. Union of India*²⁹ on the environmental damage brought about by uncontrolled shrimp aquaculture along Tamil Nadu's coastlines. The court underlined how severe aquaculture poses ecological hazards including polluting of coastal waters and destruction of mangroves. This ruling underlined the precautionary principle and resulted in the control of coastal aquaculture, therefore establishing a precedent for juggling economic development with environmental protection.

The Delhi High Court has taken a tough stance in addressing urban environmental issues, especially those pertaining to rubbish management and air pollution. In the *Taj Trapezium Case*, the Delhi High Court issued orders to lessen air pollution in the vicinity in order to protect the Taj Mahal from acid rain and environmental harm.³⁰ The court urged companies near the Taj to adopt greener technologies or move, highlighting the importance of protecting historic sites from environmental harm. Additionally, this ruling established pollution control standards that other high-pollution zones have followed, and it reinforced the court's authority to oversee environmental protection in highly developed urban areas.

The Punjab and Haryana High Court has also been actively promoting environmental justice, particularly in matters pertaining to agricultural contamination. In *Kissan Sangharsh Samiti v. State of Punjab*³¹, the court ruled against the detrimental impacts of chemical-intensive farming and in favor of sustainable farming practices. The decision provided a region-specific approach to strike a balance between agricultural needs and environmental preservation by highlighting the necessity of sustainable farming to maintain soil quality and prevent chemical contamination of water.

By tackling various ecological issues in different states, the High Courts in India have greatly helped to expand environmental rights by means of these cases and others. These decisions show the understanding of region-specific environmental problems by the court as well as their dedication to reading constitutional clauses in a way that advances environmental sustainability. The High Courts have reinforced the legal framework for environmental preservation by establishing judicial precedents on different environmental problems, therefore complementing the national-level actions of the Supreme Court.³²

Recent judicial interpretation by The Supreme Court on environmental cases:

Grasim Industries, a prominent industrial player, was penalized by the NGT for two key alleged violations Failing to install online flow meters in CS2 stacks to monitor emissions. Environmental hazards arising from acid by-products generated in their operations. The penalties were based on findings submitted by a Joint Committee appointed by the NGT, which investigated the plant operations in response to complaints by the Madhya Pradesh Pollution Control Board and other respondents. The NGT's decision prompted Grasim Industries to challenge the order before the Supreme Court, citing significant procedural shortcomings. The Supreme Court relied on established precedents to emphasize its points. In particular, it cited the case of *Municipal Corporation of Greater Mumbai v. Ankita Sinha and Others* (2022) 13 SCC 401³³, where it was held that tribunals must adhere to the principles of natural justice and ensure affected parties are given a fair hearing. The Court also referred to *Kantha Vibhag Yuva Koli Samaj Parivartan Trust and Others v. State of Gujarat and Others* (2022 SCC OnLine SC 120),³⁴ which reiterated that tribunals must independently assess evidence and not rely solely on outsourced expert opinions. The Supreme Court's judgment, delivered by Justice B.R. Gawai and Justice K.V. Viswanathan, was a scathing critique of the procedural lapses in the NGT's approach.³⁵ Key observations included Violation of Natural Justice: The NGT's refusal to implead Grasim Industries or provide them an opportunity to be heard was a clear violation of established legal principles. Improper Reliance on Outsourced Reports: The Court

²⁷ *People United for Better Living in Calcutta v. State of West Bengal*, (1993) 1 Cal. H.C. 218 (India).

²⁸ *Attakoya Thangal v. Union of India*, (1990) 2 KLT 431 (India).

²⁹ *S. Jagannath v. Union of India*, (1997) 2 SCC 87 (India).

³⁰ *Taj Trapezium Case*, (1996) 2 SCC 562 (India).

³¹ *Kissan Sangharsh Samiti v. State of Punjab*, (1998) 1 RLR 347 (India).

³² A. P. S. Sethi, "State-Level Environmental Law and the Role of High Courts," 6 *Indian Journal of Environmental Law* 89, 91 (2001).

³³ *Municipal Corporation of Greater Mumbai v. Ankita Sinha and Others* (2022) 13 SCC 401

³⁴ *Kantha Vibhag Yuva Koli Samaj Parivartan Trust and Others v. State of Gujarat and Others* (2022 SCC OnLine SC 120)

³⁵ *Himachal Pradesh and Others vs. Yogendera Mohan Sengupta and Another* (January 11, 2024) 1 S.C.R. 973

criticized the NGT for basing its decision solely on the Joint Committee's report.³⁶ It emphasized that tribunals must independently evaluate facts and cannot rely entirely on outsourced opinions.

Glaring Errors in Process: The Supreme Court held that the NGT could not proceed without making the affected party Grasim Industries a respondent to the proceedings. **Final Verdict** The Supreme Court set aside the NGT's orders, directing that the matter be reconsidered. It explicitly instructed the NGT to:

1. Implead Grasim Industries as a party to the proceedings.
2. Ensure compliance with natural justice principles in any future actions.

IN the case of *The State of Himachal Pradesh and Others vs. Yogendera Mohan Sengupta and Another* (January 11, 2024) The Supreme Court case involved the Shimla Development Plan, 2041, which was temporarily stopped by the National Green Tribunal due to concerns about the environment. The Court emphasized the importance of balancing development with environmental protection. It stressed that preserving forests is crucial for maintaining ecology, as they support the water cycle, soil health, and provide livelihoods. The Court noted that the development plan had considered expert reports from fields like the environment and urban planning. It also pointed out that there are enough safeguards to ensure the environment is protected. If anyone has concerns about specific provisions harming the environment, they can challenge those before the relevant authority. The Court allowed the State of Himachal Pradesh to continue with implementing the development plan.

The Central Empowered Committee (CEC), which was first established by the Supreme Court in 2002 to handle environmental and forest issues, was the subject of the lawsuit *In Re: Godavarman Thirumulpad vs. Union of India* January 31(2024).³⁷ A new panel of experts selected by the government to offer guidance on these matters was accepted by the Court. Environmental authorities were also given recommendations, which included the necessity of unambiguous standards for public hearings, decision-making procedures, and the opportunity to appeal. The Court underlined that these powers need to be adequately supported and that officials have defined roles and accountability. The Court said in its conclusion that constitutional courts will make sure these environmental organizations have adequate resources and will keep an eye on their efforts to preserve and enhance the ecology and environment.

In the case *In Re: Godavarman Thirumulpad vs. Union of India*, march 6 (2024) the Supreme Court criticized the former Uttarakhand Forest Minister and the Divisional Forest Officer for illegal construction and tree cutting in the Jim Corbett National Park. The Court highlighted the damaging impact of the collaboration between politicians and forest officers, which led to environmental harm for political and commercial gains. The Court noted that even recommendations from senior forest, vigilance, and police officers against the minister's posting were ignored.³⁸

Although the CBI is looking into the case, the Court stressed how important it is to conserve tigers because their existence is a sign of a healthy environment. Even with advancements in tiger population and protection, illicit operations like building and tree-cutting in Corbett Park cannot be disregarded, and more robust measures are required to stop such problems in the future.

The Supreme Court addressed the protection of the Lesser Florican and the Great Indian Bustard (GIB), two critically endangered birds, in the case *M K Ranjitsinh & Ors. vs. Union of India*, 2024. To protect these species, a writ petition was submitted. The Court examined the actions already taken by the Union of India as well as the actions it committed to take going forward, including using satellite telemetry to monitor the GIB, observing "National Bustard Day" to increase awareness, restoring grasslands, implementing capacity-building initiatives, and working with scientific organizations. The Court also underlined the importance of awareness campaigns and the participation of local populations in conservation initiatives. It gave the Union of India and the pertinent ministries instructions to put these species-protection measures into action.³⁹

The Supreme Court voiced concerns in the case of *Tapas Guha & Ors vs. Union of India* 2024 on the disregard for environmental regulations in the Silchar Greenfield Airport's construction, which went ahead without the required Environmental Clearance. The Court reversed its ruling and chastised the National Green Tribunal (NGT) for failing to step in and stop the project.⁴⁰

The Court decided that without the necessary environmental permission, no airport development activity at the Doloo Tea Estate could proceed. In order to guarantee that development projects, such as airports, are implemented in a manner that minimizes harm to the environment and local residents, the ruling underlined the importance of environmental rules. Infrastructure development is crucial, but in order to protect ecosystems and biodiversity, it must comply with environmental regulations. In order to protect present and future generations, the Court emphasized that environmental clearance is an essential protection for sustainable development.

Challenges in the Implementation of Environmental Rights

There are still certain barriers to the effective implementation of environmental rights, despite the fact that environmental jurisprudence in India is evolving gradually. A combination of factors, including as institutional weaknesses, inadequate enforcement mechanisms, public ignorance, and

³⁶ Supreme Court of India Digital Supreme Court Reports The Official Law Report Fortnightly ISSN: 3048-4839 (Online)

³⁷ *Tapas Guha & Ors vs. Union of India & Ors.* (Civil Appeal Nos. 4603-4604 of 2024) 06 May 2024 6 S.C.R. 75 : 2024 INSC 399

³⁸ *M K Ranjitsinh & Ors. vs. Union of India & Ors.* (March 21, 2024) (Civil) No. 838 of 2019, reported in 2024 INSC 280.

³⁹ *In Re: Godavarman Thirumulpad vs. Union of India and Ors.* (Civil) No. 202 of 1995, reported in 2024 INSC 78.

⁴⁰ Supreme Court of India Digital Supreme Court Reports The Official Law Report Fortnightly ISSN: 3048-4839 (Online)

socioeconomic limitations, contribute to these challenges. Addressing these challenges ensures that the legal recognition of environmental rights leads to tangible benefits for the environment and society.

Even if environmental jurisprudence in India is developing progressively, some obstacles still exist in the efficient application of environmental rights. These difficulties result from a confluence of elements including institutional flaws, poor enforcement systems, public ignorance, and socioeconomic constraints. Dealing with these difficulties guarantees that the legal acceptance of environmental rights results in real advantages for the society and the surroundings.

Lack of strong enforcement systems is one of the main difficulties in applying environmental rights. India has created a thorough legal system for environmental protection, although their application is sometimes lacking. Often underfunded and with major bureaucratic challenges are regulatory entities include the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs). This insufficiency causes poor monitoring of industry compliance with environmental regulations, therefore generating continuous pollution and environmental damage. Many times, offenders use legal gaps or postpone compliance, therefore compromising the intention of legislative clauses and court rulings.⁴¹

Further complicating the application of environmental rights are socioeconomic demands. Rapid industrialization and urbanization sometimes take front stage in a growing nation like India, above environmental issues. Often given top priority is economic development, which results in the overuse of natural resources without enough thought given environmental effects. For example, many times small communities may be forced to decide between environmental preservation and economic growth; usually, they select the former because of urgent necessities for their subsistence. The achievement of environmental rights is seriously threatened by this dynamic since short-term financial success can eclipse long-term ecological sustainability. Furthermore, important responsibilities in environmental conservation are played by political will and government. Political objectives sometimes contradict environmental priorities, which results in policies supporting economic development above ecological preservation.⁴² Strong lobbies like those of the mining and manufacturing sectors might impede the execution of strict environmental rules. Moreover, corruption inside regulatory authorities might compromise initiatives for enforcement, therefore leading to extensive environmental law infractions.

Finally, climate change is the primary obstacle to the realization of environmental rights. Environmental harm is exacerbated by climate change, making the vulnerability of already marginalized communities more apparent. In order to address these evolving issues, the legal system must take the initiative to adapt existing legislation and procedures to address climate-related issues.

Even although India has made great progress in acknowledging and extending environmental rights, their effective application suffers several difficulties. Translating legal provisions into significant environmental protection depends on addressing challenges with enforcement, institutional fragmentation, public awareness, socio-economic pressures, political will, and climate change.⁴³ Overcoming these obstacles and guaranteeing that environmental rights are enjoyed by all people will depend on a multifarious strategy including legal, institutional, and social aspects.

Future Directions for Environmental Rights in India

Given India's ongoing environmental challenges, the future of environmental rights will depend on a combination of judicial innovation, legislative reform, and public involvement. The first priority is the need for a more robust framework that addresses current and upcoming environmental issues. This section examines potential avenues for enhancing India's environmental rights protection and realization in the future.

Strengthening Legislative Frameworks

One of the most pressing concerns for the advancement of environmental rights in India is the strengthening of legislative frameworks. India has many environmental laws, but many of them need to be updated to reflect the current state of the environment, particularly in light of climate change and sustainable development. For example, more stringent regulations for climate resilience, biodiversity conservation, and pollution control could benefit the current regulatory frameworks. Additionally, specific laws governing the quality of the air and water should be modified to establish more precise standards, enforcement mechanisms, and penalties for noncompliance.

Furthermore, to provide a comprehensive approach to development by incorporating other socio-economic rights, a cogent national strategy integrating environmental rights with other rights is required. This kind of strategy could lessen tensions between development goals and environmental protection by assisting various ministries and stakeholders in working together. Additionally, it would offer a more lucid framework for the implementation of environmental rights at the state and federal levels.⁴⁴

Enhancing Institutional Capacity

Effective environmental management depends on regulatory agencies being strengthened in capacity. This entails improving their technical knowledge in addition to expanding financial and human resources for organizations including the State Pollution Control Boards (SPCBs) and the Central Pollution

⁴¹ K. R. Shyam Sundar, "Challenges in Environmental Law Enforcement in India," 14 *Indian Journal of Environmental Law* 185, 188 (2007).

⁴² P. C. Rao, "The Role of the Central Pollution Control Board: An Assessment," 25 *Environmental Law Journal* 47, 50 (2019).

⁴³ A. K. Sharma, "Socio-Economic Factors Influencing Environmental Justice in India," 11 *Journal of Indian Law Institute* 303, 308 (2003).

⁴⁴ R. K. Gupta, "Industrialization and Environmental Degradation: A Case Study of India," 17 *Journal of Environmental Management* 127, 130 (2005).

Control Board (CPCB). Efforts at capacity-building should concentrate on strengthening monitoring and enforcement systems to guarantee that rules are followed and applied as intended.

Encouragement of cooperation among government agencies, non-governmental organizations (NGRs), and civil society will also help to produce a more unified approach to environmental governance. Working together can improve openness, foster confidence among interested parties, and help to provide a more complete knowledge of local environmental issues.⁴⁵

Promoting Public Awareness and Participation

Raising public awareness and promoting community involvement are essential to achieving environmental rights. People will be able to hold polluters accountable and advocate for change if they are taught about their rights and the legal frameworks designed to protect the environment. Campaigns and grassroots initiatives have the power to draw attention to significant environmental issues and motivate organizations to actively participate in environmental management.

Additionally, encouraging public participation in the decision-making process contributes to outcomes that are more inclusive and equitable. Local residents have a say in decisions that affect their environment and way of life through public consultation procedures for environmental assessments and development projects. This engagement enhances the legitimacy of environmental governance and ensures that the needs and concerns of marginalized communities are addressed.

Integrating Climate Change Adaptation

Integration of climate change adaptation into environmental rights is crucial considering the growing degree of effects of climate change. Legal systems have to be changed to handle issues connected to climate change, including guaranteeing the access to natural resources and safeguarding of underprivileged areas from environmental damage. Policies include sustainable agriculture, renewable energy, and natural resource management help to reduce the negative impacts of climate change and so advancing environmental rights. The court might also actively acknowledge in environmental rights litigation that climate change is a fundamental component. Courts should guarantee that their rights are safeguarded by suitable legal procedures and admit the disproportionate effect of climate change on underprivileged populations.

Emphasizing Sustainable Development³

The idea of sustainable development should always be at the forefront of the environmental rights discussion in India. A shift in thinking toward sustainability as a guiding principle in policy and decision-making aids in striking a balance between economic growth and environmental preservation. Together, the judiciary, legislature, and regulatory agencies can promote sustainable development methods in a variety of fields, including industry, agriculture, and urban planning.

Including sustainable practices into economic policies—that is, supporting green technologies, renewable energy, waste management projects—helps to create a more sustainable development path consistent with environmental rights. Giving sustainability top priority will help India build a structure that not only solves present environmental problems but also protects the rights of next generations.⁴⁶

Conclusion

Significant judicial activity, changing readings of constitutional clauses, and growing awareness of the inherent link between environmental sustainability and human rights have defined India's path toward appreciating and implementing environmental rights. Environmental jurisprudence has been shaped in great part by the Indian court, especially the Supreme Court and other High Courts, which has created legal precedents including environmental rights inside the larger framework of fundamental rights assured by the Constitution. By means of historic decisions and Public Interest Litigations (PILs), the courts have established the right to a clean and healthy environment as fundamental to the right to life, therefore strengthening the legal status of environmental rights.⁴⁷

Effective implementation of these rights does, however, present several difficulties. Towards sustainable environmental governance, institutional shortcomings, lack of enforcement systems, socioeconomic constraints, and political complexity impede advancement. Furthermore, the effects of climate change add further urgency and call for a strong and proactive attitude to environmental rights that fits new reality.⁴⁸

To pave the way for a more sustainable future, we must employ a number of crucial strategies. Strengthening legal frameworks, enhancing institutional capacity, increasing public awareness and participation, including adaptation to climate change, and emphasizing sustainable development are all crucial steps. By addressing these issues, India can foster an atmosphere where environmental rights are actively upheld and recognized, which will benefit both current and future generations.

⁴⁵ M. K. Jain, "Political Economy of Environmental Governance in India," 22 *Indian Bar Review* 234, 239 (2011)

⁴⁶ S. P. Singh, "Corruption and Environmental Regulation in India: An Empirical Study," 3 *Journal of Environmental Law & Practice* 101, 105 (2016)

⁴⁷ S. Kumar, "Public Awareness and Environmental Rights in India: A Critical Appraisal," 27 *Indian Journal of Environmental Law* 211, 215 (2020).

⁴⁸ N. R. Patel, "Climate Change and Environmental Rights: Legal Framework and Challenges," 19 *Journal of Environmental Law* 295, 298 (2018).

REFERENCES

1. Ranjan Kumar, *Environmental Law in India* (LexisNexis 2021).
2. Ritu S. Khandekar, "Judicial Activism and the Right to Environment: A Perspective," 8 *Indian Journal of Environmental Law* 45 (2015).
3. K. K. Choudhary, *Environmental Protection: Law and Policy in India* (Gyan Publishing House 2017).
4. R. K. K. Ranjan, "Constitutional Provisions and Environmental Rights in India: The Emerging Trends," 6 *National Law University Delhi Journal of Legal Studies* 71 (2020).
5. P. Leelakrishnan, *Environmental Law in India* (Eastern Book Company 2016).
6. Dhananjay S. Bhosale, "Environmental Jurisprudence in India: The Role of Judiciary," 2 *Indian Journal of Law and Public Policy* 153 (2021).
7. S. C. Jain, "The Role of Judiciary in Environmental Protection: A Study of Judicial Activism in India," 4 *Indian Journal of Environmental Science* 12 (2019).
8. D. R. K. Murthy, *Environmental Law and Policy in India* (Wiley India Pvt. Ltd. 2020).
9. B. K. Kumar, "The Role of the Indian Judiciary in Protecting Environmental Rights," 10 *Indian Journal of Public Law and Policy* 101 (2019).
10. *The Constitution of India* (Govt. of India 1950).
11. P. S. Jagannathan, "Climate Change and Environmental Rights: The Indian Perspective," 15 *Indian Journal of Environmental Law* 89 (2020).
12. K. D. Gupta, "Judicial Review and Environmental Rights: A Critical Analysis," 12 *Indian Law Review* 101 (2021).
13. A. P. Prakash, "Environmental Rights and Human Rights: Bridging the Gap," 9 *Journal of Human Rights and the Environment* 45 (2018).
14. S. Kumar, "Public Awareness and Environmental Rights in India: A Critical Appraisal," 27 *Indian Journal of Environmental Law* 211, 21