



## The Role of Ethics in Environmental Law and Policy Decisions

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### ABSTRACT :

Ethics and environmental laws in India are an imperative matrix to sustain development through rapid industrialization and urbanization. This research tries to ascertain how some ethical standards-such as sustainable development, pollution, precautionary principle, public trust doctrine, and intra-generational equity-act as necessary pillars for environmental law-making and implementation in India. Based on Environment (Protection) Act, 1986, Water (Prevention and Control of Pollution) Act of 1974, Air (Prevention and Control of Pollution) Act, 1981, Forest (Conservation) Act, 1980, and Wildlife Protection Act, 1972, this paper seeks to examine these laws while operationalizing ethical issues towards balancing ecological conservation with economic development.

In addition, landmark decisions by the judiciary seem to have integrated further ethical doctrines, placing strict liability on industries for certain environmental harms and thus mediating the protection of public health and ecosystems. Still, some issues highlighted by the study remain, such as weak enforcement, conflicts between economic and environmental requirements, an inadequate structure for climate change, and limited public participation. These issues further point toward the need for stronger enforcement with accountabilities and transparent governance, along with a climate charter capable of translating ethical commitments into practical environmental protection. The analysis concludes that, to uphold a green environment and public health for present and future generations, keeping ethical precepts ingrained within legal and policy programs in India will always be of paramount importance.

**Keywords:** Sustainable development, Polluter pays principle, Precautionary principle, Public trust doctrine, Intra-generational equity, Environmental governance, Judicial activism, Climate change ethics

### Introduction

The complex interface between ethics, environmental law, and policy-making in India forms thick dialogues for sustainable development. Industrialization at a fast pace is accompanied with both urbanization and population growth; protecting the environment with economic growth was never a matter of urgency in recent times. Environmental law in India is not just the rules but also the ethical mandates for the present-day society to conserve nature and ecosystems. The discourse turns towards the role of ethics in shaping environmental law and policy, emphasizing how ethical considerations affect legislative frameworks and policymaking while trying to find practical measures for ecological challenges. This backdrop, scope, and objective-focused exploration aim to highlight the ethical basis behind Indian environmental governance.<sup>1</sup>

The sphere of nature protection, environment-related laws in India, is deeply rooted in the workers of the moral houses contemplating the ideals-that there should be harmony between human beings and Nature. Variations in ecological problems faced by India-from the pollution of air and water to deforestation and the extinction of biodiversity-demand for a strong legal framework grounded on ethical principles. The ethical balance between environmental protection and economic development is more important as India balances her development in minimized levels of ecological destruction. Rapid industrialization turns out to be an environmental degradation, as industries silently treat and release untreated effluents in rivers or contaminants into the atmosphere, starting to enact laws such as the Water (Prevention and Control) Act, 1974 and Air (Prevention and Control) Act, 1981.<sup>2</sup>

The statutes themselves, particularly "Section 2" of the Water Act defining pollution and "Sections 19-31A" of the Air Act relating to preventive and control methods, testify to the ethical ideal of environmental conservation. An ethical claim comes in when it is acknowledged that unbridled economic development may lead to the depletion of natural resources, upsetting the balance of ecosystems. Principles emanating from the ethical domain, such as sustainable development and polluter pays, strongly support the idea that industries should bear the costs of environmental damage so that economic progress does not occur at the cost of ecological integrity.

The need to protect public health, biodiversity, and natural resources again grounds ethics within environmental law. Public health concerns are tied to environmental quality in the sense that polluted air or water could affect human well-being. Section 3 of the Environment (Protection) Act, 1986, acts as a legal instrument for reflecting the moral obligation that the State must protect citizens' right to live in a healthy environment through measures for the protection and improvement of environmental quality. Laws such as the Wildlife Protection Act, 1972, and especially its schedules for protecting

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<sup>1</sup> Zoe Makoul, "Environmental Ethics and Environmental Law: A Virtuous Circle", 47 *CJEL* 103 (2022).

<sup>2</sup> PB Hammond, R Coppock, et.al., *Valuing Health Risks, Costs, and Benefits for Environmental Decision Making: Report of a Conference* 243 (National Academies Press, Washington DC, 1st edn., 1990).

endangered species, safeguard biodiversity and thus reflect the ethical responsibility for protecting India's flora and fauna. Likewise, the Forest (Conservation) Act, 1980, particularly under Section 2, restricts forest dereservations, highlighting the ethical concern regarding preservation of natural resources for future generations. All these legal provisions emphasize that ethics demand giving precedence to ecological sustainability in the long term, at least by abiding little by little, over short-term interest of economy in development, and should hence enter equity and stewardship.<sup>3</sup>

Herein lies the scope and objectives for examining the role of ethics in environmental law and policy in India, comprising a broader analysis of the ways moral principles work to condition the legislative and policy frameworks. It further explores the interplay of ethics with law and policy in India, recognizing that ethical considerations are not mere abstractions of philosophical nature but rather practical and working guides that shape legal provisions and governance. Some environmental laws stand as exemplary reflections of ethical accountability on environmental damage.<sup>4</sup>

For example, the Environment (Protection) Act, 1986, Section 15, prescribes penalties for violation of any rules or orders issued thereunder, Sub-section (2) provides for penalties for water pollution under the Water (Prevention and Control of Pollution) Act, 1974, Section 20, 32, 33, and 42. These acts, among others, express various ethical principles such as the "polluter pays" principle that requires polluters to compensate for the pollution caused or the cost of its mitigation, and the precautionary principle that recommends taking all possible preventive measures. This study, therefore, will endeavor to analyze the interfaces to throw light on how ethics finds its way into the making and implementation of environmental legislation so that policies may be bound by moral imperatives to protect the environment and to ensure public welfare.<sup>5</sup>

The primary aim of the work is to speculate on legal provisions, ethical doctrines, and case laws and come up with suggestions for improvement, on the strength of which environmental governance could be further bolstered in India. Thus, implementation of the "Forest (Conservation) Act, 1980", wherein "Section 3" speaks of seeing an advisory committee put for forest preservation; and the "Wildlife Protection Act, 1972", which prohibits hunting as per the schedules, are legalities supporting the ethical idea of sustainable development-Basis Public Trust. By employing these provisions alongside the ethical doctrines, the goal is to throw some light upon their real-world application as they address environmental problems. Furthermore, it attempts to improve mechanisms for enforcement and promote greater participation by the public so that ethics get translated into real-world working of policy-making. The blended approach reiterates the urgency of charging the Indian environmental future with sustainability and equity along the legal ingredients on an ethical basis.<sup>6</sup>

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## Ethical Principles

Environmental law and policy in India are basically built on principles of ethics that hold the fragile dichotomy between human development and ecological conservation. Such principles include sustainable development, polluters-pay, precautionary principle, public trust doctrine, and intra-generational equity as core moral values that environmentally bind the environment laws at their implementation stages in India. While briefly expunging some of these principles through enactments, India is confronted with serious environmental issues raise within a context of rights, equity, and duties. Certain principles have ballasted into lands environmental laws such as the "Environment (Protection) Act, 1986", and the wildlife, and conservation legislation such as the "Wildlife Protection Act, 1972." Therefore, environmental governance should stand in harmony with the moral injunction to protect the earth and its inhabitants for present and future generations.<sup>7</sup>

## Sustainable Development

A method of development that came forth from an ethical principle is that it assures meeting the needs of the present without compromising the capacity of future generations to meet their own needs; indeed, it is one of the core concepts of India's environmental jurisprudence. The said principle has also seeped into legislations, such as the "Environment (Protection) Act, 1986", particularly "Section 3", which empowers the government to take steps that promote the protection and improvement of the environment for its ecological balance for a longer term. Sustainable development means to balance economic growth with environmental protection so that industrial and development activities do not do heavy damages to ecosystems. The "Forest (Conservation) Act, 1980", in its "Section 2", prohibits forest dereservation, establishing the ethical impregnation behind conservation of natural resources for posterity. Putting forth sustainability, India's legal matrix seeks to alleviate the adverse impacts of rapid urbanization and industrialization and foster an alternative mode of development that is ecologically sustainable and socially desirable.<sup>8</sup>

## Polluter Pays Principle

Polluter pays principle comprises the ethical concept that those who cause environmental harm must bear the cost of its remediation, thereby upholding accountability and justice. A very well established enforcement of this principle is the "Environment (Protection) Act, 1986", more particularly "Section 15", which stipulates that failure to comply shall invite a penalty of imprisonment for a period of five years or a fine up to ₹1 lakh or both. Thus, by passing on the cost to the polluter, the principle acts as a disincentive toward negligent industrial conduct. Water pollution is penalized further by the

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<sup>3</sup> What Role Does Ethics Play In Environmental Law, available at: <https://lifestyle.sustainability-directory.com/question/what-role-does-ethics-play-in-environmental-law/> (Visited on March 22, 2025)..

<sup>4</sup> J. W. Futrell, "Environmental Ethics, Legal Ethics, and Codes of Professional Responsibility", 27 *LLALR* 157 (1994).

<sup>5</sup> Workineh Kelbessa, "REIMAGINING THE HUMANENVIRONMENT RELATIONSHIP", available at: [https://collections.unu.edu/eserv/UNU:8828/UNUUNEP\\_Kelbessa\\_RHER.pdf](https://collections.unu.edu/eserv/UNU:8828/UNUUNEP_Kelbessa_RHER.pdf) (Visited on February 28, 2025)..

<sup>6</sup> Andrew Sandahl, "From Values to Policy: Embracing Ethics Within the National Environmental Policy Act", 36 *CELJ* 163 (2025).

<sup>7</sup> Holly Doremus, "Environmental Ethics and Environmental Law: Harmony, Dissonance, Cacophony, or Irrelevance?", 27 *ENVIRONS* 187 (2003).

<sup>8</sup> Michael Jeffery, "Environmental Ethics and Sustainable Development: Ethical and Human Rights Issues in Implementing Indigenous Rights", 2 *MJICEL* 187 (2005).

“Water (Prevention and Control of Pollution) Act, 1974” in “Sections 20, 32, 33, and 42” so that affected bodies of water may be repaired by industries. Meanwhile, this ethical framework nurtures an accountability culture, thereby forcing polluters to embrace cleaner technologies and practices to ease the degradation of the environment.<sup>9</sup>

### ***Precautionary Principle***

The precautionary principle favors undertaking proactive actions to protect the environment, even where there is no lead scientific evidence for certain harm to occur, thus serving as an ethical corpus of prudence and foresight. Provided for in the “Environment (Protection) Act, 1986”, especially under “Section 5”, which enables authorities to issue directions for closure or regulation of industries that are found to cause environmental harm, the principle therefore gives precedence to prevention rather than cure. In essence, the principle lays down a code of moral conduct, assigning the burden of caution where activities may jeopardize ecosystems or public health. The “Air (Prevention and Control of Pollution) Act, 1981”, sections 19-31A, comes to reinforce this by setting measures for the prevention of air pollution before it may reach an irreversible stage. By creating a legal backing for precaution, Indian environmental law throws an ethical standpoint that prefers the prevention of harm over economic gains, which may accrue in a shorter time span.<sup>10</sup>

### ***Public Trust Doctrine***

The genuine question remains whether a state is indeed in partnership with the people. “With respect to any area of land and any portion of water within the territory of India, the rights of the state therein shall be subjected to the public trust.” This principle suggests that the State holds natural resources in trust for the public and, as a matter of conscience, has to protect and conserve them for the citizenry. From this principle, protection of wildlife and habitats as a matter of public interest is conferred to the Wildlife Protection Act, 1972, through its Schedules and the declaration of protected areas. Further, by Section 3 of the Forest (Conservation) Act, 1980, it establishes advisory committees for the conservation of forests, thereby reinforcing the State as a trustee of natural resources. Under this ethical construct, forests, rivers, wildlife-nature itself-is not just mere commodities but are a common heritage that the government must protect against private exploitation. It hence sets up an ethical terrain on which environmental conservation becomes morally paramount over individual or commercial interest.<sup>11</sup>

### ***Intra-generational Equity***

The starting point of this view of intra-generational equity is the contention that there should be fair access to environmental resources and benefits within economically active human beings of the present generation. Equity demands fairness as an ethical commitment. Accordingly, the principle of intra-generational equity finds its expression in the Environment (Protection) Act, 1986, which prohibits activities that may lead to environmental damages under Section 7, as those damages could severely affect the more needy sections of the society through pollution. Under the Water (Prevention and Control of Pollution) Act, 1974, there is a prohibition on the discharge of pollutants into any water under Sections 25 and 27 in order to make sure no individual is water-poor. It establishes an equitable sharing of environmental benefits to redress balancing so that vulnerable groups-rural communities or urban poor-cannot be denied their right to a healthy environment.<sup>12</sup>

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## **Key Environmental Laws**

The word “environmental” jurisprudence finds its basis in a statutory framework where ethical principles stand applied to ecological problems. Laws like the Environment (Protection) Act, 1986, Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, Forest Conservation Act, 1980, and Wildlife Protection Act, 1972 are a testament to the moral commitment for environment protection while still keeping an eye on development. The statutes that uphold ethical doctrines such as sustainable development and the polluter pays principle basically provide for environment protection, thus providing the measure for environmental responsibility and stewardship. This section explores how ethical considerations are given force and effect in some legal provisions.<sup>13</sup>

### ***Environment (Protection) Act, 1986***

The Environment (Protection) Act, 1986 is held in high esteem in environmental governance in India and extends moral principles through a range of regulatory measures. It was therefore brought in as a panacea for environmental protection, affording the Central Government a broad plenary power to discharge environmental responsibilities in all their forms and facets. While Section 3 strews the path after the Central Government to take all those measures that it deems necessary for protecting and improving the quality of the environment, an ethical obligation exists to maintain the environment in

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<sup>9</sup> Heather McLeod-Kilmurray, "THE INCORPORATION OF AN ENVIRONMENTAL ETHIC IN THE COURTROOM", available at: [https://cirl.ca/sites/default/files/teams/1/2012%20Symposium/ENG\\_The%20Incorporation%20of%20an%20Environmental%20Ethic%20in%20the%20Courtroom\\_Kilmurray.pdf](https://cirl.ca/sites/default/files/teams/1/2012%20Symposium/ENG_The%20Incorporation%20of%20an%20Environmental%20Ethic%20in%20the%20Courtroom_Kilmurray.pdf) (Visited on April 7, 2025)..

<sup>10</sup> Pablo Martínez de Anguita, Enrique Alonso, "Environmental economic, political and ethical integration in a common decision-making framework", 88 *JEM* 159 (2008).

<sup>11</sup> Andrew Sandahl, "From Values to Policy: Embracing Ethics Within the National Environmental Policy Act", 36 *CELJ* 163 (2025).

<sup>12</sup> Klaus Bosselmann, *Max Planck Encyclopedia of Public International Law* 198 (Oxford University Press, Oxford, 1st edn., 2009).

<sup>13</sup> Richard L. Revesz, Robert Stavins, *Environmental Law and Policy* 265 (National Bureau of Economic Research, Cambridge, 1st edn., 2007).

a clean state for all living beings. Section 5 empowers the Central Government to issue directions for closure or regulation of industries, etc., in accordance with the precautionary principle. Section 7 prohibits any activity that is harmful to the environment, while Section 8 addresses the regulation of hazardous substances enhancing aspects of accountability and public safety. Sections 15 to 17 lay down severe penalties including imprisonment for a term which may extend up to five years and a fine which may extend to ₹1 lakh and besides, have provisions to punish offences by companies and government departments thus strengthening the polluter pays principle. All of these provisions loudly proclaim an ethical ideology that places environment and public welfare well above safe industrial process in the interest of setting up a sustainable modus operandi for development and nature to co-exist.

#### ***Water (Prevention and Control of Pollution) Act, 1974***

In the Act for Water (Prevention and Control of Pollution), 1974, the concern of water pollution and the moral imperative of protecting clean water as a natural resource are embodied. The law defines pollution under Section 2 to enable regulation for the protection of water bodies. Sections 3 and 4 establish the Central and State Pollution Control Boards, while Sections 16 and 17 list their functions so that there is a coordinated effort among other agencies to maintain water quality. Sections 19 to 21 empower the authorities to enforce regulations regarding discharges and compliance, with Section 25 requiring prior consent for the establishment of industries or processes which pollute sources of water. Sections 32, 33, and 42 further impose punishments in case of non-compliance with the provisions of the Act, including imprisonment and fines-with the essence being that the polluter pays. All these provisions stress the need to protect water resources ethical from a point of view concerning public health and ecological balance-that namely, to give access to clean water to anyone, the prevention of any harm, and the control of industrial discharge are moral responsibilities that accompany legal commands.<sup>14</sup>

#### ***Air (Prevention and Control of Pollution) Act, 1981***

The “Air (Prevention and Control of Pollution) Act, 1981” acts as a flagship legislation, supplementing environmental laws to curb air pollution, and instills moral principles in its suit for public health. “Section 2” articulates essential terms including all those constituting air pollution that shall serve as a basis for further regulatory procedures. “Sections 3 and 4” deal with the establishment of the Central and State Pollution Control Boards, whereas “Sections 16–18” describe their responsibilities toward the monitoring and control of air quality. “Sections 19 to 31A” deal with preventive and control measures covering from the declaration of air pollution control areas to the regulation of emissions, further embodying the principle of precaution. Provisions of “Sections 37 to 46” provide for penalties including imprisonment and fines for violations so as to enforce accountability as envisioned under the principle of the polluter pays. These enactments embody the ethical principle that air pollution should be prevented to the extent possible because it does so much harm to human health and the environment, and further ensure that the emissions from industrial and vehicular doings are minimized to have an atmosphere that is cleaner and healthier for the present generation and posterity alike.

#### ***Forest (Conservation) Act, 1980***

The “Forest (Conservation) Act, 1980” was promulgated to conserve vital forest ecosystems in India, and the doctrine of public trust serves to reinforce this ethical principle with regard to the natural resources. Under the “Section 2”, no forest can be de-reserved or used for any non-forest purpose so that biodiversity and ecological stability in the forests are preserved. “Section 3” creates an advisory committee to look after forest conservation, thus emphasizing the state as trustee of the natural heritage. These provisions are founded on an ecological ethic of conservation of forests as important carbon sinks and habitats for biodiversity, with utmost attention to ecological gains in the long run rather than short-term economic gains. Thus, they contribute towards sustainable development through the protection of forests and ensuring a lush and unborn biodiverse environment with no threats of deforestation or habitat destruction for the future generation.<sup>15</sup>

#### ***Wildlife Protection Act, 1972***

The Wildlife Protection Act, 1972, has been looked upon as an ethical step on India’s part to conserve biodiversity and protect wildlife species. Evolutionarily, ‘the Act’ has gone through six schedules where species were allotted according to their status of conservation under which ‘would have prohibited hunting of endangered animals listed in Schedules I-IV by appealing to an ethical concern for conserving the fauna. Provisions are then given to establish protected areas such as national parks and sanctuaries, by which ‘the doctrine of public trust’ is exercised to give safe habitats to wildlife. Here exist another ethical promotional issue-a duty to save other species from extinction and exploitation, respecting them for their own worth in the ecosystem. In the big conservation processes, the Act is basically forward-looking in a manner wherein human progress is to be portrayed sans dilution of biodiversity and maintaining an ecological balance respecting life in every form.

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### **Landmark Case Laws**

The judges have played a pivotal role in joining forces with ethical concepts into environmental law, with some landmark rulings related to statute interpretation or enforcement. These cases include “*M.C. Mehta v. Union of India*”<sup>16</sup>, “*Vellore Citizens’ Welfare Forum v. Union of India*”<sup>17</sup>, and “*N.D.*

<sup>14</sup> Elizabeth Spike, Jeffrey P. Spike, "Ethical principles for ecology and environmental ethics: What ecology can learn about applied ethics from biomedical ethics", 12 *EAS* 117 (2024).

<sup>15</sup> Elijah Baker, "Ethical Implications of Environmental Policies and Practices", 3 *IJP* 38 (2024).

<sup>16</sup> AIR 1987 SC 965.

<sup>17</sup> AIR 1996 SC 2715.

*Jayal v. Union of India*<sup>18</sup>, that make reference to ethical principles such as absolute liability, the polluter pays principle, precautionary principle, and rehabilitation ethics, as well as statutes such as the Environment (Protection) Act 1986 and constitutional provisions such as Article 21. These rulings emphasize the ethical need to conserve the environment and for public welfare, thus giving a solid ethical foundation for environmental jurisprudence in India.

#### ***M.C. Mehta v. Union of India***<sup>19</sup>

Essentially, one of the landmark decisions in Indian environmental law is the identification of absolute liability to hold corporations liable for environmental damage caused. This judgment was directed towards those situations in which industries through gross negligence caused loss of life and property and deemed moral the industry's duty towards public safety. The court opted to place Article 21 of the Indian Constitution-that every citizen has a right to life and personal liberty-as a moral obligation to prevent industrial activity that could be construed as hazardous to the general public. The decision came against the background of "The Environment (Protection) Act, 1986", particularly sections 3 and 15, where section 3 empowers the government to make rules for the better protection of the environment and section 15 provides for penalties in the case of violation of rules. By creating a doctrine of absolute liability, the court ensured that industries shall be held responsible without any exceptions for environmental or human damages caused by them irrespective of negligence, that is to give practical effect to the ethical principle that one who harms the public interest ought to be subjected to the most stringent penalties. This approach is supported by luminous moral considerations of preservation of human life and environment, so that industrial development in no circumstances could impair ecological integrity or public health.

#### ***Vellore Citizens' Welfare Forum v. Union of India***<sup>20</sup>

The judiciary, in the "*Vellore Citizens' Welfare Forum v. Union of India*<sup>21</sup>", case, entrenched the polluter pays and precautionary principles in the environmental ethos of India against pollution brought about by uninhibited industrial activities. The Court emphasized these principles to reflect an ethical obligation to prevent the deterioration of the environment and to hold the polluters accountable for the remedial measures. The Water (Prevention and Control of Pollution) Act, 1974", under "Sections 25 and 27", regulates toxic discharges into water bodies, while the Environment (Protection) Act, 1986", in Section 7, prohibits activities being harmful to the environment, forming the statutory bases for this decision. The polluter pays principle seeks to make those who cause damage to the environment pay for its restoration, thus establishing an ethical premiss of justice. In contrast, the precautionary principle, which promotes prevention even before a possible harm is inflicted, is intertwined with ethical foresight and prudent conduct. It is by way of enactment that these principles were interspersed amongst policies, making them reflect the ethical obligation for the protection of natural resources and public health so as to align industrial activity with a sustainable and equitable environmental governance.

#### ***N.d. Jayal v. Union of India***<sup>22</sup>

The judgment in '*N.D. Jayal v. Union of India*<sup>23</sup>', sought to address ethical issues in respect of large-scale infrastructure projects, especially precaution and moral rehabilitation of affected communities. The court declared that in the light of the precautionary principle, particularly Section 5 of the Environment (Protection) Act, 1986, which empowers authorities to give directions to prevent or mitigate environmental harm, it is ethically necessary to assess the risk before carrying out any project having a large ecological impact. Further, on the question of ethics in rehabilitation, the court maintained that there is an ethical duty to ensure that displaced persons are treated fairly in line with the principles of intra-generational equity and public trust. The 'Forest (Conservation) Act, 1980' also prohibits, by virtue of Section 2, the use of forest lands for non-forest purposes, thus supporting the need for utmost caution in development in areas sensitive to ecology. This ruling, therefore, reiterates that development ambition must balance with environmental and social justice so that vulnerable communities and ecosystems are not disproportionately affected due to big projects, thus furthering the idea of sustainable development through an ethical approach in India.

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### **Key Challenges**

The insert of ethics by Indian WLP has encountered a lot of such hurdles obstructing sustainable and just environmental governance. Good laws were enacted-the "Environment (Protection) Act, 1986" and "Water (Prevention and Control of Pollution) Act, 1974"-yet those laws have never been implemented well; a constant fight between economic and environmental interests is present, with climate change posing ethical challenges and little opportunity for public voice. These obstacles underscore the imperative to also strive concertedly to align the legal framework with ethical imperatives, so that competing interests will never be allowed to take precedence over environmental protection. The section thus gives an elaborate discourse on these challenges and highlights their shadows on the environmental jurisprudence in India.<sup>24</sup>

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<sup>18</sup> AIR 2004 SC 867.

<sup>19</sup> AIR 1987 SC 965.

<sup>20</sup> AIR 1996 SC 2715.

<sup>21</sup> AIR 1996 SC 2715.

<sup>22</sup> AIR 2004 SC 867.

<sup>23</sup> AIR 2004 SC 867.

<sup>24</sup> Shubhya Pandey, "Environment: Ethics, Laws and its Conservation", available at: <https://www.legalserviceindia.com/article/I231-Environment.html> (Visited on March 18, 2025)..

### ***Weak Enforcement***

Weak enforcement of laws is still the issue, while the ethical consideration of protecting ecosystems and public interest suffers. Section 15 of the Environment (Protection) Act, 1986, included provisions for penalties in cases of non-compliance, imprisoning for a term up to five years, and a fine that may extend up to ₹1 lakh. Yet such laws are rarely enforced due to lack of resources, bureaucratic inefficiency, or even outright corruption. Again, sections 32, 33, and 42 of the Water (Prevention and Control of Pollution) Act, 1974, lay down penalties for committing acts of water pollution. However, inconsistent monitoring from the State Pollution Control Boards under sections 4 and 17 renders their ability trivial to a great extent. These gaps between provision and enforcement create an ethical void inasmuch as these acts conceptualize the principle of accountability and justice of the Polluter Pays Doctrine, and when not enforced, denounce their statutes at once. There is also a burning need to strengthen enforcement mechanisms and adequately fund regulatory bodies with strict adherence under Section 19 of the Air (Prevention and Control of Pollution) Act, 1981, regulating emissions, which have a moral duty to protect the environment from hazardous industrial activity.

### ***Economic vs Environmental Priorities***

The interface between economic development and ecological conservation poses a weighty ethical problem because industrialization in India has proceeded at a rapid pace on account of the inability of ecological sustainability to rear over it. Under “Section 2” of the “Forest (Conservation) Act, 1980”, any transfer of forest land for non-forest purposes is prohibited unless clearance is obtained, yet such clearances for mining and infrastructure projects have been contributing to the ecological degradation under intense economic pressure. The same goes for the “Environment (Protection) Act, 1986” under “Section 7”, which prohibits activities likely to cause environmental harm, the granting of exemptions to certain large projects tends to put economic development above ethical considerations such as sustainable development. This tension causes an erosion of the ethical obligation to conserve natural resources for future generations, whose short-term economic gains often take priority over long-term environmental stability. The “Air (Prevention and Control of Pollution) Act 1981”, under “Sections 19-31A”, attempts to regulate emission levels from industries while lax enforcement thereof in industrial areas increases the level of pollution, an ethical failure in placing public health behind anything else. Resolution of this issue mandates policies aimed at harmonizing economic progress with environmental protection so that development can stand redeemed on the ethical pillar of sustainability and equity.

### ***Climate Change Ethics***

Ethical climate change considerations pose a particular challenge in India, as there is concurrent increase in emissions and the country’s vulnerability to climate impacts. Under Section 3 of the Environment (Protection) Act, 1986, the Central government assumes powers to protect, abate, and control pollution of the environment, including in matters concerning climate change. However, the lack of any specific climate legislation has limited comprehensive actions. From an ethical framework perspective, climate justice shall entail measures aimed at mitigation based on principles of intra-generational equity and precaution, securing reduction in carbon footprints and protection of vulnerable communities. Air (Prevention and Control of Pollution) Act, 1981, Sections 16 to 18, empower the Boards for Pollution Control to check air quality. But the lack of stringent controls for the emission of greenhouse gases has become a stumbling block to further progress. This predicament seeks an elevation of the principles of environmental justice global-local, while ensuring that India aligns her policies to global commitments and simultaneously protects her people from climate-related disasters. In other words, ethical tenets compel that we develop stronger legal frameworks into climate change for present and future generations.

### ***Public Participation***

On the other hand, limited public participation in environmental decision-making is against the crucial ethical objectives of inclusive and equitable governance. Under Section 3 of the Environment (Protection) Act, 1986, some environmental decisions may require going through a public consulting mechanism, but in practice, implementation leaves much to be desired here. Therefore, the weaker sections of society are marginalized during these processes. Section 19 of the Water (Prevention and Control of Pollution) Act, 1974, entitles one to consider control of pollution of waters; however, the general public is neither aware nor participates in joining the concerned authorities to monitor compliance with its provisions. Such situations compel one to question the meaning of the Doctrine of Public Trust—a doctrine that recognizes that natural resources should be controlled for use and enjoyment by the public at large. Promoting the engagement of citizens through transparent processes and awareness campaigns fits the ethical principles associated with intra-generational equity—that is to say, that all citizens, particularly those who are vulnerable, should have a say in issues pertaining to governance and environmental matters. Further, mechanisms for public participatory would need to be strengthened so that ethical theories of fairness and accountability would be served with the help of Section 3 of the Forest (Conservation) Act, 1980, which provides for advisory committees inter alia.

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## **Conclusion**

The analysis of the issue concerning ethics in environmental law and policy-making in India further unfolds the subtle possibility of the pervasion of moral values into the areas of ecological protection. Indian environmental legislation, for instance the Environment (Protection) Act, 1986, Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, Forest (Conservation) Act, 1980, and Wildlife Protection Act, 1972, stands mainly on these principles: sustainable development, polluter pays, precautionary principle, doctrine of public trust, and intergenerational equity. These principles are applied as aids in the interpretation of laws and as moral guidelines binding the nation in an earnest attempt to arrive at a final balance between economic development on one hand and the integrity of the environment on the other. Over a period of time, judicial pronouncements have fortified these ethical parameters so as to keep environmental jurisprudence in line with constitutional safeguards, such as Article

21, which provides for the guarantee of life and environment. The judiciary acted in a very proactive way in associating these abstract ethical postulates with realistic enforceable legal standards by holding the industrial actors liable, wherever they were so required, and by providing for the protection of the already vulnerable communities.

Indeed, weak implementation is much cited as incapacity allowed the fulfillment of competing economic interests, climate-based concerns, and public participation issues to continue threatening the implementation measures. The gap between environment and environmental law enforcement calls anew for increased monitoring of implementation processes, increased public participation in such processes, and legislative reforms targeted at newer environmental challenges, with climate change as the most glaring example. Bridging such lacunae would require not just reforms but also deeper societal acceptance of the responsibilities embodied therein toward present and future generations. Hence, all processes that integrate ethics into environmental law and policy are always evolving processes that demand constant vigilance, adaptability in governance, and an unyielding ethical voice in charting an ecological future for India.

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## Suggestions

Building on the analysis of the role of ethics in environmental law and policy decisions, the following measures are recommended to strengthen ethical integration in India's environmental governance:

1. Establish specialized environmental courts at state and district levels to expedite cases and ensure consistent application of ethical principles like the polluter pays doctrine and precautionary principle.
2. Allocate increased financial and human resources to Pollution Control Boards to enhance monitoring capabilities and ensure stricter enforcement of provisions under the Environment (Protection) Act, 1986.
3. Develop comprehensive climate change legislation that embeds ethical doctrines such as intra-generational equity and public trust, providing clear mandates for emission reductions and adaptation measures.
4. Create mandatory public participation frameworks with transparent procedures for environmental impact assessments, ensuring that marginalized communities have an equitable voice in decision-making.
5. Introduce stricter liability regimes for industries, modeled after the absolute liability principle in *M.C. Mehta v. Union of India*<sup>25</sup>, to deter negligence and ensure swift remediation of environmental harm.
6. Incorporate ethics training programs for policymakers, regulators, and judiciary members to reinforce the moral foundations of environmental law and its practical application.
7. Strengthen inter-agency coordination between environmental authorities, urban planning departments, and industry regulators to ensure holistic and ethically grounded development decisions.
8. Mandate periodic ethical audits for major industrial and infrastructure projects to assess compliance with principles like sustainable development and public trust doctrine.
9. Incentivize industries to adopt green technologies and cleaner production methods through tax benefits and recognition programs tied directly to ethical performance benchmarks.
10. Launch national awareness campaigns emphasizing citizens' ethical duties toward environmental stewardship, encouraging grassroots monitoring and reporting of violations.

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<sup>25</sup> AIR 1987 SC 965.