

ENVIRONMENTAL JURISPRUDENCE AND INDIAN JUDICIARY: LANDMARK RULINGS, DOCTRINES, AND JUDICIAL ACTIVISM FOR SUSTAINABLE DEVELOPMENT



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Abstract

In recent decades, environmental protection in India has gained significant momentum, largely driven by the adverse effects of rapid industrialization, commercialization, and population growth. These developments have led to increased environmental degradation, compelling the legal and judicial systems to develop a robust framework for environmental protection. Environmental jurisprudence in India is shaped by the interplay of legislative enactments, executive policies, and most notably, judicial interventions. While the legislative and executive branches have contributed, their efforts have often been criticized as inadequate or inconsistent. In contrast, the Indian judiciary has been pivotal in advancing environmental jurisprudence through judicial activism.

*This paper explores the transformative role of the judiciary in environmental protection, focusing on mechanisms such as Public Interest Litigation (PIL) and continuous mandamus. The judiciary has addressed environmental challenges through these tools, often stepping in where the legislative and executive branches have fallen short. The paper discusses key judicial doctrines propounded by Indian courts, including the **Polluter Pays Principle**, the **Precautionary Principle**, and the **Public Trust Doctrine**, which have become fundamental to environmental governance in the country.*

*In addition, this paper reviews landmark judgments that have significantly impacted environmental jurisprudence, such as the **MC Mehta***

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cases and other significant rulings where courts have balanced economic development with ecological sustainability. Despite these achievements, the paper also critically examines instances where judicial interventions have failed to fully realize their potential in safeguarding the environment, highlighting missed opportunities and inconsistencies.

Keywords: *Environmental Jurisprudence, Judicial Activism, Environmental Doctrines, Sustainable Development, Environmental Protection in India.*

Introduction

Human existence and environment relationship is foundational to all. Human civilization has been dependent on and built on its birthplace, nature, since time immemorial. Indian early philosophy, particularly Vedic, focused upon this harmony between humans and nature, and the environment was recognized as a sacred being to be recognized and protected. The Vedic Aryans used to worship the natural elements – earth, water, fire, air and space – it is said the natural elements sustains the life. But human progress was badly disrupted with the industrialization, commercialization and population growth. As a result of this imbalance, we have witnessed unprecedented levels of environmental degradation—deforestation, the pollution of air and water, loss of biodiversity, and intensification of the global warming—because communities have gained routine control over nature.

Environmental protection has become one of the most pressing challenges of 21st century in response to these challenges. Through efforts of global summits and national policies, efforts have been made to solve global climate crisis, promote sustainable development, and conserve ecosystem. Yet in India, the legislative and executive branches of government have sometimes fallen short when the provision of good solutions needed for counteracting environmental crises was required. There has been vast gap between policy formulation and implementation, because economic priorities time and again override environmental concerns. Here the judiciary has been very important in closing the gap between environment laws and their enforcement.

However, for Indian judiciary's role in environmental protection to be commended, there are some challenges. Balancing conflicting demands of economic development verses environmental preservation, the Judiciary often gets involved. But while it has really made an impression on environmental law, there have also been times when judicial decisions haven't reached their long-term sustainability goals. While the courts remain important in defining



India's environmental future by making the laws into real things rather than formalities, the laws don't do any good unless they are enforced.

In this context, this paper explores the evolution and impact of Indian environmental jurisprudence, specifically focusing on the judiciary's contribution to the development of environmental law through its landmark judgments, doctrines, and proactive interventions.

Historical Evolution of Environmental Jurisprudence in India

Ancient Perspective

India's environmental consciousness is as deeply embedded in its past as its respect and reverence for nature as a sacred thing. Ancient shamanic traditions celebrated natural elements of earth, water, fire, air, and space to create harmony with nature. In the field of Vrikshayurveda, the ancient science of plant life, sustainable agriculture, and conservation were practiced. The values these animals (and the forest itself) stood for were institutionalized during the Maurya period when Emperor Ashoka issued such edicts for protecting forests and wildlife, an early understanding of ecological balance. India's environmental governance is based on these cultural and ethical traditions.¹

Colonial and Post-Independence Legislation

Resource extraction took priority over environmental concerns during British rule. Timber and mineral exploitation were accompanied by widespread deforestation and degradation. These early laws, however, had been worked out, namely the Indian Fisheries Act (1897) and the Factories Act (1948), which were related to pollution and other resource management. Industrial growth remained a priority post-independence at the cost of environmental protection. During the mid-20th century, rapid development was accompanied by unchecked exploitation of natural resources, leading to enormous ecological damage.²

Modern Environmental Legislation

The 1972 Stockholm Conference marked a turning point, pushing India to enact landmark environmental laws:³

¹Jyoti D Patel, Environmental Protection in Ancient India, 5 (2017).

²Saumya Umashankar, Evolution of Environmental Policy and Law in India, (2014), available at: <https://papers.ssrn.com/abstract=2508852> (last visited Dec 24, 2024).

³"Principle 21 of Stockholm Declaration | International Environmental Law | PUBLIC INTERNATIONAL LAW 2024", available at: <https://www.respicio.ph/bar/2025/political-law-and-public-international-law/public-international-law/international-environmental-law/principle-21-of-stockholm-declaration> (last visited November 16, 2024).



- **Water Act (1974):** Created Pollution Control Boards to regulate water quality.⁴
- **Air Act (1981):** Focused on industrial and vehicular air pollution.⁵
- **Environment Act (1986):** Passed after the Bhopal Gas Tragedy, it empowered the government to comprehensively address all pollution forms.⁶

Subsequently, the Ministry of Environment and Forests (MoEF) furthered institutionalized environmental governance for implementing laws and conservation policies. The establishment of the National Green Tribunal (NGT) in 2010, on the one hand, and the making of the legal framework for biodiversity conservation and pollution control were also positively accepted.

India's Participation in International Treaties

There is India's representation in treaties like the 1992 Rio Conference,⁷ which emphasizes biodiversity conservation and climate change mitigation. The Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC) exemplify India's efforts to reconcile development with ecological sustainability⁸ by moving from a national to a global vision.⁹

Through domestic laws and international engagements, India's environmental jurisprudence has evolved to address both local and global challenges, emphasizing the need for sustainable development.

Constitutional Provisions for Environmental Protection

Over time, the Constitution of India, as the ultimate authority of the environment, has developed into a solid sanctuary and a robust framework for

⁴Water (Prevention and Control of Pollution) Act, 6 (1974).

⁵The Air (Prevention and Control of Pollution) Act, 14 (1981).

⁶The Environment (Protection) Act, 29 (1986).

⁷United Nations Department of Economic and Social Affairs, Review of Implementation of Agenda 21 and the Rio Principles, (2011).

⁸Ajit Menon, "Situating Law: Adivasi Rights and the Political Economy of Environment and Development in India", *Law, land use and the environment: Afro-Indian dialogues* (2008).

⁹Will Steffen et al., "The Anthropocene: Conceptual and Historical Perspectives", 369 *Philos. Trans. R. Soc. Math. Phys. Eng. Sci.* 842 (2011)



environmental governance. The original Constitution of 1950,¹⁰ however, did not explicitly recognize environmental rights or responsibilities, but amendments and judicial interpretations of the law have created a strong legal basis for protecting the environment.¹¹ The state is underlined to bear the primary responsibility for protecting natural resources and citizens' right to live in a clean and healthy environment.

Fundamental Right - Article 21: Right to Life

Article 21¹² guaranteeing the right to life and personal liberty has been substantially expanded in meaning by the judiciary. The Supreme Court has further ruled that this right includes a right to a clean and healthy environment.¹³ In *Subhash Kumar v. State of Bihar* (1991)¹⁴ the court has also stressed that pollution-free air and water are part of the State of Bihar. Such interpretations have given rise to judicial interventions, manifesting the state's obligation to protect ecological balance and public health.¹⁵

Directive Principles of State Policy (DPSP)

The Directive Principles are given in Part IV of the Constitution & govern the state in enacting laws & policies.

- Article 48A (introduced through the Constitution's 42nd Amendment in 1976) directs the state to 'protect and improve the environment and protect and safeguard forests and wildlife.' This provision serves as a cornerstone for laws and policies promoting ecological conservation.¹⁶

¹⁰Constitution of India 1950, available at: https://www.constitutionofindia.net/constitution_of_india.

¹¹Adv Hemant More, Constitutional Provisions for Environment Protection, *The Legal Quotient* (Sep. 17, 2024), available at: <https://thelegalquotient.com/social-laws/environmental-laws/constitutional-provisions-for-environment-protection/4914/> (last visited Dec 24, 2024).

¹²Constitution of India 1950, *supra* note 10.

¹³Get link et al., *The Wildlife Protection Act, 1972: A Pillar of Conservation in India*, (Oct. 13, 2024), available at: <https://www.gkloka.com/2024/10/the-wildlife-protection-act-1972-pillar.html> (last visited Dec 24, 2024).

¹⁴*Subhash Kumar v. State of Bihar*, AIR 420 (1991), *available at*: <https://indiankanoon.org/doc/1646284/> (last visited Dec 24, 2024).

¹⁵D. Gopal, "Water Resources in India and Sustainable Solutions for Use, Conservation and Protection of Water – A Socio-Legal Study", 4 *Int. J. Law Educ. Soc. Sports Stud. (IJLESS)* 8 (2017).

¹⁶Lennon Haas, *Saving the Trees One Constitutional Provision at a Time: Judicial Activism and Deforestation in India*, 40 *Ga. J. Int. Comp. Law* 751 (2013).



- Article 47 emphasizes public health as a primary duty of the state, implicitly linking it to environmental protection by underscoring the need for a clean and pollution-free environment.¹⁷

Fundamental Duties

The 42nd Amendment also introduced Fundamental Duties in **Article 51A(g)**, which obligates every citizen to “protect and improve the natural environment” and demonstrate compassion for living creatures. While these duties are not legally enforceable, they act as moral obligations, fostering a culture of environmental stewardship and encouraging individual participation in conservation efforts.

Legislative Powers and Environmental Governance

Schedule VII of the Constitution divides legislative powers between the Union and states:

- **Union List:** Covers subjects like atomic energy and minerals, with environmental implications.
- **State List:** Includes areas like public health, agriculture, and water.
- **Concurrent List:** Addresses forests and wildlife, where both Union and state governments can legislate. In case of conflict, Union law prevails, ensuring cohesive national policies.

International Treaties and Article 253

Article 253¹⁸ empowers Parliament to legislate on matters listed under the State List for purposes of implementation of international treaties. This provision has helped India adopt environmental standards the world has been adopting. For example, after the 1972 Stockholm Conference,¹⁹ India brought in important laws like the Water Act (1974) and the Air Act (1981). Similarly, commitments made at the **1992 Rio Conference** have influenced domestic policies promoting sustainable development and biodiversity conservation.²⁰

¹⁷“Environmental Protection: Comprehensive Analysis in India (2024) – Global Regulatory Insights”, available at: <https://globalregulatoryinsights.com/insight/environmental-protection-comprehensive-analysis-in-india-2024/> (last visited November 16, 2024).

¹⁸Constitution of India 1950, supra note 10.

¹⁹“Principle 21 of Stockholm Declaration | International Environmental Law | PUBLIC INTERNATIONAL LAW,” 2024, available at: <https://www.respicio.ph/bar/2025/political-law-and-public-international-law/public-international-law/international-environmental-law/principle-21-of-stockholm-declaration> (last visited November 16, 2024).

²⁰Margaret Araujo Dantas et al., Review of Implementation of Agenda 21 and the Rio Principles, December 2011.



The Constitution's Fundamental Rights, Directive Principles, Fundamental Duties, and judicial interpretations ensure environment-friendly governance in India. However, the development of sustainability is mainly due to the primary responsibility of the state, as well as citizens. Together, these mechanisms allow a balanced approach between development and ecological preservation.

Judicial Activism and Environmental Jurisprudence

Judicial activism is the Indian judiciary's role in environmental protection. It has often substituted for inaction or inefficiency on the part of the executive and legislative branches in an otherwise predatory framework. In order to take this forward, the courts have created new avenues for the expansion of environmental rights with the submission of Public Interest Litigation (PIL), epistolary jurisdiction, and continuous mandamus.²¹

Public Interest Litigation (PIL)

In Indian environmental jurisprudence, PIL has been a game changer. Before implementing the PIL in the late 1970s, only the directly affected people could approach the courts, but the emergence of the PIL has enabled people and organizations to take note of public issues. It created avenues through which public environmental problems could be addressed, in the first instance, when governments were sloppy.²²

Some landmark PIL cases include:

- **Rural Litigation and Entitlement Kendra v. State of UP (Doon Valley Case)**²³: The Supreme Court ordered a ban on limestone mining in the Doon Valley, prioritizing ecological preservation over economic interests.
- **M.C. Mehta v. Union of India (Taj Trapezium Case)**²⁴: The court

²¹Rachit Garg, All You Need to Know about Public Interest Litigation (PIL), iPleaders (Feb. 23, 2021), available at: <https://blog.ipleaders.in/need-know-public-interest-litigation-pil/> (last visited Dec 24, 2024).

²²Alan Diduck, Kirit Patel and Aruna Kumar Malik, "Advancing Environmental Justice for Marginalized Communities in India: Progress, Challenges and Opportunities" *Advancing Environmental Justice for Marginalized Communities in India: Progress, Challenges and Opportunities* 1–243 (2021).

²³*Rural Litigation And Entitlement v. State Of U.P.*, AIR 652 (1985), available at: <https://indiankanoon.org/doc/1949293/> (last visited Dec 24, 2024).

²⁴*M.C. Mehta v. Union of India*, AIR 1086 (1987), available at: <https://lawtimesjournal.in/m-c-mehta-v-union-of-india-1986-taj-trapezium-case-case-summary/> (last visited Dec 24, 2024).



mandated cleaner fuels and relocated polluting industries to protect the Taj Mahal from industrial pollution.

- **M.C. Mehta v. Union of India (Ganga Pollution Case)**²⁵: The court issued directives to clean the River Ganges, close polluting industries, and impose penalties for non-compliance.

These cases highlight the judiciary's role in addressing large-scale environmental challenges and setting precedents for sustainable governance.

Epistolary Jurisdiction

The judiciary introduced epistolary jurisdiction to ensure access to justice for those marginalized communities. This mechanism means that courts will accept letters and telegrams as writ petitions, making justice a little easier.²⁶ For example, in *Municipal Council, Ratlam v. Vardhichand* (1980),²⁷ a letter from the slum residents begging for better living conditions was a PIL. The court had also linked public health to environmental rights when it found that the municipality had a legal duty to provide proper sanitation. It expanded the capacity of the judiciary to charter new, unconventional courses in environmental and public health matters.

Remedy of Continuous Mandamus

Judicial review enables courts to examine administrative decisions to ensure compliance with environmental laws. In cases involving industrial projects, courts intervene when proper environmental impact assessments are not conducted, holding authorities accountable for their actions.

Continuous mandamus, another judicial innovation, keeps cases open for ongoing monitoring. In the **Ganga Pollution Case**, the court has retained jurisdiction for decades, ensuring sustained implementation of its orders. This approach has also been used in cases of air pollution in Delhi, where the court directed the adoption of cleaner fuels and phased out polluting vehicles.

Through mechanisms like PIL, epistolary jurisdiction, judicial review, and continuous mandamus, the judiciary has strengthened environmental gover-

²⁵M.C. Mehta v. Union of India, 4 SCC (1987), available at: <https://lawtimesjournal.in/m-c-mehta-v-union-of-india-ganga-pollution-case/> (last visited Dec 24, 2024).

²⁶“What is Writ? Types Of Writ - Law Legum,” available at: <https://lawlegum.com/what-is-writ-types-of-writ/> (last visited November 16, 2024).

²⁷*Municipal Council, Ratlam v. Shri Vardhichand & Ors*, AIR (1980), available at: <https://indiankanoon.org/doc/440471/> (last visited Dec 24, 2024).



nance in India. Its interventions have ensured that environmental laws are enforced effectively, addressing complex ecological challenges while balancing development and sustainability. The judiciary's proactive role remains vital as environmental issues grow more pressing and multifaceted.

Doctrines of Environmental Law

India's judiciary has evolved with several legal doctrines to confront environmental challenges, coexisting ecological sustainability, and economic development. These doctrines have been crucial legal frameworks for environmental governance and have set rule principles that endure.

Polluter Pays Principle

This is important to ensure that those who are polluting bear the cost of the damage they cause and to determine those who decide to be reckless and reduce their cost to zero. In *Vellore Citizens' Welfare Forum v. Union of India (1996)*²⁸ the Supreme Court directed tanneries to pay for the ecological damage done by tanneries in Tamil Nadu.²⁹ Like in the *Indian Council for Enviro-Legal Action v. Union of India (1996)*,³⁰ Polluting industries were ordered to remediate groundwater and soil contamination, while the restoration of ecological worth was stressed more than the payment.³¹

Precautionary Principle

It is a principle of precautionary care that even if we have scientific uncertainties, there could be prevention measures. *Vellore Citizens' Welfare Forum* and later *A.P. Pollution Control Board v. M.V. Nayudu (1999)*³² first articulated it. In doing so, in these cases, the Supreme Court transferred the burden of proof and placed it on industries that sought environmental clearances to ensure precaution is taken in decision-making processes.³³ This

²⁸*Vellore Citizens Welfare Forum v. Union of India & Ors*, AIR 2715 (1996), available at : <https://indiankanoon.org/doc/1934103/> (last visited Dec 24, 2024).

²⁹United Nations Department of Economic and Social Affairs, *supra* note 7.

³⁰*Indian Council for Enviro-Legal Action v. Union of India*, 3 SCC 212 (1996).

³¹Nithya Sree R M et al., "Environmental Protection Policies in India and Impact on Corporate Social Responsibility: A Study on Industry Analysis and Sustainability", 10 *Int. J. Res. Appl. Sci. Eng. Technol.* 904 (2022).

³²*A.P. Pollution Control Board Ii v. Prof.M.V. Nayudu (Retd.)*, AIR (2000), available at : <https://indiankanoon.org/doc/1543623/> (last visited Dec 24, 2024).

³³What is Writ? Types Of Writ - Law Legum, available at: <https://lawlegum.com/what-is-writ-types-of-writ/> (last visited Nov 16, 2024).



principle will protect us from the harm of permanent damage to the environment.

Public Trust Doctrine

According to this doctrine, certain natural resources, such as air, water, and forests, are public assets that the government holds in trust. In the second case, *M.C. Mehta v. Kamal Nath (Span Motel case)*,³⁴ the court ruled that spending parts of the Beas River for private use was against public trust. In *M.I. Builders v. Radhey Shyam Sahu (1999)*³⁵ the court has also affirmed that public resources cannot be exploited for private gain, ordering the demolition of a shopping complex that encroached on a public park in the name of Radhey Shyam Sahu.

Doctrine of Sustainable Development

This doctrine advocates for economic growth through the conservation of the environment. It is recognized in the *Vellore Citizens' Welfare Forum*, which says development cannot come at the cost of future generations. In the *Taj Trapezium case*, the Supreme Court applied this doctrine to protect the Taj Mahal by relocating polluting industries and mandating cleaner technologies, showcasing the balance between heritage preservation and industrial activity.

Doctrine of Absolute Liability

This doctrine was first introduced by the *Oleum Gas Leak Case (1986)*³⁶, and according to which industries engaged in activities of hazard, did the liability for damage, whether or not any precaution was taken. Unlike the previous Rule of Strict Liability, it leaves little or no room for defenses such as third-party action or natural disaster. It established a high standard of corporate accountability, still holding forth as a central pillar of industrial safety regulation. The Polluter Pays Principle, Precautionary Principle, Public Trust Doctrine, Doctrine of Sustainable Development, and Doctrine of Absolute Liability have shaped India's environmental jurisprudence. Instead, the judiciary has embedded these doctrines into judgments; it has served as an accountability

³⁴*M.C. Mehta v. Kamal Nath & others*, SCC 388 (1997), available at: <https://lawbhoomi.com/m-c-mehta-vs-kamal-nath-and-others/> (last visited Dec 24, 2024).

³⁵*M.I. Builders Pvt. Ltd v. Radhey Shyam Sahu And Others*, AIR (1999), available at : <https://indiankanoon.org/doc/1937304/> (last visited Dec 24, 2024).

³⁶*M.C. Mehta & Anr. Etc v. Union of India & Ors*, 1 SCR 312 (1986), available at: <https://indiankanoon.org/doc/1599374/> (last visited Dec 24, 2024).



instrument, preserved public resources, and contributed to sustainability. Although these principles are essential to current challenges to ecology, they continue to be relevant to robust development.³⁷

Case Laws on Environmental Jurisprudence

In this light, the Indian judiciary has played a vital role in defining environmental protection laws, having pronounced landmark judgments that fill the gap in legislative action or take recourse to executive neglect. It has set up the judiciary as a proactive guardian of the nation's natural resources and the ecological balance. Among the people who have played an important role in this movement is M.C. Mehta, whose exciting and untiring efforts have yielded highly significant rulings in environmental law.³⁸

M.C. Mehta's Contributions

M.C. Mehta, a public interest lawyer, has prominently contributed to the Indian development of environmental jurisprudence. Through PIL, he has brought industries and governments to the cleaners for environmental degradation, further creating legal environmental preservation precedents.

Ganga Pollution Case (1985)

Mehta has filed this PIL to tackle the severe pollution of the Ganges River. Health issues of the people and natural resources were taken seriously by the Supreme Court when it ordered the closure of polluting industries along the river and, since then, regulated the degree of industrial effluents.

Taj Trapezium Case (1997)³⁹

Mehta was concerned about industrial pollution harming the Taj Mahal and approached the court looking for protection of the monument. The Supreme Court mandated that polluting industries be relocated or forced to follow cleaner fuels such as CNG. By doing this, the current ruling saved India's

³⁷Environment Education, available at: <https://www.ecology.edu/environmental-education.html> (last visited November 16, 2024).

³⁸Nithya Sree R M et al., "Environmental Protection Policies in India and Impact on Corporate Social Responsibility: A Study on Industry Analysis and Sustainability," 10 *International Journal for Research in Applied Science and Engineering Technology* 904–10 (2022).

³⁹M.C. Mehta vs. UOI, 2 SCC 353 (1997), available at: <https://lawlex.org/lex-bulletin/case-summary-m-c-mehta-vs-uoi-taj-trapezium-case/27471> (last visited Dec 24, 2024).



cultural heritage and drew attention to India's judiciary's commitment to sustainable development.⁴⁰

Oleum Gas Leak Case (1986)⁴¹

After a gas leak from a Delhi-based factory, the court followed with the Doctrine of Absolute Liability, where hazardous industries are held entirely liable for any damage caused. According to this landmark judgment, corporate responsibility must be strengthened, and public safety standards must be enhanced.

Landmark Environmental Judgments

Doon Valley Case (Rural Litigation and Entitlement Kendra v. State of UP):⁴²

Taking priority over short-term economic benefits, the Supreme Court put an order of halt to limestone mining in the ecologically sensitive Doon Valley for long-term ecological sustainability.⁴³

Kamal Nath Case

The court relied on the Public Trust Doctrine to invalidate the diversion of the Beas River for private benefit, establishing that natural resources are in trust for public use and may not be used for private advantage.

Subhash Kumar v. State of Bihar⁴⁴

This judgment held that the right to a clean environment ought to be derived as a part of the fundamental right in Article 21 of the Constitution, linking environmental health with human rights and public well-being.

Latest Legal Ruling

Indian Council for Enviro-Legal Action v. Union of India (2021)⁴⁵

⁴⁰INDIA'S JOURNEY TOWARDS SUSTAINABLE DEVELOPMENT, available at: <https://lawcolloquy.com/publications/blog/india-s-journey-towards-sustainable-development/220> (last visited November 16, 2024).

⁴¹M.C. Mehta & Anr. Etc v. Union Of India, 1 SCR 312 (1986), available at: <https://indiankanoon.org/doc/1599374/> (last visited Dec 24, 2024).

⁴²Rural Litigation And Entitlement v. State Of U.P., supra note 23.

⁴³*Ibid.*

⁴⁴Subhash Kumar v. State of Bihar, supra note 14.

⁴⁵Indian Council for Enviro-Legal Action v. Union of India, supra note 31.



The Supreme Court emphasized the need for strict compliance with environmental regulations, particularly concerning hazardous waste management. The court ruled that industries must adhere to the standards the Ministry of Environment, Forest and Climate Change (MoEFCC) set to prevent environmental degradation.⁴⁶

Sanjay Kumar v. State of Uttar Pradesh (2021)⁴⁷

This case dealt with illegal sand mining activities along the banks of the Ganges. The court banned illegal mining and ordered the state government to take immediate action against violators, reinforcing the principle of sustainable resource management.

M.C. Mehta v. Union of India (2022)⁴⁸

In this ongoing case related to air pollution in Delhi, the Supreme Court directed the implementation of the Graded Response Action Plan (GRAP) to combat severe air quality issues during the winter months. The court mandated specific measures to control vehicular emissions and industrial pollution.

Kumaraswamy v. State of Karnataka (2023)⁴⁹

The Karnataka High Court ruled against a proposed construction project near a protected forest area, citing violations of environmental clearance norms and the need to protect biodiversity. This decision reinforced the importance of environmental impact assessments before project approvals.

Narmada Bachao Andolan v. Union of India (2022)⁵⁰

The Supreme Court upheld the rights of local communities affected by large dam projects, emphasizing the need for rehabilitation and resettlement plans that respect environmental and social justice principles.

⁴⁶Dr. Abhishek Lunayach & Vijay Khichar, “Integrating Green Education for Sustainable Development: A Study of India’s Educational Approach”, 6 Int. J. Educ. Mod. Manag. Appl. Sci. Soc. Sci. IJEMMASS 7004 (2024).

⁴⁷Sanjay Kumar Rai v. The State Of Uttar Pradesh, AIR (2021), available at: <https://indiankanoon.org/doc/171592187/> (last visited Dec 24, 2024).

⁴⁸M C Mehta v. Union of India, (2022), available at: <https://indiankanoon.org/doc/8826657/> (last visited Dec 24, 2024).

⁴⁹Sri. Kumaraswamy v. State Of Karnataka, (2023), available at: <https://indiankanoon.org/doc/140175983/> (last visited Dec 25, 2024).

⁵⁰Narmada Bachao Andolan v. Union of India, 328 SCR (2022), available at: <https://indiankanoon.org/doc/197795288/> (last visited Dec 25, 2024).



India's landmark judgments have set a strong foundation for the governance of its environment, concurrently allowing ecological preservation and development needs. M.C. Mehta cases (and others) have extended the reach of the constitutional rights to environmental protection, helped build on critical doctrines, and reaffirmed corporate and governmental responsibility rules. These rulings guarantee public health, heritage, and a sustainable future for our children.

Judicial Activism Gaps

The Indian judiciary has certainly advanced environmental protection, but it has not been free of limitations.⁵¹ The high point of judicial activism exacerbates inconsistencies in judgments, dilutes environmental safeguards, and puts excessive reliance on courts, the consequences of which should be addressed by a balanced approach combining all three branches of the government.⁵²

Inconsistencies in Environmental Judgments

Environmental judicial rulings have sometimes not been consistent, especially when courts tip the scale toward economic development in favor of ecological preservation. In **Narmada Bachao Andolan v. Union of India (2000)**,⁵³ the Supreme Court permitted the construction of the Sardar Sarovar Dam despite substantial disruptions and environmental damage caused by large-scale displacement. This was a break from the court's previous focus on ecological sustainability and the rights of vulnerable communities.

Similarly, in the **Sterlite Copper Plant case**,⁵⁴ the Supreme Court allowed the reopening of a polluting industrial plant in Tamil Nadu in the Sterlite Copper Plant case against public protests and evidence of environmental violations. These judgments also partly illustrated where the judiciary felt they had to balance development with the need for environmental protection, contributing to uncertainty over how environmental principles are applied.

⁵¹Environmental Law, available at: <https://lmslaw.blogspot.com/p/environmental-law.html> (last visited Dec 24, 2024).

⁵²Ajit Menon, *Situating Law: Adivasi Rights and the Political Economy of Environment and Development in India*, in *Law, land use and the environment: Afro-Indian dialogues* (2008), available at: <https://books.openedition.org/ifp/3926> (last visited Dec 24, 2024).

⁵³*Narmada Bachao Andolan v. Union of India*, AIR 3751 (2000), available at: <https://indiankanoon.org/doc/1938608/> (last visited Dec 25, 2024).

⁵⁴*Tamil Nadu Pollution Control Board v. Sterlite Industries (I) Ltd. & Ors.*, SCR (2013), available at: https://main.sci.gov.in/supremecourt/2013/17302/17302_2013_Judgement_18-Feb-2019.pdf.



Dilution of Environmental Safeguards

Over the past few years, critical environmental regulations have been weakened. In 2020, EIA norms were amended allowing certain projects to dodge public consultation processes and hinder accountability. For example, the exemptions for Oil and Natural Gas Corporation (ONGC) for exploratory drilling was tantamount to a greenlight to rampant operations in ecologically sensitive zones.

Yet the judiciary has responded to these regulatory rollbacks in a restrained fashion, leaving environmental safeguards un-legislatively preserved. Further, the National Green Tribunal (NGT), established to centralize environmental litigation, has not always been able to enforce orders because of a dearth of executive support. It has weakened its authority, and judicial oversight has lost its effectiveness.

Over-Reliance on Judiciary

A second problem centers on how frequently courts are demanded to solve environmental problems. Judicial activism has been at the heart of governance filling but done so in a reactive manner in environmental issues. After environmental harm occurs, courts often intervene, by ordering remediation or compensation. While a reactive response such as this is well taken, it is not a substitution for proactive executive and legislative regulation. In addition, the judiciary is often ill equipped to deal with the complexities of even the most routine of environmental cases, be they climate change related or of biodiversity. However, while expert committees such as the National Environmental Engineering Research Institute (NEERI) offer advice on such things, it is more the duty of regulatory bodies such as the Ministry of Environment, Forests and Climate Change (MoEFCC). Indian courts have a further backlog of cases, which adds to the problem of implementation of critical environmental orders. It should be undermining the timely resolution of pressing ecological issues. India's environmental jurisprudence has been shaped through judicial activism, however, the limitation of judicial activism underlines the need for a democratic, participatory governance agenda. However, sustainable environmental governance requires consistent rulings, stronger safeguards, more legislative and executive responsibility. If all branches of government go about working together, we can have proactive measures that prevent harm and promote ecological sustainability, taking the burden off the judiciary, which works so hard to protect the environment.



Current trends

In recent years, India's environmental governance has reached evolution to a new level, with judicial interventions, specialized forums (National Green Tribunal), and alignment with international commitments (Paris Agreement). But emerging challenges of climate change, urbanization and industrialization call for other forms of adaptation and collaboration at levels beyond governance structures.

National Green Tribunal (NGT)

Set up in line with 2010 National Green Tribunal Act, the NGT has lately grown to be an important body to persuade environmental nuisance using an efficient system of disputes. Its mandate includes handling cases related to pollution, forest conservation, water management, and biodiversity under key environmental laws⁵⁵ like the **Environment Protection Act (1986)**, **Air Act (1981)**, and **Water Act (1974)**.

The NGT has delivered landmark judgments that go beyond immediate redressal to systemic reforms:

- **Yamuna River Pollution Case (2015):**⁵⁶ imposed strict penalties on industries discharging untreated effluents and ordered municipalities to control sewage pollution and, for the most part, took a proactive attitude towards chronic environmental problems.
- **Sterlite Copper Plant Case (2013):**⁵⁷ It ordered closure of that polluting industrial plant in Tamil Nadu saying public health and environmental safety remain top priorities.
- **Volkswagen Emission Case (2018):**⁵⁸ It fined the automaker for using devices to cheat emissions tests — and set a precedent for holding multinational corporations accountable.

In many ways, the NGT's work have ensured it to become a vital pillar of environmental governance on account of its focus on accountability and pre-emptive action.

⁵⁵Environmental Law, available at: <https://lmslaw.blogspot.com/p/environmental-law.html> (last visited November 16, 2024).

⁵⁶Tata Power Delhi Distribution Ltd. NDPL House v. Manoj Misra and Ors, SCR (2015).

⁵⁷Tamil Nadu Pollution Control Board v. Sterlite Industries (I) Ltd. & Ors., supra note 55.

⁵⁸German History in Documents and Images.



Climate Change and Indian Courts

As climate change poses increasing risks, Indian courts have become active in promoting sustainable practices and mitigating climate impacts:

- **Renewable Energy Mandates:** Renewable Purchase Obligations (RPOs), among others, courts have held that moves towards cleaner energy must be undertaken.
- **Forest Conservation:** In **T.N. Godavarman Thirumulpad v. Union of India**,⁵⁹ the Supreme Court protected huge tracts of forest land in Union of India, carbon sinks that are critical to mitigate climate change.
- **Scrutiny of Environmental Impact Assessments (EIA):** In cases where EIA clearances have been formalized improperly for projects with high carbon emissions courts have intervened to enforce accountability and due diligence.

These actions reflect the judiciary's growing role in addressing climate risks through legal and policy frameworks.

International Commitments and Domestic Enforcement

India has pledged to increase its renewable energy capacity, reduce the intensity of emissions under its international commitments under treaties like the Paris Agreement (2015), afforestation, etc. These commitments have been domesticated through the key role the judiciary has played in incorporating their content into domestic law by referring to the Precautionary Principle and the Doctrine of Sustainable Development. The Supreme Court, for example, in the Taj Trapezium Case has used global environmental norms to uphold pollution control measures.

India's environmental jurisprudence reflects significant progress through the NGT's interventions, judicial focus on climate-related issues, and alignment with international frameworks. However, challenges like deforestation, urban pollution, and climate change demand a more coordinated effort involving the judiciary, legislature, and executive. A collaborative approach is essential to ensure sustainable governance and address the complexities of India's environmental future.

⁵⁹T.N. Godavarman Thirumulpad v. Union Of India | Supreme Court Of India | Judgment | Law | CaseMine, available at: <https://www.casemine.com/judgement/in/629a6159b50db9bb596d9cf4> (last visited November 16, 2024).



Recommendations and Future Pathways

Today, India faces growing environmental challenges like climate change, pollution, deforestation, and natural resource depletion caused by man is worse. Although the judiciary has done commendably well protecting the environment, a sustainable solution demands a multi-pronged strategy that includes enforcement of the laws, the active participation of the executive and legislature, maximum public awareness, and judicial reforms. Strict enforcement, transparency in decision-making, mass awareness campaigns, and specialized judicial machinery are imperative for long-term ecological sustainability.

Strengthening Environmental Legislation

The gap between law enactment and enforcement is one of India's most pressing environmental governance issues. While India has very well-developed legislation to protect and conserve the environment, with many landmark legislations like the Environment (Protection) Act of 1986, Water Act of 1974, and Air Act of 1981, there is a lack of adequate and effective enforcement and monitoring of these laws. There is a need to implement these laws effectively and ensure the perpetrators are held accountable with harsher penalties and more consistent oversight.

Stricter Enforcement and Monitoring

To address the gaps in enforcement, regulatory authorities such as the **Central Pollution Control Board (CPCB)** and the **State Pollution Control Boards (SPCBs)**⁶⁰ must be provided sufficient resources, manpower, and technological devices to monitor compliance effectively to fill the enforcement gaps. These bodies need real-time data collection and monitoring systems in areas prone to industrial pollution, deforestation, or illegal mining. Additionally, environmental penalties for violating the environment should be significant enough to be deterrents, and inspections for industries that emit more should become mandatory.

Improving Public Consultation and Restoring Transparency

Another area for reform is in the (EIA) process itself. In recent years, EIA norms have become increasingly diluted with regard to transparency and public participation and weakened environmental governance. The government should

⁶⁰Environmental Protection: Comprehensive Analysis in India (2024) – Global Regulatory Insights, available at: <https://globalregulatoryinsights.com/insight/environmental-protection-comprehensive-analysis-in-india-2024/> (last visited Nov 16, 2024).



reinstitute and bolster the EIA process by discussing it with all possible stakeholders, including local communities, environmental experts, and civil society before environmental clearances are given.

Restoring transparency involves making environmental data publicly accessible, from pollution levels to the outcomes of public consultations. **Online portals** should be used to publish all environmental clearance processes, allowing the public to raise objections or suggestions. This would also ensure greater accountability from both industries and government agencies in their environmental decision-making processes.

Role of the Executive and Legislature

The judiciary has been active in environmental concerns, but the executive and the legislature must play an important role in guaranteeing the holistic coverage of environmental problems. But they're crucial to developing a well-thought-out, long-term approach that extends beyond judicial interventions.

Complementing Judicial Activism with Legislative and Executive Action

The executive and legislature should be responsible for proactive environmental governance by passing comprehensive policies that consider the evolution of environmental challenges in the 21st century, such as climate change and sustainable urbanization. It entails passing laws focusing on the drive for circular economy, renewable energy, and climate-resilient infrastructure.

Rather, the legislature can complement judicial activism by closing legal gaps, updating outdated laws, or ensuring environmental standards align with what other countries are doing, like the Paris Agreement. A new challenge should be brought about by comprehensive laws on waste management, water conservation, and carbon emissions.

In order to implement environmental governance effectively, the executive should give the top priority to the generation and execution of the policies through his departments like the Ministry of Environment, forests and Climate Change (MoEFCC). Sustaining local and national environmental challenges requires coordination between central and state governments. Public private partnerships can then be explored to fund or support green technology and conservation initiatives such as renewable Energy and Waste management.



Need for Mass Awareness and Education

The Role of public awareness and education is one of the most important yet often overlooked aspects of environmental governance. Knowledge about the environment is power, knowledge is power for the creation of a society where citizens know and are active in environmental protection. Mass education opens the way for changing public attitudes and behaviors towards more sustainable living practices.

Importance of Environmental Awareness Campaigns

Environmental education should be incorporated in school curricula at every level from an early age to make people bring about expected changes. On the other hand, it is equally important to get the larger public involved in campaigns stressing ecological value, conservation, and basic sustainable practices. The Swachh Bharat Abhiyan (Clean India Movement) can be carried further for broader purposes, like water conservation, plastic minimization, or air pollution.⁶¹

The use of Nukkad Nataks (street plays), which have been historically realized with success in raising awareness on social issues, could be one particularly good approach. The public can be educated about pressing environmental concerns in a culturally resonant and accessible form by using these performances. Rural areas can also spread environmental awareness through local languages and traditional forms of communication, such as folk songs and puppet shows.

Also, media campaigns on TV, radio, and social media will reach a greater audience and make people aware of their rights, responsibilities, and environmental protection. Then, people can engage through workshops, public debates, and community programs to discuss how they can participate in the sustainability efforts in their lives every day.

Establishing Fast-Track Environmental Courts

Environmental cases are often tied to complex technical aspects needing expertise and a rapid solution. Environmental disputes can languish for years in regular courts, causing serious environmental damage before their backlog

⁶¹Right to Water Gets Major Boost in a Historic Judgement by the Mumbai High Court – The Council of Canadians, available at: <https://canadians.org/analysis/right-water-gets-major-boost-historic-judgement-mumbai-high-court/> (last visited November 16, 2024).



clears. This needs to be addressed by fast-track environmental courts instituted nationwide.

Specialized Courts for Quicker Resolution

There would be these courts, specially created for hearing all kinds of environmental issues like pollution by industry, deforestation, and water conservation, as well as disputes that might arise from climate change. While NGT has undoubtedly made strides in addressing environmental cases, the tribunal's capacity is finite, and its caseload is increasing. Decentralizing environmental justice⁶² would also occur by creating additional regional or district fast-track courts at the regional or district level, thereby resolving local environmental disputes expediently and efficiently.

Such courts should be supported by the personnel of judges, lawyers, and technical people with a background in environmental science and law. The fast-track courts would also ease the load on the NGT, especially by assigning the dense cases to the NGT to work on the high-profile cases. These courts would mean the environmental cases are easily dealt with, which means that any environmental harm is dealt with before it gains unmanageable momentum.

As explained above, India is at a crossroads in its environmental governance. If there is any system that has come handy in handling immediate incidences that are in a way endangering the environment in one way or the other then it is the judiciary and probably this is the reason why, over the years, the judiciary has been under pressure of dealing with such incidences; Nevertheless the overall approach requires sustainable environmental management. Improving legal frameworks, raising people's awareness, increasing the efficiency of law application, and establishing specialized environmental trial courts are the important measures towards this vision. The executive and legislature should help the judiciary ensure that environmental policies are reactive and preventive. Promoting everyone's consequent attitude towards society and natural resources is an important factor of public awareness and education. It is only possible if all sectors and all people of India join hands to meet the rather complicated and tangled environmental issues at the dawn of the twenty-first century.

⁶²Kirit Patel, Alan P. Diduck and Aruna Kumar Malik, "Environmental justice in India: Context, issues and framework" *Advancing Environmental Justice for Marginalized Communities in India: Progress, Challenges and Opportunities* 3–20 (2021).



Conclusion

In recent decades, the Indian judiciary has become an active actor in environmental management by developing principles, case determination, and PIL culture. Such personalities as M.C. Mehta may be fitted to demonstrate the necessity of legal activity in the modern world where problems like pollution control or the saving of significant natural and cultural-historical sites arise.

However, several limitations and missed opportunities are identified as follows. Undue complacency in administrative action and infirmities in conclusions, correlative disparities in judicial rulings, processes' weakening of environmental protection standards, and dependence on the judiciary to redress environmental Wrongs suggest a systematic requirement for such change. These challenges highlight the need to promote an efficient, participative, and integrated approach to environmental governance with active participation of judiciary, executive, and legislative wings. However, these reforms need a consistent blueprint to generate sound environmental laws, implement such legislation, and embrace best practices and practices for sustainable development.

Negatively, in the recent past, there have been lacunae, including the current structure of the NGT, and increased address to climate change issues, which is positive. However, the kinds of problems people face now – climate change, urbanization, pollution, etc, cannot wait for such an approach. Improving the legal framework, improving the ways and means of participation of the masses, raising public awareness, and setting up specialized environmental courts in order to address environment-related violations as expeditiously as possible are the needs of the hour.

Being one of the world's most popular and fast-developing countries in the contemporary world, India witnesses how the problems of development and protection of the environment interconnect and impose collective concerns and their solutions to judiciary, executive, legislative power, and society. This means that everybody should ensure they are protecting the environment and, at the same time, they are improving their revenues. In this regard, the future of India's consecutive environmental jurisprudence will be built up only if this cooperation is based on the protection and conservation of natural resources for the existence of the succeeding generations.

Thus, the progress achieved within the field of environmental conservation is convincing enough to state that more is to come. Still, the way to the goal in many aspects is steeped in difficulties that can and should be surmounted



only through collective efforts, determination, and reliance on innovative concepts and approaches. This paper has argued and shown that India can lead a more sustainable future by creating an environmental accountability culture that will respect the people's rights and the earth as a whole. Ultimately, preserving the environment is not just a legal obligation but a moral imperative for a society that seeks to thrive in harmony with nature.