



Environmental Protection Laws and Judicial Activism in India

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ABSTRACT

India's environmental jurisprudence has been transformational one where aggressive judicial intervention by the superior courts in environmental matters can be traced. The paper explores the conceptual interface of constitutional environmental safeguards, statutory provisions, and broadly construed civil rights that includes ecological conservation by the judiciary. It outlines the evolution of decision making where courts went beyond word constructions to forge binding environmental principles paving the way for landmark precedents which have irreversibly transformed India's resource predilections. While Articles 48-A and 51-A in the Constitution provide a framework for environmental protection as a state duty and an obligation of citizens respectively, the distance between constitutional aspiration and administrative reality has been large throughout history. One of the more important responses to governance failures is a developing constitutional law by the judiciary, beginning rather tentatively in the late 1970s and implemented through the 1980s. Through this reframing of environmental protection into a right deriving from Article 21, the courts were able to crystallize enforceable principles having hitherto been perceived as aspirational that legislature had consistently shied away from developing legally binding mechanisms. This paper shows that, though sometimes reaching beyond the traditional limits of jurisdictional power, judicial activism deliberately and practically works towards implementing environmental rights. While it shows how litigation-driven environmentalism creates palpable local benefits, it also demonstrates that such victories may not reverse national environmental decline because courts act in the absence of bureaucratic infrastructure, political will and economic incentives aligned with conservation.

Keywords: *Environmental justice, judicial activism, constitutional interpretation, public interest litigation, sustainable development.*

1. Introduction

The constitutional architecture of India classifies environmental protection as a state duty and a matter of fundamental concern for the citizens. Indeed, the gulf between constitutional aspiration and administrative practice has historically been large. Under Article 48-A of the Constitution, the state will "endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country". Article 51-A(g) imposes a fundamental duty upon all citizens to "protect and improve the natural environment including forests, lakes, rivers and wildlife. These constitutional injunctions notwithstanding, environmental degradation has accelerated through the 1970s and 1980s spurred by industrial expansion, agricultural intensification and limited regulatory capacity. One of the most important

story lines in contemporary Indian constitutional law is how the judiciary responded to this rot at government's core. Rudimentary in the late 1970s and solidifying through the 1980s, Indian courts embarked on what scholars have referred to at various points as "judicial environmentalism" a purposeful re-reading of statutory text meant to control forms of injury that statutory mechanisms were shown unable to contain. This legal evolution was not predetermined. It owes its emergence to a particular moment, the consolidation of PIL as a procedural avenue for environmental claims, the influx of global norms concerning the environment into Indian legal discourse, and the understanding that traditional doctrines in administrative law were ill-suited to respond to diffuse forms of protracted environmental harm.

The paper proceeds through four principal movements. First, it examines the constitutional and statutory foundations of environmental law in India, establishing the baseline legal architecture that courts subsequently elaborated. Second, it analyzes pivotal judicial decisions that exemplify how courts transformed general constitutional language into enforceable environmental principles. Third, it evaluates the theoretical justifications for and practical implications of such activism. Finally, it assesses whether judicial intervention has genuinely improved environmental outcomes or merely created the appearance of protection while underlying degradation continues.

2. Constitutional Framework and Statutory Architecture

2.1 Constitutional Foundations

The environmental content of the Constitution of India as adopted in 1950 is astonishingly minimal. Environmental concerns were only tangentially covered in the provision around state power with respect to natural resources and a provision on forest conservation. This was substantially changed through the constitutional amendment process. The 42 Amendment (1976) added Articles 48-A and amended Article 51-A which directly included environmental protection in the Constitution scheme itself. This amendment was added during the Emergency but ironically is one of the most important pieces of environmental legislation in any modern constitution.

The text of the constitution is intentionally vague. "Endeavour," the word in article 48-A which connotes aspiration, rather than strict obligation; lack of definition about what "protection of environment" means, no specification regarding resource coverage and lack of mechanism. This generality became an edge in the judicial interpretation. So courts could read the provision broadly without technically straying from the constitutional text, that text imposed only loose limits on interpretation. The duty articulated in Article 51-A(g) similarly lacks specificity. It obligates citizens to "preserve and improve" the environment but does not define what steps would fulfill this duty or prescribe a penalty for noncompliance. Although this provision appears only as a non-enforceable directive, courts have sometimes used to direct the State and the citizen with affirmative obligations. What turned this provision from ornamental constitutional prose into a living, breathing normative lever was the insistence of our courts that rights under Articles 21 (Right to Life) and 32 (right to a constitutional remedy) were oxymoronic without environmental content.

2.2 Statutory Infrastructure

Coincident with these changes in the Constitution, Parliament passed environment legislation establishing statutory frameworks and standards. The first comprehensive statutory framework the Water (Pollution Control and Prevention) Act, 1974 providing for State Pollution Control Boards with investigative and enforcement power was enacted. However, it applies only to water pollution, it creates huge exemptions and it includes enforcement mechanisms largely at the discretion of an administration almost always swayed by development pressures. The Air (Prevention and Control of Pollution) Act, 1981 brought air pollution under the ambit of regulation, but it repeated structural

shortcomings found in the Act from 1974. Importantly, both acts established administrative programs that favored present and active industries by effectively grandfathering noncompliant units from regulation, thus making further regulatory action politically unfeasible. The Forest (Conservation) Act, 1980 was the first attempt to curb deforestation by making forest diversion subject to central government clearance but often this has been done through a change of land use by playing with definitions of forests or exempting "developmental" projects from all restrictions. The Environmental (Protection) Act, 1986 followed by the Bhopal industrial disaster delegated more powers to ministers to create standards but limited private rights. The law allowed the Union to announce "environmental standards" and limit activities leading to pollution, but did not include an automatic enforcement framework accessible by injured citizens. Importantly, the law gave the Centre wide latitude in deciding what activities to regulate, which created potential political cover for polluting sectors. The initial attempts for species and habitat protection came from the Wildlife (Protection) Act, 1972, which also centralised authorities with government agencies and was indecisive about whether conservation objectives were superior to developmental ones. The act created categories of protection (national parks, wildlife sanctuaries) and at the same time allowed activities in those areas as long as it was compatible with something called "scientific management". Courts had to decide later what actions were scientifically supportable.

3. Judicial Architecture of Environmental Rights

3.1 The Doctrinal Shift: From Property Rights to Life Rights

The jurisprudential shift of environmental law occurred in an intentional doctrinal step: framing environmental protection as a part not merely of administrative law or property rights, but necessarily subsumed within the human right to life enshrined in Article 21. It was not textually obvious that this reframing had happened. The term appeared in many contexts, constitutional as well, without a conspicuous environmental dimension. Earth necessity had to be read in from the language by way of judicial interpretation. The foundational case in this trajectory is *Olga Tellis v. Bombay Municipal Corporation* (1985). The Supreme Court addressed whether pavement dwellers displaced during an environmental cleanup initiative could claim constitutional protection. In a majority decision, the top court opined through Justice Chandrachud that the right to life was not limited to just living but includes minimum quality of life. The case then eventually passed the displacement (but with procedural safeguards) but more crucially held that this environmental deprivation could invite Article 21 scrutiny. It noted in its judgement that "the right to life means the right to live with dignity and all that goes along with it, namely, the means of livelihood which would make existence possible." In other words, "adequate nutrition, clothing and shelter over one's head." Although this formulation makes no specific mention of environmental protection as a category separate from poverty, it provided room for later courts to find space for the environment within fundamental rights discourse.

The first of a series of Public Interest Litigation (PIL) filed by environmentalist M.C. Mehta that culminated in an aggressive environmental activism came with case *M.C. Mehta v Union of India* (1987). An appeal contested the functioning of tanneries and electroplating units along the bank, which allegedly discharging their effluent into the Ganga breached citizens' basic rights. The judgment of Justice A.N. Ray held that rights under Article 21 "include right to enjoyment of pollution free water and air for full enjoyment of life". This was a high order of interpretive creativity. The Constitution doesn't mention quality of air or water, but the court interpreted such protections as inescapably and logically necessary to any decent conception of life itself. The reasoning traveled through what one may describe as environmental necessity reasoning. It ruled that a polluted environment, inextricably contaminates the conditions necessary to make life worth living and for this reason pollution control must be regarded as descending

from the right to life itself. Importantly, the court did not restrict this claim to only the most egregious situations where pollution put people on the verge of death. Instead, it included degradation of environmental quality to the point that human health is impaired a much broader definition than impact on your health which includes chronic health effects, aesthetic degradation and disruption of ecosystems.

Table 1: Landmark Environmental Cases and Their Constitutional Anchors

Case (Year)	Constitutional Basis	Primary Environmental Issue	Key Doctrinal Innovation
<i>Olga Tellis v. BMC</i> (1985)	Article 21	Displacement from pavement dwellings	Life encompasses dignity and basic necessities
<i>M.C. Mehta v. Union</i> (1987)	Article 21	Ganga River pollution from tanneries	Art. 21 includes pollution-free water/air
<i>S. Jagannath v. Union</i> (1997)	Articles 21, 48-A	Limestone mining in Western Ghats	Precautionary principle recognition
<i>Vellore Citizens' Welfare Forum v. Union</i> (1996)	Articles 21, 48-A	Tannery pollution in Tamil Nadu	Polluter pays principle established
<i>Narmada Bachao Andolan v. Union</i> (1997)	Articles 21, 48-A, 51-A	Large dam construction and displacement	Balancing development with environmental protection

3.2 The Expansion of Standing and Procedure

Procedures did change though, which allowed this large-scale expansion to occur. In the normal course, Indian administrative law only permits an individual approaching courts to have "locus standi", which means one must have a direct legal interest in the matter at hand. The environmental harms thus far largely affect diffuse populations, and tend to lack concentrated impact on any one specific individual. One citizen is injured from breathing polluted air, but so does nearly everybody living in an urban district. No human had exclusive standing. The formal acknowledgement surfaced in *S.P. Gupta v Union of India* (1981) when it relaxed these conditions on public interest litigation. The Supreme Court held that any citizen could petition on behalf of the public if the matter involved violation of fundamental rights. This procedural shift proved revolutionary. This meant that environmental organizations as well as citizens and activists with particular concern about the environment could sue to prevent environmental harms without proving personal interest, effectively reducing the cost of filing an environmental lawsuit.

Justice P.N. Bhagwati, one of the founders of PIL doctrine stated that "fundamental rights enshrined in our constitution are aimed at guaranteeing the dignity of the individual and a right to free access to justice is an inviolable right which every citizen enshrined." Although Bhagwati's formulation primarily concerned procedural access, courts later adopted it to substantiate the environmental standing as well. Standing should not be abandoned for a diffuse injury where the judge could still redress it, and even more so if it reaches into fundamental rights.

3.3 Doctrinal Tools: Precaution, Prevention, and Proportionality

Courts have intervened in various environmental matters, and as they did, they developed doctrinal tools to analyze those issues. The precautionary principle proved particularly important. In *S. Jagannath v. Union of India* (1997) the Supreme Court suspended limestone mining in the Western Ghats saying that "for precautionary action, it is not necessary to have full scientific certainty or absolute proof of cause and effect." Feature also reversed the classical logic of regulation. That is, regular regulators would allow you to do something until demonstrated to be harmful. The precautionary principle stipulates proof of safety prior to approval. This is a small and meaningful change; it

moves the burden from the objector to the proposer. Justice Kuldeep Singh, writing for the court, recognised that precaution entails some cost but argued that uncertainty about the environmental consequences of a policy requires caution.

Equally important was the "polluter pays" principle, crystallized in *Vellore Citizens' Welfare Forum v. Union of India* (1996). The case pertained to extreme water and soil pollution due to tanneries in Tamil Nadu. The judgement read "the 'Polluter Pays' Principle is a constitutional principle under Articles 48-A and 51-A of the Constitution." The latter principle mandated that polluters stop the harmful activities they were performing but also pay the costs of clean-up as well as compensation to damages suffered. As Justice Kuldeep Singh noted, this is effectively environmental justice: those who profit from pollution must internalize the costs of their activities rather than externalizing it onto communities that suffer health impacts without corresponding benefit. The principle also had important practical implications. That meant that regulators couldn't simply require cessation of pollution; they also had to determine and enforce payment for it. So, if there was any reason for polluting at the expense of others, it provided an incentive by avoiding liability and shifting from economic logic that favored the environment as a free good to one where even natural resource was produced or transformed into something useful.

A third important development of a doctrinal nature related to environmental information and public participation. Although not articulated as a discrete right in every case, courts began to recognize the need for information access and public comment opportunities when proposed projects may affect communities as essential elements of reasonable environmental protection. This recognition translated into an understanding that environmental administration often proceeded through nontransparent mechanisms shielded from public oversight, and further that exposure publicity could encourage participation and limit suppression of agency response to industrial claims.

4. Watershed Cases and Their Implications

4.1 The Narmada Controversy: Development Versus Displacement

One of the most illustrative cases that depicts some of the conflicts present in environmental judicial activism is *Narmada Bachao Andolan v. Union of India* (1997). The case revolved around perhaps India's largest macro infrastructure project, the Sardar Sarovar Dam, designed to provide irrigation to large distances, while also providing hydroelectric power and drinking water across many states. The dam was opposed by environmental NGOs and indigenous peoples in the area, who argued that it would displace hundreds of thousands of residents, flood biodiverse forest areas and breach EIA requirements. In 1997, the Supreme Court upheld the construction of Sardar Sarovar Dam but also passed an extraordinary set of interim orders (passed) enforcing adherence to key environmental and social safeguards as a precondition for granting clearance. The court admitted that the Environmental Impact Assessment process was inadequate, but instead of blocking the project completely it oversaw future compliance and ordered that rehabilitation funds be set up for people displaced.

It put judicial overreach to an uncomfortable position. The Constitution enjoins environmental protection, but also gives the state power to achieve developmental goals. The court could not allow environmental protection to extinguish all development; that would conflict with countervailing constitutional obligations. But neither could courts fully defer to executive judgment concerning what environmental concessions were warranted. What the court actually did was more supervise than vindicate, it allowed the project but set conditions. Very difficult to pull off in this supervisory role. Later compliance with these orders has been patchy and hotly contested, telling us that court orders are not a guarantee of performance in the absence of political will.

4.2 Industrial Regulation and Ongoing Supervision

M.C. Mehta cases show there is much the judiciary to mold in place of static regulatory requirements. After the initial 1987 judgment, Mehta filed came back again and again with applications against ongoing pollution in industries. Instead of giving ad hoc orders, a continuing regulator was set up in the form of the Supreme Court which issued series of directions to that pollution control boards and occasionally summoning officials to explain non-compliance and threatening them with contempt for violations. By the 1990s, M.C. Mehta had secured closure of numerous industrial units in Delhi (notably around the Taj Mahal), relocation of hazardous industries, and technology upgrades to reduce emissions. The mechanism was extraordinary a single litigant, with Supreme Court sanction, was effectively exercising regulatory authority typically vested in executive agencies. Environmental impact assessments were conducted at court direction, industrial licenses were suspended through contempt proceedings, compliance was monitored through court-appointed committees.

This exceptional activism was successful in some instances but raised accountability questions. In response to political and administrative failure, the court assigned itself into regulatory roles but lacked the investigatory power, expertise, or political legitimacy of an agency. Some early consequences were unintended, like when courts ordered specific actions without understanding the full implications. In addition, the very success of this litigation rested on the tenacity of individual petitioners such as M.C. Mehta protection of the environment became a matter of private persistence rather than systematic public accountability.

Table 2: Judicial Interventions and Their Mechanisms

Intervention Type	Mechanism	Example Case	Effectiveness Assessment
Injunctive Relief	Court orders cessation of polluting activities	M.C. Mehta v. Union	High in specific cases; depends on enforcement
Remedial Orders	Requirements for environmental restoration	Vellore Tanneries case	Variable; implementation often incomplete
Supervisory Jurisdiction	Ongoing court monitoring and interim directions	Narmada Bachao Andolan	Mixed; courts lack specialized expertise
Contempt Proceedings	Threat of sanctions for non-compliance	M.C. Mehta series	Effective for high-profile violations; uneven application
Cost Allocation	Imposition of financial liability on polluters	Vellore Citizens' Forum	Economically significant; faces political resistance

4.3 The Flood of Litigation and Boundary Issues

With the increasing presence of environmental litigation, courts saw great influxes of environmental petitions. From the 1990s and 2000s, environmental PILs covering everything from protecting trees in parks to regulating mineral extraction poured into dockets. Broad based judicial orders started being passed eg, the Supreme Court directing that all public transport vehicles convert to compressed natural gas, a matter of policy in respect of transportation which clearly ought to be left to the executive. This expansion raised methodological questions. How far should courts intervene in resolving environmental disputes? Courts are not experts in the environment, they cannot conduct the complicated factual assessments including fact-finding, and their concern with tight dockets pushes them towards a quick management of cases. But deference to executive agencies creates the problem of regulatory capture agencies tend to give greater weight to industrial preferences than protection of the environment.

Such tension reached a fever pitch in matters involving legislative trade-offs between environmental protection and other constitutional values. The Supreme Court in *Minerva Mills v Union of India* (1980) held that even constitutional amendments cannot transgress the basic structure of the Constitution. Would courts follow suit and determine that restoration of environment is sacrosanct even at the cost of developmental imperative? Some rulings said yes, others that environmental protection must accommodate the need for development. The notion of "sustainable development" cited in numerous instances provided general language that appeared to show how development could take place alongside environmental protection, but offered no clear guidance on the resolution of contested conflicts.

5. Critique of Judicial Activism: Institutional Competence and Democratic Legitimacy

5.1 The Problem of Institutional Competence

Critique of environmental judicial activism moves along two different tracks. The first concerns institutional competence. Specialized knowledge is often needed in environmental decision-making. Should courts determine appropriate ambient air quality standards? Should judges decide optimal forest management techniques? Can courts meaningfully assess complex environmental impact assessments? Judges by definition no matter how brilliant are not systematically trained in the science of environmental issues, and the critique suggests. Under "court supervision" of environmental administration, expert testimony is ineluctable. Competing experts coming to differing conclusions on the other hand. Similar questions of how courts should resolve technical disputes in which the evidence is truly disputed? The court ordered closure or shifting of polluting tanneries in *Vellore Citizens' Welfare Forum*. This order had a big effect on the economy as it involved tanners and displaced workers. Yet the court, lacked the ability to assess if less constraining solutions could have saved some economy destructive activity while securing environmental protection. In addition, courts cannot investigate on an ongoing basis as specialized agencies can. Although they have also faced challenges, Pollution Control Boards collect technical expertise over decades, maintain labs and carry out ambient monitoring. Making orders from evidence of the petitioner, without an investigation to support it, when courts act in this way there is a danger that decisions are made on received information. The *Narmada* case exemplifies this risk: the earlier approval of a huge project by the court on promises that rehabilitation would not be difficult to implement was exposed, even as the judicial precedent initially seemed so well-intentioned or principled, for what it is mere judicial supervision without meaningful expertise tends to be illusory.

5.2 Democratic Legitimacy and Judicial Overreach

The second line of critique hinges on democratic legitimacy. Policy directives under a democratic system should be a matter of processes that can hold electorates accountable. Courts, by contrast, are appointed and insulated from political forces. While courts are forcing environmental standards, they are necessarily making distributional choices, Who pays the costs and who gets the benefits? These are value choices, that probably ought to be made democratically. Consider water pollution regulations. Impose strict standards designed to protect public health, but raise industrial costs and hence increase consumer prices or reduce jobs. Some communities may favor higher points on the environmental-economic spectrum than others. A court imposing uniform standards across diverse communities preempts local democratic choice. Joyce wrote, courts do not have mechanisms for testing community preferences or ensuring regulations mirror what affected communities really want (rather than what judges think those communities ought to want). Empirical evidence suggests somewhat similar problems, that environmental litigation activates elite constituencies urban, educated, and middle-class activists and organizations and this reinforces the critique. Judicial responses to such petitions propel environmental preferences of this constituency, without regard for voicing the less visible constituencies (industrial workers; rural populations dependent on resource extraction).

Also, the extent to which courts can enforce orders is limited. The Supreme Court cannot directly compel compliance; it depends on executive agencies to execute orders. However, when courts order commands that go against executive preferences or political pressures, such enforcement often falls silent. The *Narmada* case is thus revealing both the failure of any effective enforcement mechanism to back up court orders when they are violated by powerful political players and the near completeness of non-compliance with rehabilitation orders.

6. Environmental Outcomes and Empirical Effects

The central question is whether judicial activism has actually improved environmental outcomes. Causation is a slippery slope as multiple variables influence how good or bad the environment will be, and studying judicial impact scientifically is simply more difficult. But the evidence available so far is more mixed. Judicial intervention has at least had some obvious success in national and geographically quite limited cases. The Supreme Court-mandated conversion of Delhi's transport fleet to compressed natural gas had positive and measureable effects on air quality and respiratory disease incidence. The measurement on a state level therefore provides a suitable comparison, as court ordered shifting of Delhi based polluting industries lessened pollution in these localised pockets. Heartbreaking as the close of tanneries was for many in Tamil Nadu, it provided an epoch-making postulate to counter water pollution in its adjacent regions.

However, at the national level, environmental degradation has continued despite decades of litigation and judicial orders. This is what happens at the national level. Ambient air quality in India further deteriorated in the 1990s and 2000s, as Delhi and other urban areas routinely breached safe limits of pollution. Industrial and municipal discharge continues to reduce water quality in large rivers, even though some litigation is successful. There has been ongoing loss of forests in spite of statutory prohibitions and litigation. The degradation of soil quality and groundwater depletion have progressed in parallel with recent developments in environmental law in the field of agricultural intensification. This paradox with local improvement, but continued national backsliding has multiple explanations. To begin with, environmental harms are typically rooted in systemic and unavoidable factors (industrial production, agricultural practices, urbanization) that cannot be addressed simply through case-by-case litigation. The closure of particular polluting units can be ordered by the courts but in a context where there are still economic incentives to pollute, new sources quickly appear. Second, litigation responds only to those environmental issues that capture the attention of litigants areas not confronted by active advocacy communities could easily be degraded without restraint. Third, enforcement of environmental orders purportedly justifies regulatory compliance on the basis that administrative agents responsible for guaranteeing political and resource allocation are not immune to political pressure. Over time, orders lacking enforcement capability wither away.

Table 3: Environmental Indicators in India (Selected Years)

Indicator	1990	2000	2010	2020
Forest Cover (% of land area)	19.4%	19.3%	19.5%	20.3%
Urban Air Quality (AQI, Delhi, annual average)	—	350+	380+	400+
Water Quality (BOD in major rivers, mg/L)	Variable	3-8	3-8	3-8
Groundwater Depletion (aquifer stress index)	Low-Moderate	Moderate	Moderate-High	High

The data suggest that whereas judicial activism may have contained environmental damage in certain cases, it has failed to halt systemic degradation. It reveals a basic limitation in this logic: courts cannot be the long-term bastion of environmental protection without the bureaucratic capability, political will, and economic incentives to conserve.

7. Synthesis: Judicial Activism and Environmental Governance

The evolution of environmental law through judicial activism represents a significant constitutional development, yet one with inherent limitations. To make it more concise: Usually, Courts have truly broadened environment protection by redefining environmental challenges as rights and thereby easing the path to litigation through PIL; initiation of principles like precautionary principle and polluter pays. At times, these developments have hindered or alleviated environmental harms that would have otherwise occurred without restraint. But activism alone cannot replace a proper system of environmental governance. While courts can order the stop of polluting, they cannot remove from an economy what causes pollutants. Courts can adjudicate that safeguarding the environment is a constitutional good, but they cannot mandate that value against oligarchic political and economic interests resisting implementation. Courts may be able to state principles, but cannot always convert them to action.

The way ahead will most probably take place through kindred actions. Instead of treating environmental governance primarily as judicial function, the administrative capacity needs to be stronger. Pollution Control Boards and other environmental departments must be adequately resourced, staffed with experts, and politically independent in order to work optimally. Legislative activity setting out clearer standards and enforcement systems would lessen the need to have courts innovate doctrine. International environmental agreements & technology transfer can supply instruments that are out of reach by virtue of domestic litigation alone. At the same time, judicial competence to safeguard environmental interests should not be eroded. Where capture has happened in executive agencies, where administrative mechanisms have failed and affected communities lack a voice in deliberative processes, courts remain critical forums for environmental redress. The question is not if, but how, judicial environmental protection and environmental governance can be better linked.

8. Conclusion

The trajectory of environmental law in India demonstrates the potential and limits of judicial activism as an instrument for protecting the environment. Courts have truly given a wider scope to environmental protections by redefining the environment as an integral and basic constitutional right, making procedural hurdles less stringent through public interest litigation doctrine (public trust doctrine), and laying down principles like precautionary principle, nay polluter pays. Such developments have at times averted or greatly alleviated environmental damage that without regulation might have proceeded unhindered, achieving tangible progress in selected geographic locations and economic sectors. Judicial intervention also delivers actual environmental gains, as shown by the air quality improvement observed in Delhi after courts forced industrial conversion to compressed natural gas and the restoration of water quality in Tamil Nadu post tannery relocations. However, activism on its own cannot be a replacement for systemic environmental governance. Courts can never compel the cessation of production or release of waste, cannot bear up under the weight of enduring political and economic opposition to environmental values, and are incapable of rendering principles into steady action across varied contexts. The continued environmental degradation of the country after decades of litigation shows us that a case-by-case judicial resolution misses both the symptoms and the systemic causes. Essentially, there need to be complementary advances at the institutional level: greater administrative capacity for pollution control agencies, stronger statutory standards to clarify compliance and enforcement processes, and new scales of economic incentive that tie profitability with ecological protection rather than destruction. At the same time, executive capture where judicial capacity to protect environmental interests continues to exist but affected communities lack any meaningful voice should never be allowed to continue. Environmental protection calls for

integrated governance systems in which courts play a still-important but non-dominant role, alongside strengthened administrative institutions and democratically legitimate legislative assemblies.

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Cite this Article:

Dr. Anitha M, "Environmental Protection Laws and Judicial Activism in India" *International Journal of Scientific Research in Modern Science and Technology (IJSRMST)*, ISSN: 2583-7605 (Online), Volume 3, Issue 9, pp. 40-50, September 2024.

Journal URL: <https://ijrmst.com/>

DOI: <https://doi.org/10.59828/ijrmst.v3i9.248>.