
THE EVOLUTION OF ENVIRONMENTAL LAW IN INDIA: A REVIEW OF THE JUDICIARY'S EFFORTS TO ATTAIN ENVIRONMENTAL AND SOCIAL JUSTICE

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ABSTRACT

In order to ensure that organizations and authorities in charge of environmental protection operate efficiently and maintain natural resources, environmental laws are essential. In India, the concept of environmental protection is not new; it has strong cultural and historical origins. Indian civilization has acknowledged the innate connection between humans and nature since the Vedic era. The necessity of living in balance with the environment was frequently emphasized in sacred scriptures and customs, which emphasized reverence for land, rivers, forests, and air as divine components necessary for existence. Despite this longstanding awareness, environmental deterioration has increased at an unparalleled rate in the contemporary era, especially in the previous several decades. Unquestionably, consumerism, urbanization, and industrialization have sped up economic growth while also placing tremendous strain on ecological systems. Concern over industry and growth not being sought while taking care of the environment has grown as a result of this.

In general, the term "environment" refers to one's immediate surroundings and includes all factors that affect a living being's ability to survive and thrive throughout the course of its lifetime. The word's "etymology" is derived from the French word "environ", which means "surrounding." The Hindi word "paryavaran", which means "something that envelop up," is its equivalent. The biological, physical, cultural, and social aspects of the environment are all included in this description, which captures its comprehensive nature. As societies developed, the necessity for legal structures to govern environmental interactions became unavoidable due to its extensive extent.

Environmental jurisprudence has emerged in India in reaction to the concerning increases in pollution, deforestation, biodiversity loss, and climate-related issues. Because of the creative application of Public Interest Litigations (PILs), the judiciary has become a proactive defender of environmental rights. Courts have acknowledged the right to healthy surroundings is an essential component of fundamental rights by extending

the meaning of Article 21 of the Constitution, that protects the right to life. In many significant examples, concepts like "polluter pays," "precautionary principle," and "sustainable development" have been accepted and put into practice.

At the same time, people's and communities' attitudes have also influenced environmental justice in India. Local communities have been instrumental in advocating for ecological preservation, as seen by movements like Chipko Andolan and Narmada Bachao Andolan. As a result, the development of environmentally friendly legislation in India is a tale of public activity and awareness as well as judicial creativity.

Given this context, the paper intends to investigate the development of environmental jurisprudence in India, including its historical development, judicial contribution to envirosocial fairness, and the critical role that public involvement plays in environmental preservation.

INTRODUCTION

Everyone has the right to a clean and healthy environment, including the use of nonhazardous and contaminated drinking water and polluted air. They also have the right to hygienic living conditions and the ability to consume wholesome food. Nevertheless, whether or not these rights are protected, they are severely eroded by the state of affairs in the environment. The current generation is preoccupied with the concept of development and has given little thought to the environment or the destruction caused by human activity.

They have a tendency to forget that they cannot exist without the environment, which is the primary source of their existence. As long as the entire atmosphere can sustain the intake and these advancements do not come at the cost of the environment, the entire world will never be able to term them evolved. In this situation, environmental jurisprudence plays a crucial role in preserving environmental virtue and protecting the environment.¹ However, it is crucial to comprehend the environment before it is possible to comprehend environmental law.

THE TERM “ENVIRONMENT”

One can infer the definition of "environment" from the word itself. Features like air, water, sunlight, and nourishment for all living and non-living things on Earth are frequently mentioned

¹ Parikh, Judicial Interpretation of Law of Public Nuisance for Environmental Protection: A Critique, 6 IJCRT 60-65 (2018).

in words. Section 2(a) of the Environmental Protection Act of 1986 defines the term "environment" as "Humans, other living beings, plants, microorganisms, and property as well as water, air, and soil." "Environment consists of all or any of the following kinds of medium, i.e., air, soil, water, and in the form of various biological or artificially created structures in above or below ground," according to Section 1(2) of the Environmental Protection Act 1990 of England.

Three categories of components make up the environment:

The first is a part of a biotic (or non-living) component, which includes all non-living elements like soil, water, and air.

2. The biotic elements or elements of life, which encompass all living organisms such as trees, plants, and so on, come in second.

3. Lastly, the energy component, which comprises atomic, nuclear, hydro, geo, and solar energy, among others.

THE NECESSITY OF ESTABLISHING ENVIRONMENTAL JUSTICE IN ORDER TO SAFEGUARD THE ENVIRONMENT

Evolution started when humans began to develop while taking advantage of the natural world and their surroundings. This frequently involves human development, but infrequently it was simply created for leisure. While people have pursued their self-serving goals, the environment has been seriously harmed by their hurry and drive for development. The sustainability of the environment has a significant impact on the processes of industrialization, urbanization, and other forms of development; not much can be done at the expense of the environment's health. However, when these procedures are carried out carelessly and decisions are made quickly, the results can have unanticipated and occasionally unprecedented effects on the environment.

The natural environment, including the air, drinking water, plants, animals, people, and harmful microbes, is impacted in another way. Examples of man-made disasters include the Cherny Boll disaster and the Bhopal gas tragedy. Internationally, there was a strong desire to curtail these actions or catastrophic events. In order to inspire and direct the globe in the preservation and improvement of humanity's ecological layout, the Stockholm Declaration was convened in 1972 with the goal of developing specific viewpoints and consistent, shared standards. Two

real-life instances of industrial hazards include the Bhopal tragedy and Chernobyl.

According to Brundtland, "We all rely on one ecosystem for our lives, but the Earth is one, while the world is not." However, every nation and society aims for survival and wealth without considering how their actions would affect other people. Some people use resources so quickly that they leave little for future generations. Others, who are more numerous, intake too little and risk starvation, destitution, and illness. In addition to all biological and nonliving resources, the environment also encompasses the prudent use of resources for the benefit of our future generations.

The Law on Environmental Protection, 1986, established the long-term environment for the first time in India's history of environmental law, encompassing both biotic and abiotic elements. According to the World Commission UN Development and Environment (1987), "sustainable development" which refers to the development of the current generation without compromising the demands of the future generation is the idea of preserving these resources.

Therefore, social and economic growth goals must align with environmental sustainability.²

In actuality, the environmental costs of development are most likely far more than the advantages. Pollution and environmental deterioration are the outcomes. Staying in peace with nature is a long-standing philosophy in India, and environmental conservation is no exception. Since ancient times, Indian philosophy and culture have permeated the idea of environmental protection. The ancient and historic eras, medieval India, and Vedic cultural traditions all demonstrate how much India understood the need of protecting the environment. It is crucial to examine recent Indian environmental protection traditions in order to comprehend the current legislative framework for environmental protection.

LEGISLATIVE ACTION TO PRESERVE THE ENVIRONMENT

Only in 1806, when an elected commission was established to investigate the availability of teak wood in Travancore and Malabar with methods for structuring Conservator forests, which were severely impacted by forest wealth, did the supply of teak and shoes for the exchange rate and expansion of agriculture that increase revenue procedure strengthen the state against

² Draft Declaration of Principles on Human Rights and the Environment, July 6, 1994, U.N. Doc. E/CN.4/Sub.2/1994/9 (1994)

individuals on the topic of command over forests begin. The position of Conservator of Forest was abolished in 1823. As a result, India's common wealth had to exist until the middle of the nineteenth century without any legal arrangements. Several actions were taken to secure remote and earthly resources in the middle of the nineteenth century.³

By strengthening the nation's condition, the Forest Policy Statement of 1894 took control of all the villages for protection and an open objective. This method separated the jungle to follow the four classifications based on the following useful premise:

1. Preservation of woods, an essential component of the actual terrain.
2. The preservation of forests that may provide enterprises with timber.
3. There are a few tiny forests that provide timber.
4. The namesake's isolated field.

Unfortunately, this strategy is subject to political concerns and restricted by the authorities.

Furthermore, these tactics have other drawbacks, such as

1. The policy, known as "Open Benefit," has challenged the legitimacy of traditional protection methods and erased the privileges of the general populace who have lived in the hamlet for a long time.
2. Unchecked migration from various forests to agriculture and jobs was made possible by the obsession.
3. Insurance, wildlife conservation, private forests, isolated held preparation, ecological training, and other things were not mentioned.

THE INDIAN FOREST ACT, 1927

The Forest Act of 1927 was created in order to address these shortcomings of the Forest Policy of 1894. With this Act, the British government's rights are unrestricted, and security forces can

³ Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques (ENMOD Convention), May 18, 1977, United Nations Treaty Series, Vol. 1108, p. 151 (No. 17119).

seize land ownership, uncontrolled forests, woodlands, and other basic private or city properties with a simple notice and no payment or value arrangements. The Indian Forest Act of 1927 established the institution for enacting forests with a similar setup. In 1927, a statute was passed to tighten the regulations for identifying and deliver isolated forest treks, which later became the Middle demonstration. There are 86 sections of the region in demonstration combination XIII. Four classes of remote partitioning things:

1. Owned Forests
2. Forest City
3. Ensuring Forests
4. Non-Government (Private) forest.

Timberlands are part of the urban forest, a municipal network. The state administration relocated to the hamlet, where it may forbid tree-cutting and offer excavation and evacuation services.⁴

Forest officials oversaw the Forests Act of 1927.⁵ It is required by this Act to demonstrate the mistake of entangled seconds. 26 lies in the State, and the discipline that must be held has been questioned because the warning has not been supported by anecdotal proof that is needed by the Indian Evidence Act, 1872. According to Article 26 (1) (I), no person may continue fishing in a forest that has been preserved without the State Government's or the Forest Officer's approval. A hamlet deliver is similar to fish that are either held or found in the forests near the lake.

ADDITIONAL ENVIRONMENTAL LAWS

1. Shore Disorders (Bombay and Kolaba) Act, 1853
2. Oriental Gas Company Act, 1857
3. Indian Penal Code, 1860

⁴ The Indian Forests Act, 1927

⁵ The Forest (Conservation) Act, 1980 The Wild Life (Protection) Act, 1972

4. Northern India Canal and Drainage Act
5. Madras Elephant Preservation act, 1879
6. Indian Easement Act, 1882
7. Code of Criminal Procedure, 1973
8. Indian Fisheries Act
9. Bengal Disorders action in 1905
10. Smoke Bombay Disorder Act, 1912
11. Wild Birds and Animals Protection Act of 1912.
12. Poisons Act, 1919
13. Parent Consolidation Act, 1920
14. Indian Boilers Act, 1923

ENVIRONMENTAL JURISPRUDENCE CASE LAWS

With its historic rulings that bridge the gap in legislative action or resort to executive negligence, the Indian judiciary is thus instrumental in defining environmental protection laws. It has established the court as an active protector of the country's natural resources and ecological equilibrium. Among those who have contributed significantly to this campaign is M.C. Mehta, whose tireless and fascinating work has produced extremely important environmental law opinions.⁶

WHAT M.C. MEHTA HAS CONTRIBUTED

Public interest attorney M.C. Mehta has made a significant contribution to the growth of environmental jurisprudence in India. He has also established legal precedents for environmental protection by using PIL to hold governments and industries accountable for

⁶ Nithya Sree R M et al., "Environmental Protection Policies in India and Impact on Corporate Social Responsibility: A Study on Industry Analysis and Sustainability," *International Journal for Research in Applied Science and Engineering Technology* 904–10 (2022).

environmental harm.

THE 1985 GANGA POLLUTION CASE⁷

Mehta filed this PIL in order to address the Ganges River's extreme pollution. When the Supreme Court imposed to prohibit the operation of polluting manufacturing facilities along the river and subsequently limited the level of industrial effluents, it demonstrated that it took the health of the populace and the environment seriously.

CASE OF TAJ TRAPEZIUM (1997)⁸

Mehta petitioned the court to have the Taj Mahal protected because he was worried about industrial pollution damaging the monument. The Supreme Court ordered the relocation of polluting companies or their conversion to greener fuels, including CNG. In doing so, the current verdict preserved India's cultural legacy and highlighted the judiciary's dedication to sustainable development in India.⁹

CASE OF OLEUM GAS LEAK (1986)¹⁰

Following a gas leak from a plant in Delhi, the court applied the Doctrine of Absolute Liability, which holds dangerous industries fully accountable for any harm they create. This historic ruling mandates that public safety standards be raised and corporate responsibility be reinforced.

IMPORTANT ENVIRONMENTAL COURT DECISIONS

DOON VALLEY CASE (RURAL LITIGATION AND ENTITLEMENT KENDRA V. STATE OF UP)¹¹

The Supreme Court ordered a halt to marble extraction in the ecologically delicate Doon Valley

⁷ The 1985 Ganga Pollution Case is the case of M.C. Mehta vs. Union of India (1987) 4 SCC 463 and AIR 1988 SC 1037.

⁸ M.C. Mehta vs. UOI, 2 SCC 353 (1997), available at: <https://lawlex.org/lex-bulletin/case-summary-m-cmehta-vs-uoi-taj-trapezium-case/27471> (last visited Dec 24, 2024).

⁹ INDIA'S JOURNEY TOWARDS SUSTAINABLE DEVELOPMENT, available at: <https://lawcolloquy.com/publications/blog/india-s-journey-towards-sustainable-development/> 220 (last visited November 16, 2024).

¹⁰ M.C. Mehta & Anr. Etc v. Union Of India, 1 SCR 312 (1986)

¹¹ Rural Litigation And Entitlement v. State Of U.P., supra note 23.

in order to ensure long-term ecological viability, putting short-term economic gains aside.¹²

THE CASE OF KAMAL NATH¹³

The court established that natural resources are in trust for public use and cannot be used for private gain by using the Public Trust Doctrine to declare the Beas River's diversion for private gain unlawful.

SUBHASH KUMAR V. STATE OF BIHAR¹⁴

According to this ruling, which links environmental health to human rights and public wellbeing, the right to a clean environment should be derived as a component of the fundamental right in Article 21 of the Constitution.

RECENT COURT DECISION

INDIAN COUNCIL FOR ENVIRO-LEGAL ACTION V. UNION OF INDIA (2021)¹⁵

The Supreme Court underlined how important it is to strictly abide by environmental laws, especially those pertaining to the handling of hazardous waste. The court found that enterprises must conform to the norms the Ministry of Environment, Forest and Climate Change (MoEFCC) set to prevent environmental degradation.¹⁶

SANJAY KUMAR V. STATE OF UTTAR PRADESH (2021)¹⁷

Illegal sand mining along the Ganges banks was the subject of this case. The court upheld the idea of sustainable resource management by outlawing illicit mining and directing the state administration to respond swiftly against offenders.

¹² *Ibid*

¹³ M. C. Mehta v. Kamal Nath (1997) 1 SCC 388.

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

¹⁵ Indian Council for Enviro-Legal Action v. Union of India, supra note 31.

¹⁶ Dr. 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. IJEMMASSS 7004 (2024).

¹⁷ Sanjay Kumar Rai v. The State Of Uttar Pradesh, 2021 SCC OnLine SC 292, 2021 INSC 292, or [2021] 2021 Supreme(SC) 242

M.C. MEHTA V. UNION OF INDIA (2022)¹⁸

The Supreme Court ordered the adoption of the Graded Response Action Plan (GRAP) in this ongoing case pertaining to Delhi's air pollution in order to address serious wintertime air quality problems. The court ordered particular actions to reduce industrial pollution and vehicle emissions.

KUMARASWAMY V. STATE OF KARNATAKA (2023)¹⁹

Citing infractions of environmental clearance standards and the need to preserve biodiversity, the Karnataka High Court rejected a proposed building project close to a protected forest area. The significance of environmental impact evaluations prior to project approvals was reaffirmed by this ruling.

NARMADA BACHAO ANDOLAN V. UNION OF INDIA (2022)²⁰

The Supreme Court emphasized the necessity of rehabilitation and relocation plans that adhere to social justice and environmental principles while upholding the rights of local people impacted by major dam projects.

India's historic rulings have established a solid framework for environmental regulation while also permitting environmental preservation and development requirements. The M.C. Mehta cases, among others, have strengthened corporation and governmental responsibility regulations, expanded the scope of constitutional protections pertaining to environmental preservation, and contributed to the development of important doctrines. These decisions ensure our children's future sustainability, heritage, and public health.

CONTAINER CORPORATION OF INDIA LTD V. AJAY KHERA AND ORS (2019)²¹

In response to a petition filed with the National Green Tribunal (NGT) about air pollution from heavy-duty diesel vehicles at the Inland Container Depot (ICD), Tughlakabad, the Supreme

¹⁸ M C Mehta v. Union of India, (2022), Original Application No. 200/2014(arising out of CWP No. 3727/1985 on the file of Hon'ble Supreme Court) (With report of NMCG dated 15.07.2022)

¹⁹ Sri. Kumaraswamy v. State Of Karnataka, (2023), 2023 SCC OnLine SC 911

²⁰ Narmada Bachao Andolan v. Union of India, 328 SCR (2022), AIR 2005 SUPREME COURT 2994, 2005 (4) SCC 32, 2005 AIR SCW 1662, 2005 (3) SCALE 111, (2005) 3 JT 316 (SC), 2005 (3) SLT 98, (2005) 3 GUJ LR 2182, (2005) 3 SCJ 516, (2005) 2 SUPREME 782, (2005) 3 SCALE 111

²¹ Container Corporation of India Ltd v. Ajay Khera and Ors Civil Appeal No. 3798 of 2019

Court ordered the Central Government to develop a plan within six months to gradually replace these vehicles with ones that comply with Bharat Stage-VI. The

Environment Pollution (Prevention and Control) Authority (EPCA) was previously requested by the Court to provide a report with recommendations. The Court further directed the Ministry of Road Transport and Highways to investigate greener options for heavy-duty transportation, including the use of compressed natural gas (CNG), hybrid, and electric vehicles, based on the EPCA's conclusions.

ASHOK KUMAR SHARMA, IFS (RETD.) & ORS V. UNION OF INDIA & ORS (2023)²²

The Supreme Court upheld the broader interpretation from the Godavarman ruling, which held that "forest" should be understood by its dictionary meaning, in a writ petition contesting the Forest Amendment Act's restricted definition of "forest," which restricts it to lands notified or recorded as forests. By March 31, 2024, the Court ordered the Ministry of Environment, Forests, and Climate Change (MoEFCC) to make sure that all states and union territories provide thorough records of the lands that respective expert committees have designated as forests. Additionally, MoEFCC was directed to digitize these documents and make them accessible to the public on its official platform by April 15, 2024.

BINDU KAPUREA V. SUBHASISH PANDA (2025)²³

In the contempt case against the Delhi Development Authority (DDA) for unlawfully destroying trees in violation of the Delhi Preservation of Trees Act, 1994, the Supreme Court voiced its displeasure with the DDA's tardiness in supplying documents pertaining to the Lieutenant Governor's directives. It ordered the Delhi Environment and Forest Department to provide an explanation for its inactivity and confirm that the Tree Authority meets on a quarterly basis and has enough facilities. In addition to requiring the Delhi government to set up a cutting-edge, technologically advanced vigilance system to stop illegal tree felling, the court directed immediate seizure of felled trees, with DDA to find and report them within a week.

²² Ashok Kumar Sharma, IFS (Retd.) & Ors v. Union of India & Ors is W.P.(C) No. 1164 of 2023

²³ Bindu Kapurea v. Subhasish Panda is 2025 INSC 784.

VANASHAKTI V. UNION OF INDIA (2025)²⁴

Two MoEFCC office memorandums dated July 7, 2021, and January 28, 2022, which permitted ex post facto Environmental Clearances (EC), were stayed by the Supreme Court in a PIL brought by NGO Vanashakti. The petitioner contended that the memorandums illegally allowed the regularization of projects that had begun operations without prior EC and that an Environment Impact Assessment (EIA) must be carried out before a project starts, not after.

LUKE COUTINHO V. UNION OF INDIA (AIR POLLUTION PIL)

A Public Interest Litigation was launched in the Supreme Court requesting immediate judicial intervention to remedy India's serious air pollution problem. The petitioner sought that air pollution be designated as a national public health emergency, claiming that rising levels of pollution violate the fundamental right to life under Article 21. In order to guarantee efficient and responsible action against deteriorating air quality, the plea sought to make the National Clean Air Programme legally enforceable with stringent deadlines, create a national task force, improve monitoring systems, phase out polluting vehicles, and reduce industrial emissions and crop burning.

GAPS IN JUDICIAL ACTIVISM

Environmental protection has undoubtedly been improved by the Indian courts, yet there have been some restrictions.²⁵ A balanced strategy involving all three parts of government should be used to address the turning point of judicial activism, which worsens judgment²⁶ discrepancies, weakens environmental protections, and places an undue dependence on courts.²⁶

DISPARITIES IN ENVIRONMENTAL JUDGMENTS

There have occasionally been inconsistent environmental court decisions, particularly when judges weigh ecological protection against economic development. The Supreme Court allowed the construction of the Sardar Sarovar Dam in *Narmada Bachao Andolan v. Union*

²⁴ Vanashakti v. Union of India 2025 INSC 718

²⁵ Environmental Law, available at: <https://lmslaw.blogspot.com/p/environmental-law.html> (last visited Dec 24, 2024).

²⁶ Ajit 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).

*of India (2000)*²⁷, despite the significant disturbances and environmental harm brought on by widespread displacement. This represented a departure from the court's prior emphasis on vulnerable groups' rights and ecological sustainability.

In a similar vein, the Supreme Court permitted the reopening of a polluted manufacturing facility in Tamil Nadu in the *Sterlite Copper Plant*²⁸ case despite evidence of environmental violations and public outcry. These rulings also partially demonstrated how the judiciary felt compelled to strike a balance between environmental preservation and development, which added to the ambiguity surrounding the application of environmental principles.

DILUTING ENVIRONMENTAL PROTECTIONS

Important environmental laws have been loosened in recent years. EIA regulations were changed in 2020, enabling some projects to avoid public consultative procedures and impede responsibility. For instance, the Oil and Natural Gas Corporation's (ONGC) exemptions for exploratory drilling amounted to approval for extensive operations in environmentally sensitive areas.

Environmental protections, however, have not been legislatively maintained as a result of the judiciary's cautious response to these regulatory rollbacks. Furthermore, due to a lack of executive support, the National Green Tribunal (NGT), which was created to centralize environmental litigation, has occasionally failed to execute orders. Judicial oversight is no longer effective, and its power has diminished.

EXCESSIVE DEPENDENCY ON THE COURTS

The frequency with which courts are asked to resolve environmental issues is the subject of a second issue. The core of governance filling has been judicial activism, albeit reactively in the context of environmental challenges. Courts frequently step in to address environmental degradation by directing reparations or repair. Although such a reactive approach is commendable, proactive legislative and executive regulation cannot be replaced by it. Furthermore, the courts are frequently unprepared to handle the complexity of even the most

²⁷ Supra 19

²⁸ 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.

common environmental claims, whether they concern biodiversity or climate change.

Regulatory agencies like the Ministry of Environment, Forests, and Climate Change (MoEFCC) are primarily responsible for this, even though expert committees like the National Environmental Engineering Research Institute (NEERI) provide guidance on such matters. Implementing important environmental orders is made more difficult by the additional backlog of litigation in Indian courts. It ought to be impeding the prompt resolution of urgent environmental problems. Judicial activism has influenced India's environmental jurisprudence, but its limitations highlight the necessity of a democratic, participatory government approach. However, more legislative and executive accountability, better protections, and consistent verdicts are necessary for sustainable environmental governance. The judiciary, which puts a lot of effort into protecting the environment, will be relieved of some of the load if all parts of government work together to implement preventive measures that avoid damage and promote ecological sustainability.

CURRENT PATTERNS

India's environmental governance has advanced to a new level in recent years thanks to specialist venues like the National Green Tribunal, court interventions, and compliance with international agreements like the Paris Agreement. However, new issues brought about by urbanization, industrialization, and climate change necessitate cooperation and adaptation at levels higher than those of governance.

NGT OR THE NATIONAL GREEN TRIBUNAL

Established in accordance with the 2010 National Green Tribunal Act, the NGT has recently developed into a significant entity that uses an effective dispute resolution process to convince people of environmental disturbance. Under important environmental laws²⁹ such as

the Environment Protection Act (1986), the Air Act (1981), and the Water Act (1974), it is tasked with managing cases pertaining to polluting substances, preservation of forests, water management, and biodiversity.

The NGT has rendered historic rulings that call for systemic changes rather than just immediate

²⁹ Environmental Law, available at: <https://lmslaw.blogspot.com/p/environmental-law.html> (last visited November 16, 2024).

remedies:

- **YAMUNA RIVER POLLUTION CASE (2015)**³⁰: Enforced severe fines on businesses that released untreated wastewater, directed local governments to reduce sewage pollution, and, for the majority of part, adopted a proactive stance against persistent environmental issues.
- **STERLITE COPPER PLANT CASE (2013)**³¹: It declared that environmental safety and public health continue to be the top priority and ordered the shutdown of that polluting industrial unit in Tamil Nadu.
- **VOLKSWAGEN EMISSION CASE (2018)**³² It established a precedent for holding large corporations responsible and penalized the carmaker for employing devices to rig emissions tests.

Because of its emphasis on accountability and proactive measures, the NGT's work has in many respects made it a crucial pillar of environmental governance.

INDIAN COURTS AND CLIMATE CHANGE

Indian courts have taken an active role in encouraging sustainable practices and reducing the effects of climate change as the hazards associated with it increase:

- **Renewable Energy Mandates**: Among other things, courts have ruled that cleaner energy must be implemented through Renewable Purchase Obligations (RPOs).
- **Forest Conservation**: The Supreme Court defended vast swaths of Union of India forest land, which are vital carbon sinks for reducing the effects of climate change, in *T.N. Godavarman Thirumulpad v. Union of India*.³³
- **Examination of Environmental Impact Assessments (EIA)**: Courts have stepped in to ensure accountability and due diligence in situations where EIA clearances for projects with

³⁰ Tata Power Delhi Distribution Ltd. NDPL House v. Manoj Misra and Ors, SCR (2015).

³¹ Supra 23

³² German History in Documents and Images.

³³ T.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).

substantial carbon emissions were wrongly issued.

These measures demonstrate the judiciary's expanding role in using policy and law structures to address climate hazards.

INTERNATIONAL PROMISES AND DOMESTIC LAW ENFORCEMENT

In accordance with its international obligations under treaties like the 2015 Paris Agreement, India has committed to afforestation, increasing its capacity for renewable energy, and lowering the intensity of emissions. By citing the Precautionary Principle and the Doctrine of Sustainable Development, the judiciary has played a crucial role in domesticating these obligations and integrating their content into domestic law. For instance, the Supreme Court upheld pollution control measures in the Taj Trapezium Case by referencing international environmental standards.

Significant advancements in India's environmental jurisprudence may be seen in the NGT's interventions, the court's emphasis on climate change issues, and its conformity to international frameworks. But issues like urban pollution, deforestation, and climate change necessitate a more concerted effort from the legislative, executive, and judicial branches. To guarantee sustainable governance and handle the intricacies of India's environmental future, a cooperative strategy is necessary.

SUGGESTIONS AND UPCOMING DIRECTIONS

More than only judicial involvement is needed to address India's severe environmental problems, which include pollution, deforestation, climate change, and resource depletion. strong law enforcement, executive and legislative action, public involvement, and judicial changes must all be included in a sustainable strategy.

MAKING ENVIRONMENTAL LAWS STRONGER

Enforcement of India's extensive environmental regulations, such as the Air Act of 1981, the Water Act of 1974, and the Environment (Protection) Act of 1986, is still lacking. To guarantee accountability, stricter enforcement, harsher sanctions, and improved oversight are required.

TIGHTER MONITORING AND ENFORCEMENT

Regulatory agencies such as the CPCB and SPCBs ought to be equipped with sufficient resources, technology, and personnel to keep an eye on compliance in real time. Frequent inspections of high-polluting sectors should be required, and penalties for infractions must serve as deterrents.

ENHANCING TRANSPARENCY AND PUBLIC CONSULTATION

It is necessary to increase the transparency and participation of the Environmental Impact Assessment (EIA) process. Accountability and public participation would be improved by making environmental data publicly available and publishing clearance procedures online.

THE EXECUTIVE AND LEGISLATIVE ROLES

The legislature and executive branch must take the lead in proactive governance beyond judicial activism by enacting contemporary laws that address problems like waste management, water conservation, renewable energy, and climate-resilient infrastructure. Effective policy implementation requires public-private partnerships and coordination between the federal and state governments.

THE NEED FOR WIDESPREAD EDUCATION AND AWARENESS

From a young age, environmental education ought to be incorporated into the curriculum. Media, street dramas (Nukkad Nataks), traditional crafts, and community initiatives should all be used in awareness campaigns to encourage environmentally conscious living and sustainable living among both urban and rural communities.

CONCLUSION

Through pro-active rulings, public interest lawsuits (PILs), and the concepts established in seminal cases like M.C. Mehta, the Indian judiciary has been instrumental in furthering environmental preservation. Nonetheless, issues like administrative complacency, erratic decisions, lax enforcement, and an excessive dependence on the legal system for remedies continue to exist.

The court, executive branch, and legislature must work together in India to provide efficient

environmental governance. Important improvements include creating specialist environmental tribunals, improving public involvement, strengthening legal frameworks, and increasing environmental knowledge.

India, a country that is developing quickly, needs to strike a balance between development and environmental protection. Collective responsibility, whereby citizens and government institutions alike safeguard the environment for future generations, is essential to sustainable progress. To promote an atmosphere of environmental accountability, the future requires creativity, tenacity, and collaboration. In the end, protecting the environment is both a moral and legal obligation that is essential to people and the natural world coexisting together.