
EVOLUTION OF THE HUMAN ENVIRONMENT IN INDIA: SCOPE AND JURISPRUDENTIAL DEVELOPMENT WITH SPECIAL REFERENCE TO M.C. MEHTA VS. UNION OF INDIA

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ABSTRACT

In India ‘*Nature*’ (environment) is worshiped in many ways. Cultural and religious practices show the deep-rooted connection between ‘Human’ and ‘Environment’.

Over time the relation between humans and nature has experienced significant changes. Noticeable changes are evident due to judicial decisions where the environment was concerned. This chapter looks at the definitions, scope, and development of the human environment in India. It also examines case laws on how the human environment concept has judicially been interpreted.

This chapter also focuses on how environmental issues have been built into the scope of the right to life in Article 21 of the Constitution, thus solidifying the status of the protection of the environment as a constitutional obligation. This chapter traces the progress made in developing environmental law in India by the international movements to protect the environment.

In another way, an important portion of this chapter is devoted to an analysis of M. C. Mehta’s landmark cases. M.C. Mehta has influenced the evolution and strengthened the establishment of India’s environmental law as well as principles like absolute liability, the polluter-pays principle, and the precautionary principle, using a significant tool called public interest litigation.

And thus, this chapter’s contribution is on the evaluation of the role of judicial stances on the environment. It also addresses problems regarding implementation and its limitations. The conclusion part is about the necessity of a balanced approach to sustainable development to harmonize environmental protection with developmental goals to serve the present and future generations with a healthy human environment.

Keywords: Human environment, Environment Protection, M. C. Mehta, Absolute Liability, Polluter Pays Principle, Precautionary Principle.

1. Introduction

The *dharma* (religious duty) of any individual of a society is to protect nature. Since pre-Vedic and ancient eras, in India ‘Nature’ (environment) has been worshiped in several forms. Indian scriptures and philosophies observe the universe formed by five elements, the *Panchabhootas*, named—Agni (Fire), *Vayu* (Air), *Apah* (Water), *Akash* (Space), and *Prithvi* (Earth). The Vedic Aryans during the Vedic era (1500 – 500 BC) adored nature and considered it sacred. A variety of sources like the *Vedas*, *Upanishads*, and *Arthashastra* principally revolved around the idea of nature and life. Kautilya first framed an administrative resource management system. In Hinduism, Rigveda, the oldest sacred text and universally accepted most precious Indian heritage, worshiped natural forces like *Agni* (Fire), *Vayu* (Air), *Surya* (Sun), and *Nadi* (River) associated with deities, which promoted ecological responsibility. Like a deity, *Aranyani* was considered the goddess of forests. However, increasing agricultural activities transformed the environment in many forms. *Yajurveda* promoted natural elements with religious forces, *yajna* (sacred ritual), to be performed by offering *ghee* (clarified butter) and wood into a sacred fire to free the environment from impurities. *Samveda*, known as the Veda of melodies, suggests alignment between human and nature’s rhythms. The core idea of *Samveda* is harmony. Whereas the *Atharvaveda* emphasizes a practical and direct approach to environmental awareness. *Prithvi Shukta* (Atharvaveda, Book 12, Hymn 1) personified Earth as ‘Mother Earth’ and showed respect and protection of nature towards its sources. Severe punishment for water body pollution was prescribed under the *Agni Purana*.¹ *Manusmriti* condemns cruelty towards animals, while the *Rigveda* discourages plant and river destruction.² The famous *Nadistuti Sukta* (Rigveda, Book 10, Hymn 75) praised ten rivers as sacred entities, which are Sindhu (at present the Indus River), Saraswati, Vitasta, Asikni, Parushni, Vipasha, Shutudri, Kubha, Krumu, and Gomati.³ In present times these rivers are mostly located in northwest India and Pakistan and extend into Afghanistan. The Sindhu (Indus) was highly praised in the hymn. The Harappa and Mohenjo-Daro (c. 5,000 years ago) civilizations reveal a synonymous relation between public health, ventilated housing, sanitation, and environment.

In the medieval period Mughal emperors used forests as their hunting grounds, but Akbar

¹ Madhu Lata Sharma & Mahendra Kumar Dhakad, *A Study of Environmental Awareness in Ancient Vedic Literature*, 8 SGVU International Journal of Environment, Science and Technology 13.

² Saradindu Pal & Dr. Bapin Mallick, *Contextualizing Indian Environmental Philosophy in the Anthropocene : A Critical Study*, 14 International Journal of Academic Research in Multidisciplinary Studies (IJARMSS) (2025), <https://garph.co.uk/IJARMSS/Feb2025/sp.pdf>.

³ 3 Stephanie W. Jamison & Joel P. Brereton, *The Rigveda: The Earliest Religious Poetry of India* (2014), https://www.google.co.in/books/edition/The_Rigveda/1-PRAWAAQBAJ?hl=en&gbpv=1.

implemented restrictions on hunting. During the colonial period later, the Britishers focused on economic exploitation rather than ecological balance. The Britishers aggressively extracted resources from nature for their industrial usage. Traditional human rights were curtailed. The Indian Forest Acts of 1878 and 1927 concluded ecological degradation due to heavy commercialization of forests.

The root of nature's English term 'environment' is the French word '*environner*,' which means 'surrounding' or 'encircling.'⁴ Cultural and religious practices show the deep-rooted connection between 'Human' and 'Environment'. Under section 2(a) of the EPA in India, the legal definition of the term 'environment' includes land, air, water, plants, human beings, other living creatures, micro-organisms, and property.

2. Objectives of the Study

This Chapter has undertaken the following objectives:

- The primary objective is to examine the evolution and scope of the human environment, focusing on constitutional and judicial dimensions.
- This chapter analyses the transformation of religious and cultural ethos into a constitutional right under Article 21.⁵
- It also focuses on landmark judgements that shaped India's environmental jurisprudence with special attention to the contributions of M.C. Mehta cases.
- This study also aims to study the international environmental movements such as the Stockholm Conference, 1972, and the Rio Earth Summit, 1992.
- The final purpose is to evaluate the necessity of a balanced and sustainable direction towards the protected environment and its development.

3. Research Methodology

This study is qualitative in nature. In order to finish this particular chapter, a doctrinal and

⁴ Siddharth Sharma & Suhas K. Hosamani, *An Overview of Environmental Jurisprudence in India*, 5 GNLU Journal of Law, Development and Politics (GJLDP) 133 (2015).

⁵ The Constituent Assembly of India, *Constitution of India*, (1949).

analytical research methodology has been accepted. It understands the relationship between human development and a sustainable environment with the analytical approach. It focuses on secondary data sources. This research comprises a detailed analysis of legal provisions, the judicial interpretations, and the scholarly literature on the subject of environmental law. An important element of this research methodology involves the study of case laws. This research measured the use of public interest by M.C. Mehta. This study also views historical traces of the evolution of environmental laws. Further, this chapter shows how well current laws work alongside judicial decisions.

4. Concept and Meaning of Human Environment

“The environment is where we all meet, where we all have a mutual interest; it is the one thing all of us share.”

— Lady Bird Johnson

Humans are the most intellectual creatures in nature. Back when life started, human beings have always relied on the natural resources in order to survive, such as the land, water, minerals, and energy resources. Unlike the natural environment, which includes the climate, wildlife, and landforms, the primary elements of the human environment are the social environment (family, community, and institutions), economic environment (industries, employment, and trade), political environment (statutes, policies, and government bodies), and cultural environment (art, language, religion, and traditions). The term "human environment" refers to a complex interrelationship between existing social, cultural, physical, and biological elements. It is the environment that is evolving due to adaptation, creation, modification, or organization of surroundings through human activities to meet human needs. Though separate in definition, the human environment and the natural environment have always influenced one another. Across time, from early societies to present urban societies, the connection remains clear. Fields such as sociology, geography, and environmental research examine how people shape spaces- revealing paths to balancing world. Because long-term survival depends on resource care, responsible use becomes necessary. Well-being now, along with that of those who follow, relies on restraint and awareness built into daily life.

5. Pre-Independence Evolution of Environmental Awareness in India

The evolution of environmental awareness in India has transitioned from an ancient spiritual

appreciation for the natural realm to a developed modern framework of constitutional rights and specialised adjudication, heavily shaped by the pressures of industrialization and urbanization.

The British colonial era was a violent rupture. During the Napoleonic War, in the year 1806, Britishers harvested Malabar teak in Madras by requesting the British East India Company for their royal naval force needs. Ironically, this was a fall of an appointed conservator who was supposed to protect but turned into an extractor of the resources. Later, their railway construction led to rapid destruction of forest areas. In order to secure full state control over forest resources, they established the Imperial Forest Department in the year 1864. In the following year, 1865, the Forest Act was the first legislative step, implemented to regulate forest use by the British government only. This act placed the power in their hands to declare any forest land as 'government forest.' The three forest acts of 1865, 1878, and 1927 created a monopoly of the British government over the forest resources. These three acts showed a gradual shift from nature exploitation to a strict state-control attitude. The act of 1878 classified forests into three categories: (i) Reserved Forests, (ii) Protected Forests, and (iii) Village Forests. This act ignored and curtailed the needs and customary rights of the indigenous local community. Alongside this act, the British government inserted criminal offence related provisions in the IPC that are explicitly or implicitly associated to the environment. For example, public nuisance (Section 268), spread of infection (Section 269), water pollution (Section 277), air pollution (Section 278), poisonous substances (Section 284), fire/combustible matter (Section 285), explosive substances (Section 286), and mischief, like damage to property, include environmental harm (Sections 425 – 440).⁶ Apart from the criminal statutes, common law remedies were also introduced, such as nuisance, negligence, and strict liability under the law of the tort.⁷ Though not written by lawmakers, these judges made tools that offered ways to respond when one person's actions damage another. Where rules failed, precedents stepped in. Over time, such principles filled gaps left by legislation.

6. Constitutional Framework for the Environment in India

The constitutional framework for the environment in India is a unique blend of fundamental rights, fundamental duties, directive principles of state policies, and judicial interpretation. In

⁶ The First Law Commission of India, *Indian Penal Code (IPC)*, 45 (1860).

⁷ Sharma and Hosamani, *supra* note 5.

the year 1950, when the Indian Constitution was adopted, the term "environment protection" was absent. Later, constitutional amendments and judicial decisions made environment protection a serious constitutional concern. At present this is a legal and moral obligation of legal culture.⁸

In 1972, the Stockholm Conference led to the landmark Constitutional Amendment of 1976, which included specific provisions on environmental protection. Notwithstanding the fact Part IV of the Indian constitution acts as guiding principles and works as an obligation on the state. By the 42nd constitutional amendment, Article 48A, which directs "the state shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country," was inserted along with Article 51A(g), which casts a duty upon every individual person to protect the environment.⁹ This inclusion works as a tool to bring the Wildlife Protection Act, 1972¹⁰; the Forest Conservation Act, 1980¹¹; and the Environment Protection Act, 1986¹². By judicial interpretation and innovation, Article 21 harmoniously serves the fundamental right to a clean and healthy environment that makes the environmental protection concept enforceable by law. In the *Jalikattu* case,¹³ the court extended the meaning of Article 21, asserting animals' right to live with dignity and honour.¹⁴ In addition to this, Article 14 guarantees equality before the law to strike down arbitrary or discriminatory environmental decisions. In practice, whereas Article 19 guarantees freedom, Article 19(1)(a) restricts noise pollution, and Article 19(1)(g) significantly justifies the regulation and closure of pollution industries, Article 21 ensures the given freedom does not infringe on the right of others to have a clean and healthy environment. Such restrictions upon firecrackers and loudspeakers were upheld as constitutionally valid.¹⁵ Furthermore, Article 47 imposes a duty upon the state to improve public health, which is inextricably linked to a protected environment. This balance encapsulates environmental jurisprudence in India. The purpose is to create harmony between economic freedom and a sustainable environment for the public welfare. Economic activity flows without tight controls

⁸ Manjit Singh & Sahibpreet Singh, *Constitutional Dimensions of Environmental Jurisprudence in India: An Analysis*, SSRN Journal (2025), <https://www.ssrn.com/abstract=5504598>.

⁹ Annapurna Pattnaik, *Constitutional Provisions for The Protection and Conservation of Environment with Important Caselaws*, 4 (2018).

¹⁰ Parliament of India, *The Wild Life (Protection) Act, 1972*, 53 (1972), [https://www.indiacode.nic.in/bitstream/123456789/6198/1/the_wild_life_\(protection\)_act,_1972.pdf](https://www.indiacode.nic.in/bitstream/123456789/6198/1/the_wild_life_(protection)_act,_1972.pdf).

¹¹ Parliament of India, *The Forest (Conservation) Act, 1980*, 69 (1980), https://www.indiacode.nic.in/bitstream/123456789/19381/1/the_forest_%28conservation%29_act%2C_1980.pdf.

¹² Parliament of India, *The Environment (Protection) Act, 1986*, 29.

¹³ *Animal Welfare Board of India v. A. Nagaraja & Others* Supreme Court Cases (SCC) (2014).

¹⁴ *Id.*

¹⁵ The Constituent Assembly of India, *supra* note 6.

even as ecosystems remain resilient over time. People gain stability because growth does not come at the cost of environmental decline. The judiciary interprets to promote environmental awareness in the society and regulate harm-causing activities.

The Indian Constitution reflects a strong commitment to decentralized environmental governance and cooperative federalism. Through the 73rd and 74th amendments, Articles 243G in the eleventh schedule and 243W in the twelfth schedule were inserted, which empower Panchayats and Municipalities to work for ecological governance and a sustainable, resourceful environment. These two schedules include the subjects of water management, sanitation, social forestry, soil conservation, minor irrigation, urban planning, and environment protection. Through this constitutional recognition, India's local governments serve closely to eradicate ecological issues. In the *Dehradun Quarrying* case, the SC first recognized the ecological balance need as a violation of the right to life of the Mussoorie Hills residents, who were harmed by mining activities.¹⁶ However, these two provisions excessively depend on the power, economy, and administrative power of state governments. Lack of resources and autonomy to perform creates a void between constitutional mandate and practical implementation.

The evolution in the constitution framed the Public Trust Doctrine, where the state performs as a trustee of natural resources like water, air, soil, forests, and biodiversity, which are meant for the public to ensure intergenerational equity and sustainable use. However, the combined participation of judicial activism, political willingness, and institutional capacity determines the endurance of achieving an impactful, accountable environment for the welfare of the public at large.

7. Influence of International Environment

International environmental law has influenced the Indian Constitution profoundly. As a primary catalyst, it shifted environmental blindness into an advanced environmental jurisprudence. The Stockholm Conference of 1972, often known as the “*Magna Carta of Indian Environmental Law*,” fundamentally changes India's perception of environmental governance. This conference questioned institutional and legislative awakening. Recognizing environmental issues, India set up the National Council for Environmental Policy and Planning in the year 1987. In the year 1985, it was transformed into the Ministry of Environment and Forests. With

¹⁶ Rural Litigation and Entitlement Kendra v. State of U.P. (1985).

this update, forests joined the environmental structure under shared governance. Furthermore, to implement Stockholm decisions, the Environment (Protection) Act, 1972, was enacted. This act served as an “umbrella legislation” to take several environmental protection measures. Later, the Rio Earth Summit (UNCED), 1992, emphasized sustainable development. Principle 10 of the Rio Declaration increased the key areas like public participation, access to information, and justice in regard to environmental protection. Backed by this idea, the National Green Tribunal under the National Green Tribunal Act, 2010, was established. International environmental laws also worked in providing guiding principles to make Indian environmental jurisprudence's foundation stronger. The principle of sustainable development was noted by the 1987 Brundtland Report. Though written long ago, this report guided the Indian judiciary in forming a balance between industrial economy and ecological preservation. Similarly, Principle 15 of the Rio Declaration articulated the precautionary principle, which shifts the burden of proof upon the founders.¹⁷ Article 253 of the Indian Constitution works as a bridge between national legal provisions and international environmental concerns. It basically empowers the Parliament to make laws to enforce international conventions, agreements, and treaties. Using this article, India soon adopted multiple environmental agreements like the Kyoto Protocol, the Paris Agreement, etc.¹⁸ In recent times international environmental law is shaping the foundation of climate jurisprudence in India. Through active participation in making environmental policies focusing on constitutional provisions, statutes, and judicial interpretations, India has effectively internalized the international environmental norms to make them domestically working and internationally informed.

8. Role of Judiciary in Environmental Protection

The judiciary has emerged as a main guardian of our environment as it fills up the gaps created by the legislative and executive ineffectiveness. Starting from courtrooms, judicial activism shapes environmental laws by the proactive role of the judges. Not merely interpreting statutes, judges sometimes push legal boundaries to defend ecosystems. Through rulings, they breathe new life into old frameworks—where necessity demands change. In many cases, the courts have interpreted the right to life (Article 21 of the Indian Constitution) to include the right to a

¹⁷ School of Law, Brainware University, 395 Ramkrishnapur Road, Near Jagadighata Market, North 24 Parganas, Kolkata 700 125, W.B., India & Subham Chatterjee, *Eco-Constitutionalism in India: A Critical Analysis Through the Lens of the Environmental Justice*, 31 *Eco. Env. & Cons.* 95 (2025).

¹⁸ Singh and Singh, *supra* note 9.

clean and healthy environment.¹⁹

The expansive and creative judicial interpretation of the word ‘life’ in Article 21 has led to the statutory development of an environmental jurisprudence in India. The right to life is a fundamental right. It connotes ‘quality of life’ that a person has to enjoy pollution-free water and air for living. Back in 1990, the highest court nearly recognized environmental protection as part of personal rights under Article 21 during a ruling on pollution concerns. Though it stopped short of making a full declaration, its remarks carried weight. Quality of life, the judges noted, falls within what citizens are entitled to expect by law. That idea surfaced clearly in the *Chhetriya Pardushan Mukti Sangarsh Samiti* case.²⁰ Court said life must include more than mere survival—it should allow for dignity through decent living conditions.

The moment marked an early judicial nudge toward treating nature's preservation as tied to human rights.

Next, in the *Subhash Kumar* case²¹, the Supreme Court took a step forward and directly observed “*the right to life... includes the right to enjoyment of pollution-free water and air for full enjoyment of life.*” However, in these cases the petitioners made false allegations due to a personal grudge towards the respondent companies alleged to be polluting the environment.

In the *APPCB* case²², the Supreme Court observed that “*drinking water is of primary importance in the country.*” The court held, “*Water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India.*” In fact, India is a party to the resolution of the UNO passed during the United Nations Water Conference in 1977 as under “*All people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in a quantity and of a quality equal to their basic needs.*”

In the *Consumer Education and Research Centre* case,²³ it was held that “*The State, be it Union or State Government or an industry, public or private, is enjoined to take all such action*

¹⁹ Aju Putrijanti, *Judicial Activism in Judge's Verdict to Law Enforcement of Environment*, 202 E3S Web Conf. 03018 (2020).

²⁰ *Chhetriya Pardushan Mukti Sangarsh Samiti v. State of U.P. and Others* (Supreme Court of India 1990).

²¹ *Subhash Kumar v. State of Bihar and Others* (Supreme Court of India 1991).

²² *A.P. Pollution Control Board II v. Prof. M.V. Nayudu (Retd.) and Others* (Supreme Court of India 2000).

²³ *Consumer Education and Research Centre and Others v. Union of India and Others* (Supreme Court of India 1995).

which will promote health, strength, and vigour of the workman during the period of employment and leisure and health even after retirement as basic essentials to live the life with health and happinessMedical facilities to protect the health of the workers are, therefore, the fundamental and human rights to the workman.”

In the ***Indian Council for Enviro-legal Action*** case,²⁴ it was held that the polluting industries are absolutely liable to compensate for the harm caused by them to villagers in the affected area, to the soil, and to the underground water and hence, they are bound to take all necessary measures to remove sludge and other pollutants lying in the affected area.

In the ***T. Damodar Rao*** case,²⁵ the High Court of Andhra Pradesh reasonably held that the enjoyment of life and its attainment and fulfilment guaranteed by Article 21 were comprehensive ones. And questioned the reason why the act of violently ending a life is not seen as a violation of Article 21 of the Constitution. The slow poisoning by the polluted atmosphere caused by environmental pollution and spoiling should also be regarded as amounting to a violation of Article 21 of the Constitution.

The ***Vellore Citizen's Welfare Forum*** case²⁶ was famous for formally adopting the concepts of the precautionary principle, the polluter pays principle, and sustainable development. Here, the petitioner filed a writ petition regarding the pollution caused by the enormous discharge of untreated effluents by the tanneries, which were discharging untreated effluents into agricultural fields, waterways, open lands, and rivers, rendering the river water unfit for human consumption, contaminating sub-soil water, spoiling the physicochemical properties of the soil, and making it unfit for agricultural purposes. The Supreme Court held that key industries crucial for progress must not ruin ecosystems or harm public well-being. Operations lacking proper safeguards will face shutdowns under judicial order. Environmental damage outweighs industrial benefit when safety measures are ignored. Courts insist on pollution controls before allowing ongoing activity. Vital as they may be, factories lose their right to function if nature sluggards.

²⁴ Indian Council for Enviro-Legal Action vs. Union of India & Others (Supreme Court of India 1996).

²⁵ T. Damodhar Rao and Others v. The Special Officer, Municipal Corporation of Hyderabad and Others (High Court of Andhra Pradesh 1987).

²⁶ Vellore Citizens' Welfare Forum v. Union of India and Others (Supreme Court of India 1996).

9. Landmark Judgments: M.C. Mehta cases

The Indian judiciary has the pillar of transforming the “*Right to Life*” into a “*Right to a Healthy Environment*.” Most significant in this aspect is the relentless advocacy of M.C. Mehta, whose Public Interest Litigation (PILs) have led to some of the most landmark judgments in legal history.

In the *Oleum Gas Leak* case,²⁷ the Supreme Court admitted the case relating to the gas leakage of chlorine gas from the Shriram Foods and Fertilizers Manufacturing Plant, resulting in the death of one person and causing hardships to workers and residents of the locality. This happened due to the negligence of the management in maintenance and operation of the caustic chlorine plant of the company. The matter was brought before the court through public interest litigation. The SC directed the company manufacturing hazardous and lethal chemicals and gases posing danger to the health and life of workmen and people living in the neighbourhood to take all necessary safety measures before reopening the plant. The court directed the management to deposit a sum of twenty lakhs of rupees by way of security for payment of compensation claims of the victims of the oleum gas leak with the registrar of the court. In addition, the management is asked to provide a bank guarantee for a sum of fifteen lakhs, which should be encashed for the payment of compensation for leakages. With these conditions the court allowed the plant to work partially. The court held that the compensation should be in proportion to the financial capacity of the erring company. It is also held that the directors and officers who are responsible for the leakage repayment must be followed.

The *Ganga Pollution* case²⁸ was a monumental judgment where the court addressed the discharge of untreated effluents into the Ganga River. In this case, the Court focused on the leather tanneries of Kanpur, notwithstanding the comprehensive provisions contained in the Water (Prevention and Control of Pollution) Act and the Environmental Protection Act, and ruled that “*the closure of tanneries may bring unemployment, but life, health, and ecology are of utmost importance.*” This case led to the beginning of the Polluter Pays Principle, which mandates that industries bear the financial burden of environmental restoration and waste treatment.

²⁷ M.C. Mehta & Anr. vs Union of India & Ors. (Supreme Court of India 1986).

²⁸ M.C. Mehta v. Union of India & Ors. (Supreme Court of India 1988).

The *Vehicular Pollution* case²⁹ addressed the deteriorating air quality in Delhi. The court issued directions that eventually led to the entire public transport sector, i.e., buses and taxis, switching to compressed natural gas (CNG). Along with this, prioritized the introduction of lead-free petrol and stricter emission norms and directed the Delhi Administration to make the Motor Vehicles Act, 1988, effective from April 1, 1991, and to implement it seriously and effectively. This was a very important example of judicial governance, where the court stepped in to regulate urban city planning and public health when executive policies remain stagnant.

Later, the *Taj Trapezium* case³⁰ was the leading judicial precedent. Around the Taj Mahal, a protective measure emerged when the court pointed to a region spanning 10,400 square kilometers. This space, shaped unevenly, earned the name Taj Trapezium Zone. Pollution from factories and acidic rainfall posed threats, promoting attention. The judgment ordered 292 industries to either switch to natural gas (fuel) or relocate outside the zone, and those industries that did not switch over to gas were ordered to shut down. At the same time, the court had taken the rights and benefits that a worker should receive in case the industry was to close down or to stop its operations. The court saw unfairness and gave certain directions in the interest of workers. The court felt that the workers were also the victims of these polluting industries. A balance had a shift toward both health and work. This case brought the Precautionary Principle, asserting that the state must anticipate and prevent environmental degradation even in the absence of absolute scientific certainty regarding the extent of damage.

10. Development of Environment Principles

The developing environmental principles mark a shift from reactive legal measures to a proactive, or morality-based, framework focusing on achieving sustainable development.

Previously, law only intervened after environmental damage had already occurred. But the '*precautionary*' principle changed this by asserting the concept that '*prevention is better than cure.*' While the concept has roots in the German legal principle of *Vorsorgeprinzip* (foresight principle) from the 1970s, it gained international legal status through the following developments: the World Charter for Nature of 1982, the Second International Conference on the Protection of the North Sea of 1987, and the Rio Declaration on Environment and Development of 1992. When risks involve permanent harm, uncertainty in science cannot delay

²⁹ M.C. Mehta v. Union of India & Others (Vehicular Pollution Case) (Supreme Court of India 1990).

³⁰ M.C. Mehta v. Union of India (The Taj Trapezium Case), 1996 (Supreme Court of India 1996).

practical steps to stop environmental decline. Responsibility falls under the companies or manufacturers to prove their word creates no harm to nature. Articles 21, 47, 48A, and 51A(g) of the Constitution of India give a clear mandate to the State to protect, improve, and safeguard the forests and wildlife of the country. The precautionary principle makes it mandatory for the state government to anticipate, prevent, and attack the causes of environmental degradation.

The OECD is an international organization that works to promote economic growth, stability, and improved living standards among its member countries. The '*polluter pays*' principle was developed by the Organisation for Economic Co-operation and Development (OECD) in 1972. It provides that the costs of pollution—including the cost of prevention, control, and restoration and paying compensation for damage already caused—should be borne by those who cause the pollution. Rather than the taxpayer or the public suffering due to the industrial waste, the enterprise must internalize these external factors into its production costs. This encourages industries to adopt cleaner technologies to remain profitable. In the *Vellore Citizen's Welfare Forum* case,³¹ the Supreme Court elaborated on the 'polluter pays principle'. Court said remediation of the damaged environment is part of the process of 'sustainable development,' and the polluter is liable to pay the cost to the individual sufferers as well as the cost for reversing the damaged ecology.

This principle of '*absolute liability*' is a stricter form of the principle of strict liability. It was established in India during the *Oleum gas leak* case. When companies make nature-harming activities, a specific rule applies. Unlike strict liability, there are no exceptions for this principle of absolute liability. The enterprise cannot escape liability, ensuring that the risk of doing hazardous business lies entirely with the entity making the profit.

11. Expanding the scope of the human environment

The concept of "human environment" has evolved from a narrow focus on physical surroundings—like air, water, and soil—to a multidimensional framework that recognizes the deep intersection between nature and human existence. It reflects that humans do not just live in an environment, but they are shaped by it socially and culturally. Modern environmental principles provide that the environment includes the socio-cultural landscape. For many indigenous and local communities, land is not merely a resource but a repository of history,

³¹ Vellore Citizens' Welfare Forum v. Union of India and Others, *supra* note 27.

religion, and identity. Environmental protection provides the preservation of heritage sites, ancestral practices, and the right to maintain a specific way of life. Destruction of a forest strikes both nature and community identity. This approach ensures that environmental protection also serves as a safeguard for human value and environmental diversity.

With the expanding scope, the system has also brought environmental justice to the forefront. Judicial principles highlighted environmental burdens such as toxic waste, pollution, and climate vulnerability that are often disproportionately borne by marginalized or low-income groups. Procedural justice ensures that affected communities have a chance to raise their voices in environmental matters. Distributive justice ensures that the benefits of natural resources and the burdens of pollution are shared fairly across all sections of society, regardless of race, class, or geographical locations.

Thus, these integrated dimensions shift the definition of the human environment by ensuring equity and long-term well-being for everyone.

12. Challenges and Limitations in Implementation

Despite a robust framework of environmental principles and judicial directives, the transition from 'law on paper' to 'action on the ground' faces significant hurdles. These challenges are primarily rooted in systemic enforcement gaps and deep-rooted institutional constraints. To figure out the reasons for the environment protection failure, policies exist, yet execution often fails. Though there are landmark judgments, the actual monitoring of compliance is often weak. The main problems are lack of local capacity, corruption and collusion, and ineffective penalties.

Environmental governance frequently stalls due to limitations in state institutions. Pollution Control Boards (PCBs) are frequently understaffed and underfunded. This leads to a backlog of inspections and a failure to act on real-time data. Responsibility for the environment is often split across various departments like forests, water, industry, and urban planning. Etc.). This lack of a unified command results in 'policy paralysis' or conflicting objectives. A persistent policy bias toward rapid industrialization creates the limitation. Environmental clearances are sometimes viewed as bureaucratic hurdles to be cleared rather than essential safeguards, leading to diluted impact assessments. To address these limitations, not only judicial intervention is necessary but also a structural overhaul of administrative accountability and the

professionalization of regulatory bodies.³²

13. Findings / Results

The jurisprudential development of the environment in India is a walk on an anthropocentric path from the Harappa and Mohenjo-daro era to the current modern era. Here, people protect the environment for its contribution to human health and survival. The Rigveda had recognized the need for protection of the atmospheric layer. The British era showed a violent chapter of environmental resource extraction for industrial benefits. Later, the Oleum gas leak case established the concept of absolute liability due to causing harm by hazardous industries. Post-independence, the Indian Constitution initially lacked enough environmental provisions, but the 42nd Amendment turned the scenario by introducing Articles 48A and 51A(g). Apart from these changes, international developments such as the Stockholm Conference (1972) and the Rio Earth Summit (1992) significantly influenced India's environmental policies and legislation. Additionally, public interest litigations led by M.C. Mehta played a significant role in shaping environmental law by introducing foundational principles such as the precautionary principle, the absolute liability, and the polluter pays principle.

14. Conclusion and Recommendations

India represents a remarkable journey of the evolution of environmental jurisprudence by its representation from spiritual care and cultural beliefs to sustainable environments, focusing on constitutional rights and principles. By the efforts of activists like M.C. Mehta. In conclusion, these dimensions are integrated, change the definition of the concept of the human environment from "conserving nature" to "securing a fair and sustainable world for all." The main issue in the environmental protection is the presence of an implementation gap. The weakness in the environmental governance is in its core structure, which is a natural feature of the state organizations. Over time, the understanding of the "human environment" has broadened. Though a significant gap is still present between legal provisions and the actual implementation of the provisions. Like, weak enforcement mechanisms, administrative inefficiencies, lack of resources, and institutional challenges. To bridge this gap, there is indeed a need for institutional reforms to enhance accountability. Moreover, public awareness and community participation

³² Fikret Berkes, *Environmental Governance for the Anthropocene? Social-Ecological Systems, Resilience, and Collaborative Learning*, 9 Sustainability 1232 (2017).

are actively required for sustainable practices. When all is said and done, a balanced approach for sustainable development is a must to make a harmony between economic growth and environmental protection. Such an approach can be useful to fulfil the good life of present and future generations.