
BEYOND THE RIGHT TO LIFE: CLIMATE JUSTICE AND THE CONSTITUTIONALISATION OF ENVIRONMENTAL RIGHTS UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA

Priyanshu Mehta, Presidency University, Bengaluru

Radhika Sah, Kristu Jayanti (deemed to be university), Bengaluru

ABSTRACT

A key turning point in the history of constitutional law in India is the creation of environmental rights within the scope of the right to life guaranteed by Article 21 of the Constitution of India. Through purposive and liberal interpretations of Article 21, the Supreme Court of India has succeeded in transforming the protection of environment from being a constitutional principle to becoming a right, which can be availed of through judicial process. Principles such as sustainable development, precautionary principle, polluter pays principle, intergenerational equity and public trust doctrine have been given constitutional validation.

Through judicial decisions regarding the protection of environment, the principles of environmental constitutionalism have received recognition within the Constitution of India. With environmental degradation, climate change and ecological inequities becoming more widespread than ever, the discourse has now moved from environmental protection to climate justice. In the recent judgment of the Supreme Court of India in *M.K. Ranjitsinh v. Union of India* (2024), by observing that protection against the impacts of climate change comes from Articles 14 and 21 of the Constitution, there emerges another landmark decision on the constitutional recognition of environmental rights, beyond environmental safety.

The present paper will look at the development of environmental rights under Article 21 and explain how climate justice has been constitutionalised through judicial interpretations, and analyse the relationship between constitutional provisions, environmental law and international commitments of India in the area of climate change.

This paper will also discuss the challenges posed by developmental approach, institutional/implementation difficulties and absence of a clear cut right to a healthy environment within the Constitution of India. While it is

true that judiciary has played an innovative role in developing environmental rights, effective governance of climate justice requires legislation in future. This paper will show that the constitutionalisation of environmental rights through Article 21 has altered the meaning of right to life itself in India and has made climate justice an indispensable part of constitutional governance and sustainable development in the 21st century.

Keywords: Article 21; Environmental Rights; Environmental Constitutionalism; Climate Justice; Right to a Healthy Environment; Sustainable Development; Judicial Activism; Fundamental Rights; Environmental Governance; Constitution of India.

Introduction

Environmental degradation and climate change have emerged as some of the biggest constitutional and governance issues of the 21st century. The rampant industrialization, urbanization, deforestation, loss of biodiversity and increase in greenhouse gases have endangered ecological sustainability, health and exercise of fundamental human rights. This has turned the environmental protection from merely a statutory obligation to a constitutional requirement, which requires recognition of the intrinsic link between environmental standards and the right to life. Hence, environmental constitutionalism has gained much prominence as an idea where the protection of the environment must be included in the constitutional governance of sustainable development, inter-generational equity and environmental fairness.

India's constitution does not guarantee any fundamental right to environmental protection. Nevertheless, through progressive interpretations, the judiciary of India has recognized environmental protection as an aspect of the right to life and personal liberty through an extensive interpretation of Article 21¹. Through this process, the Indian judiciary has elevated the constitutional aspiration of environmental protection into a fundamental right to environmental protection in the light of landmark cases including *Maneka Gandhi v. Union of India* (1978)² and *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*³, *M.C. Mehta v. Union of India*⁴, *Vellore Citizens' Welfare Forum v. Union of India*⁵ and *M.C. Mehta v. Kamal Nath*⁶. Hence, the Indian judiciary has adopted internationally recognized

¹ INDIA CONST. art. 21.

² *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).

³ *Rural Litigation & Entitlement Kendra v. State of Uttar Pradesh*, 1985 Supp. S.C.C. 79 (India)

⁴ *M.C. Mehta v. Union of India*, (1987) 1 S.C.C. 395 (India)

⁵ *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India)

⁶ *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388 (India)

environmental principles including sustainable development, precautionary principle, the polluter pays principle, intergenerational equity and the public trust doctrine in its jurisprudence.

In a departure from traditional environmental protection, the recent constitutional discourse has moved towards a paradigm of climate justice. Climate change poses unprecedented threats beyond mere environmental protection that threaten the issues of food security, health, biodiversity, livelihoods and socio-economic equality. Considering these factors, in *M.K. Ranjitsinh v. Union of India*⁷, the Supreme Court has held that the shield from the impact of climate change derives from Articles 14 and 21 of the Indian Constitution. This landmark case is the biggest milestone of India's constitutional development as it reaffirms India's commitment to sustainable constitutional governance through the concept of climate justice.

In this context, this article aims to examine the constitutional development of environmental rights under Article 21 and analyse the role of judicial interpretations in the Constitutionalisation of environmental principles and climate justice in India. Moreover, it will also study the contemporary challenges to environmental constitutionalism and the interaction between constitutional law, environmental law and international environmental law. Finally, it will discuss ways to strengthen environmental governance and rights-based regime to address the emerging challenges of climate change and sustainable development through proposed legal and institutional reforms.

Evolution of Environmental Rights under Article 21 of the Constitution of India

It is relevant to state that in the original Constitution of India in 1950⁸, there was no express right to a healthy environment. However, the protection of the environment has been achieved via administrative actions and statutes. Still, the philosophy of the Constitution stated in the Preamble, DPSPs and the Fundamental Rights laid the normative grounds for the creation of environmental jurisprudence. Via the adoption of the Constitution (Forty-second Amendment) Act, 1976, Article 48A and Article 51A(g)⁹ were adopted where the former states that the State shall take steps to improve and protect the environment and forests, wildlife and birds and the latter states that it is the duty of each citizen of India to preserve and improve the natural

⁷ *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280 (India).

⁸ INDIA CONST. (1950).

⁹ INDIA CONST. arts. 48A, 51A(g).

environment, including forests, wildlife, lakes and rivers and have compassion for all living creatures. Articles are non-justiciable, however, they had a tremendous effect on the interpretation of the Constitution and established the foundation of environmental constitutionalism in India¹⁰.

The inclusion of environmental rights into constitutional law became possible because of judicial interpretations of Article 21¹¹. At first, Article 21 protects against deprivation of life and personal liberty. Further, the article has been extended to the right to life in a broad sense as a result of the case *Maneka Gandhi v. Union of India* (1978)¹². In particular, in the case, the court found that fundamental rights should be interpreted broadly. Following this jurisprudence, the Supreme Court of India recognizes the right to life as the right not only to physical existence but also to the right to live with dignity, health and clean environment.

Public interest litigation of the 1980s played a key role in the development of the environmental rights system, enabling the judiciary to look at the question of environmental pollution as an issue of constitutional significance. In *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*¹³, the Court found that it is necessary to close down limestone quarries which were polluting the environment in Doon valley because the protection of the environment is more important than any commercial considerations. In *M.C. Mehta v. Union of India*¹⁴ (Oleum Gas Leak Case), the Court developed the doctrine of absolute liability of hazardous industries. In its decisions on river pollution, emissions from vehicles and industrial pollution, the Court constantly finds that the degradation of the environment violates the right to life guaranteed by Article 21¹⁵.

Given the above-mentioned environmental jurisprudence, the Supreme Court took another step forward in its pursuit of environmental constitutionalism by considering the integration of the Fundamental Rights¹⁶, DPSPs¹⁷ and Fundamental Duties¹⁸. This approach has acknowledged

¹⁰ Lovleen Bhullar, *Environmental Constitutionalism and Duties of Individuals in India*, 34 J. Env'tl. L. 399 (2022).

¹¹ *Id*

¹² *Id*

¹³ *Id*

¹⁴ *Id*

¹⁵ Smriti Kumari & Akhil Dixit, *Environmental Constitutionalism in India*, 3 Int'l J. L. Mgmt. & Humans. 284 (2020).

¹⁶ INDIA CONST. pt. III.

¹⁷ INDIA CONST. pt. IV.

¹⁸ INDIA CONST. pt. IVA.

that the protection of the environment is essential for the realization of human dignity, public health, equality and sustainable development. The Court also included international environmental law as part of the domestic law. In *Vellore Citizens' Welfare Forum v. Union of India*¹⁹, the Court acknowledged the principles of sustainable development, precautionary principle and the polluter pays principle as integral parts of Indian environmental jurisprudence. In *M.C. Mehta v. Kamal Nath*²⁰, the Court embraced the principle of public trust and stated that natural resources belong to the State as trustee for the benefit of current and future generations. Such principles of environmental management have become the constitutional duties and hence can be enforced under Article 21 and are not policy issues²¹.

Article 21 has taken a new turn in the constitutional context as the idea of climate justice has been established as a basic rights matter. Where previously, the jurisprudence was confined to pollution prevention and conservation, the present era's environmental concerns need a constitutional approach towards the matters of climate change, biodiversity, and ecology. It can be seen through the judgment of *M.K. Ranjitsinh v. Union of India*²² where it has been held that the protection against the impact of climate change is guaranteed through Articles 14 and 21 of the Constitution of India. The judgment significantly extends the ambit of the environmental right by bringing in the notion of climate justice under the constitutional purview and reinforces the principle that the right to life incorporates the right to a healthy, sustainable and climate resilient environment. Thus, the evolution of Article 21 in judicial sphere has raised environmental protection from being merely a statutory goal to a constitutional obligation. Thus, environmental constitutionalism has become the cornerstone of the Indian constitutional system.

Judicial Constitutionalisation of Environmental Principles in India

Environmental principles in India were primarily judicially incorporated into the Constitution through the process of broad interpretation by the Supreme Court rather than explicitly enshrined in it. With the adoption of the Forty-second Constitutional Amendment, environmental duties appeared through Articles 48A and 51A(g)²³. However, it was the

¹⁹ *Id*

²⁰ *Id*

²¹ Surekha Subhas Patil, *Climate Justice as Constitutional Imperative: Expanding Article 21 to Include Intergenerational Equity and Ecological Rights in India*, 17 J. Rsch. & Dev. 162 (2025).

²² *Id*

²³ *Id*

judiciary that made these constitutional principles into justiciable legal standards through the linkage of the principles to Article 21. Gradually, the Supreme Court ruled that the protection of the environment was necessary for life, dignity, equality, and public health through the process of judicial activism and public interest litigation. Thus, interpretive approach became the starting point for the emergence of environmental constitutionalism through the connection of constitutional values to ecological governance and environmental protection²⁴.

One of the unique aspects of the environmental jurisprudence in India lies in its recognition of the internationally accepted environmental principles as part of constitutional law. In particular, in the judgement of *Vellore Citizens' Welfare Forum v. Union of India* (1996)²⁵, the Supreme Court stated that the principles of sustainable development, precautionary principle, and polluter pays principle are integral part of the Indian environmental law. The Court declared that economic development cannot occur at the expense of ecological degradation and preventive measures should be undertaken regardless of the scientific uncertainty about the environmental damage. Thus, with the constitutionalization of these principles through Article 21, the judiciary secured that in addition to statutory requirements, the decision-making in this area will also be guided by constitutional values²⁶.

Another contribution to the judicial recognition of environmental principles in India is the recognition of intergenerational equity as a constitutional principle. The Supreme Court has repeatedly indicated that the natural resources should be preserved for the future generations as well. The judgements such as *A.P. Pollution Control Board v. Prof. M.V. Nayudu*²⁷ and *Narmada Bachao Andolan v. Union of India*²⁸ emphasized the need to incorporate ecological sustainability and long-term environmental protection in the developmental policies. This principle reflects the commitment of India to the sustainable development, requiring policymakers and courts to balance economic growth and the constitutional obligation to protect ecological sustainability for posterity²⁹.

The development of public interest litigation (PIL) played a great role in the judicial

²⁴ Nisha, *The Judicial System as an Instrument to Protect Environmental Issues and Promote Sustainable Development in India*, 4 Int'l J. Teaching, Learning & Educ. 32 (2025).

²⁵ Id

²⁶ James R. May & Erin Daly, *Global Judicial Handbook on Environmental Constitutionalism* (3d ed. 2019), <https://ssrn.com/abstract=4993398>.

²⁷ *A.P. Pollution Control Bd. v. Prof. M.V. Nayudu*, (1999) 2 S.C.C. 718 (India).

²⁸ *Narmada Bachao Andolan v. Union of India*, (2000) 10 S.C.C. 664 (India).

²⁹ Vivek Kumar, *Climate Change and Forest Ecosystems* (Nat'l Press Assocs. 2026).

constitutionalization of environmental principles and made the environmental justice accessible to the affected communities and environmentally-conscious people. The Supreme Court liberalized the rules of locus standi and allowed even those who are not personally affected by the issue to file the case. M.C. Mehta cases on industrial pollution, vehicular emissions, Ganga River and Taj Trapezium are the landmark judgements in which judiciary was not shy to use continuing mandamus and monitor the compliance of the government. This judicial activism turned environmental litigation from dispute resolution into the tool of environmental governance³⁰.

The theoretical foundation of this wide approach to constitutionalization can be found in the jurisprudence of Justice V.R. Krishna Iyer, whose interpretation of the fundamental rights has a tremendous impact on Indian constitutional law. The emphasis of social justice and human dignity in addition to liberal interpretation of fundamental rights helped to develop Article 21 into a flexible reservoir of unenumerated rights. While environmental jurisprudence developed after Justice Iyer's period of service, the philosophy of the interpretation of Justice Krishna Iyer formed the intellectual basis for further recognition of the importance of environmental protection, public health and ecological balance as part of the right to life. His legacy continues influencing the constitutional adjudication in the cases of environmental and human rights justice³¹.

Judicial constitutionalisation has entered a new phase with the recognition of climate justice as an integral component of environmental rights. The growing impacts of climate change on forests, biodiversity, livelihoods and vulnerable communities have compelled constitutional courts to broaden the scope of environmental protection beyond the traditional paradigm of pollution control. The Supreme Court has explicitly recognised that protection from the adverse effects of climate change is a flow from Articles 14 and 21 of the Constitution in M.K. Ranjitsinh v. Union of India³². The landmark decision constitutionalises climate justice by recognising that the effective enjoyment of fundamental rights depends on a stable climate system. Therefore, the trajectory of environmental constitutionalism in India has moved away

³⁰ Gitanjali N. Gill & Gopichandran Ramachandran, *Sustainability Transformations, Environmental Rule of Law and the Indian Judiciary: Connecting the Dots Through Climate Change Litigation*, 23 *Envtl. L. Rev.* 228 (2021).

³¹ Shailesh Kumar, *Justice V. R. Krishna Iyer and Expansive Interpretation of Fundamental Rights*, in *Human Rights, Constitutionalism and Rule of Law: Contemporary Issues and Challenges (A Tribute to Late Justice Krishna Iyer)* 81 (Azim Khan Pathan & Deepak Kumar Srivastava eds., Satyam Law Int'l 2017).

³² *Id*

from judicial protection of ecological assets to a constitutional assurance for climate resilience, biodiversity preservation and sustainable governance in tune with contemporary environmental issues.

Climate Justice and the Expanding Scope of Article 21

Climate change has fundamentally altered the discourse on environmental rights by shifting the conversation from traditional environmental protection to climate justice. Climate justice is different from traditional environmental concerns about pollution and conservation. Climate justice recognizes that the negative impacts of climate change are disproportionately felt by disadvantaged communities (including indigenous peoples, coastal communities, women, children, and the economically poor). This approach underlines that climate change is not only an environmental but also a constitutional and human rights issue and requires states to ensure equal access to environmental resources and protect individuals against the risks of climate change. This changing perspective has had a profound impact on constitutional jurisprudence in India, broadening the interpretation of Article 21³³ to include climate resilience, ecological sustainability, and distributive justice, besides environmental protection³⁴.

The expansive interpretation of Article 21 by the Supreme Court has led to the emergence of climate justice as a constitutional principle, which is closely associated with the rights to life, health, livelihood, dignity and equality. Prior environmental decisions recognised clean air, safe drinking water and a pollution free environment as an integral part of the right to life. But as the frequency of extreme weather events, the pace of biodiversity loss, the rise in temperatures, and the rate of ecological degradation have increased, it has become clear that climate change poses a direct threat to these constitutionally protected interests. Therefore, Article 21 has shifted from safeguarding environmental quality to safeguarding individuals from the wider effects of climate change, thereby buttressing the constitutional duty of the State to adopt effective measures for climate mitigation and adaptation³⁵.

In *M.K. Ranjitsinh v. Union of India*³⁶, the Supreme Court expressly recognized that the

³³ Id

³⁴ Santosh Kumar, *Climate Justice and the Indian Judiciary: Evolving Legal Standards*, 3 *The Infinite* 71 (2026).

³⁵ Naveen Kumar, *Legal Responses to Climate Change: Expanding the Frontiers of Environmental Justice*, 2 *The Infinite* 157 (2025).

³⁶ Id

protection from adverse impacts of climate change is derived from Articles 14 and 21 of the Constitution, a landmark development in this constitutional evolution. The Court observed that climate change affects several facets of human life including health, food security, shelter, livelihood and access to natural resources and hence climate protection is a part of fundamental rights. The Court linked climate change to equality and the right to life, placing climate justice from a policy goal to a constitutional duty. This entails that governmental authorities are to integrate climate issues in governance and developmental decision-making.

The constitutionalisation of climate justice has been another consequence of India's growing involvement in international environmental and climate law. Interpretation of judicial decisions has led to an emphasis on constitutional obligations based on the principles of international environmental agreements such as UN Framework Convention on Climate Change, the Paris Agreement and the principle of common but differentiated responsibilities. Although these international agreements are not self-executing in Indian law, the Supreme Court has, over time, made consistent references to international environmental principles in order to interpret constitutional rights according to changing global standards. In such a way, the constitutionalisation of climate justice in India has been achieved while confirming that environmental governance should be aligned with international obligations of sustainable development and climate actions³⁷.

Another crucial aspect of climate justice in the context of Article 21 is the protection of vulnerable and marginalised communities who bear a disproportionate burden of climate change even though their contribution to greenhouse gas emissions is minimal. Climate-induced displacements, decreased agricultural production, water shortage, destruction of forests and health risks pose a serious threat to the socio-economic rights enshrined in the Constitution. The judicial acknowledgment of these threats has expanded the scope of environmental constitutionalism beyond ecological conservation and towards social equity, distributive justice and intergenerational responsibility. The rights-based approach implies that any climate policy should be responsive to the needs of vulnerable groups and at the same time should ensure that development objectives do not undermine the constitutional protections concerning dignity, equality and environmental security.

³⁷ Aman Sonkar, *Breathing Unequally: Climate Justice and the Right to Health*, 13 Soc. Sci. & Humans. Open 102969 (2026).

The extension of the scope of Article 21 has resulted in an increase in the constitutional duty of the state to undertake climate governance. Climate justice presupposes not only the recognition of rights but also legislative efforts, accountability, science-based decision-making and participation of the public in environmental governance. Courts have increasingly stressed the idea that the constitutional rights also mean positive obligations of public institutions to adopt climate policies, to protect biodiversity, to foster renewable energy, to preserve forests and to employ adaptation measures in order to address the consequences of climate change over the long term. Thus, the provision has become more than a means of protecting against environmental hazards, providing a constitutional foundation for an integrated climate governance approach based on sustainability, resilience and ecological responsibility³⁸.

The recognition of climate justice is one of the most significant trends of modern Indian constitutional law. Thanks to the progressive interpretation of Articles 14 and 21, the judicial system has included climate protection in the right to life thus extending environmental constitutionalism to address ecological issues of the twenty first century. It has meant the transition from reactive environmental regulation to preventive and rights-based constitutional framework which could address climate change via the principles of sustainability, intergenerational equity, environmental democracy and social justice. Due to growing climate risks, Article 21 is going to remain the main constitutional source of protection for India's environmental governance which will be guided by climate justice and sustainable development³⁹.

Legislative and International Framework Governing Environmental Rights

Constitutional provisions, parliamentary acts, judicial interpretation and international environmental commitments have influenced the legislative framework concerning environmental rights in India. The Indian constitution, however, does not specifically recognise the right to a healthy environment as a fundamental right. The constitutional framework for environmental governance is provided by the insertion of Article 48A and 51A(g) through the Forty-second Constitutional Amendment Act, 1976 that imposes obligations both on the State and the citizens. These constitutional provisions, when read in combination with Article 21

³⁸ Manjit Singh & Sahibpreet Singh, *Constitutional Dimensions of Environmental Jurisprudence in India: An Analysis*, in *Indian Constitution: Changing Paradigms* 114 (Pacific Books Int'l 2025)

³⁹ Gyanendra Kumar Yadav & Mohd. Afshaan, *Access to Justice in Environmental Matters: Comparative Study of India and EU*, 2 UKLO Proc. 285 (2026).

have allowed the courts to construe the right to environmental protection as being within the ambit of the right to life under Article 21. In this manner, the environmental law in India provides an example of a unique combination of constitutional principles, statutory laws and judicial activism to constitute the environmental protection law in India⁴⁰.

India's statutory regime regarding environmental rights developed primarily as a consequence of increasing industrialisation and ecological degradation as well as increased environmental awareness internationally. The Environment (Protection) Act of 1986 constitutes the legislative backbone in this respect and was introduced after the Bhopal gas tragedy and international obligations of India in the Stockholm Conference of 1972. Under this Act, the central government has power to control environmental pollution, formulate environmental standards and give directions concerning regulation of industries. Besides the above mentioned, there is the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Biological Diversity Act, 2002 and the Forest (Conservation) Act, 1980. Together these statutes regulate environmental pollution control, conservation of biological diversity, forest conservation and sustainable exploitation of natural resources. These legislations provide the statutory backing for the recognition of the environmental rights as per Article 21⁴¹.

International environmental law has profoundly impacted the environmental legislation in India. The Stockholm Declaration articulated the principle that human beings have a right to a healthy and fulfilling environment and therefore spurred modern environmental governance. This was further strengthened by the Rio Declaration on Environment and Development which introduced principles such as sustainable development, precautionary principle, public participation and common but differentiated responsibilities. Most recently, the Paris Agreement has reinforced global commitments for climate mitigation, adaptation and sustainable development. These instruments may not be automatically enforceable in India but they have consistently guided judicial interpretation and legislative policy, especially when domestic law is silent or ambiguous⁴².

⁴⁰ James R. May, *Constituting Fundamental Environmental Rights Worldwide*, 23 Pace Envtl. L. Rev. 113 (2006).

⁴¹ Mita Poddar, *Environmental Justice Through the Interpretation of Article 21 of the Constitution of India*, 2 Nat'l J. Multidisciplinary Rsch. & Dev. 193 (2017).

⁴² Surekha Subhas Patil, *Climate Justice as Constitutional Imperative: Expanding Article 21 to Include Intergenerational Equity and Ecological Rights in India*, 17 J. Rsch. & Dev. 162 (2025).

Environmental governance is institutionally performed by specific agencies created through environmental laws. The Central Pollution Control Board and the State Pollution Control Boards perform the tasks of regulation, monitoring, and enforcement concerning industrial pollution, waste management, and environmental norms. The setting up of the National Green Tribunal through the National Green Tribunal Act, 2010⁴³ is a crucial institutional development that resulted in the formation of a specialized judicial body for the expeditious resolution of environmental disputes. This Tribunal has made significant strides towards environmental justice by providing better access to remedy, incorporating sustainable development principles, and enforcing environmental laws effectively⁴⁴.

Contemporary Challenges to Environmental Constitutionalism in India

Nevertheless, while the interpretation of Article 21 has led to the significant development of environmental constitutionalism, there are different constitutional, institutional and socio-economic problems with the implementation of environmental constitutionalism in India. Even though the interpretation of Article 21 implies the right to a clean and healthy environment, the absence of the special constitutional provisions on the environmental rights results in the over-reliance on the judiciary. While the reliance on the judiciary for environmental issues has led to better environmental governance, it gives rise to the problems of judicial overreach, democratic legitimacy and limitations of the judiciary in addressing environmental and climate issues. Therefore, environmental constitutionalism in India continues its development against the background of constitutional dreams and real governance⁴⁵.

Moreover, the international human rights law has played a pivotal role in the recognition of environmental rights as human rights. The adoption of the UN Human Rights Council Resolution 48/13 (2021) and the UN General Assembly Resolution 76/300 (2022) which recognize the human right to a clean, healthy and sustainable environment implies the step towards the creation of the global consensus concerning the close connection between environmental protection and human rights enjoyment. These developments further confirm the legal doctrine of the Indian constitution based on Article 21 as the courts increasingly recognize the importance of the environmental quality for the human life and human dignity.

⁴³ National Green Tribunal Act, No. 19 of 2010 (India).

⁴⁴ Aldona Kipāne & Andrejs Vilks, *Legal Framework for Environmental Protection in the Context of Sustainable Development*, 11 Eur. J. Sustainable Dev. 169 (2022).

⁴⁵ Rakhyun E. Kim & Brendan Mackey, *International Environmental Law as a Complex Adaptive System*, 14 *Int'l Env'tl. Agreements: Pol., L. & Econ.* 5 (2014).

Consequently, the combination of the constitutional law, environmental legislation and international human rights law strengthen the normative basis of environmental constitutionalism in India⁴⁶.

However, despite the existence of the developed legal and international framework, there are several challenges related to the implementation of the laws for environmental protection. Insufficient enforcement, overlapping jurisdiction, delays in providing environmental clearances, insufficient monitoring, prioritizing economic development over environmental conservation and many others lead to the failure of the very goals of the environmental legislation. Moreover, such challenges as climate change, biodiversity loss, environmental displacement and many others imply the necessity to adopt legislative measures beyond pollution control measures. Such legislative changes are required to address the challenges and align the national environmental laws with the international environmental commitments. This framework needs to be strengthened in order to ensure the realization of the environmental rights in the framework of environmental governance and climate resilient development⁴⁷.

The biggest challenge for the environmental constitutionalism in India is the conflict between economic development and environmental protection. Rapid industrialization, infrastructural, urbanization and increased demand for energy often lead to the adoption of the policies aimed at the promotion of economic development regardless of environmental protection. Infrastructure projects, mining, deforestation and urbanization get environmental clearances despite their huge impact on the environment in terms of biodiversity loss, habitat fragmentation, population displacement and other aspects. The judiciary has always tried to find a proper balance between development and sustainable environmental management. However, this balance is often in favor of economic interests disregarding constitutional commitment to environmental protection.

The problems with the institutional structures and regulations hinder the effectiveness of environmental constitutionalism in India. India has quite developed legislative framework and specialized institutions like the Central Pollution Control Board, the State Pollution Control Boards and the National Green Tribunal⁴⁸. However, there are certain gaps in the environmental governance including institutional mandate fragmentation, insufficient

⁴⁶ Id

⁴⁷ Id

⁴⁸ Id

technical capacity, inconsistent implementation, late environmental impact assessments and insufficient monitoring measures. Moreover, the constitutional protection of the environment is often ineffective because of administrative incompetence, overlapping jurisdiction of the regulatory agencies and non-compliance with the court decisions. Therefore, in theory, the constitutional protection of the environmental rights is often more developed than in practice⁴⁹.

Climate change is one of the main contemporary challenges to environmental constitutionalism in India. Increased temperatures, altered patterns of monsoon rains, glaciers melting, biodiversity loss, increase in flood and drought risks, forest degradation and sea level rise have changed the process of environmental governance in India. Issues are not only about pollution control but also about constitutional response to climate adaptation, disaster resilience, ecological restoration and sustainable resource management. Vulnerability of forest ecosystems and biodiversity indicates that climate change is not only an environmental but also a constitutional problem that affects food security, public health, livelihoods and intergenerational equity.

Disproportionate distribution of the environmental risks among the vulnerable populations is another important challenge. Indigenous peoples, forest dwellers, coastal population, agricultural labourers, women and economically disadvantaged populations who inflict minimum damage to the environment suffer from the climate-induced displacement, water scarcity, pollution and ecological degradation the most. While the significance of environmental justice and climate justice in the constitutional rights of Article 21 jurisprudence grows, the current legal and institutional framework fails to address the issues of distributive justice, environmental equity and participation in the environmental decision-making process. This disjunction limits the transformational potential of environmental constitutionalism as a tool for social justice.

Enforcement of the court decisions is another challenge. The Supreme Court and the National Green Tribunal⁵⁰ have made many landmark decisions regarding environmental principles such as sustainable development, precautionary principle, polluter pays principle and public trust doctrine. Nevertheless, these decisions are often undermined by insufficient enforcement, bureaucratic inertia, political considerations and lack of administrative accountability. Thus,

⁴⁹ Id

⁵⁰ Id

there is the implementation challenge when the progressive constitutional jurisprudence does not translate into the effective environmental governance in practice. This is one of the main barriers for environmental protection.

In the end, the prospects for environmental constitutionalism in India will hinge on the success of addressing the above-discussed structural and governance concerns through a balanced combination of reforms at the constitutional, legislative, and institutional levels. Judicial creativity has managed to transform Article 21 into the constitutionally based cornerstone of environmental and climate rights in India, but sustainable environmental governance cannot rely solely on judicial interventions. Environmental constitutionalism demands more legislation, institutional effectiveness, scientific decision-making, participation-based governance, and robust enforcement measures capable of dealing with such new threats as climate change, biodiversity loss, and ecological inequality. This is the only way how the constitutional vision of environmental justice embodied in Article 21 can be fulfilled in the new century⁵¹.

Strengthening Environmental Constitutionalism: The Way Forward

The future of environmental constitutionalism in India can be ensured only by shifting from judicial activism towards comprehensive constitutional governance, which involves not just the judiciary, but also the legislature, the executive, regulatory authorities and civil society organizations. By adopting purposive approach, the Supreme Court has managed to turn Article 21 into a source of environmental rights. However, judicial activism will not ensure environmental protection in the long run. When it comes to effective environmental constitutionalism, legislative support, coherent policy implementation, coordination of various institutions and public participation are crucial to convert constitutional guarantees into environmental results. This holistic approach will consolidate the constitutional principle of sustainable development and ensure at the same time that environmental governance is democratic and effective⁵².

One of the most important steps towards strengthening environmental constitutionalism is the legislative recognition of the right to a clean, healthy and sustainable environment. While the courts always interpreted Article 21 as including the environmental rights, Parliament did not

⁵¹ Id

⁵² Id

adopt a comprehensive framework legislation that could codify this constitutional provision. In addition to that, such legislation should include the principles of sustainable development, precautionary principle, polluter pays principle, intergenerational equity and climate resilience, and the institutional responsibilities and accountability measures. Legislative recognition will minimize reliance on judicial innovation and ensure stability and consistency in environmental governance.

There is a need for institutional reforms to reinforce environmental governance. Environment legislation should be implemented by regulatory bodies such as the Central Pollution Control Board, State Pollution Control Boards and the National Green Tribunal, who should get increased technical skills, funding, scientific capabilities and enforcement powers. At the same time, the process of environmental impact assessment should become more open, science-based and participatory, while compliance monitoring should be improved through using of technological means, audits and independent oversight. Enhanced coordination between constitutional institutions, administrative bodies and special tribunals will help to improve the implementation of environmental rights according to Article 21.

Stronger environmental constitutionalism should pay more attention to environmental democracy and public participation. Environmental decision-making process should be participatory and involve representatives of local communities, indigenous people, environmental experts and civil society organizations whose livelihood and well-being are directly impacted by developmental projects. Access to environmental information, public consultation and grievance redressal mechanism increase constitutional legitimacy and environmental accountability. The Court also implements practically Article 51A(g)⁵³, recognizing the duty of citizens to protect the environment by encouraging citizen participation and reinforcing the reciprocal relation between constitutional rights and responsibilities⁵⁴.

Climate change requires that environmental constitutionalism should go beyond pollution control and embrace climate-responsive governance. In the future, constitutional development should integrate environmental policymaking with climate adaptation, biodiversity conservation, disaster risk reduction, renewable energy transition and ecosystem restoration.

⁵³ Id

⁵⁴ Shazia Akhtar, *Strengthening Environmental Governance in India: Legal Frameworks for Sustainable Development*, 8 *Shodhshauryam* 91 (2025)

The constitutional recognition of climate justice in the case *M.K. Ranjitsinh v. Union of India*⁵⁵ (2024) creates the chance for the policymakers to adopt climate legislation, complying with Articles 14 and 21 and climate commitments of India. Such reform will increase the constitutional resilience to new ecological challenges, while ensuring environmental protection of present and future generations⁵⁶.

Another important reform is the promotion of constitutional values of environment through education, judicial training and people's awareness. Legal sanctions alone cannot be an adequate protection of the environment, it is necessary to foster constitutional culture, which will stimulate ecological responsibility and sustainable lifestyle. The jurisprudential philosophy of Justice V.R. Krishna Iyer with its liberal constitutional interpretation, social justice and human dignity provides valuable guidance for the future development of environmental rights. His methodology demonstrates that constitutional interpretation should be flexible and responsive to the changing societal needs, enabling courts to protect new rights and maintain the balance between constitutional values and environmental sustainability. Enhanced legal education and environmental literacy will supplement institutional reforms and encourage public commitment to constitutional environmental duties⁵⁷.

In conclusion, the application of a collaborative constitutional model will make sure that environmental constitutionalism is effective, with the judiciary, the legislature, the executive, the regulatory authorities and citizenry being the equal stakeholders in environmental governance. Judicial innovation has provided constitutional foundation, recognizing environmental and climate rights under Article 21. However, the long-term effectiveness of these rights depends upon the legislative framework, efficient institutions, science-based policymaking, participatory governance and enforcement. It is, therefore, vital for India to combine constitutional guarantees with democratic accountability and sustainable development to create an effective environmental governance framework, capable to respond to the ecological and climate challenges of today while fulfilling the constitutional promise of justice for current and future generations⁵⁸.

⁵⁵ Id

⁵⁶ Id

⁵⁷ Id

⁵⁸ Id

Conclusion

Undoubtedly, one of the most important successes of Indian constitutional jurisprudence has been the constitutional evolution of environmental rights under Article 21. By taking an expansive view of the right to life, the Indian Supreme Court has succeeded in transforming the non-justiciable goal of environmental protection into an enforceable fundamental right under the Constitution. In this way, judicial intervention has created a strong tradition of environmental constitutionalism in India through the linkage of the Fundamental Rights to the Directive Principles of State Policy and Fundamental Duties and the integration of universally recognized principles of sustainable development, precautionary principle, the polluter pays principle, intergenerational equity and public trust doctrine. This development of judicial innovation has been highly conducive to environmental governance and has reaffirmed that ecological sustainability is critical for human dignity, public health and constitutional democracy.

The phenomenon of climate change has broadened the constitutional dimensions of environmental rights. The Indian Supreme Court's decision in the case of *M.K. Ranjitsinh v. Union of India*, that the protection from the negative impacts of climate change is a consequence of Articles 14 and 21, is indicative of a paradigm shift from traditional environmental protection to a rights-based approach towards climate justice. This paradigm shift acknowledges that the climate change is not only detrimental to the ecology, but also poses a challenge to equality, livelihoods, health, food security and quality of life and places climate change governance within the constitutional realm.

However, the promise of environmental justice cannot be fulfilled by judicial action alone. The challenges of poor implementation of regulations, fragmented institutions, pressure of development, loss of biodiversity, vulnerability to climate change and inadequate legislation continue to pose obstacles to the realization of environmental rights. Although judicial activism has been key in defining the constitutional foundation of environmental protection, sustainable environmental governance requires comprehensive legislative reforms, institutional accountability, scientific foundation of policies, increased public participation and integration of international environmental commitments in the domestic law.

In conclusion, environmental constitutionalism in India needs to develop as a dynamic and participatory constitutional project which will be able to respond to contemporary ecological

realities. Judicial, legislative, executive, regulatory, civil society and citizenry efforts need to be coordinated to implement constitutional guarantees in practice. India can ensure the transformative potential of Article 21 as a living constitutional guarantee by strengthening the constitutional framework of environmental rights and climate justice, which will not only protect the present generation but also environmental rights and ecological sustainability of future generations.