
STRIKING EQUILIBRIUM: THE EVOLUTION OF ENVIRONMENTAL JUSTICE IN INDIAN JURISPRUDENCE

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ABSTRACT

The concept of development, encompassing progress has long been intertwined with India's discourse on environmental concerns. Despite being a common heritage, the environment has suffered significant degradation and ecological imbalances in the pursuit of development, particularly exacerbated since India's shift from planned economy to a market economy. Despite legislative efforts and judicial interventions aimed at mitigating pollution and preserving nature, environmental threats persist, manifesting in disasters and regular degradation. This paper delves into the evolution of environmental justice within Indian jurisprudence, examining procedural, distributive, and corrective forms of justice. Environmental justice addresses the disparity in access to environmental resources and the unequal distribution of environmental harms, highlighting how certain social groups benefit from environmental resources while others face disproportionate risks and threats due to systemic inequalities. Through an analysis of landmark cases, the paper seeks to trace the trajectory of environmental justice in India and evaluate the measures taken to address environmental challenges.

Keywords: Environmental Jurisprudence, Fundamental Rights, PIL, Judicial Review Development Balance.

I. Introduction

Humans have a need to improve, ask questions and seek answers; we seek fulfilment and this yearning is encapsulated in the term ‘development’.¹ The key measures of development in industrialized countries, such as gross domestic product, have largely focused on economic development, consumption, and environmental concerns in India have long been intertwined with the development discourse. Environmental issues have been propagated in various ways. The degradation of the environment, depletion of natural resources, and ecological imbalances are major challenges that have been confronted in the name of development for an extended period. However, their gravity has multiplied significantly after India’s liberal economic policies of 1991.² The corporate sector, being a major beneficiary of economic liberalization, has unfortunately made minimal contributions to environmental protection. While the legislature, judiciary, and some governmental agencies have made efforts to apply international principles and directives to minimize pollution and preserve flora and fauna, their endeavors have proven inadequate to tackle this massive challenge. Despite a plethora of legislation and numerous adjudications aimed at safeguarding the environment, which is the common heritage of humankind, we continue to face serious threats to nature. These threats manifest in the form of disasters like tsunamis, glacier melting, and other ecological and environmental damages.³ Regular environmental degradation ravages both human life and property on a large scale, with its effects often felt for extended periods. These effects on the human life however seem to be disproportionate which brings us to the issue of just and fairness in the environment matters and thus *environmental justice*. The environmental justice is rather a new concept though not new in its spirit as not only can it be traced back in the history but also is evolving through various environmental movements seen over the years.⁴ The imperative to safeguard and enhance the environment is so urgent for the survival of not only humanity but all life forms on Earth that the right to a healthy environment has emerged as a fundamental human right. This right to a healthy environment is enshrined in international environmental treaties and conventions, as well as in national laws and judicial responses. This paper aims to explore the

¹ Martin Purvis and Alan Grainger, *Exploring Sustainable Development: Geographical perspectives* (Earthscan, London, 2004).

² Furqan Ahmad and Priya Singh, *An Appraisal of Environmental Law: Evolution and Development* (Satyam Law International, New Delhi, 2021).

³ Tauseef Ahmad and Sajid Raina, “Kashmir Now Faces Water Scarcity as Himalayan Glaciers Melt” (May 3, 2024) *Fair Observer* available at: <https://www.fairobserver.com/world-news/india-news/kashmir-now-faces-water-scarcity-as-himalayan-glaciers-melt/#> (last visited on Jan 3, 2026).

⁴ *Supra* note 2, Environmental Movements in India such as: The Narmada Bachao Andolan, The Movement against Endosulfan, The Anti-Sterlite Movement etc.

procedural, distributive and corrective forms of justice in the environmental jurisprudence of India. In doing so it underscores to explore whether an equilibrium is stricken between the never ending and important developmental needs of the nation or what can be said to be developmental goals and the right to have a wholesome environment. While the scope of this paper is limited to trace the evolution of environmental justice in the Indian jurisprudence through the catena of landmark cases.

II. The theoretical understanding of Environmental justice

Environmental Justice: What does it mean?

Environmental Justice is broadly concerned with highlighting the interconnectedness of the Environment and social differences i.e., how for certain people and social groups the environment is a ‘commodity’ that is readily available to them for consumption/exploitation and therefore is a source of living the ‘good life’ of prosperity, health and well-being, while for others the environment is only a source of threat and risk mainly because of inequitable distribution of Environmental ‘goods’ and environmental ‘harms’.⁵ As noted by Bell;⁶

“Environmental Justice is relevant to the health and survival of all-natural beings and systems, though it particularly emphasizes how assaults on nature adversely affect humans. It incorporates many different aspects but is, fundamentally, about achieving a healthy Environment for all, now and in the future.”

Since its early construction in the United States in the 1980s, the understanding of environmental justice has been continuously expanding and being diversified due to its application around the world.⁷ Environmental Justice in the 1980s focused majorly on the relationship between race and poverty in the United States by studying how poor black communities were being intentionally chosen when it came to the positioning of polluting sites for dumping industrial wastes. These findings led to accusations of ‘Environmental racism’ and therefore the overall growth of an Environmental Justice movement during the 1980s was centred heavily around the use of Environmental Justice as a concept for better understanding

⁵ Karen Bell, *Achieving Environmental Justice: A Cross-National Analysis* (Bristol Policy Press, 1st edn., 2014).

⁶ *Ibid.*

⁷ Julian Agyeman, David Schlosberg *et. al.* “Trends and Directions in Environmental Justice: From Inequity to Everyday Life, Community, and Just Sustainabilities”, *Annual Review of Environment and Resources* 322 (2016).

systemic racism.⁸ Whilst Environmental racism is still an important issue within the United States,⁹ Environmental Justice as a concept has been applied to more diverse contexts and issues.¹⁰ As noted by Walker,

“The forms of social difference that have been featured in recent Environmental Justice research include, for example, questions of age, the Environmental rights of indigenous people, gender differences, the Environmental and participatory concerns of disabled people, and responsibilities to future generations. The range of Environmental concerns that have featured in the Environmental Justice research literature is now vast from landfills to oil extraction, lead in paint to whaling, wind farms to hog farms and covers a wide diversity of Environmental risks, and benefits and resources.”¹¹

Bell points out that in the process of expanding the application of the concept, Environmental Justice has rather become a contentious term. This according to her is linked to the debate around how should be primarily defined.¹² Walker also notes that academics, activists, and policy documents have always defined Environmental Justice more in terms of an *objective* i.e., something that needs to be achieved given certain conditions are met.¹³ As a result, it can be argued that there are possibly several definitions of Environmental Justice out there given its wide applicability to different contexts and issues (considering how the concept is largely being seen and understood as an *objective*). Following are two definitions of Environmental Justice used here as examples for the purpose of shaping our understanding of the concept:

The United States Environmental Protection Agency (EPA) defines Environmental Justice as:¹⁴

“Environmental Justice is the fair treatment and meaningful involvement of all

⁸ Gordon Walker, *Environmental Justice: Concepts, Evidence and Politics* (Routledge, New York, 1st edn., 2012).

⁹ Frida Garza, “America's dirty divide: how Environmental racism leaves the vulnerable behind” *The Guardian*, (Feb. 11, 2021) available at: <https://www.theguardian.com/us-news/2021/feb/11/Environmental-racism-americas-dirty-divide> (last visited on Jan 3, 2026).

¹⁰ *Supra* note 5.

¹¹ *Id.* at 2.

¹² Mary Menton, Carlos Larrea *et. al.* “Environmental justice and the SDGs: from synergies to gaps and contradictions” 15 *Sustainability Science* 1621 (2020).

¹³ *Supra* note 8.

¹⁴ United States Environmental Protection Agency, “Environmental Justice” (Feb 11, 1968) available at: <https://www.epa.gov/Environmentaljustice> (last visited on Jan 3, 2026).

people regardless of race, colour, national origin, or income with respect to the development, implementation, and enforcement of Environmental laws, regulations, and policies...It will be achieved when everyone enjoys the same degree of protection from Environmental and health hazards and equal access to the decision-making process to have a healthy Environment in which to live, learn, and work.”

As per Bryant;¹⁵

“Environmental Justice refers to those cultural norms, values, rules, regulations, behaviours, policies, and decisions to support sustainable communities, where people can interact with confidence that their Environment is safe, nurturing, and productive. Environmental Justice is served when people can realize their highest potential, without experiencing the ‘isms’. Environmental Justice is supported by decent paying and safe jobs, quality schools and recreation; decent housing and adequate health care; democratic decision making and personal empowerment; and communities free of violence, drugs, and poverty.”

The above-mentioned definitions, in general, concern themselves with justice to people and their specific understanding of justice is vis protection from Environmental harms. *For instance*, for the United States, EPA underscoring race, colour, national origin, or income is important in defining the term ‘people’ when considering fair treatment and meaningful involvement whereas Bryant goes on to broaden the meaning of environmental justice to include a safe, nurturing and productive environment by placing people at its centre while referring to the varied dimensions of environmental justice.

But, regardless of how the above definitions attempt to envisage the concept of Environmental Justice, they do point towards the basic concepts of justice i.e., distributive, procedural, and substantive¹⁶ and how ‘within the Environmental Justice movement, one simply cannot talk of one aspect of justice without it leading to another.’¹⁷ In other words, the above definitions

¹⁵ Bunyan Bryant, *Environmental Justice: Issues, Policies and Solutions* 6 (Island Press, 1st edn. 1995).

¹⁶ Sumudu A. Atapattu, Carmen G. Gonzalez *et. al.*, “Intersections of Environmental Justice and Sustainable Development: Framing the Issues” in Sumudu A. Atapattu, Carmen G. Gonzalez *et. al.*, (eds.) *The Cambridge Handbook of Environmental Justice and Sustainable Development* (Cambridge University Press, 2021).

¹⁷ David Schlosberg, *Defining Environmental Justice: Theories, Movements and Nature* (Oxford University Press, 1st edn, 2009).

not only look at how Environmental Justice should be defined but also to whom it is to be applied; further, which Environmental issues are relevant and how they ought to be addressed; more importantly, when looking at solutions is there also a need for a wider critique on how the earth's resources are to be fairly shared including the equitable distribution of Environmental harms.

III. Various legal measures recognizing Environmental justice

Both international and Indian legal measures incorporate environmental justice principles by acknowledging uneven burdens, promoting public participation, ensuring access to information and legal recourse, providing targeted relief and compensation mechanisms, and recognizing the interconnectedness between environmental protection and human well-being, particularly for vulnerable and marginalized communities. Some of these are mentioned below;

International Environmental Legal Measures

The Montreal Protocol and the Vienna Convention

These landmark agreements¹⁸ tackle the depletion of the ozone layer, which has far-reaching consequences for human health. By phasing out ozone-depleting substances, they aim to prevent an increase in UV radiation-related illnesses like skin cancer and cataracts, which often disproportionately affect marginalized communities with limited access to healthcare and preventive measures. The protocols also recognize the need for developing nations to have an extended timeline for compliance, acknowledging the uneven capacities and responsibilities in addressing global environmental challenges.

The Basel Convention

The convention¹⁹ aims to prevent developed countries from dumping hazardous wastes in developing nations, where marginalized communities often lack the resources and infrastructure to manage such wastes safely, leading to environmental injustice. By criminalizing illegal trade in hazardous wastes, the convention seeks to protect communities

¹⁸ The Convention for the Protection of the Ozone Layer, 1985; The Protocol on Substances That Deplete the Ozone Layer, 1987.

¹⁹ The Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992.

from the adverse health and environmental impacts of improper waste disposal.

UNFCCC and Kyoto Protocol

The United Nations Framework Convention on Climate Change²⁰ acknowledges the responsibility of preventing climate damage beyond national borders, reflecting a broad obligation to humankind as a whole. It also mandates public access to information and participation in addressing climate change impacts. The recognition of "common but differentiated responsibilities" acknowledges the varying contributions to climate change and the need for developed nations to take the lead in mitigating greenhouse gas emissions, promoting environmental justice for developing countries. The Clean Development Mechanism (CDM) and Joint Implementation (JI) under the Kyoto Protocol allows developing countries to access cost-effective reduction opportunities, promoting sustainable development and addressing energy poverty, which disproportionately affects marginalized communities.

The Rio Declaration and Agenda 21

The declaration²¹ highlights the right to a healthy and productive life in harmony with nature, public participation in environmental decision-making, and also the role of various sections such as women in environmental management, promoting environmental justice principles.

Indian Legal Measures

The Water and Air Acts

The Water (Prevention and Control of Pollution) Act, 1974,²² and the Air (Prevention and Control of Pollution) Act, 1981,²³ aim to prevent and control water and air pollution, respectively, safeguarding the public's right to a clean and healthy environment. Under these acts the Pollution control boards are appointed who can take action and regulate measures related to these matters.

The Environment (Protection) Act, 1986

It serves as an umbrella legislation for environmental protection, addressing various pollution

²⁰ The United Nations Framework Convention on Climate Change, 1992.

²¹ The Declaration on Environment and Development, 1992.

²² Act 44 of 1974.

²³ Act 14 of 1981.

concerns, including noise pollution. EPA²⁴ is a very important legislation and was introduced in the aftermath of the Bhopal tragedy. It provides for stringent penalties and Environmental Impact Assessment measures as well meanwhile incorporating the participatory measures also.

The Public Liability Insurance Act, 1991

This Act²⁵ mandates public liability insurance for installations handling hazardous substances, ensuring that communities affected by accidents have access to immediate relief and compensation. Often, economically disadvantaged groups bear the brunt of such incidents, lacking the financial means for prolonged legal battles. The act's provision for interim relief on a 'no-fault' basis addresses this disparity, promoting environmental justice by providing prompt assistance to affected individuals, regardless of their socioeconomic status.

The National Green Tribunal Act, 2010

Recognizing the need for accessible legal remedies, this act established the National Green Tribunal (NGT)²⁶ to address cases related to environmental pollution and damage. The NGT provides a dedicated avenue for victims, including marginalized communities, to seek redress and enforce their constitutional right to a healthy environment. The tribunal's mandate to dispose of cases within six months aims to deliver timely justice, crucial for communities disproportionately affected by environmental degradation and lacking resources for extended legal proceedings. Additionally, the act is the only legislation to legally recognize the international environmental principles such as the sustainable development, polluter pays principle and the precautionary principle.²⁷

The legal measures mentioned in the above section incorporate the concept of environmental justice by recognizing the interconnectedness between environmental protection and human well-being, emphasizing the right to a healthy environment, promoting public participation in environmental decision-making, ensuring access to information, and providing legal avenues for redress and compensation for those affected by environmental degradation and pollution. Additionally, these measures acknowledge the disproportionate impact of environmental issues

²⁴ Act 29 of 1986.

²⁵ Act 6 of 1991.

²⁶ Act 19 of 2010.

²⁷ *Id.*, s.20.

on vulnerable and economically disadvantaged communities, aiming to address these disparities through targeted provisions and mechanisms.

IV. Environmental Justice in Indian Jurisprudence

Different aspects of Environmental justice

Environmental justice is integral to the concept of environmental protection, seen as a fundamental human right.²⁸ However, it often takes a backseat to economic and practical considerations in policymaking. Key aspects include:²⁹

Procedural Justice

This entails ensuring all affected voices are heard in decision-making processes. It questions whether marginalized communities have a say in environmental policies.

Distributive Justice

This examines whether the benefits and burdens of environmental actions are equitably shared among all parties. It considers if disadvantaged groups bear a disproportionate impact.

Corrective Justice

This aspect looks at whether decisions account for past behaviors that contributed to current environmental problems. It questions if historical injustices are being addressed.

Recognitional Justice

This aspect looks at various stakeholders' rights are being recognized. This means that all the parties who are being disproportionately subjected to bear the burdens and the environmental harms are being recognized in the true spirit.

Environmental justice concerns arise when actions disproportionately impact vulnerable

²⁸ Alan P. Diduck, Kirit Patel *et. al.* *Advancing Environmental Justice for Marginalized Communities in India* (Routledge Taylor & Francis Group, London, 2022).

²⁹ Kirit Patel, Alan P. Diduck *et. al.* "Environmental justice in India: Context, issues and framework" in Alan P. Diduck, Kirit Patel *et. al.* *Advancing Environmental Justice for Marginalized Communities in India* (Routledge Taylor & Francis Group, London, 2022).

populations. For example, when polluting sources cluster in areas already burdened with pollution and social issues, affecting low-income and other marginalized communities. An example is "cancer alley" in Louisiana, where toxic industries affect predominantly African American communities.³⁰

Over the years, environmental justice has gained traction globally, including in India, where movements highlight the importance of fairness in environmental decision-making. Environmental justice is a critical aspect of ensuring equitable and fair environmental protection for all, particularly addressing historical and ongoing disparities faced by marginalized communities.

Approach of the Indian Courts

In this section we will examine the varied approach by the Indian courts in various matters in holding environmental justice. These are the landmark cases in shaping the Indian environmental

Judicial Deference

Judicial deference occurs when judges give weight to elected branches' judgments due to their expertise, competence, or democratic legitimacy. Parliament is considered more legitimate and expert in policy matters than the judiciary. The Supreme Court, in *Rural Litigation and Entitlement Kendra v. State of U.P.*³¹, acknowledged that decisions on resource exploitation versus environmental concerns should be left to the government and the nation, not the courts. P. Leelakrishnan describes this as a 'hands-off' approach by the court towards government policies.

Silent Valley Case

- In the Silent Valley case in Kerala, the Kerala High Court approved a government project, stating it should not interfere in scientific arguments.
- Despite court approval, public protests led to the Silent Valley being declared a National

³⁰ Jacqueline D. Lau, Georgina G. Gurney *et. al.* "Environmental justice in coastal systems: Perspectives from communities confronting change", 66 *Global Environmental Change* (2021).

³¹ AIR 1985 SC 495.

Park in Kerala.

Narmada Bachao Andolan Case³²

- The Supreme Court granted a four-year stay on the Narmada Dam project from 1995-1998.
- The court opined that displacement of tribal and other persons would not inherently violate their rights.
- Final judgment in 2000 emphasized that rehabilitation sites would offer better amenities than before.

These cases illustrate instances where the deferential attitude of the judiciary towards government policies had mixed outcomes, sometimes leading to environmental protection (Silent Valley) and other times to challenges (Narmada Dam project).

The Principle of Sustainable Development

Change in itself does not equate to ecological disaster; sustainable development ensures mitigative steps are taken to preserve ecological balance. Sustainable development refers to the type and extent of development that can be sustained by nature, with or without mitigation measures.

Narmada Bachao Andolan

Support for the dam project was based on two grounds:

- The dam was a government policy decision, beyond judicial challenge.
- Cancelling the project would lead to wastage of public funds.

The court refrained from a human rights perspective, leaving it to the government as a policy issue. This also highlights the inadequate treatment of Rehabilitation and Resettlement (R&R) issues by the court. The project is expected to be complete by the year 2025.

³² *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664.

The Vedanta Case

In 2003, Vedanta Alumina Ltd. (VAL)³³ sought approval for an alumina refinery and bauxite mining project in Orissa. The Ministry of Environment and Forests (MoEF) approved the refinery but rejected the mining project. The Supreme Court revoked all clearances for the joint venture, emphasizing sustainable development. The court proposed a rehabilitation package, including 5% of annual profits from the Lanjigarh Project for Scheduled Area Development by M/s. Sterlite Industries (India) Ltd. (M/s SIL).

These cases highlight the judicial stance on sustainable development, the role of government policy in development projects, and the court's emphasis on mitigation and rehabilitation for environmentally impactful projects.

Orissa Mining Corporation Ltd. v. Ministry of Environment & Forests

Vedanta Alumina Ltd. (VAL) resubmitted the proposal with conditions, including;³⁴

- Wildlife Management Plan for Conservation around the Lanjigarh bauxite mine.
- Rehabilitation of Project-affected families.
- Development plan for local tribes.
- Offer of employment to affected persons, particularly land-losers.
- Expenses for compensatory afforestation borne by M/s. SIIL.

Supreme Court granted necessary permits for the bauxite mining project, allowing forest diversion on Niyamgiri Hills in Lanjigarh. The MoEF was directed to grant approval as per law. However, the court's decision was *criticized for not adequately addressing tribal rights over land and resources*. Post the Supreme Court's decision, MoEF did not automatically grant clearance. An independent panel reported violations of federal laws by companies and government authorities. MoEF Minister rejected the application in August 2010 based on the report. VAL challenged the Minister's decision in the High Court of Orissa, which upheld the

³³ *Sterlite Industries (India) Ltd. v. Tamil Naidu Pollution Control Board* (2013) SCC OnLine 68.

³⁴ (2013) 6 SCC 476.

rejection due to starting the project before obtaining environmental clearance. VAL and OMC appealed to the Supreme Court in this case. The Supreme Court examined the writ seeking to quash the MOE's 2010 order rejecting forest clearance for bauxite mining. The case involved violation of environment and forest laws, as well as rights of primitive tribal groups like the Dongria Konch. Interestingly, a State-Owned Mining Corporation and a private company were on the same side challenging the MOE's decision. Court considered constitutional provisions related to Scheduled Tribes and Scheduled Areas under Article 244 and the Fifth Schedule, along with acts like the Panchayats (Extension to Scheduled Areas) Act, 2006 and the Forest Rights Act, 2006. Validated powers of the Gram Sabha under the Forest Rights Act, directing it to settle local claims regarding proposed mining operations within three months. Gram Sabha's decision to be communicated to the MoEF, which was directed to make a final decision on Stage II clearance for the Bauxite Mining Project within two months. Final Rejection of Clearance and Importance of Gram Sabha can be highlighted through following points;

- Following the Supreme Court's directions, MoEF issued a final order rejecting forest clearance for the project in January 2014.
- The judgment was a setback for big concerns like VAL and OMC, emphasizing the statutory role of Gram Sabha and the necessity of its consent for local issues.
- The judgment highlighted the importance of addressing local people's concerns and ensuring proper rehabilitation plans with their consensus before industrial operations commence.

Shift in Supreme Court's Approach

The Supreme Court's evolving stance from distancing itself from policy matters to considering local impacts reflects a changing attitude. This change can be attributed to international developments and the recognition of intensified, varied, and rapid environmental hazards.

The court in *Narinder Singh v. Divesh Bhutani*,³⁵ emphasized while interpreting and applying the laws relating to the Environment, the principle of sustainable development must be borne in mind. In the case of *Rajeev Suri v. Delhi Development Authority*,³⁶ this Court succinctly

³⁵ 2022 SCC OnLine SC 899.

³⁶ (2022) 11 SCC 1.

dealt with the concept of sustainable development;³⁷

“507. The principle of sustainable development and precautionary principle need to be understood in a proper context. The expression “sustainable development” incorporates a wide meaning within its fold. It contemplates that development ought to be sustainable with the idea of preservation of natural Environment for present and future generations. It would not be without significance to note that sustainable development is indeed a principle of development - it posits controlled development. The primary requirement underlying this principle is to ensure that every development work is sustainable; and this requirement of sustainability demands that the first attempt of every agency enforcing Environmental Rule of law in the country ought to be to alleviate Environmental concerns by proper mitigating measures. The future generations have an equal stake in the Environment and development. They are as much entitled to a developed society as they are to an Environmentally secure society. By Declaration on the Right to Development, 1986, the United Nations has given express recognition to a right to development. Article 1 of the Declaration defines this right as:

“1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

508. The right to development, thus, is intrinsically connected to the preservice of a dignified life. It is not limited to the idea of infrastructural development, rather, it entails human development as the basis of all development. The jurisprudence in Environmental matters must acknowledge that there is immense interdependence between right to development and right to natural Environment. In International Law and Sustainable Development, Arjun Sengupta in the chapter “Implementing the Right to Development” notes thus:

³⁷ *Id.* at para 507 and 508.

“... Two rights are interdependent if the level of enjoyment of one is dependent on the level of enjoyment of the other...”

Environmental Rule of law

‘Environmental rule of law’ has a role to play. This Court in the case of *Citizens for Green Doon v. Union of India*³⁸ has dealt with another important issue of lack of consistent and uniform standards for analysing the impact of development projects. The Court observed that the principle of sustainable development may create differing and arbitrary metrics *depending on the nature of individual projects*. Therefore, the Court advocated and accepted the need to apply and adopt the standard of ‘Environmental Rule of law’:³⁹

“40. A cogent remedy to this problem is to adopt the standard of the ‘Environmental Rule of law’ to test governance decisions under which developmental projects are approved. In its 2015 Issue Brief titled “Environmental Rule of Law: Critical to Sustainable Development”, the United Nations Environment Programme has recommended the adoption of such an approach in the following terms:

“Environmental rule of law integrates the critical Environmental needs with the essential elements of the rule of law, and provides the basis for reforming Environmental governance. It prioritizes Environmental sustainability by connecting it with fundamental rights and obligations. It implicitly reflects universal moral values and ethical norms of behaviour, and it provides a foundation for Environmental rights and obligations. Without Environmental rule of law and the enforcement of legal rights and obligations, Environmental governance may be arbitrary, that is, discretionary, subjective, and unpredictable.”

Striking equilibrium: Balanced approach of the Court

The concept of quality of life remains ambiguous, yet it serves as a benchmark against which developmental endeavors are evaluated. At its core, quality of life encompasses basic

³⁸ 2021 SCC OnLine SC 1243.

³⁹ *Id.* at para 40.

necessities such as access to clean water, food security, adequate shelter, and sanitation. Disparities between consumption patterns and resource availability in developing countries compared to their Western counterparts are evident, with a significant portion of the population lacking proper sanitation and potable water access. The failure of developmental policies is evident in the stark statistics, highlighting the need for a departure from blindly emulating Western models. India's unique circumstances demand a harmonious integration of development policies with ecological considerations, inherently tied to quality of life. The interplay between development and quality of life manifests in two ways: activities that degrade the environment and those that enhance it. In the former scenario, quality of life refers to a healthy, safe, and disease-free existence. Legal precedents, such as the *Subhash Kumar v. State of Bihar*⁴⁰ case, underscore the fundamental right to life, encompassing access to pollution-free water and air. Citizens are empowered to seek legal recourse, as provided by article 32 of the constitution, against anything endangering their quality of life.

On the other hand, development initiatives that enhance quality of life, even at the expense of environmental harm, are permissible. *For example*, road construction necessitates the removal of trees and vegetation. Sustainable development offers a compromise by advocating for environmental assessment and mitigation measures prior to undertaking such activities.

Legal decisions, like those in *Sachidanand Pandey v. State of West Bengal*⁴¹ and *M.C. Mehta v. Union of India*,⁴² exemplify a balanced approach. While the former upheld the construction of a hotel despite environmental concerns, the latter allowed the operation of a hot-mix plant under specific conditions to mitigate its impact on the surrounding population. These cases demonstrate the courts' endeavor to strike a balance between development and environmental preservation.⁴³

Maintaining the operational efficiency and safety of the IGI Airport, as a vital national asset, is paramount. Balancing environmental concerns with the imperative of running an international airport in India's capital is crucial for sustainable development. The court cautioned against adopting a blanket policy against hazardous industries, as it could stifle progress and development. Hence, it falls upon the courts to strike a delicate equilibrium

⁴⁰ (1991)1 SCC 598.

⁴¹ AIR 1987 SC 1109.

⁴² AIR 1999 SC 2367.

⁴³ *Goa Foundation v. State of Goa*, AIR 2001 Bom 318.

between ecological preservation and developmental imperatives.

In the case of *M.C. Mehta v. Union of India*,⁴⁴ the court ordered the cessation of tannery operations due to the highly noxious effluent discharge into the river, despite acknowledging potential economic repercussions. The court emphasized that industries must operate in an environmentally responsible manner, akin to ensuring fair wages for workers. Setting up effluent treatment plants becomes imperative for industries to function sustainably.

Similarly, in *Banwasi Seva Ashram v. State of U.P.*,⁴⁵ the court safeguarded the interests of indigenous forest dwellers facing displacement due to industrial projects. The acquisition of land was permitted only after ensuring adequate provisions for the displaced communities. The court underscored the inherent rights of indigenous people in utilizing forests for livelihood in alignment with article 21 of the constitution. While recognizing the demand for energy and industrial growth, the court stressed the need to balance developmental aspirations with ecological preservation.

In *Intellectual Forum, Tirupathi v. State of A.P.*,⁴⁶ the court emphasized the principle of sustainable development, cautioning against unfettered destruction of ecological resources in the name of progress. The *Coastal Protection Zone Case*⁴⁷ reiterated the need for simultaneous economic development and environmental preservation, rejecting the notion of development at the expense of the environment.

In *Bombay Dyeing & Mfg. Co. Ltd v. Bombay Environmental Action Group*,⁴⁸ the court's intervention aimed to protect the residents of Mumbai and enhance their quality of life, signaling a commitment to balancing developmental goals with environmental concerns.

During the last few years, the environmental condition has significantly deteriorated, raising concerns about further damage to the city's infrastructure and ecology. To address this, there's a pressing need to preserve "open spaces" within the city and allocate areas for public housing. The case in question explores the intricate balance between industrial rehabilitation and environmental preservation as a reflection of sustainable development.

⁴⁴ (1987) 4 SCC 463.

⁴⁵ (1986) 4 SCC 753.

⁴⁶ (2006) 3 SCC 49.

⁴⁷ *ICELA v. Union of India*, (1996) 5 SCC 281.

⁴⁸ (2006) 3 SCC 434.

The court highlighted that ecological considerations cannot be approached in a one-sided manner and must be evaluated based on the specific circumstances of each case. It further justified the relaxation of open space requirements in favor of industrial rehabilitation, noting that such regulations were made to balance diverse public interests, including the revival of industries through modernization and relocation.

In line with this perspective, the court endorsed a utilitarian approach, as seen in the *G. Sundarrajan v. Union of India*⁴⁹ case, prioritizing projects of public utility while acknowledging the inconvenience to a smaller segment of the population. However, it's crucial to reevaluate the application of such principles in modern times, moving away from the notion of sacrificing minority interests for the perceived benefit of the majority.

The decision in *M.K. Ranjitsinh*⁵⁰ case, is an important step in India's environmental law. The case focused on protecting the Great Indian Bustard, a critically endangered bird, which was being harmed by overhead power lines from renewable energy projects. The Supreme Court had to deal with a difficult question how to protect wildlife while also promoting renewable energy. Instead of choosing one over the other, the Court took a balanced approach. It recognised that both environmental protection and clean energy are important, and asked experts to suggest practical solutions, like underground power lines in sensitive areas. What makes this judgment significant is that it shows a more practical and thoughtful way of handling environmental issues. The Court moved away from a simple "majority benefit" approach and instead focused on fairness, scientific input, and long-term sustainability highlighting that development and environmental protection should go together, not against each other.

The decision in *Vanashakti v. Union of India*⁵¹ assumes greater significance in light of the Supreme Court's categorical stance against the grant of *ex post facto* environmental clearances. Building upon its earlier jurisprudence, the Court reaffirmed that environmental approvals granted after the commencement or even completion of projects are fundamentally contrary to the scheme of environmental law, particularly the Environmental Impact Assessment (EIA) framework. In *Vanashakti*, the Court emphasized that environmental clearance is not a curative or legitimizing tool to regularize violations, but a preventive mechanism intended to assess

⁴⁹ (2013) 6 SCC 620.

⁵⁰ *M.K. Ranjitsinh v Union of India* (2025 INSC 1472).

⁵¹ *Vanashakti v. Union of India* (2025 INSC 718).

ecological consequences *prior* to project implementation.

While the court has historically relied on the principle of “greatest good for the greatest number,” originating from the philosophy of Jeremy Bentham, to justify developmental impacts, there’s a growing recognition of the need for a more nuanced assessment of the environmental implications of such activities. Simply maximizing overall happiness at the expense of a minority’s well-being is no longer considered sufficient justification for disregarding environmental and health concerns.

V. Conclusion

An interdisciplinary approach is essential for effective environmental protection, as environmental law is just one component of this multifaceted field. Lawyers must possess a basic understanding of the scientific, political, and economic factors contributing to environmental degradation. Likewise, individuals and entities involved in environmental matters must also grasp the principles and scope of environmental law, as it plays a pivotal role in safeguarding and enhancing our environment. Moreover, it is very relevant here to mention that looking back at the Indian environmental jurisprudence, the Supreme Court in 2010 classified the evolution of this field into three overlapping phases. In this view, the earliest phase was when the Supreme Court issued directions to protect the right to life for the benefit of marginalized groups and sections of society who could not access courts because of their poverty, illiteracy and ignorance. The second phase encompassed protection of environment, forests, natural resources, and cultural heritage such as historical monuments- for the benefit of society at large. This class of PILs concerns what may be termed as ‘a collective right to a collective good’. The third phase comprised efforts by the court to maintain probity, transparency and integrity in governance.⁵²

Further, it is also safe to mention here that the approach of the court seems to be fluctuating, while it was proactive to the extent of aggressive in the cases related to pollution, on the other hand it was more towards the defensive attitude when it comes to infrastructural projects or large developmental projects. Having mentioned that it is also important to make note of the very important fact that largely the decisions of the Indian courts are based on the facts and circumstances of different cases. The court, drawing from various legal precedents, emphasized

⁵² *State of Uttaranchal v. Balwant Singh Chaulai* (2010) 3 SCC 402).

the importance of harmonizing environmental protection with development goals, giving rise to the concept of sustainable development. This approach aims to ensure that development can be sustained across generations, acknowledging the complexities and trade-offs involved in implementing public policies aligned with this concept. While the court has historically relied on the principle of "greatest good for the greatest number," originating from the philosophy of Jeremy Bentham, to justify developmental impacts, there's a growing recognition of the need for a more nuanced assessment of the environmental implications of such activities. Simply maximizing overall happiness at the expense of a minority's well-being is no longer considered sufficient justification for disregarding environmental and health concerns.

In conclusion, environmental justice serves as a critical framework for understanding and addressing the unequal distribution of environmental benefits and burdens among different social groups. By recognizing that environmental resources are not equally accessible to all and that marginalized communities bear a disproportionate burden of environmental harms, environmental justice calls for systemic changes to promote fairness, equity, and sustainability. As we move forward, it is imperative to prioritize policies and actions that ensure the protection of environmental rights for all, fostering a more inclusive and resilient society for present and future generations. The same can be achieved positively through the mode of 'environmental rule of law' to deal with 'environmental injustice'.