
ENVIRONMENTALISM IN INDIA: THE GAP BETWEEN CONSTITUTIONAL PROMISE AND ENVIRONMENTAL REALITY

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ABSTRACT

India has developed a robust constitutional framework for environmental protection through judicial interpretation of Articles 21, 48A and 51A(g). Despite this, the country continues to witness severe air pollution, contaminated rivers, deforestation and recurring climate related disasters that erode basic conditions of life. The persistence of such degradation, even after the evolution of extensive environmental jurisprudence, reveals a significant gap between constitutional promise and the lived ecological reality of communities. This paper examines the gap between constitutional environmental rights and their implementation in practice. It analyses key challenges including weak regulatory enforcement, tensions between economic development and environmental protection, and barriers to environmental justice for vulnerable communities. The paper argues that while constitutional environmentalism in India has expanded environmental rights, institutional and governance failures continue to limit their effectiveness.

Introduction

Environmental degradation, climate instability and resource depletion now shape life in India and they threaten basic conditions of human survival and dignity.¹ Courts, regulators and scholars therefore increasingly frame environmental harm as a violation of the right to a clean and healthy environment. They now link it with human rights and sustainable development rather than seeing it only as a question of land use or nuisance.

The 1972 Stockholm Declaration and later the Rio instruments pushed states, including India, to integrate environmental protection into national constitutional and legal orders.² They also encouraged recognition of environmental quality as part of development policy. India responded through the forty second Constitutional Amendment, insertion of Articles 48A and 51A(g), and enactment of statutes such as the Water Act, the Air Act and the Environment Protection Act, which together created a dense but fragmented architecture of environmental governance.

Within this framework, the Supreme Court began to read environmental concerns into Article 21 and to use public interest litigation to secure environmental justice for affected communities.³ In *Subhash Kumar v. State of Bihar*, the Court treated the right to life as including a right to enjoy pollution free water and air. Later decisions such as *Vellore Citizens' Welfare Forum v. Union of India*⁴ and *Indian Council for Enviro Legal Action v. Union of India*⁵ embedded the precautionary principle, polluter pays principle and sustainable development into Indian environmental jurisprudence, and they confirmed that these principles form part of domestic law. Yet non compliance, climate induced disasters, biodiversity loss and unequal access to remedies before forums like the National Green Tribunal show a gap between constitutional promise and regulatory practice, which forms the central rationale for this study.

¹ U.N. Dev. Programme, U.N. Env't Programme & Office of the U.N. High Comm'r for Human Rights, What Is the Right to a Healthy Environment? Information Note 12 (2021), <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf> (last visited April 10, 2026).

² U.N. Env't Mgmt. Grp., Delivering on the Vision of the 1972 Stockholm Declaration (2022), https://unemg.org/wp-content/uploads/2022/06/UNEP_EMG_Delivering-on-the-vision-of-the-1972-Stockholm-Declaration-Rev3.pdf (last visited April 10, 2026).

³ *Subhash Kumar v. State of Bihar*, (1991) 1 S.C.C. 598 (India).

⁴ *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).

⁵ *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 S.C.C. 212 (India).

This paper examines why this gap persists despite a strong constitutional framework and argues that enforcement failures, developmental pressures and institutional limitations continue to undermine environmental protection.

Constitutional Framework for Environmental Protection

The move from ordinary environmental regulation to constitutional protection in India began most visibly with the Forty Second Amendment Act 1976, which inserted Article 48A into Part IV and Article 51A(g) into Part IVA of the Constitution of India.⁶ Article 48A directs the State to protect and improve the environment and to safeguard forests and wildlife, so it anchors environmental protection in the Directive Principles and links it with the idea of welfare state.⁷ Article 51A(g) complements this duty by placing a corresponding obligation on every citizen to protect and improve the natural environment, including forests, lakes, rivers and wildlife, and to have compassion for living creatures.⁸

Judicial interpretation then constitutionalised environmental protection far beyond the bare text by reading environmental quality into Article 21, which guarantees the right to life and personal liberty.⁹ Through a series of decisions, the Supreme Court clarified that the right to life includes the right to live in a pollution free environment, with clean air, safe water and ecological balance.

Public interest litigation under Articles 32 and 226 provided the main procedural vehicle for this process, as affected communities, concerned citizens and civil society organisations could directly move the constitutional courts against industrial pollution, deforestation, mining or hazardous waste.¹⁰ Decisions such as *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*¹¹ and *Subhash Kumar v. State of Bihar*¹² treated access to a clean environment and unpolluted waters as part of the Article 21 right to life. These rulings effectively converted environmental statutes into instruments for giving content to constitutional rights, rather than merely administrative schemes. Together, these developments demonstrate that environmental

⁶ The Constitution (Forty-second Amendment) Act, 1976 (India).

⁷ Pranita N. Shukla, *Constitutional Provisions for the Protection of Environment in India* 1–3, *Indian Bar Ass'n* (2013).

⁸ INDIA CONST. Art. 51A(g).

⁹ INDIA CONST. art. 21.

¹⁰ Surabhi Singh, *An Analytical Study of Constitutional, Legislative and NGT Framework for Environmental Protection in India*, *Int'l J. Env'tl. Sci.* 1, 6–8 (2023).

¹¹ *Rural Litigation & Entitlement Kendra v. State of Uttar Pradesh*, A.I.R. 1985 S.C. 652 (India)

¹² *Subhash Kumar v. State of Bihar*, (1991) 1 S.C.C. 598 (India).

protection has evolved into a constitutional right supported by both judicial interpretation and statutory mechanisms.

Enforcement Deficit in Environmental Governance

Despite this strong constitutional framework, environmental governance in India continues to face serious enforcement challenges. Regulatory agencies face capacity constraints, political pressure and frequent non compliance by powerful polluters, so constitutional standards frequently remain on paper rather than shaping day to day decision making. Multiple environmental statutes and institutions, including the National Green Tribunal, operate alongside the constitutional framework, yet the overall system still suffers from fragmentation, overlapping mandates and weak coordination between central, state and local authorities.¹³ This institutional complexity often leads to delayed responses, inconsistent application of norms and forum shopping, which undermines the effectiveness of constitutional guarantees. Vulnerable and marginalised groups, including forest dwelling communities, informal urban workers and climate vulnerable coastal populations, usually bear a disproportionate share of environmental harm while they struggle to access courts, tribunals or administrative processes in a timely and meaningful way.¹⁴ These issues reflect a deeper structural problem in environmental governance, where legal norms are strong but enforcement mechanisms remain weak.

Persistent enforcement deficit runs through the entire legal framework of provisions for environmental protection in India. State Pollution Control Boards and the Central Pollution Control Board often operate with serious staff shortages, inadequate laboratories, poor monitoring networks and weak sanctioning capacity. Empirical work shows long-term vacancies in technical posts, low inspection frequency and reliance on self-reported data by industries, which together dilute deterrence. These structural gaps make statutory standards under the Water Act, Air Act and Environment (Protection) Act look impressive on paper but soft in practice.¹⁵

¹³ Lavanya Rajamani & Shibani Ghosh, India, in *The Oxford Handbook of Comparative Environmental Law* 962, 970–75 (Emma Lees & Jorge E. Viñuales eds., 2019).

¹⁴ U.N. Office of the High Comm'r for Human Rights, Human Rights and the Environment 15–18 (2019).

¹⁵ Anantika Mahajan et al., *The State of India's Pollution Control Boards* (Ctr. for Policy Research, Working Paper, 2023), https://cprindia.org/wp-content/uploads/2023/04/04-Finances-WP_CPR-SPCB-study_270423.pdf (last visited April 10, 2026).

Official river-quality data under the National Water Quality Monitoring Programme further exposes this enforcement deficit. The Central Pollution Control Board's 2018 assessment identified hundreds of polluted rivers stretches across most States and Union Territories, with biochemical oxygen demand levels well above notified criteria.¹⁶ A later CPCB report in 2025 still records close to 300 polluted stretches, even though the same statutes, rules and constitutional obligations remain in force. This slow and uneven improvement shows that regulators seldom close drains of non-compliant municipal bodies or prosecute defaulting industries at the scale that the statutes envisage.¹⁷

Regulatory capture deepens this deficit in environmental governance. Studies on the politics of environmental enforcement describe how State Pollution Control Boards depend financially and administratively on the very governments that prioritise short-term industrial growth and revenue. Board memberships frequently include serving bureaucrats and occasionally industry-linked actors, while citizens and independent scientists get a marginal voice. Scholars highlight how such arrangements encourage informal bargaining, selective inspections and negotiated compliance instead of strict application of "polluter pays" or precautionary principles. Political economy analyses of Indian environmental governance also point to overlapping mandates and fragmented accountability, which let powerful polluters play regulators and departments against each other.¹⁸

Supreme Court jurisprudence on environmental protection repeatedly exposes this enforcement and capture problem. In *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647 (India), the Court condemned decades of inaction against tanneries that had continued to pollute despite existing laws and directions, and it constitutionalised sustainable development and polluter pays to push regulators to act. *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 SCC 212 (India), similarly involved toxic pollution where statutory authorities had failed to prevent damage or secure timely remediation, forcing the Court to calculate compensation and monitor compliance itself. In *A.P. Pollution Control Board v. Prof.*

¹⁶ Cent. Pollution Control Bd., Polluted River Stretches for Restoration of Water Quality 1 (Sept. 2018), <https://nmcg.nic.in/pdf/POLLUTED%20RIVER%20STRETCHES%20FOR%20RESTORATION%20OF%20WATER%20QUALITY.pdf> (last visited April 10, 2026).

¹⁷ Cent. Pollution Control Bd., Polluted River Stretches for Restoration of Water Quality – 2025 (Sept. 27, 2025), summarized in CPCB Issued a Report on Polluted River Stretches for Restoration of Water Quality – 2025, TeamLease RegTech (Oct. 1, 2025), <https://www.teamleaseregtech.com/updates/article/47384/cpcb-issued-a-report-on-polluted-river-stretches-for-restoration-of-wa/> (last visited April 6, 2026).

¹⁸ Ananya Prakash, The Politics of Environmental Enforcement in India and China, *Int'l J. Novel Res. & Dev.* (Oct. 10, 2025), <https://ijnrd.org/papers/IJNRD2510179.pdf> (last visited April 6, 2026).

M.V. Nayudu, (1999) 2 SCC 718 (India), the Court criticised the technical and institutional weaknesses of environmental decision-making bodies, and it called for more expert-driven and independent regulation.¹⁹ This demonstrates that the problem is not the absence of legal norms but the failure of institutional mechanisms to enforce them effectively.

Environmental Protection versus Economic Growth Paradigm

Courts interpret Article 21, read with Articles 48-A and 51-A(g), as creating a constitutional obligation to protect the environment, yet macroeconomic policy still chases high GDP growth and rapid industrialisation. Empirical work on India's growth path shows a persistent trade-off between emission reduction and output, so climate-compatible growth remains more a promise than reality.²⁰ Studies on the post-reform period also show a positive link between rising per-capita income and CO₂ emissions, which means growth strategies still externalise ecological costs.²¹ India's sharp decline to 176th out of 180 countries in the 2024 Environmental Performance Index, despite ambitious climate and SDG commitments, illustrates how the growth paradigm keeps eroding ecosystem vitality and environmental health.²²

Supreme Court doctrine tries to reconcile this clash by framing environmental protection and growth through sustainable development, the precautionary principle and polluter-pays. In *Narmada Bachao Andolan v. Union of India*,²³ the majority upheld the Sardar Sarovar dam by deferring to expert bodies and projecting irrigation and power benefits as essential for national development. The Court accepted that displacement and submergence raised serious rights concerns, but it treated rehabilitation, environmental safeguards and incremental compliance as adequate answers, rather than as grounds to halt the project. This reasoning practically downgraded the environment as part of Article-21 to a variable in a large cost-benefit calculus, where growth, electrification and food security received superior weight.

¹⁹ Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647 (India).

²⁰ Muthukumara Mani et al., India's Economic Growth and Environmental Sustainability: What Are the Tradeoffs?, World Bank Policy Research Working Paper No. 6208 (2012), <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/756861468260359150> (last visited April 10, 2026).

²¹ Mahadeo Yadav, Conflict Between Economic Growth and Environmental Sustainability in India (Post Reform Period), 6 J. Emerging Techs. & Innovative Res. 146 (2019), <https://www.jetir.org/papers/JETIRCB06022.pdf> (last visited April 10, 2026).

²² Jeet Singh, Deciphering India's 176th Global Rank in the Environmental Performance Index, 2024, Rajiv Gandhi Inst. for Contemp. Stud. (June 30, 2025), <https://www.rgics.org/environment/deciphering-indias-176th-global-rank-in-the-environmental-performance-index-2024/> (last visited April 10, 2026).

²³ Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664.

In *Lafarge Umiam Mining (P) Ltd. v. Union of India*, the Court characterised forests as a “national asset” yet allowed limestone mining in ecologically fragile tribal areas, subject to layered clearances and compensatory afforestation.²⁴ It relied on the language of sustainable mining, local employment and national economic interest to justify diversion of forest land, and it placed strong faith in expert committees and ex post monitoring. The judgment shows how constitutional environmental protection gets mediated through technocratic procedures that often validate, rather than restrain, extractive projects.

This tension highlights the difficulty of balancing constitutional environmental rights with economic policy objectives, particularly in a developing economy where growth is often prioritised.

Access to Environmental Justice

Public interest litigation under Articles 32 and 226 opened the courthouse doors for affected communities, social action groups and concerned citizens to speak for environmental harms that have no clear individual victim. In *S.P. Gupta v. Union of India*, the Supreme Court relaxed locus standi and accepted “public interest” petitioners, which later enabled environmental PILs on rivers, forests and hazardous industries.²⁵ This shift looked transformative, yet marginalised communities still depend heavily on urban lawyers, non-governmental organisations and external experts to translate lived environmental harm into legal claims. Scholarly work on PIL warns that such “representation from above” sometimes sidelines local voices and choices.²⁶

In early environmental PIL cases such as *Rural Litigation & Entitlement Kendra v. State of Uttar Pradesh* and *M.C. Mehta v. Union of India*, the Court treated environmental degradation as a direct invasion of Article 21 rights.²⁷ *Subhash Kumar v. State of Bihar* affirmed that citizens can move the Supreme Court to stop water pollution that threatens life and health.²⁸ However, the Court also cautioned against misuse of PIL for private or political motives, which later benches invoked to weed out petitions by small vendors, slum dwellers or informal

²⁴ *Lafarge Umiam Mining (P) Ltd. v. Union of India*, (2011) 7 SCC 338.

²⁵ *S.P. Gupta v. Union of India*, 1981 Supp. SCC 87.

²⁶ Usha Ramanathan, Public Interest Litigation in India: Issues in Access to Justice, in B.N. KIRPAL ET AL. EDS., SUPREME BUT NOT INFALLIBLE: ESSAYS IN HONOUR OF THE SUPREME COURT OF INDIA 269 (Oxford Univ. Press 2000).

²⁷ *Rural Litigation & Entitlement Kendra v. State of Uttar Pradesh*, 1985 Supp. SCC 79; *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

²⁸ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

workers resisting eviction in the name of city “clean-up”. This jurisprudence creates a fragile balance, where access to Article 21 remedies exists in theory, but screening for bona fides may filter out uncomfortable claims from those at the urban and social margins.

The National Green Tribunal Act, 2010 attempts to institutionalise wide standing in environmental matters. Section 18 allows any person, including representative bodies, to approach the NGT for civil disputes linked to scheduled environmental laws. In *National Green Tribunal Bar Association v. Union of India*, the Supreme Court recognised the Tribunal as a specialised forum meant to secure effective access to justice in environmental cases.²⁹ Yet research on NGT practice notes serious barriers for marginalised communities: benches sit in a few metropolitan cities; proceedings often rely on dense expert reports; and legal representation costs remain high when measured against rural incomes.³⁰ For forest-dwelling and coastal communities, travel, language and unfamiliar procedure can quietly neutralise the formal promise of relaxed standing.

Tribal and other indigenous communities illustrate both the power and limits of constitutional and statutory access-to-justice guarantees. In *Samata v. State of Andhra Pradesh*, the Supreme Court used the Fifth Schedule, protective land laws and equality principles to invalidate mining leases in notified tribal areas, and it did so partly because an organisation litigated in solidarity with Adivasi groups.³¹ Later, in *Orissa Mining Corporation Ltd. v. Ministry of Environment & Forest*, the Court required Gram Sabhas to decide claims over religious and community forest rights in the Niyamgiri hills under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.³² These cases show how environmental and cultural rights intersect for indigenous peoples. Scholarly work shows however that large dams, mines and wildlife projects have displaced Adivasi communities on a massive scale despite these provisions, often without full rehabilitation or informed consent.³³

Environmental democracy rests on three linked procedural rights. Access to environmental information, meaningful public participation, and access to justice. The Supreme Court reads a “right to know” into Article 19(1)(a), and it links transparency with environmental and health

²⁹ *National Green Tribunal Bar Ass’n v. Union of India*, (2015) 5 SCC 283.

³⁰ Gitanjali Nain Gill, ENVIRONMENTAL JUSTICE IN INDIA: THE NATIONAL GREEN TRIBUNAL 105–37 (Routledge 2017).

³¹ *Samata v. State of Andhra Pradesh*, (1997) 8 SCC 191.

³² *Orissa Mining Corp. Ltd. v. Ministry of Env’t & Forest*, (2013) 6 SCC 476.

³³ Walter Fernandes, India’s Forced Displacement Policy and Practice: Is Compensation up to the Mark?, 12 Refugee Watch 40 (2008), https://www.mcrg.ac.in/rw%20files/RW12/RW12_4.pdf (last visited April 15, 2026).

protection. In *Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers*³⁴ the Court treated disclosure of risk-related information as part of the citizen's right to be informed about decisions affecting life and wellbeing. Later commentary on the Right to Information framework argues that RTI functions as an environmental right in practice because it lets citizens obtain monitoring data, consent conditions and compliance records from pollution control boards and ministries. Activists routinely use RTI replies to expose non-compliance with emission norms or clearance conditions and to mobilise affected communities, although delays and evasive responses still blunt this potential.³⁵

Field studies show that women, informal workers and small cultivators near industrial sites rarely receive full information about project impacts, and their objections hardly appear in final appraisal reports. This gap weakens the link between constitutional environmental rights and the everyday experiences of those who bear the heaviest ecological burdens.

Emerging Challenges in Environmental Governance

Indian constitutional environmental jurisprudence has now entered an explicit climate phase. In *M.K. Ranjitsinh v. Union of India*,³⁶ the Supreme Court recognised a fundamental right to be protected against the adverse effects of climate change under Articles 14 and 21, and linked this right to earlier doctrine on a clean and healthy environment. Commentators read this judgment as a constitutionalisation of climate obligations, which transforms climate policy from a matter of executive grace into an enforceable rights-based mandate and pushes courts to scrutinise mitigation and energy choices through equality and life-rights lenses.³⁷

Climate-related petitions before the Supreme Court, High Courts and the National Green Tribunal increasingly challenge inadequate emission control, forest diversion and failure to implement adaptation measures. Scholarship on Indian climate litigation notes that many cases arise as extensions of traditional pollution and land-use disputes, yet they steadily incorporate climate language, references to India's commitments under the UNFCCC and Paris Agreement,

³⁴ *Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers*, 1989 A.I.R. 190 (S.C.).

³⁵ Shrutika Pandey, Right to Information as an "Environmental" Right, 7 RGNUL Student Res. Rev. 103, 114–18 (2021), https://4dbe3291-4e81-4eb7-a98a-194264378912.filesusr.com/ugd/286c9c_3a23b52c6eab478e9aef32fc96c4ea3a.pdf (last visited April 10, 2026).

³⁶ *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280 (India).

³⁷ Siddharth Seem, India's New Constitutional Climate Right, VerfBlog (Apr. 25, 2024), <https://verfassungsblog.de/indias-new-constitutional-climate-right/> (last visited April 9, 2026).

and demands for long-term transition planning.³⁸ Recent work also emphasises growing youth-led and inter-generational claims, which argue that inaction on climate change violates duties towards future generations and undermines inter-generational equity embedded in Article 21 and public-trust principles.³⁹

Disaster-management law functions as another critical constitutional interface for climate risk. The Disaster Management Act, 2005 establishes the National Disaster Management Authority and State and District Authorities to plan, coordinate and implement disaster-risk reduction across hazards, including climate-induced floods, cyclones, heatwaves and droughts.⁴⁰ Legal analysis of this framework shows how Parliament relied on the Directive Principles and on entries in the Concurrent List to justify a strong central role, while still locating primary responsibility in state governments, which creates both opportunities and tensions in cooperative federalism for climate-related disasters.⁴¹

CONCLUSION

Judicial creativity has built a dense edifice of environmental rights yet ecological indicators show continuing degradation and widening injustice, which suggests a gap between constitutional promise and material outcomes.⁴² Courts read sustainable development, precaution, polluter-pays, inter-generational equity and public-trust doctrine into Indian law and often declare them part of constitutional jurisprudence, but these principles sometimes operate as flexible balancing tools rather than hard constraints on ecologically destructive projects.⁴³ This “principle-rich, outcome-poor” pattern raises doubts about whether rights-based adjudication alone can deliver structural environmental protection.

Legislative responses have been extensive, from the Environment (Protection) Act, 1986 to specialised laws on water, air, forests, wildlife and biodiversity, as well as the National Green

³⁸ Eeshan Chaturvedi, *Climate Change Litigation: Indian Perspective*, 10 Asian J. Int'l L. 66 (2021), <https://pure.jgu.edu.in/9/1/JLJ2021.pdf> (last visited April 9, 2026).

³⁹ Surabhi Karwa & Aayush Kumar, *Climate Change Litigation in India: Rising Judicial Activism and the Path Ahead*, Int'l J. Future of Mgmt. & Res. (Dec. 14, 2025), <https://www.ijfmr.com/papers/2025/63229.pdf> (last visited April 10, 2026).

⁴⁰ Disaster Management Act, No. 53 of 2005, INDIA CODE.

⁴¹ Rajendra K. Pandey, *Legal Framework of Disaster Management in India*, 53 Indian Bar Rev. 151 (2016), https://ili.ac.in/pdf/p13_rajendra.pdf (last visited April 10, 2026).

⁴² Lavanya Rajamani, *The Increasing Currency and Relevance of Rights-Based Perspectives in the International Negotiations on Climate Change*, 22 J. ENVTL. L. 391 (2010).

⁴³ SHYAM DIVAN & ARMIN ROSENCRAZ, *ENVIRONMENTAL LAW AND POLICY IN INDIA* 139–211 (3d ed. 2022).

Tribunal Act, 2010. Commentators describe Indian environmental law as one of the most sophisticated southern regimes on paper, yet simultaneously highlight chronic enforcement deficit, institutional fragmentation and political economy pressures that distort regulatory practice.⁴⁴ Overlapping mandates across ministries, pollution control boards, development authorities and sectoral regulators make it easy for decision-makers to shift responsibility, while affected communities struggle to identify a single accountable agency.

The PIL jurisprudence has opened access to the Supreme Court and High Courts, but scholars criticise its tendency towards case-by-case management and episodic “green governance” from the bench.⁴⁵ Orders in large pollution and solid-waste cases resemble continuing mandamus writs, with detailed directions to executive bodies, but long-term compliance often remains patchy. Environmental adjudication sometimes centralises power in courts and tribunals, marginalises local self-government institutions and risks what some call “juristocracy”, where broad structural choices are shaped by unelected judges responding to elite litigation rather than by democratically accountable processes.⁴⁶

The National Green Tribunal represents a major institutional innovation, combining specialised benches with relatively liberal standing rules and wide remedial powers. Empirical assessments, however, point to uneven access for marginalised groups, high dependence on expert reports and limited capacity to secure compliance with its own orders.⁴⁷ The Tribunal’s remit remains tied to scheduled statutes, which complicates its engagement with emerging issues like climate governance, energy transitions and digital monitoring, unless petitioners skilfully frame disputes within the existing legislative list.

The Constitution along with environmental laws provides a strong and progressive framework for environmental protection supported by an extensive body of judicial interpretation. However, the persistence of environmental degradation demonstrates a clear gap between constitutional promise and environmental reality. This proves that enforcement deficits, developmental pressures and barriers to access to justice continue to limit the effectiveness of constitutional environmentalism in India. Strengthening institutional capacity, improving

⁴⁴ KANCHI KOHLI & MANJU MENON, DEVELOPMENT OF ENVIRONMENTAL LAWS IN INDIA: EMERGING ISSUES AND CHALLENGES 1–26 (2021).

⁴⁵ Usha Ramanathan, Public Interest Litigation-A Historical Review, 49 ECON. & POL. WKLY. 30 (2014).

⁴⁶ UPENDRA BAXI, THE FUTURE OF HUMAN RIGHTS 245–72 (3d ed. 2008).

⁴⁷ Gitanjali Nain Gill, Environmental Justice in India: The National Green Tribunal, 16 J. CT. INNOVATION 221 (2023).

regulatory coordination and ensuring equitable access to environmental justice are essential steps toward realising the constitutional vision of environmental protection.