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Eco-Centric Jurisprudence: The Rise of India's Green Fundamental Right through the Expansion of Article 21 of the Constitution to Ensure Climate Justice

SANDEEP YADAV*

ABSTRACT

Environmental degradation and climate change have emerged as critical challenges to constitutional governance, human dignity and sustainable development. In India, the constitutional recognition of environmental protection has progressively evolved through judicial interpretation, particularly by expanding the scope of Article 21 of the Constitution to encompass the right to a clean and healthy environment. This paper examines the emergence of eco-centric jurisprudence in India and analyses the transformation of environmental protection from a legislative and policy-oriented concern into an enforceable dimension of fundamental rights. It explores the contribution of constitutional provisions, particularly Articles 14, 21, 48A and 51A(g), in establishing environmental protection as a shared responsibility of the State and citizens. It further examines the role of environmental legislation, judicial activism and Public Interest Litigation in strengthening environmental governance. Through an analysis of landmark judicial pronouncements, the paper traces the evolution of environmental jurisprudence and the incorporation of fundamental environmental principles, including sustainable development, the Public Trust Doctrine, the Precautionary Principle, the Polluter Pays Principle, Common but Differentiated Responsibilities and Intergenerational Equity. Particular attention is devoted to the Supreme Court's evolving approach towards climate justice, especially its recognition in M.K. Ranjitsinh v. Union of India *of the constitutional right to be free from the adverse effects of climate change under Articles 14 and 21. The paper argues that climate-related harm disproportionately affects economically disadvantaged and vulnerable communities, thereby raising concerns of substantive equality, human dignity and constitutional accountability. It also identifies institutional weaknesses in environmental enforcement and the limitations of existing regulatory mechanisms. Finally, it advocates comprehensive climate change legislation, stronger institutional accountability, effective environmental adjudication and enforceable ecological safeguards. The paper concludes that India's transition towards eco-centric constitutionalism requires a rights-based and*

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intergenerational approach that reconciles developmental priorities with ecological preservation and advances substantive climate justice for present and future generations.

Keywords: *Eco-centric Jurisprudence, Article 21, Environmental Constitutionalism, Judicial Activism, Climate Justice, Intergenerational Equity.*

I. INTRODUCTION

Environmental degradation has emerged as one of the most pressing challenges confronting contemporary societies, threatening ecological stability, human health, sustainable development and the enjoyment of fundamental human rights. Fast-paced industrial growth, expanding cities, widespread deforestation, overuse of natural resources, pollution of air and water, loss of biodiversity and the worsening effects of climate change are putting enormous strain on ecosystems worldwide. These issues are no longer limited to environmental management alone. They raise serious questions about how governments function under their constitutions, about social justice, about state responsibility and about the protection of human dignity. When the environment deteriorates, it directly undermines the basic conditions people need to survive and live well, namely clean air, safe drinking water, proper sanitation, reliable food supplies and healthy living spaces. As a result, the connection between protecting the environment and safeguarding human rights has become a central concern in modern constitutional thinking.

As per the Encyclopaedia Britannica, "The environment is the complex of physical, chemical, and biotic factors that act upon an organism or an ecological community and ultimately determine its form and survival."[1]

The environmentalist Anil Agarwal, in the Second Citizens' Report (1985), wrote:

> "The environment is not just pretty trees and tigers, threatened plants and ecosystems. It is literally the entity on which we all subsist and on which the entire agricultural and industrial development depends. Development can take place at the cost of the environment only until a point. Beyond that point it will be like the foolish man who was trying to cut the very branch on which he was sitting. Development without concern for the environment can only be short term development. In the long term, it can only be anti-development and can go on only at the cost of enormous human sufferings, increased poverty and oppression. India may be rapidly approaching that point."[2]

Myneni describes the environmental problems of India in the following terms:

[1] *Environment*, BRITANNICA (Sept. 2026), https://www.britannica.com/science/environment.
[2] S.R. MYNENI, ENVIRONMENTAL LAW 2 (3d ed. 2017).

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> "Environmental problems in India can be classified into two broad categories: (a) those arising from conditions of poverty and underdevelopment; (b) those arising as negative effects of the very process of development. The first category has to do with the impact on the health and integrity of our natural resources (land, soil, water, forest, wildlife, etc.) as a result of poverty and the inadequate availability, for a large section of our population, of the measures to fulfill basic human needs (food, fuel, shelter, employment, etc.). The second category has to do with the unintended side effects of the efforts to achieve rapid economic growth and development. In this latter category would fall the distortions imposed on national resources by poorly planned development projects and programmes, as well as by commercial and vested interests' lack of attention to long-term concerns."[3]

In India, the damage being done to the environment shows up in everyday life: the air people breathe, the rivers and groundwater they depend on, forests that are disappearing, factory emissions and mounting piles of poorly managed waste. Climate shocks are also hitting harder than before. Cities are growing fast, the country needs more energy, industries are expanding and everyone is competing for land and natural resources. Balancing economic progress with the protection of ecosystems has become a difficult task.

The human cost is already visible. Polluted air harms people's health, while contaminated rivers and wells make safe drinking water harder to find and undermine the farming and livelihoods of the communities that rely on them. Heatwaves, floods and droughts add to the burden, and they fall most heavily on those with the fewest resources to cope. Seen this way, environmental degradation is about far more than protecting nature. It is about safeguarding people's lives, their health, their means of earning a living and their dignity.

Environmental degradation can disproportionately affect economically and socially disadvantaged communities. Climate-related risks can affect people's ability to enjoy equal protection and opportunities.

Over time, India has developed a substantial legal framework to address environmental degradation. The principal legislative instruments include the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986. These enactments establish mechanisms for regulating pollutant discharges, prescribing environmental standards, monitoring industrial activities and authorising regulatory intervention against violations. The Central Pollution Control Board and

[3] *Id.* at 2–3.

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the State Pollution Control Boards play an important role in implementing these laws through monitoring, technical assessment, regulatory directions and other enforcement measures. The Environment (Protection) Act, 1986, in particular, provides a broad legislative framework for coordinating environmental protection and regulating activities that may adversely affect environmental quality.

The constitutional framework further strengthens these statutory protections. Article 48A of the Constitution directs the State to endeavour to protect and improve the environment, while Article 51A(g) imposes a fundamental duty on citizens to protect and improve the natural environment. Although these provisions do not independently create an enforceable fundamental right, they inform the constitutional understanding of environmental protection. Through judicial interpretation, Article 21 has come to encompass the environmental conditions necessary for the enjoyment of life, health and human dignity. This development has enabled environmental concerns to be examined not merely as questions of administrative compliance but also as matters of constitutional responsibility. Nevertheless, the existence of an extensive legislative framework does not, by itself, establish that pollution has been effectively controlled. Persistent environmental degradation raises questions concerning regulatory capacity, compliance with statutory standards, accountability for violations and access to effective remedies. The central issue, therefore, is not simply whether Indian law prohibits or regulates pollution, but whether its institutions and enforcement mechanisms adequately protect individuals and communities from environmental harm. This question assumes particular significance in the context of Article 21, under which the right to a healthy environment may provide a constitutional basis for scrutinising State inaction and seeking remedies against serious environmental threats.

The paper therefore traces how the Supreme Court of India, informed by Articles 48A and 51A(g), has expanded the right to life under Article 21 into an enforceable right to a clean and healthy environment, and asks whether Article 21 can impose enforceable positive obligations on the State to take reasonable measures against environmental degradation and foreseeable climate-related harm.

II. SUBSTANTIAL LEGISLATIVE INSTRUMENTS AND LEGAL FRAMEWORK TO ADDRESS ENVIRONMENTAL POLLUTION

The Constitution of India originally contained no entry on “environment protection” in the legislative lists. In 1976, Parliament, through the Forty-second Amendment to the Constitution, inserted two provisions relating to the environment, Articles 48A and 51A(g). Article 48A

directs the State to endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. Article 51A(g) imposes on the citizens of India a fundamental duty "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures". In 1992, the Seventy-fourth Amendment inserted Article 243W and the Twelfth Schedule, Entry 8 of which reads "urban forestry, protection of the environment and promotion of ecological aspects". Under Article 243W, a State Legislature may by law endow municipalities with powers and responsibilities in relation to these matters. The Eleventh Schedule, which lists the matters a State may entrust to panchayats under Article 243G, contains no corresponding entry on the protection of the environment, although it includes related subjects such as soil conservation and social and farm forestry. Thus, matters relating to environmental protection fall under the three categories of law-making power in the Union, State and Concurrent Lists of the Seventh Schedule, as well as under the powers of the States in relation to panchayats and municipalities under Articles 243G and 243W of the Constitution.

A. The Environment (Protection) Act, 1986

The Environment (Protection) Act, 1986 (EPA) was passed under Article 253 of the Constitution to achieve the following objects:

1. To implement the decisions taken at the UN Conference on the Human Environment held at Stockholm in June 1972.
2. To enact a general law on environmental protection which could cover the gaps in the areas of major environmental hazards, as the existing laws generally focused on specific types of pollution or on specific categories of hazardous substances, and some major areas of environmental hazards were not covered.
3. To coordinate the activities of the various regulatory agencies under the existing laws and to create an authority or authorities for environmental protection.
4. To provide for deterrent punishment to those who endanger the human environment, safety and health.[4]

B. Other important environmental statutes

India has enacted several important environmental laws to address deforestation, wildlife depletion, water and air pollution, and the unsustainable exploitation of biological resources. The Forest (Conservation) Act, 1980, introduced against the backdrop of widespread

[4] *Id.* at 566.

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deforestation and ecological imbalance, seeks to conserve forests and restrict their diversion for non-forest purposes without the prior approval of the Central Government.[5] Its enactment followed the Constitution (Forty-second Amendment) Act, 1976, which transferred forests from the State List to the Concurrent List, enabling both the Central and State Governments to legislate on forest conservation.[6] In this regard, Entry 17A of List III deals with forests, while Entry 17B concerns the protection of wild animals and birds.[7] The Forest (Conservation) Act, 1980 was significantly amended in 2023 and renamed the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, reflecting the evolving legislative approach towards forest conservation and management.[8] While the Act laid the statutory foundation for curbing deforestation, its practical scope remained limited until the Supreme Court's landmark intervention in *T.N. Godavarman Thirumulpad v. Union of India*, which held that the word "forest" must be understood according to its dictionary meaning. The Court thereby extended the protection of the Act to all forests, irrespective of ownership or official classification, and held that the prior approval of the Central Government is required for any non-forest activity, including mining, within any forest.[9] By turning the writ petition into a continuing mandamus, the Court retained decades-long supervisory control over forest governance, sparking major constitutional debates over judicial activism and the separation of powers. The judgment strengthened the regulatory framework for forest conservation by centralising control over forest resources and sought to prevent unauthorised deforestation and to regulate activities that threatened forest ecosystems. Later orders in the same proceedings reinforced these safeguards through the constitution of the Central Empowered Committee (CEC) and the introduction of Net Present Value (NPV) payments, which facilitated compensatory afforestation through the Compensatory Afforestation Fund Management and Planning Authority (CAMPA).[10] The strict conservationist approach of these proceedings has also been criticised for displacing forest-dwelling communities. Parliament subsequently recognised the rights of forest-dwelling tribal communities in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which sought to safeguard their customary rights and address historical injustices.[11] Similarly, the Wild Life (Protection) Act, 1972 provides a statutory framework for protecting wild animals, birds and plants, regulating hunting and wildlife trade,

[5] The Forest (Conservation) Act, No. 69 of 1980, § 2 (India).
[6] The Constitution (Forty-second Amendment) Act, 1976, § 57 (India).
[7] INDIA CONST. sched. VII, list III, entries 17A–17B.
[8] The Forest (Conservation) Amendment Act, No. 15 of 2023, § 1 (India).
[9] *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267 (India).
[10] *T.N. Godavarman Thirumulpad v. Union of India*, (2006) 1 SCC 1 (India).
[11] The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007, pmbl. (India).

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and establishing protected areas such as national parks and wildlife sanctuaries.[12] It also provides the legislative foundation for important conservation institutions, including the National Board for Wild Life and the National Tiger Conservation Authority, thereby strengthening biodiversity conservation and the protection of endangered species.[13] Together, these enactments represent significant steps towards preserving India's ecological balance and safeguarding its natural heritage.

The prevention and control of pollution constitute another essential dimension of India's environmental legislative framework. The Water (Prevention and Control of Pollution) Act, 1974 aims to prevent and control water pollution and to maintain or restore the wholesomeness of water.[14] It establishes the Central and State Pollution Control Boards, which monitor water quality, prescribe standards, regulate industrial discharges and enforce pollution-control requirements.[15] Section 24 prohibits the discharge of polluting matter into streams or wells in contravention of the statutory provisions, while Section 25 regulates the establishment of operations likely to discharge sewage or trade effluents through a prior-consent mechanism.[16] Subsequently, the Air (Prevention and Control of Pollution) Act, 1981 was enacted to prevent, control and abate air pollution and improve air quality.[17] It empowers the Pollution Control Boards to monitor emissions, establish and enforce standards, regulate industrial plants and implement measures to reduce air pollution.[18] Complementing these laws, the Biological Diversity Act, 2002 gives effect to India's commitments under the Convention on Biological Diversity, 1992, by promoting biodiversity conservation, the sustainable use of biological resources, and the fair and equitable sharing of benefits arising from their use.[19] The Public Liability Insurance Act, 1991 further strengthens environmental accountability by requiring insurance from owners handling hazardous substances and by providing immediate relief, on a no-fault basis, to the victims of accidents involving such substances.[20]

The National Green Tribunal Act, 2010 represents a significant development in India's environmental governance by establishing a specialised forum for the effective and expeditious adjudication of environmental disputes.[21] The National Green Tribunal has jurisdiction under

[12] The Wild Life (Protection) Act, No. 53 of 1972, §§ 9, 18, 35, 39, 49B (India).
[13] *Id.* §§ 5A, 38L.
[14] The Water (Prevention and Control of Pollution) Act, No. 6 of 1974, pmbl. (India).
[15] *Id.* §§ 3–4, 16–17.
[16] *Id.* §§ 24–25.
[17] The Air (Prevention and Control of Pollution) Act, No. 14 of 1981, pmbl. (India).
[18] *Id.* §§ 16–17, 19, 21–22.
[19] The Biological Diversity Act, No. 18 of 2003, pmbl. (India); Convention on Biological Diversity art. 1, June 5, 1992, 1760 U.N.T.S. 79.
[20] The Public Liability Insurance Act, No. 6 of 1991, §§ 3–4 (India).
[21] The National Green Tribunal Act, No. 19 of 2010, § 3 (India).

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Section 14 over civil cases involving substantial questions relating to the environment arising from the implementation of the enactments specified in Schedule I.[22] Section 15 empowers it to award relief and compensation to the victims of pollution and environmental damage and to order the restitution of damaged property and the environment.[23] Furthermore, Section 20 requires the Tribunal to apply the principles of sustainable development, the precautionary principle and the polluter pays principle in its decisions.[24] Alongside these legislative safeguards, the Supreme Court has read Article 21, which does not expressly refer to the environment, to include the right to enjoy pollution-free water and air, as discussed below.[25] Collectively, these legislative and constitutional measures establish a comprehensive legal framework for environmental regulation and conservation, although their effectiveness ultimately depends upon consistent enforcement, institutional coordination, judicial oversight and the implementation of sustainable development policies.

III. The Indian Constitution and protection of the environment from pollution

A. Constitutional provisions or mandates relating to environmental protection

The Constitution of India provides an important foundation for environmental protection through the Directive Principles of State Policy in Part IV. Although these principles are not directly enforceable by courts, Article 37 declares them fundamental to the governance of the country and places an obligation upon the State to apply them in making laws. In this context, the relationship between the Fundamental Rights and the Directive Principles assumes considerable significance, as both are essential components of the constitutional philosophy of social justice and public welfare. While the Fundamental Rights primarily protect individual liberty and limit arbitrary State action, the Directive Principles guide the State towards broader socio-economic objectives and the collective interests of society. Their complementary nature becomes particularly relevant in environmental matters, where individual rights must be balanced against the larger public interest in maintaining ecological stability and environmental quality. Consequently, environmental protection cannot be regarded merely as a matter of governmental discretion; rather, it is an important constitutional objective that requires legislative action, administrative commitment and judicial recognition.[26]

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[22] *Id.* § 14 & sched. I.
[23] *Id.* § 15.
[24] *Id.* § 20.
[25] *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598, 604 (India).
[26] MYNENI, *supra* note 2, at 614–15; INDIA CONST. art. 37.

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The Directive Principles contained in Articles 39, 42 and 47 further strengthen the constitutional foundation of environmental protection by connecting the management of natural resources with public health, human welfare and the conditions necessary for a dignified life. Article 39(b), in particular, requires the State to ensure that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. This provision assumes particular importance in environmental governance because the equitable use of natural resources is essential to preventing their excessive exploitation, concentration and ecological degradation. Similarly, Article 42 directs the State to secure just and humane conditions of work, while Article 47 places an obligation upon it to improve public health and the standard of living of the people. The constitutional objective of public health is intrinsically connected with environmental quality, since polluted air, contaminated water and unhealthy surroundings directly affect human well-being. Thus, these provisions collectively establish that the protection of the environment is not an isolated constitutional concern but an integral component of the State's broader responsibility to secure social and economic welfare.[27]

Article 48 directs the State to organise agriculture and animal husbandry on modern and scientific lines, to preserve and improve the breeds of cattle, and to prohibit the slaughter of cows, calves and other milch and draught cattle. The provision primarily addresses agricultural development and animal preservation, and the courts have read it chiefly in disputes over cattle slaughter: in *Mohd. Hanif Quareshi v. State of Bihar*, the Supreme Court examined the validity of restrictions on cattle slaughter and considered the significance of preserving useful cattle,[28] while the Calcutta High Court considered a municipality's reliance on Article 48 in refusing licences for the slaughter of cattle and the sale of beef and buffalo meat,[29] and the Gujarat High Court examined the reasonableness of an age limit for slaughter.[30] It also reflects, if indirectly, the constitutional recognition of the importance of conserving animal resources and maintaining ecological balance. A more specific mandate for environmental conservation is embodied in Article 48A, which was inserted by the Constitution (Forty-second Amendment) Act, 1976. It directs the State to protect and improve the environment and to safeguard the forests and wildlife of the country. This provision reflects the constitutional recognition that ecological preservation requires affirmative governmental action rather than merely the prevention of environmental harm. Its significance is further reinforced by Article 51A(g), which imposes a fundamental

[27] MYNENI, *supra* note 2, at 615–16; INDIA CONST. arts. 39(b), 42, 47.
[28] *Mohd. Hanif Quareshi v. State of Bihar*, AIR 1958 SC 731 (India).
[29] *Mangru Meya v. Comm'rs of Budge Budge Municipality*, AIR 1953 Cal 333 (India).
[30] *Haji Usmanbhai Hasanbhai Qureshi v. State of Gujarat*, AIR 1981 Guj 40 (India).

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duty upon every citizen to protect and improve the natural environment, including forests, lakes, rivers and wildlife, and to have compassion for living creatures.[31]

The combined operation of Articles 48A and 51A(g) establishes environmental protection as a shared constitutional responsibility of the State and its citizens. The judiciary has consistently emphasised this obligation in several landmark decisions. In *Shri Sachidanand Pandey v. State of West Bengal*, the Supreme Court observed that courts must bear Articles 48A and 51A(g) in mind whenever environmental or ecological questions arise.[32] Similarly, in *T. Damodhar Rao v. Special Officer, Municipal Corporation of Hyderabad*, the Andhra Pradesh High Court recognised that environmental protection is not merely a duty of individual citizens but also an obligation of the State and its instrumentalities, and that the enjoyment of life under Article 21 includes the preservation of nature's resources, so that environmental degradation and atmospheric pollution may seriously undermine the constitutional guarantee of life.[33] In *Kinkri Devi v. State of Himachal Pradesh*, the Himachal Pradesh High Court further emphasised the constitutional responsibility to protect and improve the environment and recognised the role of judicial intervention in securing compliance with these obligations.[34] The constitutional commitment to environmental protection has also been strengthened through judicial decisions addressing the conflict between economic development, industrial activity and ecological preservation. In *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, the Supreme Court considered the environmental consequences of limestone quarrying and highlighted the necessity of maintaining a balance between industrial development and ecological stability.[35] Similarly, in *Pradeep Krishen v. Union of India*, the Court issued directions for the protection of forests, flora and fauna, emphasising the constitutional responsibilities arising under Articles 48A and 51A(g).[36] The importance of protecting the environment and cultural heritage from industrial pollution was further demonstrated in *M.C. Mehta v. Union of India*, commonly known as the Taj Trapezium case, in which the Supreme Court directed polluting industries operating in the vicinity of the Taj Mahal to switch to cleaner fuel or relocate their operations to protect the monument from environmental degradation.[37] These judicial pronouncements demonstrate that environmental protection has gradually developed into an important

[31] INDIA CONST. arts. 48A, 51A(g), inserted by The Constitution (Forty-second Amendment) Act, 1976, §§ 10–11 (India); MYNENI, *supra* note 2, at 618.
[32] *Shri Sachidanand Pandey v. State of West Bengal*, (1987) 2 SCC 295 (India).
[33] *T. Damodhar Rao v. Special Officer, Municipal Corp. of Hyderabad*, AIR 1987 AP 171 (India); MYNENI, *supra* note 2, at 619.
[34] *Kinkri Devi v. State of Himachal Pradesh*, AIR 1988 HP 4 (India).
[35] *Rural Litigation & Entitlement Kendra v. State of U.P.*, (1985) 2 SCC 431 (India).
[36] *Pradeep Krishen v. Union of India*, (1996) 8 SCC 599, AIR 1996 SC 2040 (India).
[37] *M.C. Mehta v. Union of India*, (1997) 2 SCC 353 (India).

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constitutional concern, requiring the State to reconcile economic development with ecological sustainability. They also establish that the constitutional mandates contained in the Directive Principles and Fundamental Duties are relevant considerations in judicial decision-making and environmental governance. Therefore, the Indian constitutional framework, supported by judicial interpretation, recognises that the preservation of the environment, the protection of natural resources and the prevention of pollution are indispensable to public health, ecological balance and the welfare of present and future generations.

B. Fundamental duties relating to environmental protection under Article 51A(g)

The Constitution of India recognises environmental protection not merely as a responsibility of the State but also as a fundamental obligation of every citizen. Part IVA, comprising Article 51A, was incorporated into the Constitution through the Constitution (Forty-second Amendment) Act, 1976, on the recommendations of the Swaran Singh Committee. It introduced ten Fundamental Duties, among which Article 51A(g) specifically addresses environmental conservation. The provision requires every citizen to protect and improve the natural environment, including forests, lakes, rivers and wildlife, and to have compassion for living creatures. The underlying objective of this provision is to encourage active public participation in environmental protection and to establish environmental conservation as a collective social responsibility. The obligation extends beyond preventing environmental pollution and also requires citizens to take positive measures towards restoring environmental quality wherever it has deteriorated. Thus, Article 51A(g) establishes a constitutional relationship between individual responsibility, collective welfare and ecological preservation. It also reflects the principle that environmental protection requires the coordinated efforts of individuals, communities and governmental institutions rather than depending exclusively upon State intervention.[38]

The significance of Article 51A(g) becomes more apparent when examined through judicial pronouncements, which have progressively recognised the relationship between constitutional duties and environmental protection. In *Chandra Bhavan Boarding and Lodging, Bangalore v. State of Mysore*, the Supreme Court observed that it is a fallacy to think that the Constitution confers only rights and no duties.[39] Subsequently, in *L.K. Koolwal v. State of Rajasthan*, the Rajasthan High Court explained the significance of Article 51A by recognising the role of citizens in bringing governmental failures and environmental concerns before the judiciary. The

[38] MYNENI, *supra* note 2, at 621–22; INDIA CONST. arts. 51A, 51A(g), inserted by The Constitution (Forty-second Amendment) Act, 1976, § 11 (India).
[39] *Chandra Bhavan Boarding & Lodging, Bangalore v. State of Mysore*, AIR 1970 SC 2042 (India).

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Court clarified the scope of Article 51A in the following words: "We can call Article 51A ordinarily as the duty of the citizens, but in fact it is the right of the citizens as it creates the right in favour of the citizen to move to the Court to see that the State performs its duties faithfully and the obligatory and primary duties are performed in accordance with the law of land. Omissions or commissions are brought to the notice of the Court by the citizen and thus, Article 51A gives a right to the citizen to move the Court for the enforcement of the duty cast on State, instrumentalities, agencies, departments, local bodies and statutory authorities created under the particular law of the State." The Court also observed that "Right and duty co-exists. There cannot be any right without any duty and there cannot be any duty without any right."[40] Similarly, in *M.C. Mehta v. Union of India*, one of the Ganga pollution cases, the Supreme Court emphasised the fundamental duty to protect the environment and directed the Central Government to introduce environmental education in educational institutions, including lessons concerning the protection and improvement of the natural environment.[41] The Court thereby highlighted that environmental awareness and education are essential instruments for translating constitutional duties into practical action. Furthermore, in *State of Tamil Nadu v. Hind Stone*, the Supreme Court recognised the importance of conserving natural resources, observing that such resources constitute the natural wealth of the nation and should not be frittered away or exhausted by any one generation.[42] These judicial developments demonstrate that Article 51A(g) is not merely an expression of moral responsibility but also an important constitutional principle guiding environmental jurisprudence and governmental policy.

The constitutional responsibility towards environmental protection has also been strengthened through the principle of intergenerational equity, which requires the present generation to preserve natural resources for the benefit of succeeding generations. In *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, concerning environmentally destructive limestone quarrying in the Mussoorie hills, the Supreme Court drew support from Article 51A(g) and held that the preservation of the environment and the maintenance of ecological balance are tasks which not only governments but also every citizen must undertake, as a social obligation of the State as well as of individuals.[43]

Natural resources should not be exploited recklessly by the present generation at the expense of the ecological well-being and security of future generations. This approach underlines the importance of maintaining a proper balance between developmental activities and

[40] *L.K. Koolwal v. State of Rajasthan*, AIR 1988 Raj 2 (India) (Mehta, J.).
[41] *M.C. Mehta v. Union of India*, (1988) 1 SCC 471, AIR 1988 SC 1115 (India).
[42] *State of Tamil Nadu v. Hind Stone*, (1981) 2 SCC 205, AIR 1981 SC 711 (India).
[43] *Rural Litigation & Entitlement Kendra v. State of U.P.*, 1986 Supp SCC 517 (India).

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environmental conservation. Article 51A(g) further highlights that protecting the environment is not merely the responsibility of the State but also requires the active involvement and cooperation of citizens. It calls for greater public awareness, responsible behaviour and collective efforts to prevent pollution, conserve biodiversity, protect water resources and preserve ecological balance. Although the Fundamental Duties are not directly enforceable through courts in the same manner as the Fundamental Rights, they nevertheless serve as important constitutional principles that guide legislative measures and judicial interpretation. Thus, Article 51A(g) reflects the constitutional understanding that environmental protection is a collective responsibility and that preserving nature is essential not only for the well-being of the present generation but also for ensuring a safe, healthy and sustainable environment for generations yet to come.[44]

C. Fundamental rights against environmental pollution or the right to a wholesome environment

The question that arises is whether the people of India have a fundamental right to live in an unpolluted environment, and whether such a right is deducible from Article 21 of the Constitution. The right to life has been interpreted to mean more than mere animal existence. Pollution that causes permanent disabilities, impairing or destroying the functioning of vital organs, reduces a person to mere animal existence and so takes away the right to life. A failure by the State to ensure a reasonably healthy environment may therefore amount to a violation of the right to life and personal liberty.

The Indian constitutional framework recognises environmental protection as an essential component of the fundamental rights guaranteed to individuals, particularly through Articles 14 and 21 of the Constitution. Article 14, which guarantees equality before the law and the equal protection of the laws, also operates as a constitutional safeguard against arbitrary governmental action having adverse environmental consequences. Any administrative, legislative or executive decision concerning the use of natural resources must satisfy the requirements of fairness, reasonableness and non-arbitrariness.[45] In this regard, the Supreme Court in *Bangalore Medical Trust v. B.S. Muddappa* emphasised that the preservation of open spaces, public parks, playgrounds and recreational facilities is a matter of substantial public interest and cannot be sacrificed for private commercial purposes. The Court recognised that access to open spaces and a healthy environment is closely connected with the welfare and well-being of the

[44] MYNENI, *supra* note 2, at 622–24.
[45] INDIA CONST. arts. 14, 21.

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community.[46] Similarly, in *D.D. Vyas v. Ghaziabad Development Authority*[47] and *Dr. G.N. Khajuria v. Delhi Development Authority*,[48] the courts disapproved the arbitrary conversion or allotment of land reserved for public parks and recreational purposes. These decisions demonstrate that environmental protection is not confined to preventing pollution but also encompasses the preservation of ecological spaces and community resources. The application of Article 14 to environmental matters, therefore, ensures that public authorities exercise their discretionary powers objectively and responsibly, keeping the collective interests of society above private or commercial considerations. At the same time, environmental safeguards must be balanced against legitimate developmental requirements, particularly in developing countries, without compromising the fundamental ecological interests of the public. In *Ivory Traders and Manufacturers Association v. Union of India*, the Delhi High Court upheld the prohibition of trade in imported ivory and articles made from it, finding that the prohibition did not violate Article 14. This shows that the constitutional guarantee of equality also permits reasonable environmental restrictions, provided that such measures rest upon a rational basis and are neither arbitrary nor discriminatory.[49]

Among the fundamental rights, Article 21 occupies the most significant position in the constitutional protection of the environment. Although the provision expressly protects life and personal liberty, its judicial interpretation has considerably expanded its scope beyond the mere physical existence of an individual.[50] The Supreme Court's progressive interpretation of personal liberty in *Kharak Singh v. State of Uttar Pradesh* and *Maneka Gandhi v. Union of India* established a broader understanding of the rights inherent in human existence and recognised that any procedure affecting personal liberty must satisfy the standards of fairness, justice and reasonableness.[51] Furthermore, in *Bandhua Mukti Morcha v. Union of India*, the Supreme Court explained that the right to live with human dignity encompasses the protection of health and physical well-being, along with the minimum conditions necessary for a dignified human existence.[52] Applying this expanded understanding to environmental protection, the right to life must necessarily include the right to live in surroundings free from conditions that threaten human health, safety and dignity. Environmental pollution, therefore, cannot be treated merely as an administrative or regulatory concern, because its consequences may directly impair the

[46] *Bangalore Medical Trust v. B.S. Muddappa*, (1991) 4 SCC 54 (India).
[47] *D.D. Vyas v. Ghaziabad Dev. Auth.*, AIR 1993 All 57 (India).
[48] *Dr. G.N. Khajuria v. Delhi Dev. Auth.*, (1995) 5 SCC 762 (India).
[49] *Ivory Traders & Mfrs. Ass'n v. Union of India*, AIR 1997 Del 267 (India).
[50] INDIA CONST. art. 21; *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27 (India).
[51] *Kharak Singh v. State of Uttar Pradesh*, AIR 1963 SC 1295 (India); *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 (India).
[52] *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802 (India).

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enjoyment of fundamental rights. In this context, the recognition of a wholesome environment as an integral component of Article 21 establishes a constitutional obligation upon the State to protect the environmental conditions essential for human survival.[53] Consequently, the failure of public authorities to prevent serious environmental degradation may amount to an infringement of the fundamental right to life and personal liberty.[54]

Article 19(1)(g) of the Constitution of India guarantees every citizen the freedom to practise any profession or to carry on any occupation, trade or business. However, this freedom is not absolute and remains subject to reasonable restrictions in the interests of the general public under Article 19(6). Accordingly, no individual can claim an unrestricted right to engage in commercial activities that threaten public health, safety or environmental well-being. The constitutional framework, therefore, inherently recognises that economic freedom must be exercised consistently with the broader responsibility of protecting society and the environment. The Supreme Court, deciding a matter relating to the trade in liquor in *Cooverjee B. Bharucha v. Excise Commissioner, Ajmer* (1954), observed that the right of every citizen to pursue any lawful trade or business is subject to such reasonable conditions as the governing authority deems essential to the safety, health, peace, order and morals of the community, and that some occupations, by the noise made in their pursuit or the odours they engender, require regulation as to the locality in which they may be conducted.[55]

IV. CORE ENVIRONMENTAL PRINCIPLES

A. Sustainable development

Sustainable development has emerged as a fundamental principle of environmental jurisprudence, seeking to establish a harmonious balance between economic growth, social welfare and environmental protection.[56] It is commonly understood as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.[57] The underlying philosophy recognises that economic advancement cannot be pursued through the indiscriminate exploitation of natural resources or at the cost of ecological stability. Rather, development must be guided by the principles of intergenerational equity, conservation of natural resources, environmental protection, the precautionary principle and the polluter pays principle. In the Indian constitutional framework, sustainable development

[53] *Virender Gaur v. State of Haryana*, (1995) 2 SCC 577, 580 (India).
[54] INDIA CONST. art. 21; *Subhash Kumar*, (1991) 1 SCC 598, 604 (India).
[55] INDIA CONST. art. 19(1)(g), (6); *Cooverjee B. Bharucha v. Excise Comm'r, Ajmer*, AIR 1954 SC 220 (India).
[56] *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647 (India).
[57] WORLD COMM'N ON ENV'T & DEV., OUR COMMON FUTURE 43 (1987).

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derives support from Articles 21, 47, 48A and 51A(g), which collectively emphasise the protection of human health, the improvement of the environment and the responsibility of citizens towards nature.[58] The Supreme Court gave authoritative recognition to this principle in *Vellore Citizens' Welfare Forum v. Union of India*, holding that sustainable development is a balancing concept between ecology and development and that the precautionary principle and the polluter pays principle are essential features of environmental law in India.[59] Similarly, in *Indian Council for Enviro-Legal Action v. Union of India*, the Supreme Court emphasised that industries responsible for environmental degradation must bear the financial burden of compensating affected persons and restoring the damaged environment.[60] The application of sustainable development was further examined in *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, in which the Court highlighted the importance of scientific knowledge, expert assessment and the precautionary approach in environmental decision-making.[61] Furthermore, in *Narmada Bachao Andolan v. Union of India*, the Supreme Court recognised the need to reconcile developmental requirements with environmental safeguards, observing that development and ecology must proceed together.[62] Thus, sustainable development does not seek to obstruct economic progress; rather, it requires development to be undertaken responsibly, ensuring that industrial advancement and the use of natural resources remain consistent with environmental preservation, public health and the ecological interests of present and future generations.[63]

B. Public Trust Doctrine

A significant constitutional development in environmental jurisprudence is the recognition of the right to a wholesome environment through the Public Trust Doctrine. This doctrine is founded upon the principle that certain natural resources, including air, water, rivers, seas, forests and other ecologically important resources, constitute the common heritage of humanity and must be preserved for public enjoyment rather than subjected to unrestricted private ownership or commercial exploitation. Under this doctrine, the State occupies the position of a trustee and is under an obligation to protect natural resources for the benefit of present and future generations. The Supreme Court elaborated this principle in *M.C. Mehta v. Kamal Nath*, holding that the Government cannot transfer or exploit ecologically sensitive resources in a

[58] INDIA CONST. arts. 21, 47, 48A, 51A(g).
[59] *Vellore Citizens' Welfare Forum*, (1996) 5 SCC 647, 658–60 (India).
[60] *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 SCC 212 (India).
[61] *A.P. Pollution Control Bd. v. Prof. M.V. Nayudu*, (1999) 2 SCC 718 (India).
[62] *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664 (India).
[63] *Vellore Citizens' Welfare Forum*, (1996) 5 SCC 647 (India); *Indian Council for Enviro-Legal Action*, (1996) 3 SCC 212 (India).

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manner that defeats public interest and environmental preservation.[64] The doctrine consequently restricts governmental authority from permitting the indiscriminate commercial use of resources that are essential to the ecological well-being of society. Its significance also extends to the protection of forests and wildlife, as recognised in *Animal and Environment Legal Defence Fund v. Union of India*, in which the Court emphasised the necessity of preserving fragile forest ecosystems and safeguarding the interests of tribal communities.[65] These judicial developments establish that environmental protection is not simply a matter of governmental policy but a constitutional responsibility requiring the preservation of ecological balance and the sustainable use of natural resources.

C. Precautionary principle

The precautionary principle is one of the fundamental principles of modern environmental jurisprudence and an essential component of sustainable development. It is founded upon the proposition that environmental protection must be preventive rather than merely remedial, requiring appropriate measures to be adopted before environmental damage occurs. The principle recognises that scientific uncertainty cannot be invoked as a justification for postponing preventive action where there is a reasonable threat of serious or irreversible environmental harm. Its international recognition is reflected in Principle 15 of the Rio Declaration on Environment and Development, 1992, which requires States to adopt precautionary measures even in the absence of full scientific certainty. In India, the Supreme Court authoritatively incorporated this principle into domestic environmental jurisprudence in *Vellore Citizens' Welfare Forum v. Union of India*,[66] holding that environmental authorities must anticipate, prevent and attack the causes of environmental degradation, and that the burden of proof rests upon the developer or industrialist to show that the proposed activity is environmentally benign. The Court further recognised the precautionary principle as an essential feature of sustainable development and an integral part of Indian environmental law. Its constitutional foundation can be traced to Article 21, which encompasses the right to a wholesome environment, Article 48A, which imposes a duty upon the State to protect and improve the environment, and Article 51A(g), which imposes a corresponding fundamental duty upon citizens. The Supreme Court subsequently elaborated upon its scope in *A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.)*,[67] emphasising that environmental decision-making

[64] *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388 (India); *Intellectuals Forum, Tirupathi v. State of A.P.*, (2006) 3 SCC 549 (India).
[65] *Animal & Env't Legal Def. Fund v. Union of India*, (1997) 3 SCC 549, AIR 1997 SC 1071 (India).
[66] *Vellore Citizens' Welfare Forum*, (1996) 5 SCC 647, 657–58 (India).
[67] *A.P. Pollution Control Bd. v. Prof. M.V. Nayudu (Retd.)*, (1999) 2 SCC 718 (India).

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frequently involves scientific uncertainty and that regulatory authorities must rely upon appropriate scientific and technical expertise while assessing potential environmental risks. This approach was further reinforced in *A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.) (II)*,[68] in which the Court underscored the importance of placing the burden of demonstrating environmental safety upon parties proposing potentially hazardous activities. Similarly, in *M.C. Mehta v. Union of India*, the Court reiterated the preventive character of environmental protection and the necessity of anticipatory measures against potential environmental harm.[69] Accordingly, the precautionary principle requires governments and regulatory authorities to undertake appropriate environmental impact assessments, regulate potentially hazardous industrial activities, adopt adequate ecological safeguards and prevent activities that may cause irreversible environmental consequences. It establishes that economic development and industrial progress cannot be pursued at the expense of environmental sustainability, public health and the rights of future generations. Consequently, the principle has become an indispensable instrument of environmental governance in India, ensuring that the absence of complete scientific knowledge does not become an excuse for environmental inaction.

D. Polluter pays principle

The polluter pays principle is a fundamental principle of environmental jurisprudence and an essential component of sustainable development. It is founded upon the proposition that the person or enterprise responsible for causing environmental pollution must bear the financial costs of preventing, controlling and remedying the environmental damage resulting from its activities, rather than transferring such costs to the public or the State.[70] The principle encompasses not merely compensation to individuals who suffer injury due to pollution but also the expenses associated with restoring degraded ecosystems, removing hazardous substances and reversing ecological damage.[71]

Its international recognition is reflected in Principle 16 of the Rio Declaration on Environment and Development, 1992, which calls upon national authorities to promote the internalisation of environmental costs, taking into account the approach that the polluter should, in principle, bear the cost of pollution.[72] In India, the Supreme Court recognised and applied this principle in *Indian Council for Enviro-Legal Action v. Union of India*,[73] in which industries responsible for

[68] *A.P. Pollution Control Bd. II v. Prof. M.V. Nayudu (Retd.)*, (2001) 2 SCC 62 (India).
[69] *M.C. Mehta v. Union of India*, (2004) 12 SCC 118, 168 (India).
[70] *Indian Council for Enviro-Legal Action*, (1996) 3 SCC 212, 246 (India).
[71] *Vellore Citizens' Welfare Forum*, (1996) 5 SCC 647 (India).
[72] Rio Declaration on Environment and Development, princ. 16, U.N. Doc. A/CONF.151/26 (Vol. I), annex I (Aug. 12, 1992).
[73] *Indian Council for Enviro-Legal Action*, (1996) 3 SCC 212, 246–47 (India).

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contaminating soil and groundwater through hazardous industrial waste were held liable to bear the expenses of remedial measures. The principle was subsequently affirmed in *Vellore Citizens' Welfare Forum v. Union of India*,[74] in which the Court held that the polluter's liability extends not only to compensating the victims of pollution but also to bearing the cost of restoring the damaged environment, thereby making ecological remediation an integral component of sustainable development. The constitutional foundation of this principle is reflected in Articles 21, 48A and 51A(g) of the Constitution of India, which collectively support the protection of environmental quality as a constitutional responsibility of the State and citizens.[75] Its statutory recognition is further strengthened by Section 20 of the National Green Tribunal Act, 2010, which expressly requires the Tribunal to apply the polluter pays principle while adjudicating environmental disputes.[76] Accordingly, the principle establishes that environmental pollution cannot be treated as an unavoidable cost of industrial or economic development; rather, its financial and ecological consequences must be borne by the polluting enterprise, ensuring environmental accountability, effective compensation, ecological restoration and intergenerational environmental justice.

E. Common but differentiated responsibilities

The principle of Common but Differentiated Responsibilities (CBDR) is an important principle of international environmental law based on the recognition that all States share a common responsibility to protect the global environment, but that their respective obligations differ according to their historical contributions to environmental degradation and their financial and technological capabilities. It recognises that developed countries, having contributed more significantly to environmental pollution and possessing greater resources, must assume greater responsibility in addressing environmental challenges and supporting developing nations through financial assistance and technology transfer. The principle finds international recognition in Principle 7 of the Rio Declaration on Environment and Development, 1992, and Article 3(1) of the United Nations Framework Convention on Climate Change, 1992.[77] It was further reaffirmed in Article 2(2) of the Paris Agreement, 2015.[78] In *M.K. Ranjitsinh v. Union of India*, the Supreme Court of India recognised the relevance of CBDR in the context of international climate obligations.[79] Thus, the principle seeks to ensure an equitable distribution

[74] *Vellore Citizens' Welfare Forum*, (1996) 5 SCC 647 (India).
[75] INDIA CONST. arts. 21, 48A, 51A(g).
[76] The National Green Tribunal Act, No. 19 of 2010, § 20 (India).
[77] Rio Declaration on Environment and Development, princ. 7, U.N. Doc. A/CONF.151/26 (Vol. I), annex I (Aug. 12, 1992); United Nations Framework Convention on Climate Change art. 3(1), May 9, 1992, 1771 U.N.T.S. 107.
[78] Paris Agreement art. 2(2), Dec. 12, 2015, T.I.A.S. No. 16-1104.
[79] *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280, 2024 SCC OnLine SC 570, ¶ 44 (India).

of environmental responsibilities while balancing environmental protection with the developmental needs of developing countries.

F. Intergenerational equity

The principle of intergenerational equity is a foundational doctrine of international environmental law and sustainable development, holding that each generation acts both as a beneficiary entitled to use the Earth's natural and cultural resources and as a trustee obliged to preserve them for future generations.[80] It requires that the present generation use natural resources judiciously, without exhausting or degrading them to such an extent that future generations are deprived of their right to enjoy a healthy and ecologically balanced environment.[81] The principle was recognised by the Supreme Court of India in *State of Tamil Nadu v. Hind Stone*,[82] in which the Court observed that natural resources constitute the nation's wealth and must not be frittered away or exhausted by any one generation, as every generation owes a duty to all succeeding generations to develop and conserve them in the best possible way. Subsequently, in *Vellore Citizens' Welfare Forum v. Union of India*,[83] the Supreme Court expressly recognised intergenerational equity as one of the fundamental principles of sustainable development, thereby emphasising the obligation to balance present developmental needs with the environmental interests of future generations.

V. Role of the Indian Judiciary in the Evolution of Environmental Jurisprudence through Judicial Activism

The expansive and creative judicial interpretation of the word "life" in Article 21 has led to the judicial development of an environmental jurisprudence in India. The right to life is a fundamental right under Article 21, and since the right to life connotes "quality of life", a person has a right to the enjoyment of pollution-free water and air to enjoy life fully. The Supreme Court has developed the right to environment as an implied fundamental right from the "right to life" under Article 21 of the Constitution.[84]

[80] Edith Brown Weiss, *Intergenerational Equity*, in Max Planck Encyclopedia of Public International Law (Apr. 2021), https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1421?prd=MPIL.
[81] *Vellore Citizens' Welfare Forum*, (1996) 5 SCC 647 (India).
[82] *State of Tamil Nadu v. Hind Stone*, (1981) 2 SCC 205 (India).
[83] *Vellore Citizens' Welfare Forum*, (1996) 5 SCC 647 (India).
[84] Myneni, *supra* note 2, at 673–74.

A. Evolution of the fundamental right from a textual right to an eco-centric one

i. Phase I (pre-1980s): the statutory and policy era

Initially, the Indian Constitution did not expressly recognise environmental protection as a fundamental right. Environmental issues were primarily addressed through specific legislative measures, such as the Water (Prevention and Control of Pollution) Act, 1974,[85] while the constitutional framework largely dealt with environmental protection through the Directive Principles of State Policy under Article 48A[86] and the Fundamental Duties under Article 51A(g).[87] However, these constitutional provisions were not directly enforceable by courts, thereby limiting the scope of constitutional remedies for environmental protection.

ii. Phase II (1980s to early 1990s): the expansion of Article 21 through judicial activism

The Bhopal Gas Tragedy of 1984 brought environmental protection and industrial pollution into sharper focus, highlighting the importance of effective legal and institutional measures to safeguard human life. Against this background, the Indian judiciary gradually adopted a more expansive approach towards the interpretation of fundamental rights, particularly through Public Interest Litigation (PIL). Public Interest Litigation under Articles 32 and 226 of the Constitution of India resulted in a wave of environmental litigation. The leading environmental cases decided by the Supreme Court include the closure of limestone quarries in the Dehradun region (the Dehradun Quarrying case, discussed above)[88] and the installation of safeguards at a chlorine plant in Delhi (*M.C. Mehta v. Union of India*).[89] In *M.C. Mehta v. Union of India*, popularly known as the Oleum Gas Leak case, the Supreme Court evolved the principle of absolute liability, holding industries engaged in hazardous activities liable for the harm caused by their operations without allowing the exceptions available under the traditional rule of strict liability.[90] In 1990, the Supreme Court, for the first time, came close to declaring the right to the environment under Article 21 in *Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P.*, observing that "every citizen has a fundamental right to have the enjoyment of quality of life and living as contemplated by Article 21 of the Constitution of India".[91] By interpreting the right to life under Article 21 broadly, the courts began to recognise that the protection of human life and dignity is closely connected with the quality of the surrounding environment. An important

[85] The Water (Prevention and Control of Pollution) Act, No. 6 of 1974, § 24 (India).
[86] INDIA CONST. art. 48A.
[87] INDIA CONST. art. 51A(g).
[88] *Rural Litigation & Entitlement Kendra*, (1985) 2 SCC 431, AIR 1985 SC 652 (India).
[89] *M.C. Mehta v. Union of India*, (1986) 2 SCC 176, AIR 1987 SC 965 (India).
[90] *M.C. Mehta v. Union of India*, (1987) 1 SCC 395, 421 (India).
[91] *Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P.*, AIR 1990 SC 2060 (India).

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milestone in this judicial development was the Supreme Court's decision in *Subhash Kumar v. State of Bihar* (1991), in which it recognised that the right to life includes the right to enjoy pollution-free water and air, which are essential for the full enjoyment of life. The judgment thus strengthened the constitutional foundation for environmental protection under Article 21.[92]

iii. Phase III (mid-1990s to 2010s): institutionalising global principles

The Indian judiciary gradually moved beyond merely identifying environmental problems and began developing substantive legal principles to ensure long-term environmental protection. In *State of Himachal Pradesh v. Ganesh Wood Products* (1995), the Supreme Court recognised the significance of intergenerational equity, emphasising the need to conserve natural resources for the benefit of future generations.[93] Subsequently, in *Vellore Citizens' Welfare Forum v. Union of India* (1996), discussed above, the Court incorporated the principles of sustainable development, the precautionary principle and the polluter pays principle into Indian environmental jurisprudence.[94] Through decisions such as *Virender Gaur v. State of Haryana* and *M.C. Mehta v. Kamal Nath*, the Supreme Court also read Article 21 to include the right to a clean and healthy environment.[95] Later, in *Karnataka Industrial Areas Development Board v. C. Kenchappa* and *Bombay Dyeing & Manufacturing Co. Ltd. v. Bombay Environmental Action Group*, the Court acknowledged the wider environmental consequences of rising temperatures and climate change.[96] These landmark judicial decisions strengthened the legal framework for environmental protection in India. Recognising the need for a specialised institutional mechanism to deal with environmental disputes and ensure the effective enforcement of environmental laws, Parliament subsequently enacted the National Green Tribunal Act, 2010, leading to the establishment of the National Green Tribunal (NGT) as a specialised forum for environmental adjudication.

iv. Phase IV (2024 to present): the climate justice frontier

The development of Indian environmental jurisprudence has gradually moved beyond the traditional approach of addressing localised environmental concerns, such as air and water pollution, towards recognising the broader constitutional implications of climate change. This development reached a significant milestone in *M.K. Ranjitsinh v. Union of India*, where, on 21 March 2024, a three-judge Bench of the Supreme Court expressly recognised the right to be

[92] *Subhash Kumar*, (1991) 1 SCC 598, 605 (India).
[93] *State of Himachal Pradesh v. Ganesh Wood Prods.*, (1995) 6 SCC 363 (India).
[94] *Vellore Citizens' Welfare Forum*, (1996) 5 SCC 647, 657–60 (India).
[95] *Virender Gaur*, (1995) 2 SCC 577 (India); *M.C. Mehta v. Kamal Nath*, (2000) 6 SCC 213 (India).
[96] *Karnataka Indus. Areas Dev. Bd. v. C. Kenchappa*, (2006) 6 SCC 371 (India); *Bombay Dyeing & Mfg. Co. Ltd. (3) v. Bombay Env't Action Grp.*, (2006) 3 SCC 434 (India).

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free from the adverse effects of climate change as a distinct right flowing from Articles 14 and 21 of the Constitution. The Court observed that climate change threatens not merely environmental stability but also fundamental aspects of human existence, including health, food and water security, livelihoods and human dignity. It further highlighted that the consequences of climate change are disproportionately borne by economically disadvantaged and vulnerable communities, thereby raising concerns of substantive equality under Article 14. Importantly, the Court emphasised that the inability of such communities to adapt to or cope with the effects of climate change violates both their right to life under Article 21 and their right to equality under Article 14. The judgment also connected constitutional environmental protection with Articles 48A and 51A(g), recognising the State's responsibility and citizens' duty towards environmental conservation.[97] Furthermore, the Court underscored the need to reconcile biodiversity conservation with renewable energy development, holding that neither objective should be pursued at the expense of the other. This approach was developed in the Court's judgment of 19 December 2025 in the same proceedings, which approved scientifically informed conservation measures for the Great Indian Bustard (GIB), prescribed revised priority conservation areas in Rajasthan and Gujarat, and reinforced corporate environmental responsibility through the application of the polluter pays principle. Thus, *M.K. Ranjitsinh* represents a significant transition in Indian environmental constitutionalism, transforming climate protection from a matter of environmental policy into an enforceable dimension of fundamental rights and strengthening the constitutional foundation for climate justice.[98]

VI. Concluding Observations and Recommendations for Climate Justice

The evolution of environmental rights in India reflects a profound shift from anthropocentric statutory rules towards a robust, eco-centric jurisprudence.[99] Through decades of judicial innovation, the Supreme Court has breathed green life into Article 21 of the Constitution. It transformed an unwritten aspiration into an enforceable fundamental right to a clean and healthy environment. This journey began with foundational milestones such as *Subhash Kumar v. State of Bihar* and reached a historic milestone in *M.K. Ranjitsinh v. Union of India*. Together, these rulings affirm that human dignity and equality cannot exist without ecological stability. Ultimately, expanding Article 21 to secure freedom from the adverse effects of climate change

[97] *M.K. Ranjitsinh*, 2024 INSC 280, ¶¶ 19–27, 58–61 (India).
[98] *M.K. Ranjitsinh v. Union of India*, 2025 INSC 1472, ¶¶ 35–39, 67, 76–77 (India) (judgment dated Dec. 19, 2025).
[99] *See Ctr. for Env't Law, WWF-I v. Union of India*, (2013) 8 SCC 234, ¶¶ 39–40 (India) (holding that the Court's approach "should be eco-centric and not anthropocentric").

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shows that the Indian Constitution is a dynamic, living instrument. By grounding climate justice within Part III, the judiciary has ensured that environmental protection is no longer a mere policy preference but an inalienable constitutional promise for both present and future generations. Despite this progressive judicial framework, however, significant challenges continue to hinder the realisation of green fundamental rights in India, demanding urgent systemic improvements. First, a persistent implementation and enforcement deficit allows environmental degradation to continue unchecked, as executive agencies and pollution control boards often lack the autonomy, funding and technical capacity to execute court orders effectively. Second, the judiciary faces a delicate development-versus-environment dilemma, in which infrastructure and economic growth projects frequently dilute strict ecological safeguards, requiring clearer legislative standards for sustainable development. Third, institutional bottlenecks within the National Green Tribunal (NGT), such as vacant judicial and expert member posts, alongside jurisdictional hurdles, slow down timely climate justice for marginalised communities. Finally, India urgently needs comprehensive, dedicated climate change legislation to translate the Supreme Court's broad constitutional mandates into enforceable statutory targets, binding emissions caps and clear accountability mechanisms for both state and corporate actors.

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