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Public Interest Litigation in Environmental Protection: Effectiveness, Emerging Trends and Contemporary Challenges

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ABSTRACT

This paper evaluates the effectiveness of Public Interest Litigation (PIL) as a means of environmental protection in India, against the backdrop of perceived failures of the executive and legislative branches. Although the judiciary has expanded the scope of PILs from human rights to ecological preservation, enhancing transparency and accountability, the actual effect of these interventions is still under discussion. The research finds a continuing 'implementation gap' characterized by lack of public awareness and institutional resistance, building on an analysis of judicial trends and enforcement challenges. The findings reveal that while the Indian judiciary has successfully institutionalised doctrines like the "Precautionary Principle," the lack of a coordinated approach between grassroots movements and government authorities hinders long-term sustainability. The article concludes with a proposal for a dual-action framework for legal reform. Our findings indicate that while the Indian judiciary has been successful in institutionalising doctrines such as the "Precautionary Principle", the absence of a synchronized approach between grassroots movements and government authorities leads to a lack of long-term sustainability. The paper concludes with a proposition of the dual action framework of legal reform and intensive public awareness campaigns to ensure that PILs are not just a reactive tool for environmental redressal.

Keywords: Environment protection, Public Interest Litigation, public awareness, institutional resistance, environmental redressal

I. INTRODUCTION TO PUBLIC INTEREST LITIGATION

Public Interest Litigation (PIL) is a case or petition filed before a court to protect, safeguard or enforce public interest. Public interest means the interest or right belonging to the society, a particular class of the community or a group of people. The main objective of public interest litigation is to safeguard group interests, ensuring and promoting justice to all people. This concept of litigation relaxes the locus standi rule which implies that the party whose rights have

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been infringed will only be allowed to file case. In India public interest litigations can be filed in Supreme Court under Article 32 of the Indian Constitution and in High Courts under Article 226 of the Indian Constitution. It can be filed for protection of “Public Interest” such as pollution, road safety, terrorism, women rights, etc.

In India, over the last three and half decades or so, the mechanism of public interest litigation has come to be recognized as a characteristic feature of the higher judiciary. The phrase ‘Public Law Litigation’ was first prominently used by American academic Abram Chayes to describe the practice of lawyers or public-spirited individuals who seek to precipitate social change through court-ordered decrees that reform legal rules, enforce existing laws and articulate public norms.

The splendid efforts of Justice P N Bhagwati and Justice V R Krishna Iyer were instrumental of this juristic revolution of eighties as a result any citizen of India or any consumer groups or social action groups can approach the apex court of the country seeking legal remedies in all cases where the interests of general public or a section of public are at stake. Further, public interest cases could be filed without investment of heavy court fees as required in private civil litigation.

The Development of Public Interest Litigation in the country has however very recently uncovered its own pitfalls and drawbacks The genuine causes and cases of Public Interest have in fact receded to the background and irresponsible PIL activists all over the country have started to play a major but not a constructive role in the arena of litigation. They try to utilise this extraordinary remedy available at a cheaper cost as a substitute for ordinary ones.¹

Evolution of Public Interest Litigation

The concept of PIL emerged in the United States of America for the first time. But as far as India is concerned, it merged in the 1980s and its pioneers are Justice P.N. Bhagwati and Justice Krishna Iyer. In the 1960s there was a union of workers in Maharashtra known as Mumbai Kamgar Sabha. The business organisation for which the workers worked was owned by Abdulbhai and Faizullabhai. From 1965 the business organisation stopped the yearly bonus of the workers. The Mumbai Kamgar Sabha filed a petition on behalf of the workers against the organisation. Justice K. Iyer held that as the matter had affected a number of people from the weaker section, the Union was eligible to file a petition on behalf of the aggrieved class.²

¹ Saroj Bohra, Public Interest Litigation: Access To Justice, MANUPATRA.

² DNYANESHWARI SHRIDHAR WADEKAR, Origin and Development of PIL in India, IPLEADERS (May 11, 2026, 2:34 PM), <https://blog.ipleaders.in/origin-and-development-of-pil-in-india>.

Hence, the principle of locus standi was relaxed for the first time, thereby leading to the origin of PIL in this country. In 1978, an article about Bihar's undertrial prisoners was published in the newspaper. They were in jail for a long time and were going through lots of hardships. Some prisoners had committed very minor offences for which they were in jail for a long time and some had to even exceed the time in detention, in comparison to what the court had ordered. Advocate Hingorani represented the under-trial prisoners. She filed the writ petition on behalf of the victims against the State of Bihar. The State was directed to present the list of undertrial prisoners before the Apex Court. The Apex court ordered to release the prisoners whose names were mentioned in the petitioner's list and held that their imprisonment was illegal and violative of fundamental right under Article 21 of the Constitution. Thus, the right to speedy trial was included under Article 21, thereby widening the scope of the same in the Indian Constitution. Thus, one after the other, the filing of PILs increased and brought several benefits to the society.

The first time environmental protection PIL was: *The Rural Litigation and Entitlement Kendra Vs. Government of India* in 1985. A fierce legal battle was fought between the affected residents on the one side and the rich limestone contractors, powerful industrialists and even the government, on the other hand, bringing into sharp focus the conflict between development and conservation. The Rural litigation and Entitlement Kendra filed a writ petition in Supreme Court regarding the unauthorised and illegal operation of lime-stone quarries in the Mussoorie Hill range, India. It was argued that quarries caused a hazard to healthy environment and affected the perennial water springs.³

The court emphasized that industrial development was necessary for economic growth of the country. If, however, industrial growth was sought to be achieved by haphazard and reckless working of the mines resulting in loss of life, loss of property, loss of basic amenities like supply of water and creation of ecological imbalance, there may ultimately be no real economic growth and no real prosperity. It was necessary to strike a proper balance. Appropriate authorities at the time of granting leases should take all these facts into consideration and also provide for adequate safeguards. The court appointed the Bhargava Committee to assess the total effects of the mines in the ecology of the area.⁴

Thus, on the recommendations of the said Committee, the court ordered that these operations in such an ecologically sensitive area has to be stopped. The court further observed that

³ KNOWLEDGE STEEZ, 5 Landmark Cases of Public Interest Litigation, KNOWLEDGE STEEZ (Mar. 24, 2020, 2:36 PM), <https://knowledgesteez.wordpress.com/2020/03/24/5-landmark-cases-of-pil/>.

⁴ UNEP, *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, INFORMEA (May 11, 2026, 2:37 PM), <https://judicialportal.informea.org/node/2215>.

preservation of ecology is a task which not only the States but also the citizens must undertake. The arguments used by the said Kendra were instrumental in passing of the Environment Protection Act in 1986.

Review of Literature

1. Prasad, P. M.⁵

The paper analyses the workings of Indian courts to evaluate how effective the liability system is at enhancing the quality of the environment. It claims that since conventional methods of legal proceedings suffer from delays and high expenses, PIL was used as an attempt to address this issue. Nevertheless, according to the author, the liability system remains ineffective in creating proper incentives for tortfeasors on account of "informational disadvantages" concerning scientific information as well as insufficient monitoring of judgments handed out by the courts. Therefore, the protection of the environment needs to be achieved through a substantial modification of the law and the courts.

2. Geetanjoy Sahu⁶

This essay will focus on the analysis of the Supreme Court's involvement in ensuring compliance judicial involvement. In particular, the essay will illustrate that despite the active involvement of the Court towards addressing the issue of industrial pollution, it is less likely to get involved in cases pertaining to big infrastructure projects of PIL with regard to environmental laws for protecting the basic right to have an environmentally friendly habitat. The essay will discuss the contribution made by the court towards the development of legal principles but will also discuss the discrepancy with respect to

3. Shailendra Kumar Gupta⁷

The article discusses Public Interest Litigation (PIL), which is an innovative concept within the Indian judiciary, beginning from the loosening of locus standi rules by Judges P.N. Bhagwati and V.R. Krishna Iyer. The article examines significant PIL cases that have been decided in different fields, for instance, Hussainara Khatoon case (fair trial) and M.C. Mehta case (environmental protection). While discussing the positive impacts of PIL, the author also mentions some negative aspects of the PIL process, such as judicial overreach, system overload,

⁵ P.M. PRASAD, ENVIRONMENTAL PROTECTION: THE ROLE OF LIABILITY SYSTEM IN INDIA, 39 ECON. & POL. WKLY. 157, 157-169 (2004).

⁶ Geetanjoy Sahu, Public Interest Environmental Litigation in India: Contributions and Complications, 6 INDO-PACIFIC J. PHENOMENOLOGY 1, 1-12 (2008).

⁷ Shailendra Kumar Gupta, Public Interest Litigation in India: A Revolutionary Judicial Development, 4 INDIAN J. LEGAL REV. 1, 1-15 (2024)

and misappropriation of the filing process.

4. Ritu Saini & S.P. Singh⁸

The study offers a distinctive approach to understanding Public Interest Litigation (PIL) from the perspective of economic efficiency rather than through the conventional "access to justice" paradigm. According to the authors, PIL emerges as an economically efficient mechanism under conditions of weak private litigation incentives, high transaction costs associated with class actions, and regulatory shortcomings. With the PIL approach based on the concept of "interest bundling," the study assesses the degree to which economic efficiency plays a role in motivating Indian PIL cases and explores how PILs can create "floodgates of litigation."

5. S. Shanthakumar⁹

In this paper, an overview will be made of the position of the judiciary as a shield against environmental pollution by considering environmental rights as "third generation" rights. The author stresses that, although making laws is a difficult task in light of the urbanization and industrialization of the present-day world, PIL has enabled the judiciary to assume the position of a "Midas touch" for environmental preservation. Taking into consideration the Subhash Kumar vs. State of Bihar judgment, the research shows how environmental protection has been transformed from a Directive Principle/Fundamental Duty (Article 51A) to a Fundamental Right (Article 21).

6. U. Sankar¹⁰

In this paper, the entire history of the development of the environmental legal system of India will be traced out from its very genesis to liability allocations. The analysis is conducted in light of such aspects as the genesis of legislation, the mixed economy model, and liability allocation. Also, the analysis focuses on tracing out the impact of external and indigenous elements on shaping Indian policies and how the phases of development affect the internalization of the environmental externality.

Research Problem

The Indian environmental legal landscape is currently defined by a significant implementation paradox: while the judiciary has successfully transitioned environmental protection from a non-justiciable duty to a fundamental right under Article 21, and has institutionalized sophisticated

⁸ Ritu Saini & S.P. Singh, An Economic Analysis of Public Interest Litigation in India, 2 J. MGMT. & PUB. POL'Y 46, 46-58 (2010).

⁹ S. SHANTHAKUMAR, THE EVOLUTION OF ENVIRONMENTAL JURISPRUDENCE IN INDIA (2010).

¹⁰ U. Sankar, Environmental Protection in India: Lessons from History, Institutions and Resources, 2 MADRAS SCH. ECON. 1, 1-30 (2006).

doctrines, these legal advancements have failed to achieve a measurable improvement in environmental quality due to a systemic "Implementation Gap"

II. ROLE OF PIL IN ENVIRONMENTAL PROTECTION

PIL in environmental law has made a significant contribution in promotion of environmental protection and conservation in India. PIL helps to promote transparency and accountability in governance by holding public authorities accountable for their action or inactions regarding environmental protection. PIL in environmental law also helped to create awareness among citizens about environmental issues and their rights. It has empowered people to take action against environmental violations and seek redressal from the judiciary. PIL is a legal mechanism through which the citizens can raise their voices against environmental degradation and seek relief from the judiciary.

PIL in environmental law has been very important in shaping laws and policies in India. The Constitution of India recognizes the right to healthy environment as a fundamental right under Article 21 which guarantees the right to life and personal liberty.¹¹ Article 48A and 51A(g) also impose a duty on the State to protect and improve the environment. The Supreme Court has delivered landmark judgments with regard to Pils which have resulted in the creation of various institutions implementation of pollution control measures and the formulation of new environmental laws and regulations.¹²

III. LANDMARK CASES

1. M.C.Mehta vs. Union of India

1986 - Similarly, in the case of M.C.Mehta Vs. Union of India,1986, the Supreme Court declared that vehicular emissions causing air pollution in Delhi constitute a violation of the right to life under Article 21 of the constitution. The court directed all commercial vehicles operating in Delhi to switch to CNG fuel mode to safeguard the health of the public. After this case, the Supreme Court directed the government for setting up environmental courts regionally to deal with environmental issues. While deciding this case, the court could not apply the rule of strict liability and formulated a new rule called "Absolute Liability" according to which, "if any individual or any industry is engaged in an inherently dangerous or hazardous activity and

¹¹ BRAINSCAPE, Public Interest Litigation Flashcards, BRAINSCAPE (May 11, 2026, 2:47 PM), <https://www.brainscape.com/flashcards/public-interest-litigation-13634878/packs/21452462>.

¹² LAWBHOOI, Role of Public Interest Litigation in Environmental Protection, LAWBHOOI (May 11, 2026, 2:48 PM), <https://lawbhoomi.com/role-of-public-interest-litigation-in-environmental-protection/>.

any harm is caused to anyone while carrying out such activity, the said individual carrying out such activity should be absolutely liable".¹³

1988 - In case of M.C. Mehta Vs. Union of India, 1988, it was regarding pollution in the holy Ganga river which posed huge threats to health and environment. The petition highlighted various main reasons like untreated effluents, sewage and religious waste for such pollution. The Supreme Court's judgement made the central government accountable for the pollution, creation of Ganga Action Plan, stricter enforcement of environmental regulations, creation of monitoring committee and stressed on management of religious and domestic waste.¹⁴

1996 – In case of M.C. Mehta Vs. Union of India, 1996, this case addressed the impact of industrial pollution in form of acid rain along with industrial emissions which resulted in discoloration of marble surface of the famous monument Taj Mahal. The main concerns in this case were regarding pollution in the Taj Trapezium Zone, discoloration and responsibility of government and industries. The Supreme Court in judgement created a protected zone of about 10 km radius from the monument and designated as a no pollution zone which is known as 'Taj Trapezium Zone', ordered closure of few polluting industries, monitor regulation of industrial emissions, controlled over vehicular emissions by ordering usage of CNG-powered vehicles, took efforts to preserve and restore it by ordering the Archeological Survey of India and finally directed environmental impact assessments of new industrial activities in the zone.¹⁵

2. Subhash Kumar v. State of Bihar, 1991

Subhash Kumar v. State of Bihar was concerned with the pollution of the Bokaro River by the slurry discharged from Tata Iron & Steel Co. Ltd. In the instant case the Court held that the right to pollution free water and air is a fundamental right under Article 21 of the Constitution of India and also stressed the duty of the authorities to take effective steps to prevent and control environmental pollution.¹⁶

1. Indian Council for Enviro-Legal Action vs. Union of India, 1996

The Supreme Court, in the case of India Council for Enviro-Legal Action Vs. Union of India, issued a warning to industries that discharge dangerous substances like Oleum and H acid. The court stated that such pollution is a violation of the right to a safe and healthy environment and, ultimately the right to life. In this case the principle of "Polluter Pays" was introduced and the court held that courts have the authority to undertake measures to implement the rule into effect

¹³ M.C. Mehta v. Union of India (Oleum Gas Leak), A.I.R. 1987 S.C. 1086 (India).

¹⁴ M.C. Mehta v. Union of India (Ganga Pollution), A.I.R. 1988 S.C. 1115 (India).

¹⁵ M.C. Mehta v. Union of India (Taj Trapezium), A.I.R. 1997 S.C. 734 (India).

¹⁶ Subhash Kumar v. State of Bihar, A.I.R. 1991 S.C. 420 (India).

with the help of section 3 and 5 of the Environment (Protection) Act, 1986. It was introduced under the Principle 16 of the Rio Summit of 1992 which specified this type of payment from the polluter.¹⁷

2. Vellore Citizens' Welfare Forum vs. Union of India, 1996

In the landmark case of Vellore Citizens' Welfare Forum Vs. Union of India, the Supreme Court allowed a public-spirited social organisation to represent the residents of Vellore to protect their health. In this case, the tanneries located around the Palar River in Vellore, Tamil Nadu, were found to be discharging toxic chemicals into the river, endangering the health of the residents. As a result, the court ordered the tanneries to close their businesses.¹⁸

RECENT JUDICIAL INTERPRETATIONS

1. Ridhima Pandey Vs. Union of India & Others, 2020¹⁹

The petitioner in this case is a 9 years old environmental activist who filed a petition in National Green Tribunal regarding the government's insufficient action on climate change and carbon emissions which violated her fundamental right invoking various sustainable development principles which was dismissed by stating that existing legislations addressed the issues. In the supreme court appeal, the court appointed two amicus curiae to provide assessments and union government was instructed to compile all relevant rules and regulations concerning carbon emissions.

2. Narinder Singh & Others Vs. Divesh Bhutani & Others, 2022²⁰

In this case, the Supreme Court of India was concerned with the issue of whether lands notified under Section 4 of the Punjab Land Preservation Act, 1900 (PLPA) would be 'forest land' under the Forest (Conservation) Act, 1980 which arose in the context of legal disputes in Haryana. The Court held that lands covered by special orders under PLPA have the characteristics of forest lands as defined in Section 2 of the Forest (Conservation) Act, 1980.

The Court decided that, effective from October 25, 1980, state governments or other pertinent authorities could not allow non-forest usage of these properties without first getting approval from the Central Government. This action attempts to guarantee sustainable growth and stop ecological deterioration. Additionally, the Court ordered authorities to take action against nonforest activities and unapproved structures on lands.

¹⁷ Indian Council for Enviro-Legal Action v. Union of India, (1996) 3 S.C.C. 212 (India).

¹⁸ Vellore Citizens' Welfare Forum v. Union of India, A.I.R. 1996 S.C. 2715 (India).

¹⁹ Ridhima Pandey v. Union of India, (2020) SCC OnLine NGT 165 (India).

²⁰ Narinder Singh v. Divesh Bhutani, (2022) SCC OnLine SC 899 (India).

3. Ridhima Pandey Vs. State of Uttarakhand, 2023²¹

The same petitioner stated in above case who was then 14 years old filed case regarding the illegal mining inside the reserved forest of Haldwani Forest Division. The National Green Tribunal took the matter seriously and constituted a joint committee to investigate allegations which provide the reports and the government and pollution control board of the state were directed to file copies of mining permits and other documents.

4. Environmental Policy Group Vs. Union of India And Others, 2024²²

In this case several public interest litigations filed by the group regarding the environmental issues in Jammu and Kashmir were involved. The main concerns include removal of encroachments from vicinity of villages to prevent floods, various issues and measures sought to be taken to prevent a similar devastating floods and compensation for flood damage to which the court directed removal of encroachments, formulation and implementation of flood management plan and instructed insurance companies to process the claims. The three concerns were dealt in public interest litigations filed in 2014, 2017 and 2018 respectively.

The same petitioner stated in above case who was then 14 years old filed case regarding the illegal mining inside the reserved forest of Haldwani Forest Division. The National Green Tribunal took the matter seriously and constituted a joint committee to investigate allegations which provide the reports and the government and pollution control board of the state were directed to file copies of mining permits and other documents.

5. M K Ranjithsinh & Others Vs. Union of India, 2024²³

In this case there is a conflict between promoting solar power generation and protecting the Great Indian Bustard (GIB) which is critically endangered and found in dry regions like Rajasthan. It faces various threats and mainly collisions with overhead transmission lines. The Supreme Court in its interim order in 2021 imposed restrictions on overhead transmission lines and mandated it to be laid underground on a priority basis.

In its final judgement in 2024 the Supreme Court recognized the right to be free from adverse effects of climate change as a distinct right under article 14 and 21 of the Indian Constitution. The court directed the constitution of an expert Committee for assessing the feasibility of underground power lines and installation of bird diverters for conservation efforts.

²¹ Ridhima Pandey v. State of Uttarakhand, (2023) SCC OnLine NGT 342 (India).

²² Environmental Policy Group v. Union of India, W.P. (C) No. 138/2014 (India).

²³ M.K. Ranjithsinh v. Union of India, 2024 SCC OnLine SC 508 (India).

6. Mathew Gonmeni Vs. State of Manipur, 2024²⁴

In this case the petitioner was a resident of a village which is surrounded by Zielad Wildlife Sanctuary. The petitioner in this case sought the tribunal's expedition to the declaration process which is required to conserve it effectively as Wildlife Sanctuary which is pending since 1997 because of which various people assault forest officials, destruct the wildlife habitats, enroachment and exploit forest produce.

The National Green Tribunal directed the State of Manipur to expedite the process and submit an Action Taken Report by January 2025 and also emphasized the state's duty to protect the forest area by preventing tree felling and safeguarding boundaries. This directive by the tribunal aligns with section 29 of Wildlife (Protection) Act 1972 which prohibits the damage or destruction of habitats of Wildlife Species.

7. Phuyosa Yobin vs . State Of Meghalaya & Anr²⁵

In this case, a complete ban was sought on plastic in the State due to its harmful effect on the environment. The Meghalaya High Court referred to earlier orders which directed the government to forbid the manufacture, sale, and usage of plastic items which are below 120 microns and also to strengthen waste management measures regarding plastic. The government submitted reports which shown the awareness campaigns, inspection drives, promotion of eco-friendly alternatives taken by them. The Court appreciated the efforts taken and observed that more detailed reports regarding inspections, awareness programmes, and enforcement actions were necessary. The Court recognised the steps taken as only a starting point and further directed the authorities to continue strict implementation of the ban.

8. M.C Mehta v. Union of India, 2026²⁶

This case is regarding the problem of unauthorized and hazardous industries in Delhi which were causing serious environmental pollution and also affecting public health. Over time, the case expanded to include other issues such as illegal land use, air and water pollution, misuse of residential areas, and protection of natural resources in Delhi NCR region which also contributed to pollution equally.

The Supreme Court passed several important directions for the closure and regulation of polluting industries and emphasized the need to protect the environment and public health over these many years. In its judgment on 2026, the Court disposed the original petition and directed

²⁴ Mathew Gonmeni v. State of Manipur, 2024 SCC OnLine NGT 412 (India).

²⁵ Phuyosa Yobin v. State of Meghalaya, (2024) 1 MLJ 142 (India).

²⁶ M.C. Mehta v. Union of India, 2026 SCC OnLine SC 122 (India).

that separate proceedings will deal with specific environmental issues, while clarifying that all previous environmental protection directions would continue to remain and be effective.

IV. EFFECTIVENESS OF PIL

PIL has been effective by allowing NGOs give voices to voiceless public and putting pressure on non-complaint companies. PIL has sent a message to polluters and local enterprises responsible for the ecological destruction. The judgements passed for the various cases involved various orders regarding the prevention and management of the concerns stated and also brought public awareness. The Hon'ble Supreme court in response to PILs regarding environmental protection over the time have led to the establishment of specialised bodies like National Green Tribunal to provide a dedicated forum to resolve environmental disputes streamlining the process and enhancing capacity to deal with environmental issues more effectively.²⁷

PILs have influenced and strengthened the various environmental laws in India highlighting legal frameworks to protect natural resources and public health. Likewise, PILs have led to the formulation of Absolute Liability principle as it was created in the case of *M.C.Mehta Vs. Union of India*, 1986 which we discussed above and it also helped the implementation of principles like Precautionary Principle, Polluter Pays and doctrine of public trust in the cases of environmental protection by the judiciary in better way.

Impacts

The influence of Public Interest Litigation (PIL) within the Indian environmental sphere goes beyond simple court rulings; it signifies a crucial transformation in the nation's constitutional, institutional, and socio-economic structure. The subsequent points outline the significant influence of this mechanism:

- **Constitutionalizing of Ecological Values**

The most significant effect of PIL has been the transformation of environmental protection from a non-enforceable Directive Principle to a legally enforceable Fundamental Right. Through innovative interpretation of Article 21, the judiciary has determined that the "Right to Life" is meaningless without a clean and unpolluted environment. This has altered the legal responsibility, enabling the environment to be safeguarded not merely as a policy issue, but as a fundamental constitutional right of each citizen.²⁸

²⁷ IPBES, National Green Tribunal (NGT) of India, IPBES (May 11, 2026, 2:47 PM), <https://ipbes.net/node/16794>.

²⁸ GEETANJOY SAHU, Public Interest Environmental Litigation in India: Contributions and Limitations, 37 IMPACT ASSESSMENT & PROJECT APPRAISAL 311, 312 (2019).

- **Institutional Revolution and Specialization**

PIL has acted as a driving force for the systematic progress in addressing environmental conflicts. The continuous request from public interest petitions led to the creation of "Green Benches" and, ultimately, the establishment of the National Green Tribunal (NGT). This institutional impact ensures that environmental cases are handled by a dedicated entity with legal and technical expertise, instead of general courts, thereby reducing the "information disadvantages" that previously hindered environmental justice.

- **Re-engineering Corporate and Industrial Liability**

PIL has significantly transformed the economic environment for industries by implementing rigorous financial responsibility for environmental harm. The shift from the conventional "Strict Liability" to the "Absolute Liability" principle—developed explicitly via the PIL process—guarantees that companies involved in dangerous activities cannot evade accountability through legal loopholes. Moreover, the judicial implementation of the "Polluter Pays Principle" has initiated the process of internalizing environmental externalities, compelling industries to factor the cost of conservation into their operational expenses.

- **The "Information Spillover" and Social Accountability**

Apart from legal successes, PILs create a notable "Information Spillover" impact. The legal process acts as a medium for openness, exposing environmental infringements to the public through news reports and court examination.²⁹ This effect generates a "shadow of the law," where the potential for lawsuits compels state regulatory agencies, like State Pollution Control Boards (SPCBs), to operate with greater vigilance. This spillover effect connects law and society by promoting a culture of public responsibility.

- **Remedial Innovation and Continuing Mandamus**

PIL has influenced the court's remedial authority via the principle of "Continuing Mandamus." In contrast to conventional litigation that ends with a definitive ruling, the court in environmental PILs frequently maintains the case open to oversee compliance for multiple years. This influences governance over time, as it compels the executive branch to submit regular updates on waste management, forest protection, and pollution management, guaranteeing that judicial goals convert into executive measures.³⁰

²⁹ RITU SAINI & S.P. SINGH, *An Economic Analysis of Public Interest Litigation in India*, SSRN, Oct. 23, 2009, at 1.

³⁰ P.M. PRASAD, *Environmental Protection: The Role of Liability System in India*, SSRN, June 2006, at 1.

V. CHALLENGES

- **The “Green Bench” Paradox: Specialization vs. Accessibility**

Drawing from the analysis of specialized environmental divisions, a significant challenge is the centralization of expertise. While “Green Benches” were intended to provide scientific depth, their limited physical presence often forces grassroots activists from remote, ecologically sensitive areas to travel to metropolitan centers. This creates a “justice distance” where the technical sophistication of the court is high, but the accessibility for the actual victims of environmental degradation remains low.

- **Policy-Politicization and the “Legislative Vacuum”**

As identified in the current scholarship on judicial activism, the court often operates in a “legislative vacuum.” The challenge here is that judicial directives (like mandating specific fuel types or relocation of industries) are essentially policy-making acts. When the judiciary performs the role of the executive, it lacks the administrative machinery to oversee the daily complexities of those policies. This results in a “Trial and Error” style of governance where judicial orders are frequently modified, leading to legal uncertainty for both industries and the public.

- **The “Cost of Compliance” and Economic Displacement**

A unique challenge highlighted in the current literature is the unintended socio-economic impact of environmental PILs. When the court orders the immediate closure of a polluting industry to protect the environment, it often triggers massive unemployment or economic displacement for the marginalized workforce. The “Midas touch” of the judiciary often fails to provide a “Just Transition” framework, leaving a gap between ecological protection and social equity.³¹

- **Scientific Polycentricity and Evidence Evaluation**

Environmental issues are “polycentric”—meaning one decision affects many different technical areas. A major challenge is the reliance on state-provided data. The courts often depend on reports from the same State Pollution Control Boards that are accused of negligence. The current research highlights that without an “Independent Scientific Audit” mechanism, the court’s impact is limited by the quality and honesty of the data provided by the executive

³¹ RITU SAINI & S.P. SINGH, *An Economic Analysis of Public Interest Litigation in India*, SSRN, Oct. 23, 2009, at 1.

branch.³²

- **Procedural “Gatekeeping” and the Chilling Effect**

While the relaxation of locus standi was the foundation of PIL, the current scenario shows a shift toward judicial gatekeeping. To curb frivolous suits, the courts have introduced “exemplary costs” and strict “bonafide” checks.³³ While intended to save time, this creates a “chilling effect” where genuine environmental defenders—who lack huge financial backing—fear approaching the court due to the risk of being fined for a “misconceived” petition.

VI. CURRENT SCENARIO

Public Interest Litigations is still playing a crucial role for addressing environmental issues as it helps public spirited people to approach the courts for addressing the various issues regarding the environment and get further awareness and solutions.

However, currently there are various trends which can be observed regarding these litigations. Now cases are being filed regarding Wildlife, Forest protection and Mining as seen in the cases of Narinder Singh & Others Vs. Divesh Bhutani and Ridhima Pandey Vs. Union of India, Mathew Gonmeni Vs Union of India, sustainable development and promotion of renewable energy and its practical issues as seen in the case of M.K. Ranjithsinh Vs. Union of India, management and issues related to natural disasters as seen in the case of Environmental Policy Group Vs. Union of India.

Along with these causes, Public Interest Litigations regarding environmental protection are also filed for air quality management, water pollution, waste management, illegal constructions, preservation of green spaces, urban environmental issues, climate change and river conversation, etc in recent years.

VII. SUGGESTIONS AND RECOMMENDATIONS

To bridge the persistent gap between judicial pronouncements and ground-level environmental preservation, the following are suggested

- High-level legal literacy campaigns: Public awareness must go beyond general environmental education to specific “legal empowerment.” Educate citizens on the procedural aspects of filing a PIL and the substantive rights under Article 21.

³² Lavanya Rajamani, The Role of the Court in Shaping India's Environmental Law: A Critical Review of Judicial Jurisprudence, 19 IND. J. GLOBAL LEGAL STUD. 555, 557 (2012).

³³ U. SANKAR, ENVIRONMENTAL ECONOMICS 262 (2d ed. 2001).

- **Grassroots Mobilization:** Engaging local communities as “environmental watchdogs” can help sustain pressure on executive authorities to implement court orders. The harmony between the grassroots movements and the judiciary ensures that PILs are not only reactive but also a proactive tool for sustainability.
- **Institutionalized Legal Aid:** Marginalized communities are the prime victims of industrial negligence and need to be given specialized legal aid and expert scientific counselling to overcome the “informational disadvantages” usually faced by private litigants.
- **Expansion of Specialized Tribunals:** The jurisdiction and infrastructure of the National Green Tribunal (NGT) should be expanded to relieve the congestion in the High Courts and Supreme Court. This means that environmental disputes are handled by experts and thus the risk of “informational disadvantages” is lowered.
- **Modernizing Legislation:** Existing environmental laws need to be modernized to address contemporary challenges such as climate change and blockchain-based industrial monitoring, ensuring that the law remains a dynamic tool for justice.
- **Improving PIL Screening Procedures:** The judiciary should evolve clear and consistent screening criteria that emphasize real environmental damage over procedural issues to avoid a “floodgate” of spurious litigation, while safeguarding “public-spirited persons.”
- **Establishment of an Independent Monitoring Wing:** To oversee the execution of its directives, the judiciary ought to create or grant authority to an independent commission. This would address the existing issue of historic rulings stalling because of inadequate executive branch oversight.
- **Stricter Penalties and Liability Allocation:** Internalizing externalities is necessary to increase enforcement. To provide a true economic disincentive for pollution, this entails enforcing harsher financial penalties and criminal culpability on those who violate the law.
- **Judicial Consistency in Infrastructure Projects:** To guarantee that "development" does not compromise the fundamental right to a healthy environment, the courts must adopt a uniform standard of scrutiny for both industrial activities and large-scale state infrastructure projects (dams, airports, etc.).

VIII. CONCLUSION

The development of Public Interest Litigation in India is a remarkable step towards shifting

from procedural formalities to a substantive "juristic revolution." Even though the courts have been successful in declaring environmental protection a fundamental right, success is gauged not only in terms of passing judgments but also implementing them effectively.

From today's perspective, a point has been reached when judicial activism needs to be matched with executive responsibility.

The fact that there is always a difference between legal discourse and environmental conditions suggests that the "reactive approach" to PIL cannot be enough anymore. For sustainable development to happen, the nature of the PIL should change, and it should become more proactive to overcome the aforementioned gap.

Therefore, what can be done is the establishment of a synergy between specialist agencies and legally equipped citizens because the survival of India's environment depends on that. In conclusion, PILs are supposed to be not only about interpreting laws but about translating the "Right to Life" into reality.
