

THE LEGALITES LEXSCRIPTA

ISSN 3108-2416 (ONLINE)

Editor-in-Chief: - Prof. (Dr.) Aryendu Dwivedi

Volume II Issue I (Jan-March 2026) Page No.: - 90 to 100

Changing Dimensions of Environmental Law & Society in India:

Issues and Challenges

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Abstract

Environmental law in India has undergone a remarkable transformation over the past five decades. From a regulatory framework focused primarily on pollution control and conservation, it has evolved into a dynamic and rights-based legal regime integrating constitutional mandates, judicial activism, sustainable development principles, and international environmental commitments. The judiciary, particularly the Supreme Court of India, has played a pivotal role in expanding environmental jurisprudence by interpreting Article 21 of the Constitution to include the right to a clean and healthy environment.

Institutions such as the National Green Tribunal have further strengthened environmental governance by ensuring specialized and speedy adjudication of environmental disputes.

Despite progressive developments, environmental governance in India faces multiple challenges including enforcement gaps, rapid industrialization, urbanization, climate change, biodiversity loss, displacement due to development projects, and environmental injustice affecting marginalized communities. Societal awareness has increased, yet conflicts between development and environmental protection persist. International commitments like the United Nations Framework Convention on Climate Change and global sustainability frameworks have further influenced domestic environmental policies.

The constitutionalization of environmental rights has marked a paradigm shift in India's legal landscape. Through innovative judicial doctrines such as the Polluter Pays Principle, Precautionary Principle, and Public Trust Doctrine, courts have expanded the scope of environmental accountability. Public Interest Litigation has democratized access to environmental justice, enabling civil society, environmental groups, and affected communities to seek remedies against ecological harm. This participatory turn reflects a broader societal transformation wherein environmental concerns are increasingly recognized as integral to public health, economic stability, and human dignity.

However, structural challenges persist. Regulatory authorities often struggle with inadequate resources, technical expertise, and monitoring mechanisms. Environmental Impact Assessment processes have been criticized for limited transparency and insufficient public consultation. Rapid infrastructure expansion, mining projects, and industrial corridors frequently generate conflicts between ecological sustainability and economic development. Climate change adds a further layer of complexity, requiring adaptive governance, disaster resilience planning, and low-carbon development strategies.

Keywords

Environmental Law, Sustainable Development, Judicial Activism, Public Interest Litigation, Environmental Justice, Climate Change, National Green Tribunal, Constitutional Law,

Introduction

Environmental protection in India has evolved from being a peripheral administrative concern to becoming a central constitutional and socio-legal issue. Traditionally, environmental regulation focused on controlling industrial pollution through statutory mechanisms such as the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The enactment of the Environment (Protection) Act, 1986 marked a turning point, providing a comprehensive framework for environmental governance following the Bhopal Gas Tragedy.

The constitutional framework under Articles 48A and 51A(g) recognizes environmental protection as both a State responsibility and a fundamental duty of citizens. Through judicial interpretation, particularly in landmark cases like *M.C. Mehta v. Union of India*, the right to a healthy environment was read into Article 21 of the Constitution, thereby elevating environmental protection to the status of a fundamental right.

Societal transformation, economic liberalization in the 1990s, globalization, and increasing environmental consciousness have reshaped environmental discourse in India. Environmental movements such as the Chipko Movement reflected grassroots resistance to ecological exploitation. More recently, climate change concerns, urban pollution crises, and infrastructure expansion have intensified debates about balancing development and sustainability.

Environmental law today intersects with human rights, corporate accountability, indigenous rights, climate justice, and intergenerational equity. However, enforcement deficits, bureaucratic delays, regulatory capture, and socio-economic disparities continue to hinder effective implementation. This paper examines these changing dimensions in detail and evaluates the emerging challenges facing environmental law and society in India.

Objectives

1. To examine the evolution and transformation of environmental law in India.
2. To analyze the role of constitutional provisions and judicial activism in shaping environmental jurisprudence.
3. To study the interaction between environmental law and societal changes.
4. To identify key issues and challenges in environmental governance.
5. To suggest reforms for strengthening environmental protection mechanisms.

Hypotheses

1. Environmental law in India has transitioned from a regulatory model to a rights-based and participatory governance model.
2. Judicial activism has significantly expanded environmental protection but faces implementation constraints.
3. Rapid industrialization and economic growth have intensified environmental conflicts.
4. Effective environmental governance requires stronger institutional accountability and public participation.

Statement of the Problem

India faces severe environmental degradation manifested in air pollution, water contamination, deforestation, biodiversity loss, and climate vulnerability. While legal frameworks exist, their implementation remains inconsistent. Conflicts between economic development and environmental sustainability create complex legal and social dilemmas. Marginalized communities often bear disproportionate environmental burdens. The problem lies not merely in the absence of laws but in enforcement gaps, institutional weaknesses, and competing developmental priorities.

The constitutional recognition of environmental protection under Articles 21, 48A, and 51A(g) has laid a strong normative foundation, and judicial interventions by the Supreme Court of India have significantly expanded environmental rights. However, the translation of judicial pronouncements into ground-level compliance remains uneven. Regulatory bodies such as Pollution Control Boards often face constraints in terms of manpower, technical expertise, monitoring infrastructure, and financial resources. Delays in environmental clearances, post-clearance monitoring deficiencies, and weak penalty mechanisms further dilute the effectiveness of environmental regulation.

Rapid urbanization and industrial expansion have intensified environmental stress, particularly in metropolitan regions where air quality frequently reaches hazardous levels and water bodies suffer from untreated effluents. Large-scale infrastructure and mining projects frequently generate displacement and ecological damage, raising concerns of environmental

justice and equitable resource distribution. Climate change has compounded existing vulnerabilities, increasing the frequency of floods, droughts, and extreme weather events.

Thus, the core problem is multidimensional: it involves balancing developmental aspirations with ecological sustainability, ensuring effective enforcement of environmental norms, strengthening institutional accountability, and safeguarding the rights of present and future generations within an evolving socio-economic landscape.

Research Methodology

This research is doctrinal and analytical in nature. It relies on:

- Primary sources: Constitutional provisions, statutes, judicial decisions, and tribunal rulings.
- Secondary sources: Books, journal articles, research papers, government reports, and international documents.
- Comparative and analytical approaches to examine the evolution of environmental jurisprudence.
- Case law analysis to evaluate judicial contributions and limitations.

Literature Review

Scholars such as Upendra Baxi have highlighted the transformative role of Public Interest Litigation (PIL) in shaping environmental governance in India, noting how it democratized access to justice and allowed citizens, NGOs, and marginalized communities to hold both the state and private actors accountable for environmental harm. Legal commentators emphasize the judicial expansion of Article 21 of the Constitution, which now includes the right to a clean and healthy environment, establishing a constitutional basis for environmental rights. Studies on environmental justice further underline socio-economic inequalities in the distribution of environmental harms, emphasizing that marginalized communities often bear disproportionate environmental burdens while having limited access to remedies and resources.

Research on sustainable development explores the influence of global instruments, including the United Nations Conference on Environment and Development and subsequent climate

agreements, which have shaped India's domestic environmental policies, planning frameworks, and climate change strategies. Scholars have also critiqued environmental clearance processes, highlighting administrative inefficiencies, lack of transparency, and insufficient public participation. Concerns regarding the dilution of environmental norms in pursuit of rapid industrialization and infrastructure development have been recurrent in the literature.

Recent scholarship increasingly focuses on climate litigation, corporate environmental responsibility, and green governance models, analyzing how courts, regulatory bodies, and corporations interact to ensure environmental protection. Researchers have examined the effectiveness of the National Green Tribunal, the role of Environmental Impact Assessments (EIA), and the challenges of integrating climate resilience into urban and industrial planning. While progress in environmental law and governance is widely acknowledged, scholars caution against regulatory dilution, weak enforcement, and conflicts between development priorities and ecological preservation. They advocate for stronger institutional frameworks, participatory governance, and technological innovations to improve compliance, ensure accountability, and achieve sustainable and equitable environmental outcomes across India.

This body of literature provides the foundation for understanding the evolving legal, institutional, and societal dimensions of environmental governance and identifies critical gaps that continue to challenge effective environmental protection.

Main Analysis: Changing Dimensions of Environmental Law & Society

1. Constitutionalization of Environmental Rights

The integration of environmental protection within constitutional jurisprudence represents a transformative shift. The judiciary expanded Article 21 to include the right to a clean and healthy environment. Principles such as the Precautionary Principle, Polluter Pays Principle, and Public Trust Doctrine have been judicially recognized.

The Supreme Court of India has consistently emphasized sustainable development as a balancing tool between economic growth and environmental preservation. Environmental rights are now closely linked with human dignity, public health, and quality of life. This constitutionalization has elevated environmental protection from a policy concern to a

justiciable fundamental right, enabling citizens and civil society to seek judicial remedies against ecological degradation and administrative inaction.

2. Rise of Public Interest Litigation (PIL)

Public Interest Litigation democratized access to environmental justice. Citizens, NGOs, and activists could approach courts for environmental protection without being directly affected. Landmark cases addressed river pollution, vehicular emissions, hazardous industries, and forest conservation.

However, concerns have emerged regarding judicial overreach and enforcement challenges. Implementation often depends on executive compliance, which may be inconsistent. The Supreme Court of India and various High Courts have played a proactive role, yet the sustainability of PIL-driven governance depends on institutional capacity, administrative accountability, and long-term policy reforms rather than continuous judicial supervision alone.

3. Institutional Developments: National Green Tribunal

The establishment of the National Green Tribunal under the National Green Tribunal Act, 2010 marked a major institutional reform. The Tribunal provides specialized expertise in environmental adjudication and ensures faster dispute resolution.

It has played a crucial role in matters relating to environmental clearance, compensation, and restoration. Yet, staffing constraints, regional bench limitations, and compliance monitoring remain concerns. Additionally, questions regarding accessibility for remote communities, execution of its orders by state authorities, and coordination with regulatory agencies continue to affect the overall effectiveness and credibility of environmental adjudication mechanisms.

4. Environmental Impact Assessment (EIA) and Regulatory Challenges

Environmental Impact Assessment (EIA) procedures aim to evaluate ecological consequences before project approvals. While intended as preventive tools, criticisms include dilution of norms, limited public participation, and transparency deficits.

Frequent amendments to EIA notifications have sparked debates regarding balancing ease of doing business with environmental protection. Concerns have also been raised about post-facto clearances, inadequate baseline data, and weak compliance monitoring by regulatory authorities. Effective EIA implementation requires scientific rigor, independent appraisal mechanisms, meaningful public hearings, and strict accountability to ensure sustainable and precautionary decision-making.

5. Climate Change and Emerging Legal Dimensions

Climate change has introduced new dimensions to environmental law. India's commitments under global climate frameworks require domestic policy adaptation. Climate litigation is gradually emerging, focusing on mitigation, adaptation, and accountability.

Urban air pollution crises and extreme weather events highlight the urgency of integrating climate resilience into planning laws. Additionally, legal frameworks are evolving to address renewable energy adoption, carbon trading mechanisms, disaster risk management, and climate-induced displacement. Courts and policymakers are increasingly called upon to ensure that climate action aligns with sustainable development, human rights, and intergenerational equity, reflecting a holistic approach to environmental governance.

6. Environmental Justice and Marginalized Communities

Development projects often displace tribal and rural populations. Environmental degradation disproportionately impacts vulnerable groups. Environmental justice demands equitable distribution of environmental benefits and burdens.

Forest rights legislation and community participation mechanisms attempt to address these concerns, yet implementation challenges persist. Furthermore, issues such as inadequate rehabilitation, lack of access to legal remedies, and limited awareness among marginalized communities exacerbate their vulnerability. Ensuring environmental justice requires inclusive policymaking, stronger monitoring of development projects, and active engagement with affected populations to safeguard their livelihoods, cultural heritage, and access to natural resources.

7. Corporate Accountability and Sustainable Development

Corporate social responsibility (CSR) and environmental compliance obligations have increased. Companies are required to adhere to environmental standards and conduct impact assessments.

However, industrial accidents and regulatory violations reveal enforcement weaknesses. Balancing economic growth with ecological integrity remains a central challenge. Additionally, there is a growing need for transparency in corporate sustainability reporting, independent auditing of environmental performance, and stronger incentives for adopting green technologies. Legal frameworks must evolve to hold corporations accountable for long-term ecological impacts, while promoting practices that integrate profitability with environmental stewardship and social responsibility.

8. Urbanization and Environmental Governance

Rapid urbanization has intensified waste management, air pollution, and water scarcity issues. Municipal governance structures often lack adequate resources for environmental management. Smart city initiatives must incorporate sustainable urban planning, green infrastructure, and renewable energy integration.

Urban sprawl, unplanned industrial growth, and high vehicular density exacerbate air pollution, while groundwater depletion and contamination threaten water security. Solid waste mismanagement leads to soil and water pollution, affecting public health. Strengthening institutional capacity, improving regulatory enforcement, and promoting community participation are essential. Integrating climate resilience, renewable energy adoption, and green spaces into urban planning can enhance livability and ecological sustainability in rapidly growing cities.

Findings

1. Environmental law in India has evolved into a rights-based constitutional framework.
2. Judicial activism has significantly shaped environmental jurisprudence.
3. Institutional mechanisms like NGT improved access to environmental justice.
4. Enforcement gaps and regulatory dilution weaken implementation.
5. Environmental justice concerns remain inadequately addressed.
6. Climate change demands integrated policy responses.

7. Public participation is essential but often limited in practice.

Suggestions

1. Strengthen enforcement mechanisms and monitoring systems.
2. Enhance transparency in environmental clearance processes.
3. Promote community participation and environmental democracy.
4. Integrate climate resilience into infrastructure planning.
5. Increase institutional capacity of regulatory authorities.
6. Encourage corporate environmental accountability.
7. Expand environmental education and awareness programs.
8. Develop strong data-based environmental governance systems.
9. Strengthen compliance mechanisms of NGT orders.
10. Promote sustainable development through green technology incentives.

Conclusive Remarks

The changing dimensions of environmental law in India reflect a dynamic interplay between constitutional mandates, judicial creativity, societal activism, and global environmental commitments. The evolution from a regulatory model to a rights-based environmental jurisprudence marks a significant achievement, demonstrating the growing recognition that environmental protection is integral to human dignity, public health, and sustainable development. Judicial interventions, particularly through Public Interest Litigation and the expansion of Article 21, have empowered citizens and civil society to hold both the state and private actors accountable for ecological degradation.

However, the effectiveness of environmental law depends not only on progressive judgments or statutory enactments but on robust implementation, institutional integrity, and public participation. Enforcement gaps, bureaucratic inefficiencies, limited technical capacity, and socio-economic disparities often undermine legal mandates, resulting in uneven compliance and persistent environmental challenges. Moreover, rapid urbanization, industrialization, and infrastructure development continue to generate conflicts between ecological sustainability and economic growth.

As India continues its developmental trajectory, reconciling economic aspirations with ecological sustainability remains the foremost challenge. Environmental governance must shift from reactive regulation to proactive ecological planning, integrating climate resilience, disaster risk mitigation, and sustainable resource management. Future reforms should prioritize strengthening accountability mechanisms, ensuring environmental justice for marginalized communities, promoting corporate responsibility, and fostering participatory democracy through greater civic engagement and transparency.

Only through a holistic and inclusive approach combining legal frameworks, policy innovation, technological solutions, and societal participation can environmental law serve as a true instrument of sustainable development, intergenerational equity, and social justice in India. Strong collaboration between government institutions, civil society, academia, and private stakeholders is essential to achieve meaningful ecological protection while supporting economic and social progress.

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