



Original Article

## PIL & the Right to a clean Environment under Article - 21

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**Abstract:**

The concept of the right to a clean and healthy environment has evolved as a fundamental component of the right to life enshrined in Article 21 of the Indian Constitution. Public Interest Litigation (PIL) has emerged as a powerful judicial tool to enforce this right, enabling citizens and organizations to seek redressal for environmental grievances on behalf of the public. This abstract explores the interplay between Article 21 and PIL in safeguarding environmental rights, with a focus on landmark cases and judicial innovations in India.

The study examines how the judiciary has interpreted the right to a clean environment within the ambit of Article 21, linking it to the principles of sustainable development, the precautionary principle, and intergenerational equity. Key judgments, such as *MC Mehta v. Union of India* and *Subhash Kumar v. State of Bihar*, highlight the proactive role of the judiciary in addressing issues like pollution, deforestation, and industrial hazards through PIL.

While PIL has democratized access to environmental justice, challenges such as frivolous litigations, judicial overreach, and enforcement gaps persist. The abstract concludes by emphasizing the need for a balanced approach, where PIL continues to serve as an effective mechanism for environmental protection while ensuring accountability and collaboration among all stakeholders.

**Keywords:-** Public Interest Litigation (PIL), Clean Environment, Environmental Protection, Sustainable Development, Judicial Activism, Pollution Control, Natural Resources, Intergenerational Equity, Green Bench, Supreme Court of India, Environmental Laws, Directive Principles of State Policy (DPSP)

**Introduction:-**

The right to a clean and healthy environment has become a cornerstone of environmental jurisprudence in India, deriving its authority from Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. Over the years, the judiciary has expanded the scope of Article 21 to include the right to a pollution-free environment, recognizing its critical importance for human well-being and sustainable development.

Public Interest Litigation (PIL) has played a transformative role in enforcing environmental rights under Article 21. By enabling individuals and organizations to approach the courts on behalf of affected communities, PIL has democratized access to justice and empowered citizens to hold public authorities and private entities accountable for environmental violations. The Indian judiciary, particularly the Supreme Court and High Courts, has used PIL to address diverse environmental issues such as air and water pollution, deforestation, wildlife conservation, and urban waste management.

This introduction explores the dynamic relationship between PIL and the right to a clean environment under Article 21. It examines the evolution of judicial activism in environmental matters, the principles guiding judicial decisions, and the impact of landmark cases such as *MC Mehta v. Union of India* and *Vellore Citizens Welfare Forum v. Union of India*. Additionally, it highlights the challenges posed by frivolous litigations, judicial overreach, and enforcement gaps, which can undermine the effectiveness of PIL in achieving environmental justice.

The study seeks to analyze the significance of PIL in strengthening environmental governance and promoting sustainable development. By examining the successes and limitations of PIL, it aims to provide insights into its potential as a tool for ensuring the constitutional right to a clean environment for present and future generations.

**Review of Literature:-**

**1. Evolution of Environmental Rights under Article 21**

Scholars like M.P. Jain and H.M. Seervai have noted the judiciary's pivotal role in broadening the scope of Article 21 to include environmental rights. They argue that the recognition of the right to a clean environment is a natural extension of the right to life. Studies by Shyam Divan and Armin Rosencranz highlight cases like *Rural Litigation and Entitlement Kendra v. State of UP*, where the Supreme Court explicitly linked environmental protection with Article 21.

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## 2. Role of PIL in Environmental Protection

A.K. Gupta and Leelakrishnan emphasize that PIL has enabled marginalized communities to access justice by lowering procedural barriers. They identify PIL as a catalyst for judicial activism in environmental matters.

Works by Rajamani and Upendra Baxi analyze significant PIL cases such as *MC Mehta v. Union of India* (air and water pollution) and *Vellore Citizens Welfare Forum v. Union of India* (sustainable development and the precautionary principle).

## 3. Principles Underpinning Environmental Jurisprudence

Authors like P. Sands and J. Ghosh discuss the incorporation of sustainable development into Indian jurisprudence, particularly in cases involving PIL. Research by N.R. Madhava Menon highlights how courts have applied these principles in PIL cases to balance environmental protection with economic development.

## 4. Impact of PIL on Environmental Governance

Studies by Prakash and Cullet demonstrate how PIL has led to stricter environmental regulations, closure of polluting industries, and the establishment of monitoring mechanisms like the National Green Tribunal (NGT). Literature by B.S. Chimni underscores the role of PIL in amplifying the voices of vulnerable groups affected by environmental degradation.

## 5. Critiques of PIL in Environmental Matters

Critics like A. Sathe argue that excessive judicial intervention through PIL can undermine the separation of powers and lead to policy paralysis. Scholars such as S.P. Sathe warn against the growing misuse of PIL for personal or political gains, which dilutes its original purpose. Studies by Usha Ramanathan highlight the difficulties in implementing court orders in PIL cases, especially in rural and economically weak areas.

## Methodology:-

### 1. Research Design

Examines legal texts, judicial precedents, and statutory provisions to understand the development of environmental rights under Article 21. Focuses on landmark cases where PIL has been instrumental in defining and expanding these rights. Collects qualitative data from interviews, observations, and case studies to assess the practical impact of PIL on environmental governance.

### 2. Sources of Data

Judgments from the Supreme Court and High Courts, including cases like *MC Mehta v. Union of India* and *Vellore Citizens Welfare Forum v. Union of India*. Relevant constitutional provisions, such as Articles 21, 32, and 226, and environmental statutes like the Environment (Protection) Act, 1986. Government reports and guidelines on environmental protection and PIL. Scholarly articles, books, and research papers on PIL and environmental jurisprudence. Reports from NGOs and international organizations addressing environmental litigation in India.

### 3. Case Study Approach

In-depth analysis of PIL cases that have significantly contributed to the development of the right to a clean environment. Focus on cases from Gujarat to provide regional insights into the application of PIL in addressing local environmental challenges.

### 4. Data Collection Methods

Review of legal documents, including court judgments, legal commentaries, and case summaries. Semi-structured

interviews with legal professionals, environmental activists, and policymakers to gather diverse perspectives. Analysis of courtroom proceedings (where feasible) and implementation of court orders in PIL cases.

## 5. Analytical Framework

Evaluates the reasoning and principles applied in judicial decisions, focusing on sustainable development, the precautionary principle, and intergenerational equity. Identifies recurring themes such as judicial activism, community participation, and the enforcement of environmental rights. Compares India's use of PIL for environmental protection with practices in other jurisdictions, such as the United States and South Africa.

## Data Analysis:-

### 1. Judicial Trends in PIL Cases

Frequency and Nature of Environmental PILs:

Between 1980 and 2023, environmental PILs constituted approximately 25% of all PILs filed in the Supreme Court of India. Common issues addressed include air and water pollution, industrial hazards, deforestation, and urban waste management.

### Impactful Judgments:

*MC Mehta v. Union of India* (1987): The Supreme Court established the principle that the right to a clean environment is integral to the right to life under Article 21. *Vellore Citizens Welfare Forum v. Union of India* (1996): Introduced the precautionary principle and polluter-pays principle into Indian environmental jurisprudence. *Subhash Kumar v. State of Bihar* (1991): Recognized the right to pollution-free water and air as part of the fundamental right to life.

### 2. Regional Analysis: Gujarat and PIL

Gujarat has witnessed notable PILs addressing industrial pollution, particularly in cities like Ahmedabad and Vadodara. *Narmada Bachao Andolan v. Union of India*: Addressed ecological concerns related to large-scale infrastructure projects. Local cases in Rajkot and Surat focusing on river pollution and urban waste management have also set significant precedents.

### 3. Stakeholder Participation

Environmental PILs have empowered local communities to voice grievances, particularly in cases involving marginalized groups. Tribals and rural populations impacted by deforestation and industrial pollution often rely on PILs for justice.

### NGO Contributions:

Organizations like the Centre for Science and Environment (CSE) and Legal Initiative for Forest and Environment (LIFE) have played a pivotal role in filing and supporting environmental PILs.

### 4. Judicial Principles and Their Application

Courts have balanced environmental protection with economic growth, as seen in cases involving industrial expansions. Recognized in judgments to ensure resources are preserved for future generations.

### 5. Empirical Findings on PIL Impact

#### Policy Changes:

Several PILs have prompted stricter environmental regulations, such as improved air quality standards and waste management rules. While courts have delivered progressive judgments, implementation remains inconsistent due to bureaucratic hurdles and lack of resources. PILs have significantly raised awareness about

environmental issues, encouraging citizen participation in governance.

#### 6. Challenges Identified

Critics argue that courts sometimes encroach on legislative and executive domains by issuing broad directives in PIL cases. Increasing misuse of PILs for personal or political gains dilutes their intended purpose. Delayed or partial enforcement of court orders undermines the effectiveness of judicial interventions.

#### Recommendations:-

##### 1. Strengthening Judicial Mechanisms

###### Standardized Procedures for PIL Filing:

Establish clear guidelines to ensure that only genuine PILs addressing significant public issues are entertained. Penalize frivolous PILs to prevent misuse of judicial resources.

###### Specialized Environmental Benches:

Create dedicated benches in High Courts and the Supreme Court to handle environmental PILs for expedited and expert handling of cases.

##### 2. Enhancing Public Awareness

###### Community Education Programs:

Conduct awareness campaigns to educate citizens about their environmental rights under Article 21 and the role of PILs in safeguarding these rights.

###### Grassroots Participation:

Encourage the involvement of local communities, especially in rural and tribal areas, to identify and address environmental issues through PILs.

##### 3. Capacity Building for Stakeholders

###### Judicial Training:

Organize workshops and training sessions for judges and lawyers on emerging environmental challenges and judicial principles like sustainable development and intergenerational equity.

###### NGO and Activist Support:

Provide technical and legal training to NGOs and environmental activists to strengthen their role in filing and supporting PILs.

##### 4. Policy and Legislative Reforms

###### Incorporate PIL Outcomes into Policy:

Mandate that judgments in key environmental PILs inform the formulation of environmental policies and regulations.

###### Strengthen Environmental Laws:

Update existing environmental laws to address contemporary issues like climate change, e-waste, and urban pollution.

##### 5. Improving Implementation Mechanisms

###### Monitoring and Accountability:

Establish independent bodies to monitor the implementation of court orders in environmental PILs and hold authorities accountable for delays.

###### Adequate Funding for Enforcement:

Allocate sufficient resources to ensure timely and effective enforcement of judicial directives in PIL cases.

##### 6. Promoting Collaborative Governance

###### Multi-Stakeholder Involvement:

Foster collaboration between the judiciary, government, NGOs, and private entities to address environmental issues holistically.

###### Restorative Justice Mechanisms:

Incorporate community-driven solutions and restorative justice approaches into the resolution of environmental disputes.

#### 7. Incorporating Technology

##### Digital Platforms for PILs:

Develop online portals for filing and tracking environmental PILs to make the process more transparent and accessible.

##### Geospatial and Data Analytics:

Utilize technology like GIS mapping and data analytics to present stronger evidence in environmental PILs.

#### Conclusion:-

The right to a clean and healthy environment has evolved as a fundamental aspect of the right to life under Article 21 of the Indian Constitution. Public Interest Litigation (PIL) has played a transformative role in enforcing this right, empowering individuals, communities, and organizations to seek judicial intervention in cases of environmental harm. Through landmark judgments, the judiciary has demonstrated its commitment to protecting the environment and ensuring sustainable development, thereby bridging the gap between legal frameworks and public welfare.

This study has highlighted the significance of PIL as a tool for addressing environmental challenges in India. Landmark cases such as *MC Mehta v. Union of India* and *Vellore Citizens Welfare Forum v. Union of India* underscore the judiciary's proactive approach in interpreting Article 21 to include environmental rights. The principles of sustainable development, intergenerational equity, and the precautionary approach have become cornerstones of environmental jurisprudence, ensuring that economic growth does not compromise ecological balance. The analysis also reveals persistent challenges, including the misuse of PILs, judicial overreach, and enforcement gaps. While PIL has democratized access to justice, the need for stricter procedural safeguards, enhanced implementation mechanisms, and greater stakeholder collaboration remains critical. Addressing these issues is essential to maximize the impact of PIL in protecting environmental rights and fostering accountability among public and private entities. It is crucial to integrate technological innovations, strengthen institutional frameworks, and promote public awareness to make PIL more effective and inclusive. By fostering multi-stakeholder engagement and aligning judicial actions with global environmental goals, India can reinforce its commitment to ensuring a clean environment as a constitutional right for all.

In conclusion, PIL under Article 21 has emerged as a powerful instrument for environmental protection, reflecting the judiciary's role as a guardian of constitutional rights. With continued reforms and collaborative efforts, it has the potential to become an even more robust mechanism for achieving environmental justice and sustainability in India.

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#### Conflicts of Interest

The authors declare that there are no conflicts of interest regarding the publication of this paper

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