



Original Article

Role of PIL in Addressing Environmental Degradation in Banaskantha's Rural Areas

Thakkar Snehalben Harjivandas¹, Harsadbhai Thakor²

¹Research Scholar (PHD)

Gokul Global University in Siddhpur

² Guide, Tal: - Palanpur, District: - Banaskantha

Manuscript ID:
RIGJAAR-2025-020304

ISSN: 2998-4459

Volume 2

Issue 3

Pp. 12-15

March 2025

Submitted: 30 Jan. 2025

Revised: 10 Feb. 2025

Accepted: 12 Mar. 2025

Published: 31 Mar. 2025

Correspondence Address:

Thakkar Snehalben
Harjivandas, Research
Scholar (PHD)

Email: -
Snehalthakkar2020@gmail.com

Quick Response Code:



Web: <https://rlgjaar.com>



DOI:
10.5281/zenodo.15535161

DOI Link:
<https://zenodo.org/records/15535161>



Creative Commons



Abstract:-

Public Interest Litigation (PIL) has emerged as a pivotal legal tool for addressing environmental issues in India, particularly in rural areas where environmental degradation often remains overlooked. This paper examines the role of PIL in mitigating environmental challenges in the rural regions of Banaskantha district, Gujarat. It explores how PILs have been utilized to address critical issues such as water scarcity, land degradation, deforestation, and pollution, which directly impact the livelihoods of rural communities. The study highlights significant PIL cases filed in Gujarat and their implications for Banaskantha's environment, focusing on judicial interventions and their effectiveness in fostering sustainable development. Additionally, it investigates the challenges faced in filing and implementing PILs, including awareness gaps, limited access to legal resources, and resistance from stakeholders. The paper concludes by recommending strategies to enhance the role of PIL in environmental protection, emphasizing the need for greater collaboration between local communities, NGOs, and the judiciary to ensure environmental justice and sustainability in Banaskantha's rural areas. The paper concludes by emphasizing the transformative potential of PIL in empowering rural communities, ensuring their right to a clean and healthy environment, and fostering a collaborative approach to sustainable rural development. Additionally, it identifies the challenges faced by rural communities in utilizing PIL effectively and recommends measures to enhance access to justice in environmental matters.

Key words:- Public Interest Litigation (PIL), Environmental Protection, Rural Areas, Banaskantha, Ecological Challenges, Water Scarcity, Deforestation, Industrialization, Environmental Justice, Sustainable Development.

Introduction:-

Environmental degradation is a growing concern in rural areas of India, where fragile ecosystems and communities heavily reliant on natural resources are often at risk. Banaskantha district in Gujarat, characterized by its arid climate, agricultural dependence, and scarce water resources, faces significant environmental challenges such as deforestation, soil erosion, water scarcity, and pollution. These issues not only threaten the ecological balance but also adversely impact the socio-economic well-being of the rural population. Public Interest Litigation (PIL) has emerged as a powerful legal mechanism in India to address environmental concerns, particularly in areas where conventional governance mechanisms fail to act effectively. By enabling citizens, activists, and non-governmental organizations (NGOs) to approach the judiciary on behalf of affected communities or ecosystems, PIL has played a vital role in advancing environmental justice. The flexibility of PIL as a tool allows courts to interpret environmental laws expansively, making it instrumental in safeguarding the environment and upholding constitutional rights such as the right to a clean and healthy environment. This paper focuses on the role of PIL in addressing environmental degradation in the rural areas of Banaskantha. It examines the effectiveness of judicial interventions through PIL in tackling issues such as water resource management, desertification, industrial pollution, and deforestation. Furthermore, the study explores the barriers to filing and implementing PILs in the region, including lack of legal awareness, limited access to resources, and institutional challenges. By analyzing landmark cases and local efforts, this study aims to shed light on how PILs can be leveraged as a catalyst for environmental protection and sustainable development in Banaskantha's rural landscape.

Methodology:-

1. Doctrinal Research

The doctrinal part of the study focuses on the analysis of: Constitutional provisions related to environmental protection (Articles 21, 48A, 51A (g) of the Indian Constitution). Relevant environmental legislations such as, The Environment Protection Act, 1986 The Forest Conservation Act, 1980 The Water (Prevention and Control of Pollution) Act, 1974 The Air (Prevention and Control of Pollution) Act, 1981 Judicial pronouncements of the Supreme Court and Gujarat High Court pertaining to PILs in environmental matters.

Creative Commons (CC BY-NC-SA 4.0)

This is an open access journal, and articles are distributed under the terms of the [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International](https://creativecommons.org/licenses/by-nc-sa/4.0/) Public License, which allows others to remix, tweak, and build upon the work noncommercially, as long as appropriate credit is given and the new creations are licensed under the identical terms.

How to cite this article:

Thakkar, S. H., & Thakor, H. (2025). Role of PIL in Addressing Environmental Degradation in Banaskantha's Rural Areas. Royal International Global Journal of Advance and Applied Research, 2(3), 12–15.
<https://doi.org/10.5281/zenodo.15535161>

Review of PIL case laws specifically related to Gujarat and rural contexts. Secondary sources including legal commentaries, journal articles, and reports by NGOs and government bodies.

2. Empirical Research

To understand the practical effectiveness of PILs in Banaskantha's rural areas, the following empirical methods are used:

Interviews: Semi-structured interviews with local advocates, environmental activists, gram panchayat officials, and affected villagers to gather insights on awareness, impact, and obstacles related to PILs.

Surveys: Questionnaires distributed in selected rural villages to assess public awareness about environmental rights and PIL as a legal remedy.

Case Studies:

In-depth analysis of specific PIL cases filed in Gujarat with a focus on environmental issues affecting Banaskantha (e.g., deforestation, groundwater depletion, illegal mining, and pollution).

3. Area of Study

The study is confined to selected villages in Banaskantha district which have faced notable environmental challenges. Areas with active or past PIL interventions will be prioritized.

4. Sampling Method

A purposive sampling technique is used to select key informants and case studies that are relevant to the objective of the research. Approximately 50 survey respondents and 10 interviewees are targeted for primary data.

5. Data Analysis

Doctrinal findings will be critically analyzed to trace legal evolution and effectiveness of PILs in environmental matters. Empirical data will be interpreted through thematic analysis to identify recurring patterns, community perceptions, and policy gap.

Review of Literature:-

Public Interest Litigation (PIL) has been widely acknowledged as a transformative tool for environmental protection in India. The literature on PIL and environmental degradation highlights its significance in bridging the gap between environmental law enforcement and community interests. This review examines key scholarly works and case studies relevant to the role of PIL in addressing environmental challenges, particularly in rural areas like Banaskantha.

1. Role of PIL in Environmental Protection

Research by Divan and Rosencranz (2001) underscores the importance of PIL as an instrument of judicial activism, enabling courts to address environmental issues beyond legislative and executive shortcomings. The authors highlight landmark cases like *MC Mehta v. Union of India*, which set precedents for judicial intervention in environmental matters. PIL is seen as a medium to ensure that environmental rights, enshrined under Article 21 of the Indian Constitution, are upheld.

2. Environmental Challenges in Rural India

Studies by Kothari (2014) and Singh (2016) focus on environmental degradation in rural regions, emphasizing issues such as deforestation, water scarcity, and desertification. These challenges are particularly acute in areas like Banaskantha, where the arid climate exacerbates environmental vulnerabilities. The literature suggests that

effective legal mechanisms, such as PIL, are crucial in addressing these issues.

3. PIL and Rural Communities

Muralidhar's (2006) analysis of PIL in rural settings points out its potential to empower marginalized communities by giving them a voice in environmental governance. However, the study also highlights barriers such as lack of awareness, legal literacy, and institutional resistance, which limit the impact of PIL in rural areas.

4. Judicial Activism and Environmental Law

Sahu (2008) explores the role of judicial activism in shaping India's environmental jurisprudence. The study discusses how courts have used PIL to interpret environmental laws broadly, ensuring their application in diverse contexts, including rural environmental protection. The literature also points to the need for balanced judicial interventions to avoid overstepping constitutional mandates.

5. Regional Studies on Banaskantha

While specific studies on PIL in Banaskantha are limited, research by local scholars like Patel (2019) and Shah (2021) highlights the district's environmental challenges. These works discuss issues such as declining groundwater levels, land degradation, and the impact of industrial pollution. They call for stronger legal and institutional frameworks, including the strategic use of PIL, to address these issues.

6. Case Studies on PIL in Gujarat

Case studies such as *Narmada Bachao Andolan v. Union of India* provide insights into the role of PIL in addressing environmental concerns in Gujarat. Although not specific to Banaskantha, these cases demonstrate the potential of PIL to influence environmental policy and governance in the state.

Data Analysis:-

1. Thematic Analysis of Primary Data

Interviews with local stakeholders revealed that awareness about PIL as a legal tool is limited among rural communities in Banaskantha. Most community members are unaware of their rights under environmental laws or how PILs can address environmental grievances. NGOs and activists play a significant role in bridging this gap.

Groundwater depletion due to over-extraction and lack of sustainable water management. Soil erosion and land degradation caused by unsustainable agricultural practices. Air and water pollution linked to industrial and small-scale mining activities in the region. The study found that local NGOs and environmental activists are instrumental in filing PILs, as individual community members often face resource constraints. Their involvement ensures that cases address broader environmental impacts rather than isolated issues.

2. Case Law Analysis

Key PIL cases were analyzed to assess their impact on environmental protection in Gujarat and their relevance to Banaskantha:

Case 1: *Narmada Bachao Andolan v. Union of India* - Environmental impact of large-scale water projects. Highlights the role of judicial interventions in balancing developmental needs with environmental protection, applicable to Banaskantha's water scarcity challenges.

Case 2: *Gujarat Pollution Control Board v. Industrial Units in Ankleshwar* - Addressing industrial pollution. Provides a precedent for dealing with similar pollution issues in Banaskantha's industrial zones.

Case 3: Lok Adhikar Sangh v. State of Gujarat - Forest and biodiversity conservation. Emphasizes judicial mandates for protecting forest resources, applicable to Banaskantha's semi-arid ecosystem.

3. Legislative Gaps and Implementation Challenges

Weak enforcement of regulations such as the Environment Protection Act, 1986, in rural areas. Insufficient monitoring mechanisms to track industrial pollution and deforestation. Limited coordination between local governance bodies and regulatory agencies.

4. Judicial Activism and Outcomes

PILs in Gujarat have demonstrated the judiciary's proactive role in addressing environmental concerns. However, in Banaskantha, the limited number of region-specific PILs indicates a need for greater legal activism tailored to local environmental issues.

Successful PILs have resulted in directives for pollution control, afforestation, and sustainable water management. However, their implementation remains inconsistent due to administrative bottlenecks and resistance from vested interests.

5. Comparative Analysis

Comparing Banaskantha's scenario with other rural regions in Gujarat revealed similar challenges in using PIL effectively, such as lack of awareness, resource constraints, and slow judicial processes. However, regions with active NGO involvement and community participation showed better outcomes, emphasizing the importance of stakeholder collaboration.

case study:-

This case study examines a specific instance of Public Interest Litigation (PIL) filed to address environmental degradation in the rural areas of Banaskantha, Gujarat. The focus is on a PIL initiated by a local NGO, Jal Shakti Sangathan, addressing the alarming depletion of groundwater resources and its impact on agriculture and drinking water availability. The PIL was filed in the Gujarat High Court under the framework of the Environment Protection Act, 1986, and the Water (Prevention and Control of Pollution) Act, 1974.

Banaskantha is a semi-arid region heavily dependent on groundwater for agriculture and drinking purposes. Over-extraction of groundwater for irrigation, coupled with erratic rainfall, has led to a significant decline in groundwater levels. The problem is exacerbated by unregulated industrial usage and the lack of effective water conservation policies. The environmental degradation has severely impacted local communities, reducing agricultural productivity and causing water scarcity.

Filing the PIL

The PIL filed by Jal Shakti Sangathan highlighted the following issues:

1. Unchecked over-extraction of groundwater by industrial units and large-scale farmers.
2. Lack of implementation of rainwater harvesting and other water conservation measures.
3. Failure of local authorities to enforce groundwater regulations.
4. The urgent need for sustainable water management practices to address the crisis.

The NGO argued that these failures violated the constitutional right to life (Article 21), which includes the right to access clean water.

Judicial Proceedings

The Gujarat High Court admitted the PIL and issued notices to the state government, local authorities, and industrial units. The court emphasized the significance of sustainable water management and sought a detailed report from the Gujarat Water Resources Department on groundwater depletion in Banaskantha.

Court Directives

After reviewing the evidence and arguments, the High Court issued the following directives:

1. Immediate implementation of rainwater harvesting systems in industrial units and public buildings across Banaskantha.
2. Enforcement of groundwater extraction limits under the Gujarat Groundwater Conservation Act.
3. Establishment of a district-level monitoring committee to oversee groundwater usage and conservation efforts.
4. Awareness campaigns to educate farmers and residents about sustainable water usage and conservation techniques.

Impact of the Case

The PIL had a significant impact on addressing groundwater depletion in Banaskantha:

1. Policy Changes: Local authorities adopted stricter regulations on groundwater extraction and initiated programs to promote water conservation.
2. Community Participation: The awareness campaigns encouraged farmers to adopt micro-irrigation techniques and alternative crops requiring less water.
3. Sustainable Practices: Rainwater harvesting systems were installed in several villages and industrial units, leading to improved groundwater recharge.
4. Monitoring and Accountability: The district-level committee ensured better enforcement of water management practices.

Challenges

1. Resistance from large-scale farmers and industrial units against stricter regulations.
2. Limited resources and technical expertise for implementing sustainable water management practices.
3. Delayed compliance with some court directives due to bureaucratic hurdles.

Recommendations:-

1. Increase Awareness and Legal Literacy

Conduct workshops and awareness campaigns to educate rural communities about their environmental rights and the role of PIL in addressing environmental issues. Partner with local NGOs and legal aid organizations to provide training on how to identify environmental violations and file PILs.

2. Strengthen Local Governance and Implementation

Empower local bodies such as Panchayats and district administrations to implement environmental regulations effectively. Establish district-level environmental monitoring committees to oversee compliance with court directives and environmental laws.

3. Promote Collaborative Efforts

Encourage collaboration between NGOs, legal professionals, and environmental experts to identify and file PILs on critical environmental issues. Facilitate partnerships between community groups and government agencies to implement sustainable practices and monitor environmental degradation.

4. Enhance Judicial Accessibility

Simplify PIL filing procedures to make them more accessible for rural populations with limited resources and legal knowledge. Provide legal aid and financial assistance to individuals and organizations filing PILs for environmental protection.

5. Focus on Sustainable Development

Advocate for the inclusion of sustainable development principles in local policies, emphasizing practices such as water conservation, afforestation, and renewable energy use. Implement region-specific strategies, such as promoting micro-irrigation and drought-resistant crops, to address Banaskantha's environmental challenges.

6. Strengthen Enforcement of Environmental Laws

Ensure strict enforcement of existing environmental regulations, such as the Environment Protection Act, 1986, and the Water (Prevention and Control of Pollution) Act, 1974. Penalize industries and individuals violating environmental laws to deter future violations.

7. Monitor and Evaluate PIL Outcomes

Develop mechanisms to track the implementation of judicial directives issued in PIL cases and assess their long-term impact. Publish periodic reports on the effectiveness of PILs in addressing environmental issues in Banaskantha to promote accountability.

8. Foster Environmental Education

Integrate environmental education into school curriculums in rural areas to create awareness among younger generations about the importance of environmental conservation. Organize community programs focusing on practical solutions for local environmental challenges.

9. Advocate for Policy Reform

Recommend policy changes at the state level to address region-specific environmental issues, such as water scarcity and land degradation in Banaskantha. Promote the establishment of a state-level environmental grievance redressal mechanism to resolve issues promptly.

10. Encourage Proactive Judicial Interventions

Advocate for proactive judicial engagement in addressing environmental issues, including suo motu actions in cases of severe environmental degradation. Facilitate the use of PILs not just as a reactive measure but as a proactive tool for environmental conservation and policy advocacy.

Conclusion:-

Public Interest Litigation (PIL) has proven to be a transformative tool for addressing environmental degradation, particularly in rural areas like Banaskantha. This study underscores the critical role of PIL in bridging the gap between environmental laws and their enforcement, empowering marginalized communities, and holding authorities accountable for environmental protection. In Banaskantha, environmental challenges such as groundwater depletion, land degradation, pollution, and deforestation have had severe socio-economic and ecological impacts. PILs have facilitated judicial interventions that compel the enforcement of environmental laws, promote sustainable development practices, and address the region's unique environmental concerns. The analysis of key cases and stakeholder involvement highlights the judiciary's proactive approach in safeguarding environmental rights, particularly under Article 21 of the Indian Constitution, which guarantees the right to a clean and healthy environment. The study also reveals significant challenges, including limited awareness of PIL among rural communities, resistance from powerful stakeholders, and

gaps in the implementation of judicial directives. These barriers underline the need for a more collaborative and inclusive approach, involving local governance, NGOs, legal professionals, and the affected communities.

To maximize the effectiveness of PIL in addressing environmental degradation in Banaskantha, concerted efforts are required to raise legal awareness, strengthen local institutions, enforce environmental laws, and promote sustainable practices. Judicial activism, when complemented by grassroots engagement and policy reforms, can ensure long-term environmental justice and sustainability in the region.

In conclusion, while PIL has made substantial contributions to environmental protection in Banaskantha, its potential remains underutilized. By addressing existing challenges and fostering a culture of environmental responsibility, PIL can serve as a powerful catalyst for preserving Banaskantha's rural environment and ensuring the well-being of its communities.

Acknowledgment

Nil.

Financial support and sponsorship

Nil.

Conflicts of Interest

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

Reference:-

1. Public Interest Litigation in India: A Critical Review by M.P. Singh
2. Environmental Law and Policy in India by Shyam Divan and Armin Rosencranz
3. Environmental Justice in India: The Role of Public Interest Litigation by V.K. Agnihotri
4. Indian Environmental Law by J.P. Suri
5. Public Interest Litigation: A Handbook by P.N. Bhagwati and B.S. Chauhan
6. Environmental Protection Law and Policy in India by M. C. Mehta
7. The Law of Public Interest Litigation by P.K. Tripathi
8. Judicial Activism and Public Interest Litigation in India by M.K. Agarwal
9. The Role of Public Interest Litigation in Environmental Protection by P.K. Mishra
10. Environmental Law and Sustainable Development in India by S. M. Sharma
11. Environmental Impact Assessment and Sustainable Development by S. N. Nandan
12. Environmental Law in India: Policy, Doctrine and Practice by Piyush S. Agarwal
13. The Public Interest Litigation and Environmental Protection in India by R. K. Gupta
14. Sustainable Development and Environmental Law by R. K. Gupta
15. Environmental Law: The India and International Perspective by V. K. Arora
16. Environmental Protection in India: The Role of the Judiciary by Tushar Kanti Saha
17. Public Interest and Environmental Justice: Law and Practice by S. L. Bansal
18. Legal Response to Environmental Issues in India by B.C. Sethi
19. The Role of Courts in Environmental Protection in India by D. D. Basu
20. Environmental Law and Policy in Developing Countries by G. A. K. Rao