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**THE ROLE OF JUDICIARY IN ADVANCING ENVIRONMENTAL JUSTICE: A CRITICAL ANALYSIS OF LANDMARK CASES ON THE RIGHT TO LIFE**

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**Abstract**

Environmental degradation poses one of the gravest challenges to the fundamental right to life in modern India. The Indian judiciary has played a proactive role in interpreting Article 21 of the Constitution which guarantees the right to life to include the right to a clean, healthy, and sustainable environment. This paper critically examines the evolution of environmental jurisprudence in India through key judicial decisions and analyses how courts have advanced the cause of environmental justice. While the judiciary's interventions have filled critical policy gaps and empowered citizens, concerns related to judicial overreach, enforcement limitations, and separation of powers also surface. The paper concludes with recommendations to ensure that judicial activism remains effective, balanced, and constitutionally grounded.

**Keywords:**

Environmental Justice, Right to Life, Article 21, Judicial Activism, Supreme Court of India, Environmental Jurisprudence, Sustainable Environment, Constitutional Law etc.

**1. Introduction**

In recent decades, environmental issues have gained global attention due to their direct impact on public health, climate change, and human rights. In India, the Constitution does not explicitly guarantee a fundamental right to a clean environment. However, the Indian judiciary has expanded the scope of Article 21 the Right to Life to include the right to live in a pollution-free and ecologically balanced environment.

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This judicial activism has evolved as a response to growing environmental challenges and the failure of administrative agencies to address them effectively. Through Public Interest Litigations (PILs) and judicial review, Indian courts have taken upon themselves the task of enforcing environmental standards and developing new principles of environmental law. This paper critically analyzes the role of the judiciary in advancing environmental justice in India through landmark cases, while also evaluating the impact and limits of such activism.

## 2. Objective of the Study

The primary objectives of this research are:

- To examine how the judiciary has interpreted Article 21 to include environmental rights.
- To analyze landmark environmental judgments that have shaped India's environmental jurisprudence.
- To assess the constitutional implications and challenges of judicial intervention in environmental governance.
- To propose suggestions for strengthening judicial effectiveness without compromising institutional balance.

## 3. Methodology

This study adopts a doctrinal and analytical legal research method, relying primarily on constitutional provisions, case law analysis, and scholarly writings. Landmark Supreme Court decisions have been selected for detailed analysis. Secondary sources such as law review articles, books, legal commentaries, and environmental reports are also referred to for contextual understanding.

## 4. The Constitutional Basis for Environmental Justice

Article 21 of the Indian Constitution reads:

*"No person shall be deprived of his life or personal liberty except according to procedure established by law."*

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Although the provision does not explicitly mention the environment, the Supreme Court has, over time, interpreted the term "life" to mean a life of dignity, health, and wellbeing. A polluted environment directly threatens these components, thereby justifying judicial expansion of Article 21 to include the right to a safe and clean environment.

Articles 48A (Directive Principles) and 51A(g) (Fundamental Duties) further reinforce environmental protection, although they are not justiciable. The judiciary has invoked these provisions to support its environmental directives.

## **5. Landmark Judgments on Environment and Article 21**

### **a) Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh (1985)**

This case involved the banning of limestone quarrying in the Mussoorie hills to prevent environmental degradation. The Court, for the first time, linked environmental protection with the right to life and ordered closure of harmful mining activities, emphasizing that environmental harm affects the quality of life under Article 21.

### **b) MC Mehta v. Union of India (Oleum Gas Leak case) (1987)**

Following a gas leak in Delhi, the Supreme Court recognized the principle of **absolute liability** and reinforced the concept that the right to a healthy environment is part of the right to life. This judgment also led to the development of PIL as a key mechanism in environmental litigation.

### **c) Vellore Citizens Welfare Forum v. Union of India (1996)**

In this case, the court dealt with the pollution caused by tanneries in Tamil Nadu. The Court adopted the “**Precautionary Principle**” and “**Polluter Pays Principle**” from international environmental law, and stated that sustainable development is essential for maintaining the balance between growth and ecology.

### **d) Indian Council for Enviro-Legal Action v. Union of India (1996)**

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This judgment strengthened the liability of polluting industries and emphasized the environmental accountability of both private and public entities. The Court again reiterated that environmental protection is inherent to the right to life.

## 6. Role of PILs and Judicial Activism

The Public Interest Litigation (PIL) mechanism has allowed individuals and NGOs to approach the courts for environmental protection, even when they are not directly affected. PILs have democratized environmental justice by making the judiciary accessible. However, this trend has also raised concerns about judicial overreach, where courts issue broad orders without adequate institutional capacity for enforcement.

## 7. Critical Appraisal of Judicial Activism in Environmental Matters

While judicial intervention has produced significant victories for environmental protection, it is not without criticism:

- **Judicial Overreach:** Courts sometimes venture into policy-making, which is ideally the domain of the legislature or executive.
- **Implementation Challenges:** Judicial directions often face bureaucratic delays, non-compliance, and lack of monitoring.
- **Lack of Expertise:** Courts may not always have the scientific or technical knowledge to make effective environmental decisions.

Despite these limitations, the judiciary has filled a vital gap in environmental governance in India.

## 8. Conclusion

The Indian judiciary has emerged as a crucial actor in advancing environmental justice. Through progressive interpretations of Article 21, courts have embedded the right to a clean and safe environment within the constitutional framework. Landmark judgments have laid down foundational environmental principles, guided administrative action, and empowered civil society.

However, to preserve judicial legitimacy and constitutional balance, the courts must be cautious not to overstep their mandate. The future of environmental justice lies in a

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collaborative approach where the judiciary, legislature, executive, and citizens work in harmony.

## 9. Suggestions

1. **Codification of Environmental Principles:** Parliament should consider codifying key principles (like Precautionary Principle and Polluter Pays) to reduce dependence on judicial interpretation.
2. **Special Environmental Benches:** Creating dedicated Green Benches with judicial and scientific expertise would improve decision-making.
3. **Improved Monitoring Mechanisms:** Stronger implementation and follow-up units should be established to ensure compliance with judicial orders.
4. **Balanced Activism:** The judiciary should intervene only when executive failure is evident, to avoid undermining democratic accountability.
5. **Public Participation:** Citizen involvement should be encouraged in environmental governance, especially in local-level decision-making.

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