

“ENVIRONMENTAL JUSTICE AND THE RIGHTS OF FUTURE GENERATIONS IN INDIA: CHALLENGES AND CASE STUDIES”

AUTHOR – ADV K GOPIKA, LL.M STUDENTS AT THE DEPARTMENT OF LAW, CENTRAL UNIVERSITY OF KERALA

BEST CITATION – ADV K GOPIKA, “ENVIRONMENTAL JUSTICE AND THE RIGHTS OF FUTURE GENERATIONS IN INDIA: CHALLENGES AND CASE STUDIES”, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (12) OF 2025, PG. 714-720, APIS – 3920 – 0001 & ISSN – 2583-2344

ABSTRACT

*Environmental justice and the rights of future generations have become critical considerations in India's pursuit of sustainable development. The principle of intergenerational equity emphasizes that current economic and developmental activities should not compromise the ability of future generations to meet their needs. India has made significant strides in recognizing these rights through landmark cases, policy initiatives, and grassroots movements. For instance, the Goenchi Mati Movement in Goa advocates for preserving mineral wealth for future generations, while legal interventions like *Ridhima Pandey v. Union of India* highlight the judicial acknowledgment of children's environmental rights. However, ongoing issues such as stubble burning in Punjab demonstrate the persistent challenges to environmental justice. Despite existing legal frameworks and penalties, widespread stubble burning contributes to severe air pollution, adversely affecting both present populations and the well-being of future generations. This paper examines the role of environmental justice in India, the rights of future generations, and the practical challenges in implementing these principles, emphasizing the need for stronger enforcement, public awareness, and inclusive policymaking to ensure a sustainable and equitable environment.*

KEY WORDS: *Environmental Justice, Intergenerational Equity, Rights of Future Generations, Sustainable Development, Climate Change, Stubble Burning, Policy Implementation, Legal Frameworks, public awareness.*

Introduction

The rights of future generations and environmental justice have emerged as key issues in India's quest for sustainable development. The ability of future generations to meet their needs should not be jeopardized by current developmental policies, as per the intergenerational equity principle. Through judicial activism, policy initiatives, legislative actions, and constitutional interpretations, India has acknowledged these ideals¹²⁶¹. While cases like *Ridhima Pandey v. Union of India* demonstrate the judiciary's recognition of children's environmental rights¹²⁶², the Goenchi

Mati Movement in Goa aims to protect the state's mineral wealth for future generations¹²⁶³. However, enduring problems like Punjab's stubble burning underscore the continuous battle to balance ecological justice with economic growth¹²⁶⁴. The legal and institutional frameworks that support environmental justice in India are analysed in this paper along with important case studies, implementation issues, and suggestions for improving awareness, enforcement, and participatory governance¹²⁶⁵.

¹²⁶¹ Upadhyay, A., et al., *Legal Advice for Environmental Justice: Experience from Eastern India* (IIED, 2015).

¹²⁶² *Ridhima Pandey v. Union of India*, Original Application No. 187 of 2017, National Green Tribunal.

¹²⁶³ Climate Case Chart. (2017). *Pandey v. India*.

¹²⁶⁴ Singh, R. (2021). Air Pollution and Stubble Burning in Punjab. *Journal of Environmental Studies*, 45(2), 123–137.

¹²⁶⁵ Gill, G. N. (2018). *Access to Environmental Justice in India: Innovation and Change*. Cambridge University Press.

Concept of Environmental Justice and Intergenerational Equity

In order to address the unequal burdens that marginalized communities suffer from pollution and environmental degradation, the idea of environmental justice was developed globally¹²⁶⁶. Intergenerational equity has been added over time to make sure that current acts do not unjustly burden future generations¹²⁶⁷. Given the country's rapid economic growth, resource shortages, and socioeconomic disparities, India faces a significant conflict between environmental preservation and development¹²⁶⁸. In order to guarantee that environmental benefits and burdens are distributed fairly and that decision-making processes are inclusive, environmental justice requires both distributive and procedural fairness¹²⁶⁹. According to the intergenerational equity principle, the current generation has a relationship with the Earth and should not degrade or exhaust its resources for future generations¹²⁷⁰.

International Framework for Sustainable Development

Sustainable development is emphasized in international agreements like the Rio Declaration (1992) and the Stockholm Declaration (1972)¹²⁷¹, and Indian courts have responded favourably to these ideas, citing theories like intergenerational equity, public trust, the precautionary principle, and sustainable development¹²⁷². By enabling individuals and non-governmental organizations to pursue remedies on behalf of impacted communities and future generations, Public Interest Litigation (PIL) has played a

significant role in increasing access to environmental justice¹²⁷³.

Indian Constitutional and Legal Framework

The Indian legal and constitutional framework, which combines statutory provisions, directive principles, and fundamental rights, offers a strong basis for environmental protection. The court's dynamic interpretation of constitutional guarantees, particularly Article 21, which protects the right to life and personal liberty, is an important characteristic of Indian environmental jurisprudence. The Supreme Court has given the right to a clean and healthy environment a broad interpretation of Article 21. The Court acknowledged that the right to clean air and water, which are necessary for a good life, is part of the right to life in *Subhash Kumar v. State of Bihar* (1991)¹²⁷⁴. In later decisions, such as *M.C. Mehta v. Union of India* (1987), the Court reaffirmed that industrial operations must conform to pollution control regulations in order to protect the environment as part of the right to life.¹²⁷⁵ These rulings suggest the court's intent to view environmental preservation as a constitutionally guaranteed fundamental right. Environmental conservation is also emphasized in the Directive Principles of State Policy. The 42nd Amendment's addition of Article 48A in 1976 requires that the State safeguard and improve the environment, as well as protect forests and wildlife.¹²⁷⁶ Article 48A offers effective constitutional guidance for policymaking, despite its unenforceability in court. In addition, every citizen is required by Article 51A(g) of the Fundamental Duties to have compassion for all living things and to preserve and enhance the natural environment, which includes forests, rivers, lakes, and wildlife.¹²⁷⁷ When taken as a whole, these provisions create a dual commitment to ecological balance by allocating responsibility between the State and citizens. Parliament has passed broad

¹²⁶⁶ Schlosberg, D. (2007). *Defining Environmental Justice: Theories, Movements, and Nature*. Oxford University Press

¹²⁶⁷ James, A., & Svarstad, H. (2016). Intergenerational equity and environmental sustainability. *Environmental Policy and Governance*, 26(3), 175–188.

¹²⁶⁸ World Bank. (2022). *India: Environmental and Economic Development Report*.

¹²⁶⁹ Sen, A. (2000). Development and fairness in environmental policy. *Environmental Ethics*, 22(4), 423–440.

¹²⁷⁰ Baxi, U. (2011). Intergenerational equity and sustainable development in India. *Economic and Political Weekly*, 46(30), 45–52.

¹²⁷¹ United Nations. (1992). *Rio Declaration on Environment and Development*.

¹²⁷² Stockholm Declaration on the Human Environment. (1972). United Nations.

¹²⁷³ Ramaswamy, A. (2019). Public Interest Litigation and environmental justice in India. *Indian Journal of Legal Studies*, 4(2), 78–95.

¹²⁷⁴ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598 (India).

¹²⁷⁵ *M.C. Mehta v. Union of India*, (1987) 1 SCC 395 (India).

¹²⁷⁶ Constitution of India, Article 48A.

¹²⁷⁷ Constitution of India, Article 51A(g).

legislation to operationalize these constitutional mandates. Pollution Control Boards were established by the Water (Prevention and Control of Pollution) Act of 1974 to keep an eye on the quality of the water.¹²⁷⁸ This regulatory framework was expanded to include air quality management by the Air (Prevention and Control of Pollution) Act, 1981.¹²⁷⁹ Following the Bhopal Gas Disaster, the Environment (Protection) Act, 1986, gave the central government broad authority to plan and carry out environmental protection initiatives.¹²⁸⁰ The foundation of India's environmental regulatory framework is made up of these laws taken together. In order to protect the environment, the Indian constitutional and legal framework incorporates judicial activism, directive principles, civic responsibilities, and legislative measures. However, institutional inefficiencies and enforcement issues continue to exist, leading to increased coordination and public involvement to realize constitutional ideals.

Institutional Mechanisms for Environmental Justice

In India, a specialized court called the National Green Tribunal (NGT) was created to quickly and effectively resolve environmental disputes. The National Green Tribunal Act of 2010 established the NGT, which offers a specialized forum for cases related to biodiversity and forest conservation, environmental protection, and the upholding of any environmental legal rights.¹²⁸¹ It was created in response to the awareness that, despite their competence, traditional courts frequently experience delays and lack the technical know-how needed for complicated environmental litigation. The NGT is governed by natural justice principles, and its procedures are intended to be quicker and easier to follow than those of traditional courts.¹²⁸² It has the jurisdiction to consider

cases related to a variety of environmental concerns, such as mining, deforestation, hazardous waste management, air and water pollution, and the effects of climate change. Combining legal judgment with technical and scientific inputs often involving experts to guarantee well-informed decision-making is one of its main benefits.¹²⁸³ The NGT has rendered significant rulings since its founding that have influenced environmental governance in India. For instance, it has enforced stronger pollution regulations, pushed industries to use cleaner technologies, and stepped in when situations affected communities that are already at risk.¹²⁸⁴ In addition, the Tribunal serves as a quasi-judicial body with civil court-like authority to summon witnesses, demand the production of documents, and impose sanctions for noncompliance. Notwithstanding its achievements, the NGT still has problems, such as a lack of personnel, a small number of regional benches, and periodic disputes with other government organizations.¹²⁸⁵ However, it continues to be an essential institutional mechanism that connects environmental enforcement and legal theory. The NGT is an essential component of India's institutional framework for sustainable development because it provides a specialized, expert-driven forum that improves environmental justice's effectiveness and accessibility.

Policy Initiatives and Challenges

In order to address important environmental issues, especially air pollution, climate change, and sustainable resource management, India has created a number of policy initiatives. The National Action Plan on Climate Change (NAPCC) and the National Clean Air Programme (NCAP) are two of the most important. Launched in 2019, the NCAP is a long-term, comprehensive plan to lower air pollution in

¹²⁷⁸ The Water (Prevention and Control of Pollution) Act, No. 6 of 1974, India Code (1974).

¹²⁷⁹ The Air (Prevention and Control of Pollution) Act, No. 14 of 1981, India Code (1981).

¹²⁸⁰ The Environment (Protection) Act, No. 29 of 1986, India Code (1986).

¹²⁸¹ National Green Tribunal Act, No. 19 of 2010, India Code (2010).

¹²⁸² Bandyopadhyay, J. (2019). *Environmental Justice and the National Green Tribunal in India*. New Delhi: Oxford University Press.

¹²⁸³ IBID NOTE 23

¹²⁸⁴ Shrivastava, A. (2020). Landmark judgments of the National Green Tribunal. *Journal of Environmental Law*, 32(1), 45–63.

¹²⁸⁵ IBID NOTE 23

India's major cities.¹²⁸⁶ It establishes clear goals for lowering particulate matter (PM_{2.5} and PM₁₀) and encourages actions like public awareness campaigns, industrial regulation, transportation emission control, and the advancement of clean energy. India's most important climate policy framework, the NAPCC, was founded in 2008 with the goal of incorporating climate considerations into developmental planning.¹²⁸⁷ Promoting renewable energy, energy efficiency, and sustainable development are the goals of its eight main missions, which include the National Solar Mission, National Water Mission, and National Mission for Enhanced Energy Efficiency. Together, these initiatives aim to strike a balance between environmental sustainability and economic growth. Notwithstanding these high standards, there are many obstacles in the way of these policies' actualization. Because local communities and stakeholders may not be informed about or excluded from decision-making processes, inadequate public involvement commonly limits the effectiveness of interventions.¹²⁸⁸ Public awareness campaigns, citizen participation in monitoring, and stronger institutional coordination can enhance the effectiveness of NCAP and NAPCC. By bridging the gap between policy formulation¹²⁸⁹ and on-ground implementation, India can make substantive progress toward sustainable development and environmental justice.¹²⁹⁰

Community and Youth Activism in Environmental Protection

The *Ridhima Pandey v. Union of India* case serves as an example of how youth activism has also become more prevalent in the legal system.¹²⁹¹ A nine-year-old petitioner claimed in this historic case that India's climate policies

were inadequate and violated the rights of children and future generations. Although the petition was initially denied by the National Green Tribunal, which claimed that environmental impact assessments had already addressed climate concerns, the Supreme Court highlighted the need for comprehensive climate legislation and acknowledged significant gaps in the legal framework.¹²⁹² This case demonstrates the judiciary's role as a partner in environmental governance by highlighting the ability of judicial intervention to enforce intergenerational justice and spur systemic policy reform. The Goenchi Mati Movement and the *Ridhima Pandey* case together show how youth-led litigation and grassroots activism are changing the conversation in India about the environment. By guaranteeing that underrepresented voices, including those of children, can impact environmental decision-making, they emphasize the significance of participatory governance. These movements emphasize the duty of the current generation to future citizens and reinforce the enforcement of environmental rights by incorporating scientific data, legal advocacy, and moral principles. Community and youth activism continues to be essential in advancing sustainable development, protecting natural resources, and incorporating the idea of intergenerational equity into national environmental policy as India deals with growing ecological challenges.

Challenges to Environmental Justice

India has a strong legal and constitutional framework, but it still has ongoing difficulties attaining environmental justice. Poor enforcement, institutional fragmentation, low public awareness, and economic pressures are some of the most urgent problems that hinder the application of environmental laws and policies.¹²⁹³ One major barrier is still inadequate enforcement. Even though there are many laws,

¹²⁸⁶ Ministry of Environment, Forest and Climate Change. (2019). *National Clean Air Programme (NCAP)*. Government of India.

¹²⁸⁷ Ministry of Environment, Forest and Climate Change. (2008). *National Action Plan on Climate Change (NAPCC)*. Government of India.

¹²⁸⁸ Rath, S., & Singh, A. (2020). Public participation in environmental governance in India. *Environmental Policy and Governance*, 30(2), 123–136.

¹²⁸⁹ Khanna, R. (2019). Challenges in the implementation of environmental policies in India. *Journal of Environmental Management*, 245, 240–249.

¹²⁹⁰ Sharma, P. (2021). Urban air pollution and policy response in India. *Journal of Environmental Studies*, 15(1), 55–70.

¹²⁹¹ *Ridhima Pandey v. Union of India*, Writ Petition (Civil) No. 212/2017 (India).

¹²⁹² Iyer, A. (2025). Children's rights and climate litigation in India: The case of *Ridhima Pandey*. *Environmental Policy and Law Review*, 50(1), 78–95.

¹²⁹³ Rath, S., & Singh, A. (2020). Public participation in environmental governance in India. *Environmental Policy and Governance*, 30(2), 123–136.

regulatory agencies frequently find it difficult to keep an eye on compliance because of a lack of funding, a lack of employees, and lax penalties for infractions.¹²⁹⁴ These challenges are made more difficult by institutional fragmentation. The overlapping responsibilities of several federal, state, and local agencies lead to misunderstandings, hold-ups, and a lack of accountability. Another major problem is low public awareness. Many people are still ignorant of their rights regarding the environment and the channels for redress, especially in rural and marginalized communities.¹²⁹⁵ This decreases the effectiveness of laws intended to shield communities from environmental harm and restricts participation in decision-making processes. Degradation of the environment is also significantly influenced by economic pressures. Short-term financial gains may take precedence over long-term ecological sustainability among people, communities, and even policymakers. The common practice of stubble burning in Punjab, where farmers burn agricultural residue after harvest to swiftly prepare fields for the following sowing season, is a clear illustration of this.¹²⁹⁶ Despite being financially advantageous, this practice worsens climate change, causes respiratory ailments, and produces a lot of air pollution. Because of financial limitations and low farmer awareness, government initiatives such as support for crop residue management and advanced alternatives have been put into place, but adoption and enforcement have been uneven. Stronger enforcement mechanisms, coordinated institutional action, public awareness campaigns, and financial incentives for sustainable practices are just a few of the integrated solutions needed to address these issues. India can get closer to achieving environmental justice and defending the rights

of current and future generations by addressing these obstacles.

Recommendations for Strengthening Environmental Justice

Several important suggestions have been put forth to improve environmental justice and guarantee sustainable development in India.¹²⁹⁷ Passing a single comprehensive climate law could create binding goals for environmental protection and emission reductions, bring together current separate policies, and give clear regulatory authority. A law like that would increase the effectiveness of enforcement and lessen the overlaps between various statutes. Secondly, it is essential to have participatory governance. Involving youth, civil society organizations, and local communities in environmental decision-making guarantees that the needs and expertise of those most impacted are reflected in policies.¹²⁹⁸ Public awareness, accountability, and adherence to environmental standards can all be raised with this strategy. Third, the government ought to put in place green incentives like financial support for pollution control technologies, tax breaks for sustainable practices, and subsidies for the use of renewable energy.¹²⁹⁹ Economic benefits can encourage people and businesses to put environmental sustainability and development objectives. Lastly, scientific research, socioeconomic studies, and environmental impact assessments should all inform evidence-based policymaking.¹³⁰⁰ Effective resource allocation, policy outcome evaluation, and long-term planning can all be aided by data-driven decision-making. Together, these actions participatory governance, green incentives, comprehensive legislation, and evidence-based policymaking can fortify India's framework for environmental justice and

¹²⁹⁴ Sharma, P. (2021). Urban air pollution and policy response in India. *Journal of Environmental Studies*, 15(1), 55–70.

¹²⁹⁵ IBID NOTE 34

¹²⁹⁶ Gulia, S., & Singh, R. (2020). Stubble burning and air pollution in Punjab: Challenges and policy measures. *Indian Journal of Environmental Protection*, 40(4), 312–320.

¹²⁹⁷ Ministry of Environment, Forest and Climate Change. (2021). *Draft National Climate Change Legislation: Policy Recommendations*. Government of India.

¹²⁹⁸ Rathi, S., & Singh, A. (2020). Public participation in environmental governance in India. *Environmental Policy and Governance*, 30(2), 123–136.

¹²⁹⁹ Sharma, P. (2021). Green incentives and environmental sustainability in India. *Journal of Environmental Studies*, 15(1), 55–70.

¹³⁰⁰ Khanna, R. (2019). Evidence-based policymaking for climate and environmental governance. *Journal of Environmental Management*, 245, 240–249.

protect the rights of present and future generations.

Conclusion

Future generations' rights and environmental justice are becoming more and more important in India's quest for sustainable development. The intergenerational equity principle emphasizes that the capacity of future generations to meet their needs cannot be threatened by present economic and developmental efforts. Through policy initiatives, judicial activism, legislative frameworks, and constitutional guarantees, India has made significant strides toward recognizing these principles. Legal actions and grassroots activism can protect environmental rights and advance long-term ecological sustainability, as demonstrated by cases like *Ridhima Pandey v. Union of India* and the Goenchi Mati Movement. Significant obstacles still exist, though. The widespread practice of stubble burning in Punjab serves as an example of how environmental justice is still being undermined by poor enforcement, institutional fragmentation, low public awareness, and economic pressures. Although current laws and policies offer a framework for action, implementation and coordination problems limit their effectiveness. India needs to implement green incentives, encourage participatory governance, strengthen enforcement mechanisms, and support evidence-based policymaking in order to ensure a sustainable and just environment. The nation can protect the rights of present and future generations by combining institutional, legal, and community-driven strategies, guaranteeing that social justice and environmental conservation coexist with economic expansion.

REFERENCES

1. Upadhyay, A., et al., *Legal Advice for Environmental Justice: Experience from Eastern India* (IIED, 2015).
2. *Ridhima Pandey v. Union of India*, Original Application No. 187 of 2017, National Green Tribunal.
3. Climate Case Chart. (2017). *Pandey v. India*.
4. Singh, R. (2021). Air Pollution and Stubble Burning in Punjab. *Journal of Environmental Studies*, 45(2), 123–137.
5. Gill, G. N. (2018). *Access to Environmental Justice in India: Innovation and Change*. Cambridge University Press.
6. Schlosberg, D. (2007). *Defining Environmental Justice: Theories, Movements, and Nature*. Oxford University Press.
7. James, A., & Svarstad, H. (2016). Intergenerational equity and environmental sustainability. *Environmental Policy and Governance*, 26(3), 175–188.
8. World Bank. (2022). *India: Environmental and Economic Development Report*.
9. Sen, A. (2000). Development and fairness in environmental policy. *Environmental Ethics*, 22(4), 423–440.
10. Baxi, U. (2011). Intergenerational equity and sustainable development in India. *Economic and Political Weekly*, 46(30), 45–52.
11. United Nations. (1992). *Rio Declaration on Environment and Development*.
12. Stockholm Declaration on the Human Environment. (1972). United Nations.
13. Ramaswamy, A. (2019). Public Interest Litigation and environmental justice in India. *Indian Journal of Legal Studies*, 4(2), 78–95.
14. *M.C. Mehta v. Union of India*, 1987 SCC (1) 395.

15. Constitution of India, Articles 48A and 51A(g).
16. Government of India. (1986). *Environment (Protection) Act*.
17. National Green Tribunal Act. (2010).
18. Ministry of Environment, Forest and Climate Change. (2022). *National Clean Air Programme*.
19. Goenchi Mati Movement. (2023). *Official Reports on Community-led Mineral Wealth Protection*.
20. Menon, S. R. (2021). Community activism and intergenerational equity: The Goenchi Mati case. *Journal of Environmental Policy*, 12(1), 45–60.
21. Bhat, P. I. (2018). Public trust doctrine and natural resource governance. *Environmental Law Review*, 20(4), 301–322.
22. Ridhima Pandey v. Union of India, Supreme Court Filing, 2025.
23. Upadhyay, S. (2020). Climate Litigation and Youth Activism in India. *Asian Environmental Law Review*, 15(3), 67–88.
24. Sharma, P. (2021). Judicial activism for systemic environmental change. *Indian Journal of Public Administration*, 67(2), 101–118.

GRASP - EDUCATE - EVOLVE