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# ROLE OF THE SUPREME COURT OF INDIA IN ENVIRONMENTAL PROTECTION: A STUDY OF JUDICIAL ACTIVISM AND ENVIRONMENTAL JURISPRUDENCE

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## Abstract

Environmental degradation has emerged as one of the most pressing challenges in modern India. While industrial growth and economic development were prioritized in the postindependence era, environmental concerns gained prominence particularly after the Bhopal Gas Tragedy and global environmental movements. The Supreme Court of India has played a transformative role in developing environmental jurisprudence by expanding the scope of Article 21 of the Constitution to include the right to a clean and healthy environment. Through doctrines such as the Public Trust Doctrine, Polluter Pays Principle, Precautionary Principle, and Sustainable Development, the judiciary has strengthened environmental governance in India. This paper critically examines the constitutional framework, landmark observation, and the evolving role of judicial activism in environmental protection, with special reference to *M.C. Mehta v. Kamal Nath* and other leading cases. It also evaluates the challenges and future direction of environmental adjudication in India.

**Keywords –** Environmental Jurisprudence, Judicial Activism, Article 21, Public Trust Doctrine, Polluter Pays Principle, Sustainable Development, Supreme Court of India

## 1. Introduction

Environmental protection was not a central priority during the early decades after independence<sup>2183</sup>. Economic development, industrialization, and employment generation dominated policy concerns. However, global environmental awareness following the 1972 Stockholm Conference and domestic incidents such as the Bhopal Gas Tragedy significantly reshaped India's environmental discourse.

The enactment of the Environmental (Protection) Act, 1986<sup>2184</sup> marked a watershed moment in

environmental governance. Simultaneously, the 42nd Constitutional Amendment incorporated environmental protection into the Constitution under Articles 48A and 51A(g), thereby placing duties upon both the State and citizens.

The Supreme Court of India has interpreted these constitutional provisions expansively and recognized the right to a clean environment as a fundamental right under Article 21. This judicial interpretation laid the foundation of modern Indian environmental jurisprudence.

## 2. Constitutional Framework for Environmental Protection

The constitutional scheme provides a strong foundation for environmental governance:

<sup>2183</sup> Kenny, John. "The changing prioritization of environmental protection in Britain: 1982–2019." *Government and Opposition* 59.1 (2024): 168-186.

<sup>2184</sup> Prasad, P. M. "Environment protection: role of regulatory system in India." *Economic and Political Weekly* (2006): 1278-1288.

**Article 21** – Right to life includes the right to a healthy and pollution-free environment.

**Article 48A** – Directive Principle directing the State to protect and improve the environment.

**Article 51A(g)** – Fundamental Duty of citizens to protect natural resources.

Though Articles 48A and 51A(g) are non-justiciable, courts have read them in conjunction with Article 21, thereby making environmental protection enforceable.

### 3. Judicially Developed Environmental Principles

The Indian judiciary has developed key doctrines shaping environmental law.

#### 3.1 Public Trust Doctrine

The Public Trust Doctrine holds that certain natural resources such as air, water, forests, and rivers are held by the State in trust for public use and cannot be transferred for private exploitation.

This doctrine was applied by the Supreme Court in *M.C. Mehta v. Kamal Nath* (1997), where the Court held that the State cannot abdicate its trusteeship over natural resources.

#### 3.2 Polluter Pays Principle

This principle mandates that a polluter must bear the cost of remedying environmental damage. It includes compensation to victims and restoration of ecological balance.

Recognized in:

- *M.C. Mehta v. Union of India (Oleum Gas Leak Case, 1987)*<sup>2185</sup>
- *Indian Council for Enviro-Legal Action v. Union of India* (1996)<sup>2186</sup>

The Court imposed absolute liability for hazardous industries, going beyond traditional strict liability.

#### 3.3 Precautionary Principle

The Precautionary Principle requires preventive action where there is a risk of environmental harm, even in the absence of scientific certainty.

Recognized in:

- *Vellore Citizens' Welfare Forum v. Union of India* (1996)
- *A.P. Pollution Control Board v. M.V. Nayudu* (1999)

The burden of proof lies on the developer to demonstrate that the activity is environmentally benign.

#### 3.4 Sustainable Development

The Supreme Court harmonized environmental protection with economic development through the concept of Sustainable Development—development that meets present needs without compromising future generations.

### 4. Case Study: M.C. Mehta v. Kamal Nath

#### 4.1 Facts

Span Motels Pvt. Ltd., linked to then Environment Minister Kamal Nath's family, leased ecologically fragile land near the Beas River. The motel altered the river's course to protect its property, causing environmental degradation.

#### 4.2 Issues

Whether the construction was environmentally degrading. Whether the Public Trust Doctrine was violated.

Whether the motel was liable for ecological damage.

#### 4.3 Judgment

The Supreme Court:

Quashed the lease granted by the State Government.

Held that the Government violated the Public Trust Doctrine.

Directed the motel to pay compensation for environmental restoration. Restricted further construction and interference with the river basin.

<sup>2185</sup> Mohanavel, D. "The Evolution of Environmental Law: A Critical Examination of MC Mehta v. Union of India and Its Impact." *Issue 5 Int'l J.L. Mgmt. & Human.* 7 (2024): 1922.

<sup>2186</sup> Chatterjee, Abhishek, Shreya Chatterjee, and Subhronil Ghosh. "Indian Council for Enviro-Legal Action vs Union of India." *Jus Corpus LJ* 2 (2021): 78.

#### 4.4 Significance

This case firmly established the Public Trust Doctrine in Indian law and strengthened judicial oversight of executive actions concerning natural resources.

#### 5. Judicial Activism and Public Interest Litigation (PIL)

The development of environmental jurisprudence in India is closely linked with Public Interest Litigation. Through PIL:

- Citizens gained access to environmental justice.
- The Court monitored implementation of environmental laws.
- Authorities were held accountable for regulatory failures.
- From the 1980s onwards, the Supreme Court handled over 100 environmental cases, expanding its supervisory role.

However, concerns arise regarding:

- Administrative non-compliance
- Lack of institutional enforcement mechanisms
- Judicial overreach

#### 6. Judicial Remedies for Environmental Protection

Remedies available in India include:

##### 6.1 Tort Remedies Nuisance Trespass

Negligence Strict Liability

##### 6.2 Statutory Remedies Environmental (Protection) Act, 1986 Indian Penal Code (Public Nuisance)

Citizen suits under environmental statutes

##### 6.3 Constitutional Remedies

Writ petitions under Article 32 and Article 226

#### 7. Critical Evaluation

The Supreme Court has undeniably strengthened environmental governance. It has:

- Elevated environmental protection to fundamental right status
  - Introduced innovative doctrines
  - Provided relief to affected communities
  - Expanded access to justice
- However, challenges remain:
- Weak enforcement of judicial orders
  - Lack of coordination between executive and judiciary
  - Over-dependence on judicial intervention
  - Need for specialized environmental courts

The establishment of the National Green Tribunal (NGT) was a step in this direction, yet systemic implementation gaps persist.

#### 8. Suggestions and Way Forward

Strengthening institutional enforcement mechanisms. Enhancing environmental awareness and education. Periodic environmental audits and regulatory review. Greater executive accountability. Promoting sustainable technological solutions.

Environmental protection must be viewed as integral to poverty alleviation and national development.

#### G. Conclusion

The Supreme Court of India has played a pioneering role in shaping environmental jurisprudence. By creatively interpreting constitutional provisions and incorporating international environmental principles<sup>2187</sup>, the judiciary transformed environmental protection into a rights-based framework.

Judicial activism filled legislative and executive gaps, yet long-term environmental governance requires strong institutional compliance rather than sole reliance on courts. The future of

<sup>2187</sup> Paradell-Trius, Lluís. "Principles of international environmental law: an overview." *Rev. Eur. Comp. & Int'l Env'tl. L.* 9 (2000): 93.

environmental protection in India lies in collaborative governance, sustainable development, and consistent enforcement of environmental norms.

The evolution of Indian environmental law reflects a dynamic judiciary responding to ecological crises while balancing developmental needs. The right to a healthy environment now stands firmly embedded within the constitutional right to life.

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