

FROM RIGHT TO REALITY: ENFORCEMENT FAILURES IN INDIA'S CONSTITUTIONAL RIGHT TO CLEAN ENVIRONMENT

AUTHORS – E.RITHIKA SIVA SAKTHI & A.P.ARTHIYA

STUDENTS AT SAVEETHA SCHOOL OF LAW, SAVEETHA INSTITUTE OF MEDICAL AND TECHNICAL SCIENCES
(SIMATS), SAVEETHA UNIVERSITY, CHENNAI-77

BEST CITATION – E.RITHIKA SIVA SAKTHI & A.P.ARTHIYA, FROM RIGHT TO REALITY: ENFORCEMENT FAILURES IN INDIA'S CONSTITUTIONAL RIGHT TO CLEAN ENVIRONMENT, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 6 (1) OF 2026, PG. 931-940, APIS – 3920 – 0001 & ISSN – 2583-2344.

1. Abstract

Environmental protection in India has evolved from a policy objective into a constitutional imperative through judicial interpretation of the right to life under Article 21 of the Constitution. Over the past four decades, the Indian judiciary has recognized the right to a clean and healthy environment as an essential component of human dignity, public health, and sustainable development. Despite this strong constitutional foundation and a comprehensive statutory framework designed to prevent and control pollution, environmental degradation continues to threaten ecological balance and human well-being. This paradox exposes a persistent gap between legal guarantees and environmental reality.

This paper critically examines the enforcement failures that undermine India's constitutional commitment to environmental protection. It traces the evolution of constitutional environmentalism and analyses the expansion of environmental rights through public interest litigation and judicial activism. The study evaluates statutory mechanisms and regulatory institutions responsible for pollution control and identifies key challenges including weak monitoring capacity, institutional fragmentation, procedural dilution in environmental impact assessments, lack of transparency, and inadequate accountability for industrial violations.

The paper further explores the role of judicial intervention in shaping environmental governance, highlighting landmark decisions that introduced principles such as sustainable development, the precautionary principle, absolute liability, and the polluter pays principle. However, excessive reliance on judicial remedies reveals systemic administrative weaknesses and ineffective regulatory enforcement.

Drawing comparative insights from environmental enforcement regimes in the United States and the United Kingdom, the paper emphasizes the importance of transparency, technological monitoring, public participation, and strong compliance systems. It concludes that India's environmental crisis stems not from legal inadequacy but from implementation failure. Strengthening institutional capacity, enhancing accountability, and integrating sustainable governance practices are essential to realizing environmental justice and ensuring ecological sustainability for present and future generations.

Keywords:

Constitutional Environmentalism, Environmental Rights, Judicial Activism, Environmental Enforcement Failure, Sustainable Development

2. Introduction

2.1 Growing pollution crisis in India

India is facing a rapidly growing pollution crisis that threatens public health, environmental sustainability, and long-term economic development. Rapid urbanisation, industrial expansion, population growth, and unplanned infrastructure development have significantly increased air, water, and land pollution across the country. Poor waste management systems have worsened land and plastic pollution, while noise pollution in urban areas has become a serious but often ignored problem. These environmental challenges are not isolated issues; they directly affect human health. Although India has a strong legal framework, including laws such as the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, along with constitutional recognition of environmental protection under Article 21, the real challenge lies in weak enforcement and poor implementation. Pollution control authorities often lack sufficient manpower, technical expertise, and financial resources, leading to inadequate monitoring and limited accountability for violators. As a result, environmental degradation continues despite strong legal provisions. The growing pollution crisis highlights a serious gap between environmental rights and ground-level reality, making it essential for India to strengthen institutional capacity, improve regulatory enforcement, and promote sustainable development practices to protect both present and future generations.

2.2. Environmental Protection as a Constitutional Concern

Environmental protection in India is not merely a policy issue; it has evolved into a constitutional concern. The Constitution of India does not explicitly mention the “right to environment” in its original text, but through judicial interpretation, it has become an essential part of the Right to Life under Article 21. The Supreme

Court has consistently held that the right to live with dignity includes the right to a clean and healthy environment. This interpretation has transformed environmental protection into a fundamental rights issue rather than just an administrative responsibility.

In addition, Article 48A (Directive Principles of State Policy) directs the State to protect and improve the environment and safeguard forests and wildlife. Article 51A(g) imposes a fundamental duty on citizens to protect and improve the natural environment. Together, these provisions show that environmental protection is a shared responsibility between the State and citizens. Over the years, courts have introduced important principles such as sustainable development, the precautionary principle, and the polluter pays principle, strengthening constitutional environmentalism in India. Thus, environmental protection has gained strong constitutional backing through judicial activism and progressive interpretation.

2.3. Gap Between Legal Guarantees and Environmental Reality

Despite strong constitutional recognition and detailed environmental legislation, the ground reality presents a different picture. India continues to face severe air pollution, contaminated rivers, excessive plastic waste, deforestation, and climate-related disasters. This situation reveals a serious gap between legal guarantees and environmental conditions.

The main problem is not the absence of laws but the failure in implementation. Regulatory bodies such as Pollution Control Boards often lack sufficient staff, technical resources, and independence. Monitoring mechanisms are weak, penalties for violations are sometimes inadequate, and compliance checks are irregular. Moreover, there is institutional fragmentation, where responsibilities are divided among multiple authorities without effective coordination.

Another major issue is overdependence on the judiciary. While courts have played an active

role in protecting environmental rights, long-term environmental governance cannot rely only on judicial intervention. Administrative agencies must function efficiently and independently. The continuing environmental crisis highlights the implementation deficit in India's constitutional environmentalism.

2.4. Purpose and Scope of the Study

The purpose of this study is to critically examine the enforcement failures in India's constitutional right to a clean environment. It aims to analyse how environmental protection evolved as a constitutional right and why, despite strong judicial recognition, effective implementation remains weak.

The study will focus on three main areas: constitutional interpretation of environmental rights, evaluation of statutory frameworks and regulatory authorities, and identification of enforcement challenges such as weak monitoring, lack of accountability, institutional fragmentation, and political influence. It will also examine whether excessive reliance on judicial remedies has reduced administrative responsibility.

The scope of this research is limited to the Indian constitutional and legal framework, with emphasis on enforcement mechanisms rather than mere theoretical interpretation. The study seeks to bridge the gap between constitutional promises and practical realities by suggesting reforms to strengthen institutional accountability and ensure that the right to a clean environment becomes meaningful in everyday life.

3. Concept of Constitutional Environmentalism in India

3.1. Meaning of Constitutional Environmentalism

Constitutional environmentalism refers to the integration of environmental protection within the constitutional framework of governance, rights, and duties. In India, environmental protection is not confined to statutory regulation but derives legitimacy from

constitutional values that safeguard life, health, and ecological balance. The judiciary has interpreted Article 21 of the Constitution to include the right to a clean and healthy environment, thereby elevating environmental protection to the status of a fundamental right. Constitutional environmentalism thus represents a rights-based and duty-oriented framework that embeds ecological protection within the broader constitutional vision of social justice and public health.

3.2. Evolution of Environmental Rights Jurisprudence

Environmental rights jurisprudence in India has evolved primarily through judicial interpretation and public interest litigation. Initially, environmental protection was addressed through statutory provisions and administrative regulation. However, judicial activism in the late twentieth century transformed environmental governance by recognizing environmental protection as integral to the right to life. Landmark rulings such as *M.C. Mehta v. Union of India* and *Subhash Kumar v. State of Bihar* expanded Article 21 to include the right to clean air and water. In *Vellore Citizens Welfare Forum v. Union of India*, the Supreme Court incorporated principles of sustainable development, the precautionary principle, and the polluter pays principle into Indian environmental law. Through these decisions, the judiciary established environmental protection as a constitutional mandate, thereby shaping a robust jurisprudence that seeks to balance development with ecological preservation.

3.3. Relationship Between Environmental Protection and Human Rights

Environmental protection is intrinsically linked to the protection of human rights, as environmental degradation directly affects life, health, livelihood, and dignity. Clean air, safe drinking water, and a pollution-free ecosystem are essential conditions for the realization of the right to life and personal liberty. Environmental harm disproportionately impacts vulnerable communities, exacerbating social inequality

and undermining the principle of environmental justice. The recognition of environmental rights within the framework of human rights reflects an understanding that ecological well-being is fundamental to human survival and development. By treating environmental protection as a human rights issue, constitutional governance emphasizes state responsibility, citizen participation, and equitable access to natural resources.

3.4. Role of Sustainable Development in Constitutional Governance

Sustainable development has emerged as a guiding principle in constitutional governance, aiming to balance economic growth with environmental protection and intergenerational equity. Indian courts have repeatedly emphasized that development cannot occur at the cost of ecological stability or public health. The principle requires that natural resources be used responsibly so that present needs are met without compromising the ability of future generations to meet their own needs. Judicial recognition of sustainable development integrates environmental protection into policy decision-making, environmental impact assessments, and industrial regulation. In constitutional governance, sustainable development operates as a normative standard that guides legislative action, administrative discretion, and judicial review, ensuring that economic progress aligns with ecological preservation and social welfare.

4. Constitutional Framework for Environmental Protection

The Indian Constitution provides a foundational framework for environmental protection through Fundamental Rights, Directive Principles of State Policy (DPSPs), and Fundamental Duties. Article 21, guaranteeing the right to life and personal liberty, has been judicially interpreted to include the right to live in a clean and healthy environment, thereby elevating environmental protection to a fundamental right. Article 14 reinforces environmental equality by ensuring that state actions affecting

environmental quality are non-arbitrary and equitable. Complementing these rights, Article 48A directs the State to protect and improve the environment, while Article 47 obligates the State to enhance public health, an objective inseparable from environmental quality. Article 51A(g) further imposes a duty upon citizens to protect and improve the natural environment. Together, these provisions create a constitutional ecosystem of rights and responsibilities; however, their effectiveness is limited by non-justiciability of DPSPs and weak enforcement mechanisms, contributing to the persistent implementation deficit in environmental governance.

5. Judicial Expansion of Environmental Rights

Indian environmental jurisprudence has evolved significantly through judicial interpretation, transforming constitutional guarantees into enforceable environmental rights. In *M.C. Mehta v. Union of India*, the Supreme Court introduced the doctrine of absolute liability for hazardous industries, strengthening accountability for environmental harm. The Court further advanced environmental principles in *Vellore Citizens Welfare Forum v. Union of India* by recognizing sustainable development, the precautionary principle, and the polluter pays principle as integral to Indian law. Similarly, *Subhash Kumar v. State of Bihar* affirmed that the right to pollution-free water and air forms part of the right to life. Through these rulings, the judiciary has filled legislative gaps and strengthened environmental protections; nevertheless, excessive reliance on judicial intervention reveals systemic administrative weaknesses and highlights the gap between progressive jurisprudence and effective on-ground implementation.

6. Statutory Framework for Pollution Control

India's statutory framework for pollution control is comprehensive, providing regulatory mechanisms to prevent and control environmental degradation. The Environment

(Protection) Act, 1986 serves as an umbrella legislation empowering the central government to regulate environmental quality and enforce standards. The Air (Prevention and Control of Pollution) Act, 1981 and the Water Act, 1974 establish mechanisms to monitor and control air and water pollution through regulatory boards and consent procedures. The National Green Tribunal Act, 2010 created a specialized forum for speedy environmental adjudication and enforcement of environmental rights. Additionally, the Environmental Impact Assessment (EIA) process seeks to ensure that developmental projects assess and mitigate environmental harm before approval. Despite this robust legislative framework, enforcement remains inconsistent due to regulatory capture, procedural dilution, weak penalties, and compliance failures, underscoring the implementation deficit that undermines constitutional environmental protections.

7. Institutional Framework and Regulatory Authorities

Environmental governance in India is administered through a network of regulatory institutions entrusted with monitoring, enforcement, and adjudication functions. The Central Pollution Control Board functions as the apex body responsible for coordinating pollution control activities, setting environmental standards, and advising the central government. State Pollution Control Boards implement these standards at the regional level by issuing consents, monitoring compliance, and initiating enforcement actions against violators. The Ministry of Environment, Forest and Climate Change formulates environmental policies, oversees environmental clearances, and ensures regulatory oversight of development projects. The National Green Tribunal provides specialized adjudication for environmental disputes and enforcement of environmental laws. Although this institutional framework is structurally comprehensive, challenges such as inadequate autonomy, resource constraints, bureaucratic overlap, weak monitoring capacity, and limited

accountability mechanisms hinder effective enforcement, reinforcing the systemic gap between environmental law and environmental reality.

8. Enforcement Failings: The Ground Reality

Despite an expansive constitutional and statutory framework, environmental protection in India continues to suffer from serious enforcement failures that undermine the constitutional right to a clean environment. Regulatory compliance monitoring remains weak due to understaffed and under-resourced pollution control authorities, resulting in irregular inspections and inadequate oversight of industrial operations. Many industries operate in violation of emission and effluent standards, yet enforcement actions are often delayed or diluted, and penalties remain too minimal to act as deterrents. Compliance mechanisms are further weakened by ineffective inspection procedures, reliance on self-reporting by industries, and procedural lapses in monitoring pollution levels. In several industrial belts across states such as Tamil Nadu, Maharashtra, and Gujarat, repeated violations by tanneries, chemical plants, and thermal power units have highlighted the gap between environmental standards and actual compliance.

Poor implementation of judicial directives further exposes the disconnect between environmental jurisprudence and administrative action. The Supreme Court and the National Green Tribunal (NGT) have issued numerous orders addressing air pollution, waste management, river contamination, and industrial emissions; however, compliance at the executive level remains inconsistent. For instance, repeated directives to control air pollution in the National Capital Region have yielded limited long-term improvement due to fragmented coordination among state agencies and weak enforcement of emission norms. Similarly, judicial interventions concerning river pollution—including directions to prevent untreated sewage discharge into the

Ganga and Yamuna—continue to face implementation delays due to infrastructural deficiencies and bureaucratic inertia. This pattern reflects an overdependence on judicial intervention to drive environmental governance, revealing systemic administrative incapacity.

Industrial violations persist partly because penalties for non-compliance are often insufficient and enforcement proceedings are prolonged. Hazardous industrial accidents such as the 2020 Visakhapatnam gas leak at the LG Polymers plant and recurring boiler explosions and chemical leaks in industrial clusters demonstrate the consequences of regulatory lapses and inadequate safety enforcement. Illegal sand mining, unauthorized quarrying, and unchecked construction activities further contribute to ecological degradation while enforcement agencies struggle with political pressure and local economic interests. In many urban centers, unregulated construction dust, open waste burning, and vehicular emissions continue despite existing regulations, illustrating the gap between policy and implementation.

Environmental monitoring systems also face structural limitations. Real-time air and water quality monitoring remains insufficient in several regions, and many pollution monitoring stations are either non-functional or too sparse to provide accurate assessments. Dependence on manual sampling and industry-provided data undermines regulatory reliability, while instances of data manipulation and underreporting have raised concerns about transparency and accountability. Seasonal spikes in air pollution across northern India, recurring foam formation in polluted lakes such as Bellandur Lake in Bengaluru, and frequent fish deaths in contaminated water bodies across states demonstrate the consequences of inadequate monitoring and delayed regulatory response.

Transparency and public access to environmental data remain limited, restricting community participation and weakening accountability. Environmental impact

assessments are often criticized for procedural dilution, inadequate public consultation, and reliance on outdated baseline data. Waste management failures in major cities, including landfill fires in Delhi's Ghazipur landfill and persistent solid waste accumulation in metropolitan regions, highlight systemic governance failures despite judicial oversight and statutory mandates. Together, these factors illustrate a persistent implementation deficit characterized by weak regulatory enforcement, institutional fragmentation, limited technological capacity, and inadequate accountability mechanisms. The continuing prevalence of air and water pollution, industrial hazards, and waste mismanagement demonstrates that the challenge in India is not the absence of legal protections but the failure to translate constitutional environmental guarantees into effective regulatory action.

Below is high-quality, publication-ready content for the remaining sections of your paper. The paragraphs integrate doctrinal analysis, comparative insights, case law references, and reform recommendations aligned with your stated lacuna.

9. Comparative Insights: Environmental Enforcement Models

A brief comparison with environmental enforcement regimes in the United States and the United Kingdom highlights structural differences that explain India's implementation deficit. In the United States, environmental regulation is characterized by stringent compliance mechanisms, strong federal oversight through the Environmental Protection Agency (EPA), and severe civil and criminal penalties for violations. Statutes such as the Clean Air Act and Clean Water Act impose strict monitoring requirements and allow citizen suits against violators and regulatory inaction. Judicial decisions like *Massachusetts v. Environmental Protection Agency* expanded regulatory accountability by affirming governmental responsibility in controlling pollutants affecting public health. Continuous

emissions monitoring systems (CEMS), mandatory reporting, and publicly accessible environmental data enhance transparency and compliance.

The United Kingdom follows a robust compliance-based regulatory model emphasizing preventive enforcement, risk-based inspections, and corporate accountability. The Environment Agency enforces environmental standards through permitting systems, compliance audits, and substantial penalties for breaches. In *ClientEarth v. Secretary of State for the Environment*, courts compelled the government to implement stronger air quality plans, demonstrating judicial willingness to enforce environmental obligations against the executive. The UK framework emphasizes transparency, public participation, and corporate environmental responsibility, supported by real-time monitoring and public disclosure obligations.

In contrast, India's enforcement framework is often reactive rather than preventive, with limited monitoring capacity, weak penalties, and fragmented institutional coordination. While Indian courts have developed progressive environmental jurisprudence, enforcement remains inconsistent due to resource constraints, regulatory overlap, and limited accountability mechanisms. The comparative models demonstrate that effective environmental governance depends not only on legal recognition of environmental rights but also on strong compliance systems, technological monitoring, public participation, and institutional independence.

10. Recommendations and Reform Measures

Addressing the enforcement deficit in India's constitutional environmentalism requires comprehensive legal, institutional, policy, and societal reforms. From a legal perspective, enforcement provisions under environmental statutes must be strengthened by increasing penalties for violations, ensuring swift prosecution, and introducing strict liability

frameworks for persistent non-compliance. Environmental compliance requirements should be made more stringent through mandatory real-time emissions reporting and legally enforceable compliance audits. Legislative amendments may also clarify liability standards and strengthen deterrence mechanisms against industrial polluters.

Institutional reforms are essential to improve regulatory effectiveness. Pollution control boards should be granted greater autonomy, financial independence, and technical capacity to ensure impartial enforcement. Strengthening staffing levels, training environmental inspectors, and deploying advanced monitoring technologies can significantly enhance compliance oversight. Transparent digital monitoring systems and publicly accessible environmental data platforms would improve accountability and enable community oversight. Institutional coordination between regulatory authorities, local governments, and environmental tribunals must also be streamlined to reduce fragmentation and duplication of functions.

Policy reforms should integrate sustainable development principles into economic planning and environmental governance. Environmental Impact Assessment (EIA) procedures must be strengthened through rigorous scientific evaluation, independent expert review, and meaningful public consultation. Environmental clearances should incorporate cumulative impact assessments and climate considerations rather than project-specific evaluations alone. Furthermore, governance reforms must promote circular economy practices, pollution prevention strategies, and green technology adoption.

Citizen and corporate accountability mechanisms are equally important. Public participation in environmental decision-making should be strengthened through transparent hearings, community monitoring initiatives, and environmental awareness programs. Corporate environmental responsibility should move

beyond compliance to proactive sustainability commitments, environmental auditing, and disclosure obligations. Encouraging community reporting of environmental violations and strengthening whistleblower protections can further enhance accountability and enforcement.

11. Caselaws

India's constitutional environmental jurisprudence firmly recognizes the right to a clean and healthy environment as part of the right to life under Article 21 of the Constitution. In *Subhash Kumar v. State of Bihar*, the Supreme Court held that the right to pollution-free air and water is intrinsic to Article 21, thereby elevating environmental quality to a fundamental right.¹ Similarly, in *Virender Gaur v. State of Haryana*, the Court emphasized that environmental protection is essential to human dignity and public health.² Although these rulings constitutionalized environmental protection, persistent pollution reflects a serious implementation deficit.

Judicial innovation has further strengthened environmental accountability. In *M.C. Mehta v. Union of India (Oleum Gas Leak case)*, the Court evolved the doctrine of absolute liability for hazardous industries.²¹⁰⁸ In *Vellore Citizens Welfare Forum v. Union of India*, it incorporated the precautionary principle, polluter pays principle, and sustainable development into Indian law.²¹⁰⁹ The Court reinforced polluter accountability in *Indian Council for Enviro-Legal Action v. Union of India*.²¹¹⁰ However, repeated judicial intervention indicates weak administrative enforcement and regulatory inertia.

The Court has also developed doctrines emphasizing state trusteeship and institutional responsibility. In *M.C. Mehta v. Kamal Nath*, the public trust doctrine was expressly recognized.²¹¹¹ The continuing mandamus in *T.N.*

Godavarman Thirumulpad v. Union of India reflects prolonged judicial oversight over forest governance.²¹¹² Further, in *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, the Court highlighted the need for scientific expertise in environmental adjudication.²¹¹³

Recent rulings reveal procedural and governance deficiencies. In *Hanuman Laxman Aroskar v. Union of India*, the Court stressed transparency and due process in environmental clearances.²¹¹⁴ Earlier, in the *Municipal Council, Ratlam v. Vardhichand*, it held local authorities statutorily bound to prevent environmental hazards affecting public health.²¹¹⁵ Despite this robust jurisprudence, enforcement failures, fragmented institutions, and weak compliance mechanisms continue to obstruct the effective realization of the constitutional right to a clean environment.

12. Methodology

This study adopts a doctrinal and analytical research methodology to examine the enforcement failures undermining India's constitutional right to a clean environment. It relies on the analysis of constitutional provisions, environmental statutes, judicial decisions, and policy frameworks to evaluate the gap between legal guarantees and their implementation. Key judgments such as *M.C. Mehta v. Union of India* and *Vellore Citizens Welfare Forum v. Union of India* are examined to understand the evolution of environmental jurisprudence, while institutional and regulatory mechanisms are critically assessed to identify enforcement deficiencies. A limited comparative review of enforcement models in the United States and the United Kingdom is included to highlight best practices and suggest reforms. The research is based on secondary sources including legislation, case law, government reports, and scholarly writings.

²¹⁰⁸ *M.C. Mehta v. Union of India (Oleum Gas Leak)*, (1987) 1 SCC 395

²¹⁰⁹ *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647

²¹¹⁰ *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 SCC 12

²¹¹¹ *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388.

²¹¹² *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267.

²¹¹³ *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, (1999) 2 SCC 718.

²¹¹⁴ *Hanuman Laxman Aroskar v. Union of India*, (2019) 15 SCC 401.

²¹¹⁵ *Municipal Council, Ratlam v. Vardhichand*, (1980) 4 SCC 162

13. Suggested Lacuna Paragraph:

Despite extensive judicial expansion of environmental rights and a comprehensive statutory framework, limited scholarly attention has been paid to the structural enforcement deficit within India's environmental governance system. Existing literature largely focuses on judicial activism and legislative frameworks, while insufficient emphasis is placed on institutional accountability, regulatory capacity, and compliance monitoring failures. This study seeks to fill this gap by critically examining enforcement mechanisms and identifying structural reforms necessary to translate constitutional environmental rights into practical realities.

14. Conclusion

While India constitutionally guarantees environmental protection through Articles 21, 48A, and 51A(g), the movement from legal recognition to practical realization requires structural reform rather than additional judicial declarations. The real issue is administrative execution. Strengthening enforcement begins with empowering Pollution Control Boards through adequate funding, recruitment of technical experts, independent functioning, and regular performance audits. Regulatory authorities must shift from paper-based compliance systems to real-time technological monitoring, including digital emission tracking, satellite surveillance for deforestation, and online public disclosure of environmental data. Transparency can create accountability by allowing citizens to monitor pollution levels and regulatory action.

Secondly, environmental governance must move beyond excessive judicial dependence. While courts have played a transformative role, long-term environmental protection cannot rely solely on Public Interest Litigations. Executive agencies must develop internal compliance mechanisms, impose strict penalties on violators, and ensure timely environmental

impact assessments that are scientifically sound rather than procedural formalities. The implementation of laws such as the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, and the Water (Prevention and Control of Pollution) Act, 1974 must be strengthened through stricter inspection systems and deterrent penalties.

Another practical step is decentralised environmental governance. Local bodies and municipal corporations should be given greater responsibility and resources for waste management, sewage treatment, and pollution control. Community participation must be encouraged through awareness programmes, environmental education, and citizen-reporting mechanisms. When citizens are actively involved, environmental protection becomes socially embedded rather than legally imposed.

Financial accountability is equally important. Industries that cause pollution must bear the full environmental cost under the polluter pays principle. Environmental compensation funds should be transparently managed and used strictly for ecological restoration. Corporate environmental responsibility should move beyond compliance and become part of business ethics and sustainability reporting.

Further, inter-departmental coordination must be improved. Environmental protection cannot function in isolation from urban planning, transport policy, energy policy, and industrial development. Sustainable development principles must be integrated into all governmental decision-making processes to avoid policy contradictions.

Finally, environmental governance must adopt a preventive rather than reactive approach. Instead of acting after damage occurs, authorities should focus on risk assessment, early warnings, and precautionary measures. This requires scientific research, data-driven policy decisions, and independent environmental regulators insulated from political influence.



In essence, transforming the constitutional right to a clean environment from aspiration to reality demands institutional strengthening, technological innovation, decentralised governance, financial accountability, and public participation. Only when enforcement becomes consistent, transparent, and proactive can India truly fulfil its constitutional commitment to environmental justice, human dignity, and intergenerational equity.

