

ACCESS TO ENVIRONMENTAL JUSTICE THROUGH PUBLIC INTEREST LITIGATION

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INTRODUCTION

Public Interest Litigation (PIL) has emerged as a powerful tool in India's judicial landscape, democratising access to justice and enabling ordinary citizens, activists and organisations to address systemic issues that affect the public at large. In realm of environmental justice, PILs have been instrumental in enforcing constitutional rights, holding polluters accountable, and shaping policies to protect natural resources. Rooted in Article 21 of the Indian Constitution, which guarantees the right to life and includes the right to clean environment, PILs have bridged the gap for marginalised communities facing environmental degradation. This blog explores how PILs facilitates access to environmental justice, highlighting key cases, mechanism and recent developments as of January 2026.

EVOLUTION OF PIL IN ENVIRONMENTAL CONTEXT

The concept of PIL evolved in the late 1970s as the Supreme Court of India relaxed the traditional Locus Standi rule, allowing any public spirited individual to file petitions on behalf of those unable to approach courts due to socio-economic barriers. This shift was pioneered in cases like S.P Gupta v. Union of India (1981), which expanded judicial access for social justice. Influenced by American jurisprudence, this development was championed by Justice P.N Bhagawati and Justice Krishna Iyer, who sought to make judiciary a tool of social transformation post emergency period.

In environmental matters, PIL gained momentum with judiciary's recognition of right to pollution free environment as a part of Article 21 of the Constitution, which guarantees right to life. The Environment (Protection) Act, 1986, enacted in the aftermath of Tragic Bhopal Gas tragedy provided legal backbone, but it was PIL that ensured legal enforcement and breathed life into these statutes. Courts began treating letters, postcards, newspaper reports as writ

petitions under epistolary jurisdiction, making environmental justice more accessible to underprivileged groups.

A pivotal milestone came with Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh (1985), often regarded as India's first major environmental PIL, where the Supreme Court halted limestone quarrying in the Doon Valley to protect ecology and local livelihood, explicitly linking environmental health to Article 21. This was followed by the landmark M.C Mehta v. Union of India (1987) when the Court introduced the principle of 'absolute liability' for hazardous industries after Oleum gas leak in Delhi, holding enterprises accountable without any exceptions. The 1990s saw further evolution with cases like Vellore Citizens' Welfare Forum v. Union of India (1996), which enshrined the 'Precautionary Principle' and 'Polluter Pays' principle into Indian law, mandating sustainable development and closure of polluting tanneries.

The judiciary's proactive role continued into the 2000s, with PILs addressing broader issues like forest conservation in T.N Godavaram

Thirumulpad v. Union of India and vehicular pollution mandating use for cleaner fuels like CNG. The establishment of National Green Tribunal in 2010 complemented PILs, providing a specialised forum, yet PILs remain crucial for initiating systematic change. Overtime, PIL has not only enforced existing laws but also influenced policy, such as stricter environmental impact assessment and public participation in decision making, evolving reactive remedies to preventive justice.

MECHANISMS FOR ACCESS THROUGH PIL

PILs offer several pathways to environmental justice :

- **Direct Access to High Courts :** Petitions can be directly in the Supreme Courts under Article 32 or High Courts under Article 226, bypassing lower courts for urgent issues like deforestation or pollution.
- **Public Participation :** NGOs, environment groups, and individuals can present affected communities, as seen in collaborations with bodies like Centre for Science and Environment.
- **Judicial Activism:** Courts appoint amicus curiae, form expert committees, and issue continuing mandamus for ongoing monitoring , ensuring compliance with laws like Water (Prevention and Control of Pollution) Act,1974.
- **Integration with NGT :** While the National Green Tribunal handles specialised cases, PILs often lead to referrals or parallel actions , enhancing overall access.

This framework has empowered vulnerable populations, such as tribal communities and underprivileged to challenge industrial projects violating environmental norms.

LANDMARK CASES DEMONSTRATING IMPACT

Several PILs have set precedent for environmental justice :

- Vellore Citizens' Welfare Forum v. Union of India (1996): The Supreme Court introduced the

precautionary and polluter pays principle, mandating sustainable development and closing tanneries that pollute river.

- M.C Mehta v. Union of India (2002) : This PIL addresses Delhi's air pollution, leading to CNG vehicles mandates industrial locations, and the National Clean Air Programme . It exemplifies how it implements policy enforcement.
- Indian Council for Enviro-Legal Action v. Union of India (1996) : Enforced polluter pays principle for chemical pollution in Rajasthan awarding compensation to villagers.
- T.N Godavarman Thirumulpad v. Union of India (1995) : Known as the "*Forest Case*", this PIL has protected forest nationwide, regulating mining and deforestation under Forest (Conservation) Act, 1980.

These cases illustrate PIL's role in not just redressing harm but also preventing future violations through proactive judicial directives.

RECENT DEVELOPMENTS

In 2025, PILs continued to shape environmental law amid growing climate challenges. The Supreme Court's judgment in Vanashakti v. Union of India (May 2025) declared ex-post facto environmental clearances illegal, emphasizing prior approvals for projects. However, in November 2025, a majority bench rolled back this ban, allowing retrospective clearances in certain cases to avoid economic losses and further environmental harm. This flip-flop highlighted the Court's mixed stance on balancing development and environmental rights.

Other notable actions include the Supreme Court setting aside NGT orders for procedural lapses in pollution cases and hearing reviews on environmental safeguards. Justice N. Kotiswar Singh noted at the UN Climate Change Conference 2025 that PILs have driven much of India's environmental law growth. As of January 2026, ongoing PILs address issues like illegal sand mining and climate legislation, with calls

for a comprehensive climate law from retired judges.

The judiciary also explored AI for analyzing environmental rulings, achieving notable accuracy in assessments.

CHALLENGES AND CRITICISM

Despite successes, PILs face hurdles that undermine their efficacy in delivering environmental justice:

- **Overburdened Judiciary:** Frivolous PILs strain resources, leading to guidelines like those in State of Uttaranchal v. Balwant Singh Chaufal (2010) to curb misuse. In 2025, the Supreme Court imposed costs on petitioners in several environmental cases deemed vexatious, highlighting how such filings delay genuine disputes and overburden an already backlogged system, with over 12,615 environmental cases analyzed showing procedural inefficiencies. This issue is exacerbated by the rise in PILs post-COVID, where courts handled increased volumes without proportional resource allocation.
- **Implementation Gaps:** Orders often face delays due to bureaucratic resistance or lack of enforcement. For instance, landmark rulings like those in the Ganga rejuvenation PILs have seen partial compliance, with reports in 2025 indicating that only 60% of directed sewage treatment plants were operational due to funding shortages and inter-agency conflicts. Critics argue this reduces PILs to symbolic victories, as seen in AI-assisted studies revealing human skepticism toward enforcement despite positive judicial intent.
- **Access Barriers:** While relaxed locus standi helps, legal aid remains inadequate for remote areas, and high costs deter filings. Marginalized communities, such as those in tribal regions affected by mining, often lack awareness or support from schemes like the Supreme Court Legal Services Committee, leading to underrepresentation in courts. A 2025 report noted that rural petitioners face additional

hurdles like language barriers and digital divides in e-filing.

- **Balancing Interests:** Courts sometimes prioritize economic development, as seen in 2025's mixed environmental rulings where ex-post facto clearances were partially reinstated to avoid project halts. This reflects a tension between growth and sustainability, with critics pointing to cases where industrial lobbies influenced outcomes, diluting environmental safeguards.

Judicial Overreach: Accusations of courts encroaching on executive domains persist, particularly in infrastructure-related PILs, where directives on policy matters blur separation of powers.

- **Scientific and Technical Complexity:** Environmental PILs require handling complex data on pollution or ecology, often necessitating expert input, which advocates struggle with due to limited resources and industrial resistance. In 2025, cases involving EIA gaps highlighted this, with litigation triggered by inadequate public participation.

Strengthening legal aid through expanded programs, promoting digital filing via platforms like the e-Courts portal, and fostering judicial training on environmental science could enhance accessibility and effectiveness. Additionally, establishing dedicated enforcement cells under the Ministry of Environment, Forest and Climate Change would address implementation woes, ensuring PILs fulfill their promise of equitable justice.

CONCLUSION

PIL has revolutionised access to environmental justice in India, transforming judiciary into guardian of ecological rights and empowering citizens against environmental injustices. PILs ensure that the right to clean environment is not just theoretical but actionable. As threats like climate change intensify, sustaining these mechanisms through reforms will be the key.

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