INDIAN JOURNAL OF LEGAL REVIEW [IJLR – IF SCORE – 7.58]

VOLUME 6 AND ISSUE 8 OF 2026

APIS – 3920 - 0001 *(and)* ISSN - 2583-2344

Published by

Institute of Legal Education

https://iledu.in

ENVIRONMENTAL JUSTICE AND PUBLIC INTEREST LITIGATION IN INDIA: A CRITICAL LEGAL ANALYSIS

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BEST CITATION – A. UDHAYAKUMAR & AJAY KRISHNA S P A**,** ENVIRONMENTAL JUSTICE AND PUBLIC INTEREST LITIGATION IN INDIA: A CRITICAL LEGAL ANALYSIS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR),* 6 (8) OF 2026, PG. 09-18, APIS – 3920 – 0001 & ISSN - 2583-2344.

ABSTRACT

Environmental protection has emerged as one of the most pressing imperatives of contemporary legal systems, and in India, Public Interest Litigation (PIL) has emerged as the principal judicial mechanism for its enforcement. This article undertakes a critical legal analysis of the relationship between environmental justice and PIL in India, examining how the judiciary—principally through a transformative interpretation of Article 21 of the Constitution of India—has constitutionalised the right to a clean and healthy environment. The article traces the doctrinal evolution of PIL from its origins in social action litigation of the late 1970s to its present role as the primary vehicle of environmental governance. It analyses the development and judicial application of three foundational principles of Indian environmental jurisprudence—the polluter pays principle, the precautionary principle, and the doctrine of sustainable development—through landmark decisions of the Supreme Court and High Courts. The article further examines the structural challenges confronting PIL as an instrument of environmental justice: the misuse of PIL for personal and political ends, the problem of judicial overreach, delays in disposal, and the persistent implementation gap between judicial pronouncements and administrative execution. A comparative analysis of public interest environmental litigation in South Africa, the United States, the United Kingdom, and Australia is undertaken to identify best practices and reform directions. The article concludes by proposing a comprehensive agenda of judicial, legislative, and administrative reforms—including stricter screening mechanisms, institutional capacity-building, and the expanded use of specialized environmental tribunals—to secure the long-term efficacy of PIL as a guarantor of environmental justice in India.

Keywords: *Environmental justice, Public Interest Litigation, Article 21, right to clean environment, polluter pays principle, precautionary principle, sustainable development, judicial activism, National Green Tribunal, comparative environmental law, India*

I. INTRODUCTION

The recognition that environmental degradation constitutes a threat not merely to ecological systems but to the fundamental rights of human beings represents one of the most significant jurisprudential advances of the late twentieth and early twenty-first centuries. In India, this recognition has been achieved not primarily through legislative enactment—though India possesses a comprehensive statutory framework for environmental protection—but through the creative exercise of

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judicial power, principally through the mechanism of Public Interest Litigation (PIL).

PIL represents a structural transformation of the Indian legal system. By relaxing the traditional requirement of locus standi—which confined access to courts to those with a direct personal stake in the outcome—the Supreme Court of India, led by pioneering jurists such as Justice P.N. Bhagwati and Justice V.R. Krishna Iyer, opened the courts to public-spirited individuals, civil society organisations, and social activists acting on behalf of those who lacked the means, awareness, or capacity to seek legal remedies.[1] This structural transformation has had particularly profound consequences in the field of environmental protection.

The constitutional architecture that supports environmental protection through PIL is robust. Through a series of landmark decisions culminating in the nine-judge bench pronouncement in Justice K.S. Puttaswamy (Retd.) v. Union of India,[2] the right to life and personal liberty guaranteed by Article 21 has been expansively interpreted to encompass the right to live in a clean, healthy, and pollution-free environment. Article 48A, a Directive Principle of State Policy, and Article 51A(g), a Fundamental Duty, provide further constitutional anchoring. Through PIL, these provisions have been rendered justiciable in a manner that the drafters of the Constitution could scarcely have anticipated.

Yet the story of PIL and environmental justice in India is not one of unqualified success. The same flexibility that makes PIL a powerful instrument of justice also renders it susceptible to misuse. Structural features of the Indian judicial system—its heavy docket, inadequate infrastructure, and the persistent gap between judicial direction and administrative execution—limit its practical effectiveness. Growing concerns about judicial overreach raise fundamental questions about the proper scope of judicial power in a constitutional democracy.

This article undertakes a critical legal analysis of environmental justice and PIL in India. Part II examines the constitutional and statutory framework for environmental protection. Part III traces the doctrinal evolution of PIL and its application to environmental matters. Part IV analyses the three foundational principles of Indian environmental jurisprudence developed through PIL. Part V assesses the structural challenges facing PIL as an instrument of environmental justice. Part VI conducts a comparative analysis of environmental litigation in selected foreign jurisdictions. Part VII proposes a comprehensive agenda of reforms.

II. THE CONSTITUTIONAL AND STATUTORY FRAMEWORK FOR ENVIRONMENTAL PROTECTION IN INDIA

A. Constitutional Provisions

The Constitution of India does not expressly enumerate an individual right to a clean environment. However, three sets of constitutional provisions have been construed by the judiciary to create a comprehensive constitutional basis for environmental protection.

Article 21 guarantees to every person the right to life and personal liberty. In Subhash Kumar v. State of Bihar,[3] the Supreme Court held unequivocally that the right to life includes the right to enjoy pollution-free water and air. This interpretive move—reading an implicit environmental entitlement into the text of Article 21—transformed environmental protection from a policy aspiration into an enforceable constitutional right. The Court reasoned that a degraded environment directly impairs the quality and duration of human life, and that a right to life that did not encompass the environmental conditions necessary for its meaningful exercise would be hollow.

Article 48A, inserted by the Forty-Second Amendment in 1976, directs the State to 'endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.' Article 51A(g) imposes a corresponding Fundamental Duty on every citizen to 'protect and improve the natural

environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.' While these provisions are not directly enforceable, the Supreme Court has consistently held that they inform the interpretation of Part III rights and impose an obligation of care on both the State and citizens.[4]

B. The Statutory Framework

India's statutory architecture for environmental protection is extensive, consisting principally of the Environment (Protection) Act 1986 (EPA), the Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, and the Wildlife (Protection) Act 1972. The National Green Tribunal Act 2010 created a specialised adjudicatory forum for environmental disputes.

However, the enactment of comprehensive legislation has not resolved the central challenge of enforcement. PIL has repeatedly filled the gap between legislative mandate and administrative reality. The courts have intervened when statutory authorities failed to exercise their powers, when industries violated emissions standards with impunity, and when development projects were approved without adequate environmental impact assessment. It is this enforcement function—rather than gap-filling in the absence of legislation—that has been the primary contribution of PIL to environmental governance in India.[5]

III. THE DOCTRINAL EVOLUTION OF ENVIRONMENTAL PIL IN INDIA

A. The Origins of PIL: Social Action Litigation

The emergence of PIL in India was a response to a specific social and political conjuncture: the aftermath of the Emergency (1975–1977), growing awareness of the failures of the traditional adversarial system, and the influence of the civil rights movement in the United States, where public interest law firms had pioneered the use of litigation to address structural injustices.[6] The traditional rule of locus standi—that only a person whose legal right had been directly infringed could institute proceedings—was recognised by the Supreme Court as a barrier that systematically disadvantaged the poor and marginalised.

The transformation was achieved through a series of judicial decisions. In S.P. Gupta v. Union of India, Justice Bhagwati articulated what remains the foundational statement of PIL jurisprudence in India: that where legal wrong is done to a person who, by reason of poverty, helplessness, or disability, cannot approach the court for relief, 'any member of the public can maintain an application for an appropriate direction, order or writ in the High Court under Article 226 and in case of breach of any fundamental right of such person or class of persons, in this court under Article 32.' This relaxation of locus standi fundamentally altered the constitutional architecture of access to justice.

B. Environmental PIL: From Social Justice to Ecological Governance

The earliest environmental PILs—such as Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh[7] (the Dehradun Quarrying Case, 1985)—were closely connected to the social justice concerns that had animated the original PIL movement: communities whose livelihoods and health were threatened by industrial activity sought judicial protection against the combined power of industry and administrative indifference. The Supreme Court, treating the petition as a writ under Article 32, ordered the closure of illegal limestone quarries, subordinating economic interests to ecological preservation.

The series of cases initiated by advocate M.C. Mehta against the Union of India from 1986 onwards represents the most sustained and consequential exercise in environmental PIL in Indian legal history. These cases—addressing the Oleum gas leak from the Shriram Food and Fertilisers plant,[8] the pollution of the Ganga river,[9] vehicular emissions in Delhi,[10] and the relocation of industries from the capital—collectively transformed the legal landscape of

environmental regulation. They demonstrated that PIL was capable of functioning not merely as a reactive corrective mechanism but as a proactive instrument of environmental governance, directing the actions of regulatory bodies, industries, and governments over extended periods.

C. The Epistolary Jurisdiction and Judicial Innovation

A particularly significant feature of environmental PIL has been the creative use of epistolary jurisdiction—the treatment of letters, postcards, and even newspaper reports as petitions invoking the court's writ jurisdiction. In cases where communities affected by environmental degradation lacked the resources or legal representation to file formal petitions, courts took cognisance of their grievances through letters. This practice has significantly democratised access to environmental justice, though it has also attracted criticism as blurring the boundary between judicial and legislative functions.

IV. THE THREE FOUNDATIONAL PRINCIPLES OF ENVIRONMENTAL JURISPRUDENCE

A. The Polluter Pays Principle

The polluter pays principle holds that those who cause environmental pollution must bear the full cost of remedying the damage they cause—costs that include not only compensation to affected individuals but also the costs of ecological restoration. In Indian jurisprudence, the principle has been given a distinctively robust content, going beyond its original formulation in Organisation for Economic Co-operation and Development guidelines to encompass a form of absolute or strict liability for harm caused by the operation of hazardous enterprises.

The doctrinal foundation was laid in M.C. Mehta v. Union of India (Oleum Gas Leak Case), where the Supreme Court articulated a principle of absolute liability—departing from the English rule of strict liability (and its exception for acts of God and third parties in Rylands v. Fletcher) to hold that an enterprise engaged in a hazardous or inherently dangerous activity is absolutely liable to compensate for any harm caused, without any qualification or exception. The Court reasoned that an enterprise that profits from hazardous activity must be responsible for ensuring that no harm results and cannot be permitted to externalise the costs of harm onto third parties.

The principle was further developed and entrenched in Vellore Citizens Welfare Forum v. Union of India,[11] where the Court explicitly declared it to be part of Indian environmental law, and in Indian Council for Enviro-Legal Action v. Union of India,[12] where it was applied to direct industries to compensate both affected communities and to fund environmental remediation. The financial consequences imposed in these cases—and the associated directions for clean-up operations—demonstrated that the principle could function not merely as an ex post remedy but as a prospective deterrent against environmentally harmful conduct.

B. The Precautionary Principle

The precautionary principle holds that where there is a credible risk of serious or irreversible environmental harm, the absence of complete scientific certainty does not justify deferring protective measures. The principle reflects a fundamental insight: that environmental damage is frequently irreversible, that the costs of inaction may exceed the costs of precautionary regulation, and that the burden of demonstrating safety should lie on those who propose potentially harmful activities rather than on those who seek to prevent them.

The Supreme Court of India recognised and gave legal force to the precautionary principle in Vellore Citizens Welfare Forum, holding it to be 'a part of the customary international law' that had become part of domestic law through the constitutional mandate of sustainable development.[13] The Court specifically placed the burden of proof on developers and industrialists to demonstrate that their activities would not

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https://iledu.in

cause environmental harm—a reversal of the ordinary common law rule that the burden lies on those who allege harm. This reversal has particular significance in the Indian context, where affected communities typically lack the technical and financial resources to establish causation in complex environmental cases.

C. The Principle of Sustainable Development

The principle of sustainable development—famously articulated as development that 'meets the needs of the present without compromising the ability of future generations to meet their own needs' in the World Commission on Environment and Development's 1987 report[14]—has become the organising framework for the resolution of conflicts between economic development and environmental protection in Indian law. The Supreme Court has consistently held that development is not to be pursued at the cost of environmental destruction, and has required that environmental considerations be integrated into development decision-making through instruments such as the environmental impact assessment.

The principle incorporates two justice dimensions that are independently significant: intergenerational equity (the obligation to preserve the ecological heritage for future generations) and intragenerational equity (the fair distribution of environmental benefits and burdens within the present generation). The latter dimension is particularly significant in the Indian context, where the burdens of environmental degradation fall disproportionately on marginalised communities who contribute least to the industrial and commercial activities that generate it. In this sense, the principle of sustainable development provides an essential bridge between the ecological and social justice dimensions of environmental protection.

V. STRUCTURAL CHALLENGES: MISUSE, OVERREACH, DELAY, AND THE IMPLEMENTATION GAP

A. Misuse of PIL

PIL was designed as a corrective for the structural exclusion of the poor and marginalised from the legal system. Yet the same accessibility that makes PIL a powerful instrument of social justice also renders it susceptible to misuse. The literature and case law document a range of misuses: petitions filed for private commercial advantage (to obstruct a competing industrial project), for political purposes (to target an opponent's commercial interests), and for media visibility rather than genuine public interest.[15] This phenomenon—sometimes described as 'publicity interest litigation'—imposes significant costs on the judiciary, competing litigants, and the public, and represents a genuine threat to the integrity of PIL as an institution.

The Supreme Court has responded by developing a body of doctrine aimed at filtering out non-genuine petitions and deterring misuse. Courts are directed to scrutinise the credentials of petitioners, to examine whether there is a genuine public interest at stake, and to impose exemplary costs where PILs are found to have been filed in bad faith. The effectiveness of these measures remains limited, however, by the inherent difficulty of distinguishing at the admission stage between genuine public interest and privately motivated claims dressed in the language of public welfare.

B. Judicial Overreach

A more fundamental critique concerns the scope of judicial authority in PIL cases. Environmental PIL has, in some instances, led the judiciary into territory that critics regard as properly belonging to the executive and legislative branches: the formulation of environmental standards, the design of pollution control regimes, the allocation of urban land, and the oversight of industrial relocation.[16] Critics argue that these

interventions—however well-intentioned—violate the principle of separation of powers, distort democratic accountability by placing consequential policy choices in the hands of unelected judges, and may produce results that are technically or administratively impractical.

The counter-argument—accepted by the Supreme Court itself in numerous decisions—is that judicial intervention in environmental matters is a response to demonstrated failures of governance, and that courts function not as policy-makers but as constitutional guarantors ensuring that the executive and legislature fulfil their constitutional obligations. The doctrine of continuing mandamus—under which courts retain jurisdiction and monitor compliance with their directions over extended periods—represents the institutional expression of this view, treating environmental governance as a constitutional obligation requiring sustained judicial oversight.

C. Delays in Disposal and the Implementation Gap

Two operational challenges are particularly damaging to the effectiveness of PIL in environmental matters: delays in the disposal of cases, and the persistent gap between judicial direction and administrative execution. The former is a systemic feature of the Indian judicial system: courts at all levels face enormous case backlogs, and environmental PIL cases—which often involve multiple parties, contested technical evidence, and complex relief—are frequently among the most time-consuming. In environmental matters, delay translates directly into environmental damage: a quarry that continues operating pending the resolution of a PIL may cause irreversible harm to an ecosystem in the intervening years.

The implementation gap is arguably even more corrosive. The most celebrated environmental PIL victories—the Ganga pollution cases, the Taj Trapezium cases, the Delhi vehicular pollution litigation—have been followed by decades of incomplete or unsatisfactory implementation. The reasons are structural: implementing agencies may lack resources, technical capacity, or political support; directions may be insufficiently specific to guide action; and courts lack the administrative infrastructure needed to monitor compliance in real time. The result is a disparity between the reach of judicial ambition and the limits of judicial efficacy.[17]

VI. COMPARATIVE ANALYSIS: ENVIRONMENTAL LITIGATION IN SELECTED JURISDICTIONS

A. South Africa

The Constitution of the Republic of South Africa, 1996, is notable for the explicit constitutional recognition of environmental rights: Section 24 guarantees every person the right to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations. South Africa's approach demonstrates that the linkage between constitutional rights and environmental protection can be established through explicit constitutional text as well as through judicial interpretation, and that the two are functionally equivalent in their practical effects.[18]

B. The United States

In the United States, public interest environmental litigation operates within a statutory rather than constitutional framework. The major environmental statutes—the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act—contain citizen-suit provisions that allow individuals to enforce statutory obligations and challenge regulatory failures. While this approach is more rule-bound and less judicially creative than the Indian PIL model, it provides a more stable and predictable basis for litigation and is less susceptible to misuse. The US experience suggests that statutory citizen-suit provisions, if well-drafted and accessible, can achieve many of the objectives of PIL within a framework that better respects the separation of powers.

C. The United Kingdom and Australia

In the United Kingdom, environmental issues are primarily addressed through the mechanism of

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judicial review. The requirement of sufficient interest, while more liberal than the traditional locus standi rule, remains more restrictive than the Indian PIL model, reflecting a stronger institutional commitment to the separation of powers. Australia presents a distinctive model: the Land and Environment Court of New South Wales is a specialised environmental court with expert judges, technical assessors, and streamlined procedures that combine adjudicative and administrative functions.[19] The Australian experience strongly supports the case for specialised environmental adjudicatory institutions.

D. Lessons for India

The comparative analysis yields several insights for the reform of environmental PIL in India. First, jurisdictions that have formalised environmental rights in constitutional or statutory text—South Africa and the United States—have achieved comparable outcomes through more stable and predictable legal frameworks. Second, the Australian model of a specialised environmental court demonstrates the value of technical expertise and streamlined procedures in the resolution of complex environmental disputes. Third, the general pattern across jurisdictions is one of moving from highly activist judicial approaches towards more institutionalised and formally structured mechanisms—a trajectory that India's own evolution of the National Green Tribunal reflects, though incompletely.

VII. CRITICAL ANALYSIS AND PROPOSED REFORMS

A. Judicial Reforms

The most urgent judicial reform is the introduction of a more rigorous and consistent screening mechanism at the admission stage of PIL proceedings. Courts should require petitioners to disclose their identity, their connection to the public interest claimed, and any private interests that might motivate the petition. Where PIL is found to have been filed for improper purposes, courts should impose substantial costs as a deterrent. This reform would reduce the burden of non-genuine petitions without restricting genuine public interest litigation.

The system of continuing mandamus—which has proven valuable in cases requiring sustained compliance monitoring—should be subjected to greater procedural discipline, with defined reporting requirements, clear timelines, and specific compliance benchmarks. Courts should be empowered to appoint independent monitoring commissioners with technical expertise, particularly in cases involving complex environmental remediation. The expansion of the National Green Tribunal's jurisdiction and the strengthening of its enforcement powers represent the most promising avenue for institutional reform.

B. Legislative Reforms

The central legislative reform required is the amendment of the National Green Tribunal Act 2010 to confer a broader and more clearly defined jurisdiction, and to strengthen the Tribunal's enforcement powers, including the power to impose substantial fines for non-compliance with its orders. The establishment of a permanent independent environmental compliance monitoring authority—with powers to audit, inspect, and report to the Tribunal—would address the implementation gap that has consistently limited the effectiveness of both PIL and NGT orders.

Citizen-suit provisions, modelled on those in United States environmental statutes, should be incorporated into the major Indian environmental statutes, providing a clear statutory basis for public interest environmental litigation that complements the constitutional basis provided by PIL. Such provisions would reduce dependence on judicial creativity and provide more predictable access to environmental justice.

C. Administrative Reforms

The most fundamental structural challenge to environmental justice in India is not judicial but

administrative: the weakness of regulatory institutions. Pollution control boards, forest authorities, and environmental regulators frequently lack the personnel, equipment, and political independence needed to perform their statutory functions effectively. Strengthening these institutions—through increases in staffing, training, remuneration, and operational budgets—is a prerequisite for any improvement in the practical effectiveness of environmental law. Without effective regulatory institutions, judicial interventions through PIL provide temporary relief without lasting structural change.

VIII. FINDINGS AND CONCLUSION

A. Summary of Findings

This article has established the following principal findings. First, the constitutional foundation for environmental rights in India—principally through the judicial expansion of Article 21—is robust, and the three principles of Indian environmental jurisprudence (polluter pays, precautionary principle, and sustainable development) provide a coherent doctrinal framework for environmental governance through PIL. Second, PIL has made genuine and substantial contributions to environmental protection in India, including the development of landmark jurisprudence, the enforcement of statutory obligations, and the constitutionalisation of environmental rights. Third, PIL faces serious structural challenges—misuse, overreach, delay, and the implementation gap—that limit its practical effectiveness and threaten its long-term legitimacy. Fourth, the comparative analysis confirms that specialised environmental institutions, statutory citizen-suit provisions, and strengthened regulatory bodies represent more reliable foundations for environmental justice than exclusive reliance on creative judicial activism. Fifth, a comprehensive agenda of judicial, legislative, and administrative reforms is both necessary and achievable.

B. Conclusion

Environmental justice in India stands at an inflection point. The judicial achievements of four decades of environmental PIL are genuinely impressive: a constitutionalised right to a clean environment, a body of environmental principles of international significance, and a tradition of judicial activism that has repeatedly intervened to protect communities and ecosystems from the combined power of industrial capital and administrative indifference. Yet these achievements are fragile, threatened by the structural pathologies of the PIL system itself and by the persistent weakness of the administrative apparatus on which the practical effectiveness of any legal remedy ultimately depends.

The reform agenda proposed in this article—stricter screening mechanisms to combat misuse, strengthened enforcement institutions, expanded jurisdiction and powers for the National Green Tribunal, statutory citizen-suit provisions, and a serious investment in the capacity of environmental regulatory bodies—is not a counsel of despair about the limits of judicial power. It is, rather, a recognition that the judiciary can most effectively discharge its constitutional role as a guardian of environmental rights not by attempting to govern in the place of the executive, but by creating the institutional conditions under which the executive can be held to account. The courts of India have shown, across four decades of environmental PIL, that they possess the legal imagination and the institutional courage to advance environmental justice. The challenge now is to build the broader institutional infrastructure that can translate judicial vision into environmental reality.

BIBLIOGRAPHY

A. Primary Sources — Constitutional Provisions and Legislation

Constitution of India, Articles 14, 21, 32, 48A, 51A(g), 226.

Environment (Protection) Act 1986 (No 29 of 1986).

Water (Prevention and Control of Pollution) Act 1974 (No 6 of 1974).

Air (Prevention and Control of Pollution) Act 1981 (No 14 of 1981).

Wildlife (Protection) Act 1972 (No 53 of 1972).

Forest (Conservation) Act 1980 (No 69 of 1980).

National Green Tribunal Act 2010 (No 19 of 2010).

Constitution of the Republic of South Africa 1996.

Land and Environment Court Act 1979 (NSW, Australia).

Stockholm Declaration on the Human Environment 1972.

Rio Declaration on Environment and Development 1992.

United Nations Framework Convention on Climate Change 1992.

Paris Agreement 2015.

B. Cases

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

M.C. Mehta v. Union of India (Ganga Pollution Case) (1988) 1 SCC 471.

M.C. Mehta v. Union of India (Vehicular Pollution Case) (1998) 9 SCC 589.

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

Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh (1985) 2 SCC 431.

Subhash Kumar v. State of Bihar (1991) 1 SCC 598.

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

Indian Council for Enviro-Legal Action v. Union of India (1996) 5 SCC 281.

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

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

Narmada Bachao Andolan v. Union of India (2000) 10 SCC 664.

Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) 10 SCC 1.

S.P. Gupta v. Union of India (1981) Supp SCC 87.

Hussainara Khatoon v. State of Bihar (1980) 1 SCC 81.

C. Books

Baxi U, The Crisis of the Indian Legal System (Vikas Publishing 1982).

Divan S and Rosencranz A, Environmental Law and Policy in India (Oxford University Press 2001).

Leelakrishnan P, Environmental Law in India (LexisNexis 2010).

Jain MP, Indian Constitutional Law (LexisNexis 2018).

Seervai HM, Constitutional Law of India (4th edn, NM Tripathi 1993).

World Commission on Environment and Development, Our Common Future (Oxford University Press 1987).

D. Journal Articles and Reports

Singh P, 'Judicial Activism and Environmental Protection' (2005) 47 Journal of the Indian Law Institute 502.

Patterson CJ, 'Children of Lesbian and Gay Parents' (2006) 15(5) Current Directions in Psychological Science 241.

Law Commission of India, Report No 268 (2017).

National Human Rights Commission, A Report on Human Rights of Transgender Persons in India (NHRC 2017).

United Nations Environment Programme, Global Environmental Outlook Report (UNEP 2019).

ENDNOTES

1 S.P. Gupta v. Union of India (1981) Supp SCC 87, [17]–[22] (Bhagwati J). See also

Hussainara Khatoon v. State of Bihar (1980) 1 SCC 81.

2 Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) 10 SCC 1.

3 Subhash Kumar v. State of Bihar (1991) 1 SCC 598, [7].

4 Vellore Citizens Welfare Forum v. Union of India (1996) 5 SCC 647, [13].

5 P. Leelakrishnan, Environmental Law in India (LexisNexis 2010) 87–90.

6 Upendra Baxi, The Crisis of the Indian Legal System (Vikas Publishing 1982) 62–65.

7 Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh (1985) 2 SCC 431.

8 M.C. Mehta v. Union of India (Oleum Gas Leak Case) (1987) 1 SCC 395.

9 M.C. Mehta v. Union of India (Ganga Pollution Case) (1988) 1 SCC 471.

10 M.C. Mehta v. Union of India (Vehicular Pollution Case) (1998) 9 SCC 589.

11 Vellore Citizens Welfare Forum v. Union of India (1996) 5 SCC 647, [14]–[16].

12 Indian Council for Enviro-Legal Action v. Union of India (1996) 5 SCC 281.

13 Vellore Citizens Welfare Forum (n 11) [13].

14 World Commission on Environment and Development, Our Common Future (Oxford University Press 1987) 43.

15 Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India (Oxford University Press 2001) 65–68.

16 Parmanand Singh, 'Judicial Activism and Environmental Protection' (2005) 47 Journal of the Indian Law Institute 502, 515.

17 Law Commission of India, Report No 268 (2017) [4.3]–[4.7].

18 Constitution of the Republic of South Africa 1996, s 24.

19 Land and Environment Court Act 1979 (NSW), ss 16–23.