

ENVIRONMENTAL JUSTICE AS A CONSTITUTIONAL IMPERATIVE

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Abstract:

In light of basic human rights principles, this paper contends that environmental justice—which is the fair allocation of environmental benefits and burdens—is a constitutional requirement rather than just a policy objective. It explores how the right to a clean, healthy, and sustainable environment must be interpreted to include the rights to equality, life, and dignity that are either expressly or implicitly guaranteed by national and international constitutions.

The Indian Constitution offers a robust frame for guarding the terrain through its Fundamental Rights (Articles 21 and 14), Directive Principles of State Policy (Article 48A), and Fundamental Duties (Article 51A(g)). By attesting that the right to a clean and healthy environment is part of the right to life, judicial interpretations have further turned these clauses into legally binding rights. India's environmental justice has been shaped by significant rulings that introduced generalities like polluter pays, sustainable development, and the preventative principle. Environmental justice also ensures equity by guarding vulnerable communities from disproportionate environmental detriment. However, challenges similar to weak enforcement, experimental pressures, and climate change continue to hamper its realisation. Therefore, environmental justice in India is a constitutional requirement rather than just a policy goal, guaranteeing that social justice, environmental preservation, and intergenerational justice continue to be at the forefront of legal discourse and governance.

Key Words:

Environmental justice, fundamental rights, fundamental duties, ecological protection, polluter pays, and sustainable development.

Introduction:

One of the most important issues of the twenty-first century is environmental justice, which connects social justice, moral rights, and ecological sustainability. In India, the Constitution plays a vital part in shaping the discourse on environmental protection and justice. Judicial interpretation, legislative initiatives, and constitutional directives Support the idea that environmental justice is a constitutional demand rather than a particular preference.

Environmental justice is the principle that all individuals, notwithstanding race, colour, public origin, or income, should receive fair treatment and have meaningful involvement in the growth, perpetration, and implementation of environmental laws, regulations, and programmes. The idea began from the realisation that vulnerable and marginalised groups constantly suffer a disproportionate quantum of environmental damage, including exposure to dangerous waste, pollution, and the goods of climate change¹.

Evolution of Environmental Justice:

Environmental Justice (EJ) in the United States took shape in the 1970s and 1980s, emerging from African American communities' opposition to the siting of hazardous and toxic facilities in their neighbourhoods. These efforts, grounded in civil rights and grassroots activism, grew into a broader EJ movement that eventually drew national recognition. At its core, EJ exposed racial and ethnic disparities in environmental risk exposure and highlighted how minorities, particularly African Americans, Hispanics, and Native Americans, were excluded from environmental policy processes, a phenomenon often termed 'environmental racism'.

The movement centred on the principle of distributive justice (DJ), advocating that environmental harms and benefits be allocated fairly among all communities, irrespective of race or socioeconomic status. Environmental justice also emphasised the need to acknowledge systemic discrimination tied to race, gender, and class in environmental governance. Historically, legal systems disproportionately subjected communities of colour to

¹ Katy Thompson, 2022, Rule of law and Human Rights (Environmental Justice) <https://www.undp.org/rolhr/justice/environmental-justice>

environmental hazards while safeguarding white communities. In response, the EJ movement strongly challenged exploitative corporate activities and pressed for equitable land-use planning, equal protection from environmental threats, and inclusive participation in decision-making about the environment¹.

In the past, the environmental justice revolution in the US was sparked by grassroots activism in the 1980s. Systemic disparities in environmental health and resource accessibility resulted from the likelihood that contaminating diligence and waste treatment installations were continuously established in low-income and nonage communities. In order to address these differences, the movement snappily brought attention to the connections between social justice, environmental quality, and civil rights. It also pushed for responsibility, legislative frameworks, and policy interventions.

The focus of environmental justice is on

- Ensuring that environmental pitfalls don't unjustly burden any group of people.
- attaining the human right to a clean, healthy, and sustainable environment.
- reluctance to draw boundaries, including "environmental racism"
- Engaging and empowering communities most affected by environmental shifts in decision-making processes⁴.

Environmental justice now works in an original and transnational position, promoting the defence of low-income people, Indigenous communities, and other groups' rights against the detriment caused by pollution, climate change, and environmental declination. It is regarded as a public health, social justice, and moral rights issue that is connected to the goal of health equity, sustainable development, and nonsupervisory reform.

Environmental Justice and the Constitution: Fundamental Rights:

¹ Citation Information: Odeku, K. O. (2021). Perspectives on the Imperative of the Value Chain of Environmental Justice. *Journal of Management Information and Decision Sciences*, 24(S3), 1-16. ⁴Sustainable Systems Centre, University of Michigan. Factsheet on Environmental Justice in the United States, 2024. CSS17-16 Publication No. http://css.umich.edu/sites/default/files/2024-10/Environmental%20Justice_CSS17-16.pdf

Article 21: The Supreme Court expanded the right to a clean and healthy environment to include the right to life.

Article 14: The Supreme Court advocates for environmental equity. Article 14 (Right to Equality), which makes sure that marginalised groups aren't disproportionately burdened by environmental issues².

Directive Principles of State Policy (DPSP) AND Fundamental Duties.

Article 48A and Article 51A(g), as a constitutional pledge towards protecting the environment, are added by the 42nd Amendment in 1976.

It's a duty of the state to protect and enhance the environment and an obligation of the citizen to protect nature, including forests, wildlife, and water bodies.

Article 48A of the Indian Constitution.

Article 51A(g) of the Indian Constitution.

Article 48A of the Constitution places a duty on the State to safeguard and enhance the environment, including forests, wildlife, and water bodies, while **Article 51A(g)** imposes a responsibility on citizens to safeguard the natural environment.

The Supreme Court noted in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat and Others* (2005) that at the time *Quareshi* and *Mohd Faruk* were decided, Articles 48A and 51A(g) were not a part of the Constitution. The Court later expanded the significance and interpretation of Article 48.

Article 48 has two components:

The first part of Article 48 instructs the State to organise agriculture and animal husbandry according to contemporary and scientific principles.

The second part of the article calls for particular actions to protect and enhance cattle breeds and forbids the killing of cows, calves, and other milch and draught animals. Article 48A, on

² <https://www.mea.gov.in/images/pdf1/part3.pdf> Third Part: Fundamental Rights

the other hand, focuses on protecting and enhancing the environment, forests, and wildlife, recognising that environmental protection is closely linked to safeguarding these natural resources.

The Court held that the impugned law supported the State's duty under Article 48A. Moreover, with Article 51A(g) being added as a fundamental duty, Parliament intended to confirm that the goals of Articles 48 and 48A were not only state responsibilities but also obligations for every citizen³.

An essential component of the right to life is the right to a healthy environment. In many respects linked to the rights to health and clean drinking water. Additionally, it keeps people from harming wildlife and vegetation. This right, sometimes referred to as the Magna Carta of the mortal terrain, was recognised as a universal mortal right at the Stockholm Conference and has been upheld and supported by the United Nations. Environmental protection and sustainable development were linked at the Stockholm Conference, which is the red foundation for environmental activists. According to Article 21 of the Indian Constitution, everyone has the right to a clean environment. Numerous acts and significant cases covered in this composition demonstrate the Constitution's intent to give a safe and clean living environment.⁴

Constitutionally guaranteed right to a hygienic and safe environment:

There were no provisions addressing environmental preservation and protection in the 1950 Indian Constitution. Nonetheless, Article 21 (Right to Life) of the Indian Constitution lists the right to a clean and healthy environment as a fundamental right. It states that "No person shall be impoverished of his life or distinct other than according to procedures established by law." Articles 48A and 48A(g) were stated under the Constitution (Forty-Second Amendment) Act in 1976, which conferred indigenous recognition to environmental protection.

- According to Article 48A, "The State sovereign shall try to cover and ameliorate the environment and to guard the country's forest and wildlife."

³<https://www.legalservicesindia.com/article/11644/Environmental-law-s-constitutional-requirements-are-available-at-1.6K-4.6-Rabindra-Pally,-Block:-A,-Block-A,-GJ:-5,-Durgapur,-West-Bengal-71320>

⁴The last edit of age was made at 22:52 (UTC) on July 22, the United Nations Conference on the Human Environment, 2025. [//en.wikipedia.org/wiki/](https://en.wikipedia.org/wiki/)

- Every citizen has a duty to protect the environment, including forests, lakes, rivers, and wildlife, as well as to show compassion for all living things, according to Article 51A(g).
- Anyone can petition the Supreme Court for a violation of abecedarian rights by filing a public interest action under Articles 32 and 226 of the Indian Constitution.

Sections of the IPC:

The Indian Penal Code, therefore, has particular provisions that enumerate offences related to public nuisance. Section 268 of the Indian Penal Code mentions the relevant definition of a public nuisance. "A person is ashamed of a public nuisance if they commit an act or are ashamed of an illegal omission that causes any common injury, peril, or annoyance to the public or to people in general who dwell or enthrall property in the vicinity, or that must inescapably beget injury, inhibition, peril, or annoyance to persons who may have occasion to use any public right," claims the statement. It is not acceptable to justify a common annoyance by saying that it is convenient or beneficial.

Any individual who contaminates a public force's water is subject to a maximum sentence of three months in prison, a fine of five hundred rupees, or both, according to Section 277 of the IPC.

According to section 278 of the IPC, anyone found guilty of air pollution that endangers people's health faces a fine of more than five hundred rupees.

Anyone who commits a public nuisance in any case not otherwise punishable by this law shall be penalised with a forfeiture which may extend to two hundred rupees, according to section 290 of the IPC.”

The BNS's provisions:

In Chapter XV, the BharatiyaNyayaSanhita (BNS) contains particular provisions addressing offences against public health, safety, and convenience, which cover a range of environmental and health-related matters. Penalties for these offences are stiffened by the BNS, which took the place of the Indian Penal Code (IPC) in 2024.

Provisions relating to the environment and public health:

Air:

Section 280: Making the atmosphere harmful to health: This clause punishes anyone who wilfully taints the air in a public space, endangering the health of those nearby. According to the BNS, the IPC's ₹500 fine for this offence has been raised to ₹1,000.

Water:

Section 279, "Fouling Water of a Public Spring or Reservoir," makes it illegal to intentionally contaminate a public water source, rendering it unfit for its intended use. water from a public reservoir or spring (Section 279): The deliberate act of contaminating a public water source to render it unfit for its intended use is illegal under this section. The BNS raises the maximum penalty from the IPC, increasing the fine from ₹500 to ₹5,000 and the jail sentence from three to six months.

The BNS contains a provision that defines water pollution as "mischief" if it results in unjustified loss or harm to the general public or any individual (Section 324).

Food and drink:

Adulteration of food or drink (Section 274): Anyone who tampers with food or drink that is meant for sale to make it toxic or unfit for human consumption faces penalties under the BNS. The maximum penalty is raised to ₹5,000.

Section 275, Sale of noxious food or drink: This section penalises the sale or exposure to food or drink that is known to be unfit or noxious. The maximum penalty is raised to ₹5,000.

Illness and negligence:

Public nuisance (Section 270): According to the BNS, a public nuisance is any action or inaction that puts the general public in danger, causes common harm, or irritates them. Cases involving pollution are part of the penalty for this.

Malignant or careless acts that spread disease (Sections 272 and 273): These sections punish careless or malicious acts that have the potential to spread life-threatening diseases.

Death from negligence:

Section 106: Medical negligence: This section of the BNS addresses deaths brought on by the careless or reckless actions of a registered medical practitioner, which is a significant departure

from the IPC. Registered medical professionals face a maximum punishment of two years in prison and a mandatory fine, while the general public faces a maximum sentence of five years. The medical community is concerned about this, but it aims to distinguish medical procedures from common carelessness⁵.

"I support my paper with a number of enactments and bills."

Indian laws pertaining to environmental protection:

Wildlife (Protection) Act, 1972:

With respect to covering and guarding wildlife, the Indian Parliament legislated the Wildlife (Protection) Act. It imparts protection to wild creatures, catcalls, and factory species so as to ascertain ecological and environmental security.⁶

Act of 1974 on Water (Pollution Prevention and Control).

The Water (Pollution Prevention and Control) Act was enforced in 1974 to protect water bodies by accelerating the cleanliness of streams and rivers and to regulate water pollution. And the Act also prohibits the discharge of backwaters into water bodies so as to cover marine as well as mortal life⁷. This Act is authorised to grant permissions to the organisations for the creation of organisations and incorporations recognised by the State Pollution Control Board (SPCB) and the Central Pollution Control Board (CPCB), and it grants them authority to take appropriate action to assist.⁸

Act of 1981 on the Prevention and Control of Pollution

The essential ideal of the Air (Prevention and Control of Pollution) Act is to cover and help nature from the hazardous goods of air pollution.

A "contaminant" in the atmosphere is referred to as air pollution under Section 2(b) of this act. Air pollution is also defined under Section 2(a) as "any solid, liquid, or gaseous substance present in the atmosphere in such a concentration as may be or tend to be pernicious to mortal beings or other living creatures or plants or property or terrain (environment)." The obligation

⁵BNS Chapter 15 (BharatiyaNyayaSanhita 2023) Read more at https://devgan.in/bns/chapter_15.php.

⁶ The most recent edit to this page was made on July 17, 2025, at 18:16 UTC.

TA Creative Commons Attribution-ShareAlike 4.0 Licence governs the use of this.Wikipedia article on the Wildlife (Protection) Act of 1972

⁷<https://cpcb.nic.in/water-pollution/#:~:text=The%20Water%20P>The law was amended in 2019.

⁸https://en.wikipedia.org/wiki/Central_Pollution_Control_Board

of implementing the provisions of this act is given to the SPCB and CPCB. Also, the act authorises the state government to communicate any area as an air pollution control area within the sovereign.⁹

The Act of 1986 for the Protection of the Environment. Protecting and improving the environment is the main goal of the Environment (Protection) Act. landscape (natural setting). By controlling the position of diligence, managing hazardous waste, and protecting public health and welfare, the Act gives the Centre the authority to take the necessary actions to assist and control the terrain. This landmark law was created to provide a framework for the cooperation of the federal and state authorities established by the Water Act of 1974.¹⁰¹¹

The 2010 Act of the National Green Tribunal

According to the National Green Tribunal Act of 2010, the National Green Tribunal was created to expeditiously settle cases pertaining to the conservation of natural resources and environmental preservation and protection. This Act is enacted in accordance with Composition 21 of the Indian Constitution, which outlines the right to a healthy environment and a clean environment. Compensation and relief for any harm caused to an individual is one of the goals of NGT.

Either a person, a group, or property, NGT's principal bodies are the judicial member act, the expert members, and the speaker (chairperson). A minimum of 10 and a maximum of 20 experts and judicial members should be present. As with the Water (Prevention and Control of Pollution) Act of 1974, the Air (Prevention and Control of Pollution) Act of 1981, the Forest Act (Conservation) of 1980, the Public

Liability Insurance Act of 1991, and the Environment (Protection) Act of 1 (Prevention of Biological Diversity Act of 2002), NGT handles a variety of civil cases under the laws pertaining to the terrain (environment).¹²

⁹ Air (Prevention and Control of Pollution) Act, 1981, [EnvironmentLawBlogs](#), Aishwarya Agrawal's Subject-wise Law Note, March 28, 2025 The 1981 Air Prevention and Control of Pollution Act can be found at <https://lawbhoomi.com/>

¹⁰ An overview of the Environment (Protection) Act 1986. (Author: NehaDahiya) iPLEADERS, May 29,

¹¹ <https://blog.ipleaders.in/environment-protection-act-1986-2/>

¹² The NGT Act, the National Green Tribunal, its composition, its powers, and its jurisdiction... By Ravi & Vikram (2 August 2025) National Green Tribunal: <https://vajiramandravi.com/upsc-exam/Decisions> 2022. ments

The function of the judiciary:

A component of the court system In the protection of the terrain (environment), the bar plays a veritable important part. A substantial role of the bar in interpreting the fundamental rights of human beings is demonstrated by the important rulings over the many decades. Those who were unable to petition the Supreme Court for protection of their rights were also helped by the public interest action preface. In order to help those who cannot afford court costs, the PIL concept encouraged a large number of people, non-governmental organisations, and other relevant organisations to petition the court. Consequently, several cases related to environmental protection and sustainability were listed, and judgements were made. There are important rulings that intersperse the environmental protection section of the bar.

The following is a list of two of the most significant Supreme Court decisions concerning landscape preservation and protection.

In 1996, UOI v. Indian Council for Enviro-Legal Action¹³

Details of the case The Rajasthan district of Udaipur contains the tiny village of Bichhri. When Hindustan Agro Chemicals Limited began manufacturing specific chemicals like oleum and single super phosphate, it started to experience environmental problems. In a factory inside the same complex, Silver Chemicals (Repliers No. 5), another family business of Hindustan Agro Chemicals, started producing "H" acid. Its manufacture gives rise to enormous amounts of largely poisonous backwaters, which poison the earth, the water, and everything that comes specialised with them. Water came unfit for cattle to drink and for flushing the land. The soil came weakened and unfit for what was the dependence of the townies. The supplicant attached specialized data, and other material was also produced supporting the claims in the solicitation. The Supreme Court decided that, considering the experience gained, the Central Government should consider whether it would not be appropriate to treat chemical diligence as a piecemeal order. Since the chemical industries are the primary offenders when it comes to contaminating the land, their establishment needs to be closely examined and more stringent measures taken.

¹³The following URL is <https://www.freelaw.in/Identity/Account/Login?ReturnUrl=%2Fmanage%2Fviewjudgment%2F849087%2F96707ab9-7895-46d3-bdbb-d29fc5ecbcb>.

It is not necessary to distinguish between large-scale and small-scale assiduity or, for that matter, between large- and medium-sized industries.

MC Mehta v. Kamal Nath & Ors¹⁴

The case facts The story "Kamal Nath dares the potent Beas to keep his dreams round", which appeared in the "Indian", caught the attention of the Supreme Court. The major issue was with 'Span Club', a pushing design on the banks of the Beas. In the club, Kamal Nath's aspiration to own a home on the Beas River is symbolised. shadow of the snow-limited Zaskar ranges. After When Mr Kamal Nath was Minister of Environment and Timbers, the club was revitalised despite encroaching on 27.12 bighas of land, including substantial timberland that was later leased to the company. primary contention was that the path of the swash was being changed to protect the motel from cataracts that would otherwise develop. In its report, the examining platoon stated that Span Motels failed to hire a flood tide control specialist and that the work was not platooned properly, which may have resulted in landslides and cataracts in foetuses.

Supreme Court Held: The Supreme Court ruled that there is no reason why the general public should support the extension of the public trust doctrine to include all ecosystems that are involved in the utilisation of our natural resources. Private power cannot and should not be created from resources intended for public use. In Indian Council for Environmental Legal Action v. Union of India, this Court ruled that the Polluter Pays principle is a sound one.

If someone pollutes the land, they will have to pay to undo the harm they have caused. The law of the land incorporates the public trust doctrine, as we argued in the ruling.

Judicial Interpretation and Environmental Justice:

Increasing the reach of Article 21:

Significant rulings such as

Subhash Kumar v. State of Bihar, AIR 1991 SC 420

In order to prevent the Bokaro River from being allegedly contaminated by sludge and slurry released from Tata Iron and Steel Co. Ltd.'s (TISCO) washeries, a petition under Article 32,

¹⁴<https://www.freelaw.in/Identity/Account/Login?ReturnUrl=%2Fmanage%2Fviewjudgment%2F849087%2F2>

framed as a public interest litigation, was filed. However, the petitioner, a powerful businessman, had been buying slurry from the company for a number of years, according to the counter-affidavit filed by the directors of TISCO and Collieries. After the directors refused to provide him with more slurry, he illegally removed it himself and filed several cases under Article 226 in the High Court.

The Supreme Court, per the directors, dismissed the petition. As necessary to enjoy life, the Court reiterated that the right to clean air and water is part of the right to life under Article 21. It also noted that petitions to stop pollution under Article 32 can be maintained if they are submitted by journalists, social activists, or actual impacted individuals. Nonetheless, litigants are only required to appear in court to defend the impacted parties' fundamental rights. The court emphasised the need to prevent dishonest people from abusing public interest litigation to further their own agendas in the name of the public interest. Since the petitioner's action was motivated by self-interest rather than genuine public concern, the petition was dismissed, and he was directed to pay ₹5,000 as costs.

The Sustainable Development Principle:

The Supreme Court established the idea of sustainable development as a component of Indian environmental justice in *Vellore Citizens' Welfare Forum v. Union of India* (1996).

[1996] Supp. (5) Vellore Citizens' Welfare Forum v. Union of India SCR 241

In this historic case, the polluter pays principle was officially acknowledged by the Indian Supreme Court as a component of Indian environmental law for the first time. Both the precautionary principle and the polluter pays principle are essential elements of the idea of sustainable development, the Court emphasised.

In municipal law, the precautionary principle means:

1. In order to anticipate, prevent, and address the causes of environmental degradation, the State and statutory authorities must act pro-actively.
2. Even when there is a risk of significant or irreparable environmental harm, postponing preventive actions cannot be justified by a lack of full scientific certainty.

3. The onus is on the developer or business owner to prove that their operations are safe for the environment.

In this instance, the Polluter Pays Principle was used: The Supreme Court ruled that this principle entails the polluter's complete responsibility to pay for both the restoration of the damaged environment and compensation for the victims of pollution. Because environmental remediation is regarded as a crucial component of sustainable development, the polluter is required to cover the costs of ecological restoration as well as compensation to impacted parties.

Legal Assistance:

The 1986 Environment Protection Act

Act of 1974 on Water (Prevention and Control of Pollution)

Act of 1981 on the Prevention and Control of Air Pollution¹⁵

Below is a more thorough examination of each principle:

Polluter Pays and Precautionary Principles:

Indian courts have preventative "principles, holding diligence responsible for environmental damage and emphasising preventative approaches. The "polluter pays" and "preventative" or precautionary principles are two crucial general principles in environmental law and policy. The 'polluter pays' principle states that the cost of fixing pollution, including remittal and environmental damage, should fall on those who cause it. The preventative principle recommends covering the ground with preventative measures, even if there isn't full scientific proof of implicit harm.

The principle of polluter pays:

Core Idea:

The fundamental idea is that the entity responsible for causing pollution should be financially liable for the consequences.

¹⁵The case brief, written by Aishwarya Agarwal on March 18, 2024, is at <https://lawbhoomi.com/category/case-brief-case-analysis/>.

Purpose: Its goal is to make the environmental costs of pollution part of the price of goods and services, which will incentivise companies to clean up existing damage and reduce pollution.

Implementation: This idea is frequently put into practice by means of emission trading schemes, taxes on polluting activities, or direct financial accountability for cleanup and restoration.

Example:

A factory that releases pollutants into a river would be responsible for the costs of cleaning up the river and compensating affected communities.

Precautionary Principle:

Core Concept: Despite the lack of scientific proof, preventative actions should be taken when there is a risk of significant or irreparable environmental harm.

Goal: It recognises that taking preventative action is essential to safeguarding the environment because waiting for conclusive evidence of harm can result in irreparable harm.

Implementation: This may entail more stringent rules, prohibitions on particular activities, or the need for environmental impact analyses prior to project approval.

For instance, two fundamental ideas in environmental law and policy are the "polluter pays" and "precautionary" principles. According to the polluter pays principle, the people who cause pollution should be responsible for paying for any repairs and environmental damage. Even in the absence of total scientific certainty regarding potential harm, the precautionary principle recommends taking proactive steps to protect the environment.

The precautionary principle might advise postponing the adoption of a new technology until more research is conducted if there is a chance that it will harm the environment.

Relationship between the Principles:

- In environmental policy, both of these ideas are frequently applied.

- The precautionary principle can be seen as a way to prevent situations where the [principle](#) of 'polluter pays' would necessarily need to be applied¹⁶.
- By taking preventive measures, the extent of environmental damage can be minimised, and the costs associated with the polluter pays principle can be reduced.

In minimised form, the polluter pays principle focuses on accountability for past and present pollution. In its polluter pays form, the precautionary principle emphasises proactive measures to prevent future environmental harm, working towards both a more sustainable and responsible approach to environmental management.

Environmental Justice and Social Equity:

Environmental justice is not limited to ecological protection but extends to impartial dissemination of environmental social securities and charges. Marginalised sections, indigenous groups, and the urban poor often face disproportionate environmental harm. The constitutional mandate ensures that developmental projects respect the rights of these vulnerable populations.¹⁷

International Influence on Constitutional Environmentalism

India's constitutional approach has been shaped by international commitments such as the Stockholm Conference (1972)¹⁸ and the Rio Earth Summit (1992). Courts have drawn upon international environmental principles to strengthen domestic jurisprudence.¹⁹

Challenges in Realizing Environmental Justice

- Conflicts between development and sustainability.
- Weak environmental law implementation.
- Climate change and its disproportionate effect on vulnerable populations.

¹⁶Organisation for Pollution and Economic Development, 1975. For enquiries about translation rights or permissions, contact the Director of Information at OECD, 2, rue André-Pascal, 75775 PARIS CEDEX 16. France. 9789264044845-en.pdf

https://www.oecd.org/content/dam/oecd/en/publications/reports/1975/01/the-polluter-pays-principle_g1gh8f8f

¹⁷Future Generations' Well-Being, Social Inequalities, and Climate Change: A Road to Environmental Justice RamyaLustice, Ekha (1 October 2024). HPnlu.ac.in/PDF/file c3ce7412-1cc6-461a-8cdd-978930c4909d.pdf

¹⁸The Relationship Between International Environmental Law and Indian Domestic Law Social Inequalities, Climate Change, and the Welfare of Future Generations: A Road to Environmental Justice by Bharat H. Desai, author (18 July 2024) <https://doi.org/10.1093/oxfordhb/9780198884682.013.213.2>.

¹⁹The Relationship Between International Environmental Law and Indian Domestic Law Published on July 18, 2024 by Bharat H. Desai <https://doi.org/10.1093/oxfordhb/9780198884682.013.2>

- Institutional challenges in balancing economic growth with ecological preservation.

Way Forward

- Enforcing the law strictly in order to strengthen environmental governance.
- Incorporating environmental issues into every aspect of policy.
- Ensuring community involvement in environmental determinations.
- Addressing environmental rights in the constitution while taking climate justice into consideration.

Conclusion:

The environmental justice issue is not expected to be so controversial that new laws are passed only to address new situations. A fair and equal distribution of environmental benefits is a requirement of environmental justice and harms. Since poor people are viewed as undeserving of a healthy environment and well-being, the intentional placement of hazardous waste in their communities is what typically sets off resistance to EJ. Human rights and EJ are therefore closely related. EJ is actually a part of the human rights to health, happiness, and a clean environment that are protected by numerous international, national,

Environmental justice is not just a moral or ethical issue in India; it is a fundamental, unavoidable duty or a necessary course of action mandated by the principles, values, and objectives enshrined in a constitution. These requirements reflect a fundamental need for achieving a constitution's main goals, such as maintaining the rule of law, fostering equality, or guaranteeing justice. They are not merely recommendations. They serve as the fundamental laws that direct and control a country's political and judicial structures.

Because of Articles 21, 48A, and 51A(g) as well as judicial discretion, environmental rights are now regarded as fundamental rights. A fair and sustainable environment (protection) for future generations is ensured by the Indian constitutional framework, which offers a strong basis for striking a balance between ecological preservation and developmental requirements.

A solid basis for environmental protection has been established by the Indian Constitution's provisions and court rulings. However, there are still issues with policy implementation and

enforcement. In order to attain sustainable environmental governance, the legal system must enforce existing environmental laws more strictly, include provisions for real-time monitoring, which may be effective, and raise public awareness. To effectively fulfil their constitutional obligations, future policies must place a high priority on finding a balance between ecological preservation and development.