



# Environmental Justice and Equity: A Jurisprudential Study of the Evolution and Advancement of Environmental Justice

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## Abstract

Environmental justice and equity constitute a vital aspect of environmental jurisprudence, focusing on equitable protection of individuals from environmental risks. The progression of environmental justice signifies a movement from conservation-centered laws to a human-rights-oriented legal framework. In India, judicial interpretation of Article 21 of the Constitution has firmly established the right to a wholesome and pollution-free environment as an essential component of the right to life. Legislative instruments such as the Environment (Protection) Act, 1986 and the National Green Tribunal Act, 2010 have enhanced regulatory oversight and access to environmental adjudication. In *Vellore Citizens' Welfare Forum v. Union of India* (1996), the Supreme Court incorporated the precautionary principle and the polluter pays principle into domestic law. Likewise, *M.C. Mehta v. Union of India* (Ganga Pollution Matter) reaffirmed the duty of the State to safeguard environmental health. These legal developments demonstrate the structured advancement of environmental justice in India. Future legal frameworks must strengthen enforcement mechanisms, recognize environmental rights explicitly, and prioritize the protection of vulnerable populations. Courts and legislatures should adopt a more proactive approach by integrating environmental equity into development planning and policy formulation. Such progressive legal evolution is essential to secure environmental justice not only for present citizens but also for future generations.

**Keywords:** Environmental Justice; Environmental Equity; Environmental Jurisprudence; Right to Life (Article 21); Pollution-Free Environment

## Introduction

Environmental degradation is no longer a distant or abstract concern; it is a lived reality that affects human health, livelihoods, and dignity. Communities across the world, particularly those that are socially and economically vulnerable, often bear a disproportionate burden of environmental harm despite contributing least to its causes. This imbalance has given rise to the concept of environmental justice, which seeks to ensure that all individuals enjoy equal protection from environmental risks and have meaningful access to environmental decision-making processes.

Traditionally, environmental law focused primarily on conservation and resource management. Over time, however, it has evolved into a broader rights-based framework that recognises the intrinsic link between environmental protection and human rights. Environmental justice and equity now occupy a central position within environmental jurisprudence, emphasising fairness, accountability, and intergenerational responsibility. The shift reflects an understanding that environmental harm is not merely an ecological issue but a social and legal injustice with profound implications for the right to life and human well-being.

In the Indian context, the judiciary has played a transformative role in advancing environmental justice. Through an expansive interpretation of Article 21 of the Constitution, the Supreme Court of India has recognised the right to a clean, healthy, and pollution-free environment as an essential component of the right to life. Judicial interventions, coupled with progressive legislative measures such as the Environment (Protection) Act, 1986 and the National Green Tribunal Act, 2010, have strengthened environmental governance and provided accessible forums for environmental redressal.

This study examines the evolution and advancement of environmental justice in India from a jurisprudential perspective. It analyses key judicial pronouncements, statutory developments, and doctrinal principles that have shaped environmental equity. By tracing this legal progression, the paper seeks to highlight the growing recognition of environmental justice as a fundamental legal and moral imperative, essential for protecting present populations while safeguarding the rights of future generations.

### Historical Background

Environmental justice and equity have emerged as central concerns within India's environmental discourse. As one of the fastest-growing economies in the world, India faces a persistent tension between development and environmental protection. While economic growth has lifted millions out of poverty, its environmental costs have been disproportionately borne by marginalized communities—tribal populations, rural farmers, urban slum dwellers, and informal workers—raising critical questions of justice and fairness. Modern environmental injustice in India is most visible in the unequal distribution of environmental burdens. Industrial pollution, mining activities, large infrastructure projects, and urban expansion are frequently concentrated in regions inhabited by socio-economically vulnerable populations. Communities living near thermal power plants, hazardous waste facilities, and mining zones often suffer from contaminated water, polluted air, loss of livelihood, and health hazards, while receiving minimal economic benefit. This unequal exposure highlights that environmental harm in India is not accidental but structurally embedded within development planning.

A significant aspect of environmental inequity in India lies in land acquisition and displacement. Large-scale projects such as dams, highways, and industrial corridors have led to the displacement of tribal and forest-dwelling communities. Although laws like the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 seek to address these concerns, implementation gaps remain widespread. Consent mechanisms are frequently diluted, and rehabilitation measures often fail to restore lost livelihoods or cultural ties to land, perpetuating cycles of poverty and exclusion.

Environmental justice in India has also increasingly intersected with constitutional and human rights jurisprudence. The judiciary, particularly the Supreme Court and the National Green Tribunal (NGT), has expanded the interpretation of Article 21 of the Constitution to include the right to a clean and healthy environment. Landmark judgments addressing air pollution, river contamination, and industrial safety have reinforced state accountability. However, access to environmental justice remains uneven. Legal remedies are often inaccessible to affected communities due to lack of awareness, financial constraints, and procedural complexities. Climate change has further intensified environmental inequities across India. Extreme weather events such as floods, droughts, heatwaves, and cyclones disproportionately impact those least responsible for greenhouse gas emissions. Farmers, coastal communities, and informal urban workers face heightened vulnerability, with limited adaptive capacity. Climate policies, while necessary, risk reproducing injustice if they fail to incorporate principles of equity, participation, and social protection.

Grassroots movements and civil society organizations have played a vital role in advancing environmental justice in contemporary India. Movements opposing unsustainable mining, deforestation, and industrial pollution have emphasized community consent, environmental democracy, and sustainable development. These movements challenge top-down governance models and assert that environmental protection must align with social justice. In the Indian context, environmental justice is not merely about conservation or regulation; it is about dignity, survival, and equality. Achieving environmental equity requires integrating social justice into environmental governance, ensuring meaningful participation of affected communities, and recognizing that environmental protection and human development are not opposing goals but interconnected imperatives. As India navigates its developmental future, embedding justice and equity within environmental decision-making remains both a legal necessity and a moral obligation.

### Objectives of Study

Objectives of the Study Environmental justice and equity have emerged as essential dimensions of contemporary environmental jurisprudence, particularly in societies where environmental harm is unevenly distributed. The present study is guided by the objective of understanding how environmental law has evolved from a narrow focus on conservation and regulation to a broader, human-centred framework that recognizes environmental protection as a matter of justice, dignity, and rights. Rather than viewing environmental issues in isolation, this research seeks to place people—especially vulnerable and marginalized communities—at the centre of environmental governance. One of the primary objectives of this study is to trace the evolution of environmental justice as a legal and social concept, with special reference to India. Environmental injustice did not emerge overnight; it developed through historical processes shaped by colonial policies, post-independence development priorities, and rapid industrialization. By examining this evolution, the study aims to highlight how legal systems have often responded to environmental harm only after social inequities became visible, thereby emphasizing the need for a more preventive and equitable approach to environmental governance. Another significant objective of this research is

to examine the role of the Indian Constitution in shaping environmental justice. The study focuses on Article 21, which guarantees the right to life and personal liberty, and its judicial expansion to include the right to a clean and healthy environment. Through a series of progressive judgments, Indian courts have transformed environmental protection into a constitutional obligation of the State. This research aims to understand how such judicial interpretations have humanized environmental law by recognizing environmental quality as inseparable from human survival, health, and well-being. The study also seeks to evaluate the effectiveness of India's environmental legislation in promoting equity. Statutes such as the Environment (Protection) Act, 1986 and the National Green Tribunal Act, 2010 were enacted to strengthen regulatory oversight and provide accessible remedies for environmental harm. However, laws on paper do not always translate into justice on the ground. This research aims to assess whether these legal frameworks genuinely protect those most affected by pollution, displacement, and ecological degradation, or whether gaps in enforcement continue to undermine environmental equity. A key objective of this study is to analyze the role of the judiciary in advancing environmental justice through principled decision-making. Landmark cases such as *Vellore Citizens' Welfare Forum v. Union of India* and *M.C. Mehta v. Union of India* illustrate how courts have incorporated principles like the precautionary principle and the polluter pays principle into Indian law. This research aims to examine how such judicial interventions have shifted the burden of environmental protection onto polluters and the State, thereby strengthening accountability and reinforcing the idea that economic development cannot come at the cost of human health and environmental integrity. Another important objective is to examine access to environmental justice in practice. The establishment of specialized bodies like the National Green Tribunal reflects an institutional commitment to environmental adjudication. Yet, affected communities often face procedural, financial, and informational barriers that limit their ability to seek remedies. This study aims to explore whether existing adjudicatory mechanisms truly empower citizens or whether environmental justice remains largely inaccessible to those who need it the most. The study further aims to explore the intersection between environmental harm and social vulnerability. Environmental degradation in India frequently affects tribal communities, rural populations, urban poor, and informal workers whose livelihoods depend directly on natural resources. By examining this intersection, the research seeks to emphasize that environmental justice is not merely about protecting nature but about safeguarding livelihoods, cultural identity, and social equity. In addition, the study aims to address the growing relevance of climate change within the framework of environmental justice. Climate-related disasters such as floods, droughts, heatwaves, and coastal erosion disproportionately impact communities with the least capacity to adapt. This research seeks to assess whether India's legal and policy frameworks adequately incorporate climate justice and intergenerational equity, ensuring that future generations are not burdened by present environmental neglect. Finally, the overarching objective of this study is to contribute to the ongoing discourse on environmental justice by proposing pathways for legal and policy reform. The research aims to advocate for stronger enforcement mechanisms, greater public participation, explicit recognition of environmental rights, and development planning that integrates equity as a foundational principle.

In doing so, the study seeks to reinforce the idea that environmental justice is not a peripheral concern but a core element of sustainable and inclusive governance. In essence, this study aspires to bridge the gap between law and lived reality by examining how environmental jurisprudence can evolve to ensure fairness, dignity, and protection for both present and future generations.

### **Research Methodology\Questions**

The Indian Constitution provides a strong and comprehensive framework for the protection of the environment. Although the Constitution, as originally enacted, did not contain explicit provisions relating to environmental protection, subsequent constitutional amendments and judicial interpretations have transformed environmental protection into a constitutional obligation. The constitutional framework reflects India's commitment to sustainable development by balancing environmental protection with economic and social development. Article 21 of the Constitution guarantees the right to life and personal liberty. The Indian judiciary has expansively interpreted this provision to include the right to live in a clean, healthy and pollution-free environment. Environmental degradation that adversely affects human health and quality of life has been recognised as a violation of the right to life, thereby making environmental protection a fundamental right.

The present study adopts a doctrinal and analytical research methodology, as it primarily examines legal principles, constitutional provisions, statutes, and judicial interpretations relating to environmental justice and equity in India. Doctrinal research is particularly suitable for this study since environmental justice in India has largely evolved through constitutional jurisprudence and judicial activism rather than through explicit legislative recognition. The research relies extensively on primary sources of law, including the Constitution of India, especially Articles 21, 48A, and 51A(g), along with relevant environmental statutes such as the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the National Green Tribunal Act, 2010. Judicial decisions of the Supreme Court of India and the National Green Tribunal form a crucial component of the primary data, as courts have played a central role in developing environmental justice principles through interpretation and enforcement.

In addition to primary sources, the study makes use of secondary sources, including authoritative textbooks, commentaries, research articles, law commission reports, and policy documents. Works by leading Indian scholars such as M.P. Jain, V.N. Shukla, and Shyam Divan have been consulted to understand constitutional interpretation, environmental jurisprudence, and the evolving role of the judiciary. These sources provide critical insights into how environmental rights have been judicially constructed and how equity considerations have been gradually integrated into environmental law.

The methodology also incorporates a case law analysis approach, focusing on landmark judgments such as M.C. Mehta v. Union of India, Vellore Citizens' Welfare Forum v. Union of India, Subhash Kumar v. State of Bihar, and A.P. Pollution Control Board v. Prof. M.V. Nayudu. These cases are analyzed to assess how courts have recognized environmental protection as part of the right to life and applied principles like the precautionary principle and polluter pays principle to promote environmental equity.

A comparative and critical approach is adopted where necessary to examine gaps between legal theory and practical enforcement. The study critically evaluates whether judicial interventions and statutory mechanisms effectively protect marginalized communities or whether structural and procedural barriers continue to limit access to environmental justice.

Finally, the research employs a normative approach to suggest reforms aimed at strengthening environmental justice and equity. By analyzing existing legal frameworks and judicial trends, the study proposes measures for improved enforcement, greater public participation, and explicit recognition of environmental rights within constitutional and statutory law.

***The study is guided by the following research questions:***

How has the concept of environmental justice evolved within the framework of Indian environmental jurisprudence?

In what manner has Article 21 of the Constitution of India been interpreted to include the right to a clean and healthy environment?

What role have constitutional principles under Articles 48A and 51A(g) played in advancing environmental protection and environmental equity in India?

How effective are statutory mechanisms such as the Environment (Protection) Act, 1986 and the National Green Tribunal Act, 2010 in ensuring access to environmental justice?

To what extent have judicial doctrines such as the precautionary principle and the polluter pays principle contributed to environmental justice and accountability?

Do existing environmental laws and adjudicatory mechanisms adequately address the concerns of vulnerable and marginalized communities?

What challenges hinder the realization of environmental justice and equity in India?

What legal and policy reforms are necessary to strengthen environmental justice within the Indian constitutional framework?

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**Judiciary And Achievement [ Case Laws ]**

The Indian judiciary has played a transformative role in the evolution and advancement of environmental justice and equity. In the absence of explicit constitutional provisions guaranteeing environmental rights, courts have acted as key architects in shaping a rights-based environmental jurisprudence. Through progressive interpretation of constitutional provisions, particularly Article 21, the judiciary has ensured that environmental protection is no longer viewed as a policy choice but as a legal and constitutional obligation of the State.

One of the most significant achievements of the Indian judiciary lies in expanding the scope of the right to life under Article 21 of the Constitution. The Supreme Court has consistently held that the right to life is not limited to mere animal existence but includes the right to live with human dignity, health, and a clean environment. This interpretation laid the constitutional foundation for environmental justice by recognizing environmental quality as an essential component of human well-being .

A landmark contribution of the judiciary to environmental jurisprudence can be seen in *M.C. Mehta v. Union of India* (Ganga Pollution Matter). In this case, the Supreme Court addressed the large-scale pollution of the River Ganga caused by industrial effluents and municipal waste. The Court held that the discharge of untreated waste into the river violated the fundamental right to life under Article 21. By directing the closure of polluting industries and mandating the installation of pollution-control mechanisms, the Court reinforced the principle that economic activity cannot be carried out at the cost of public health and environmental safety. This judgment marked a shift from reactive regulation to proactive judicial intervention, emphasizing the State's duty to protect environmental health.

The *M.C. Mehta* series of cases collectively represent a judicial commitment to environmental accountability. These decisions strengthened the concept of environmental justice by prioritizing public interest over private economic gain and by ensuring that environmental harm affecting large populations, particularly vulnerable communities, receives constitutional attention. The judiciary's willingness to entertain public interest litigation (PIL) in environmental matters further enhanced access to justice by allowing concerned citizens and activists to approach the courts on behalf of affected communities. Another milestone in the judicial advancement of environmental justice is the decision in *Vellore Citizens' Welfare Forum v. Union of India* (1996). In this case, the Supreme Court dealt with the environmental damage caused by tanneries in Tamil Nadu, which had severely polluted water bodies and agricultural land, affecting local communities. The Court explicitly recognized environmental protection as a part of sustainable development and incorporated internationally recognized principles such as the precautionary principle and the polluter pays principle into Indian law.

By adopting these principles, the judiciary made a crucial contribution to environmental equity. The precautionary principle shifted the burden of proof onto polluters, requiring them to demonstrate that their activities would not cause environmental harm. The polluter pays principle ensured that those responsible for pollution bear the cost of remedying environmental damage, rather than transferring this burden to affected communities or the State. These principles strengthened environmental justice by promoting fairness, accountability, and preventive action. The achievements of the judiciary also extend to harmonizing environmental protection with constitutional directives under Articles 48A and 51A(g). While these provisions are non-justiciable, the courts have relied upon them to reinforce environmental obligations and to justify judicial intervention. By reading these directive principles alongside Article 21, the judiciary has effectively bridged the gap between environmental policy and enforceable rights.

Importantly, judicial achievements in environmental justice are not limited to legal doctrine alone. The judiciary has played a vital role in institutional development by supporting specialized environmental adjudication. The establishment of the National Green Tribunal (NGT) reflects judicial recognition of the need for expert and speedy resolution of environmental disputes. Although challenges remain in enforcement, the judiciary's role in strengthening environmental adjudicatory mechanisms represents a significant step toward accessible environmental justice.

However, the judiciary's role has not been without criticism. Concerns regarding judicial overreach and implementation gaps persist. Yet, despite these limitations, the judiciary's contribution to environmental justice in India remains unparalleled. In a context where legislative and executive action has often been slow or inconsistent, courts have emerged as protectors of environmental rights and defenders of marginalized communities. In conclusion, the Indian judiciary has achieved a remarkable transformation of environmental law by embedding principles of justice and equity within constitutional interpretation. Through landmark judgments such as *M.C. Mehta v. Union of India* and *Vellore Citizens' Welfare Forum v. Union of India*, the courts have ensured that environmental protection is inseparable from human rights and social justice. These judicial achievements continue to shape India's environmental governance and serve as a foundation for future advancements in environmental justice and equity.

### Findings

Despite the proactive role played by the Indian judiciary in environmental protection and the study finds that the Indian judiciary has played a decisive role in advancing environmental justice by interpreting environmental protection as an integral part of the right to life under Article 21 of the Constitution. This constitutional approach has elevated environmental concerns from policy matters to enforceable legal rights.

A key finding is the judicial incorporation of the precautionary principle and the polluter pays principle, particularly through *Vellore Citizens' Welfare Forum v. Union of India* (1996). By adopting these principles, the judiciary shifted environmental governance toward prevention, accountability, and fairness, thereby strengthening environmental equity.

The study further finds that courts have effectively relied on Articles 48A and 51A(g) to reinforce environmental obligations, creating a harmonious constitutional framework that links fundamental rights, directive principles, and duties. Another important finding is that judicial relaxation of locus standi through public interest litigation has expanded access to environmental justice, enabling courts to address environmental harm affecting marginalized communities. However, the study also finds that despite progressive jurisprudence, implementation and enforcement gaps continue to limit the practical realization of environmental justice, indicating the need for stronger institutional support.

### Suggestions and Recommendation

To strengthen environmental justice and equity in India, there is a need for explicit statutory recognition of environmental rights in alignment with Article 21, so that judicial principles are supported by clear legislative mandates. Environmental laws must move beyond regulation and incorporate equity as a core objective. Enforcement mechanisms should be significantly strengthened by enhancing the capacity and accountability of pollution control authorities and ensuring strict compliance with judicial and tribunal orders. Without effective enforcement, progressive judicial principles risk remaining symbolic.

Greater emphasis must be placed on public participation and access to justice, particularly for marginalized and affected communities. Simplifying procedural requirements and expanding legal aid in environmental matters can ensure more inclusive environmental adjudication. Environmental decision-making should integrate the precautionary and polluter pays principles at the policy and planning stages, rather than relying on post-damage remedies. This preventive approach is essential for achieving sustainable and equitable development. Finally, future environmental governance must adopt a rights-based and intergenerational perspective, ensuring that development policies protect not only present populations but also the environmental interests of future generations.

### Conclusion

This study shows that environmental justice and equity in India have grown beyond the idea of simply protecting nature. Over time, they have come to represent the protection of people—their health, dignity, and right to live in a safe and balanced environment. Through constitutional interpretation, particularly under Article 21, the judiciary has helped shift environmental law from a technical regulatory framework to a human-centred system grounded in rights and fairness. Judicial interventions have played a crucial role in shaping this transformation. By recognizing principles such as prevention and accountability, the courts have emphasized that environmental harm should be avoided before it occurs and that responsibility must rest with those who cause it. The decision in *Vellore Citizens' Welfare Forum v. Union of India* stands as a clear example of this approach, where environmental protection was linked with sustainable development and fairness to affected communities. Such judgments reflect an understanding that development cannot be meaningful if it undermines environmental health and social equity. The study also highlights how constitutional values under Articles 48A and 51A(g) have been brought into practical effect through judicial reasoning. By connecting these provisions with fundamental rights, the courts have reinforced the idea that environmental protection is a shared responsibility of both the State and citizens. The expansion of access to justice through public interest litigation has further ensured that environmental concerns affecting marginalized groups are not ignored. At the same time, the study recognizes that legal progress does not always translate into real-world change. Gaps in enforcement and institutional capacity continue to limit the impact of progressive judicial principles. This reveals the need for stronger implementation, clearer policy integration, and greater public participation. In essence, environmental justice in India is an ongoing journey rather than a completed task. The foundations laid by the judiciary are strong, but the future of environmental equity depends on how effectively these principles are carried forward through legislation, governance, and collective responsibility—so that environmental protection truly serves both present and future generations.

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