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### **ABSTRACT:**

*“This paper examines the jurisprudential relationship between environmental degradation and the right to life with dignity under the Indian constitutional framework. It argues that the Indian Supreme Court has progressively expanded Article 21 to encompass the right to a clean and healthy environment, culminating in the 2024 recognition of a distinct right against the adverse effects of climate change. Through doctrinal analysis of landmark decisions up to September 2025, the paper traces this evolution and evaluates its implications for State obligation and judicial enforcement in India”.*

**Keywords: Article 21, Right to Life, Environmental Degradation, Climate Change Litigation, Indian Constitution**

### **I. INTRODUCTION:**

The Indian Constitution does not expressly guarantee the right to a clean environment. Yet, through creative judicial interpretation, the Supreme Court has woven environmental protection into the fabric of fundamental rights. From the early recognition that the right to life means something more than mere animal existence to the historic 2024 declaration of a constitutional right against climate change, Indian courts have constructed an elaborate jurisprudence linking environmental degradation to the right to live with dignity. This paper examines this evolution and tests the hypothesis that environmental degradation constitutes a violation of the right to life with dignity under Indian constitutional law, imposing enforceable obligations upon the State.

#### **I.I RESEARCH HYPOTHESIS:**

Environmental degradation constitutes a violation of the right to life with dignity under Article 21 of the Constitution of India, and the State is under enforceable constitutional obligations to prevent, mitigate and remedy such violations.

#### **I.II RESEARCH QUESTIONS:**

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1. How has the Supreme Court expanded Article 21 to encompass environmental protection?
2. What is the scope and content of the newly recognised right against climate change?
3. What obligations does the State bear under Indian law to prevent environmental degradation?
4. How effective are judicial remedies in enforcing environmental rights?

### **I.III METHODOLOGY:**

This paper employs a doctrinal research methodology, analysing constitutional provisions, statutory frameworks, and judicial decisions from Indian courts up to September 2025.<sup>1</sup>

## **II. REVIEW OF LITERATURE:**

### **II.I FOUNDATIONAL SCHOLARSHIP ON ENVIRONMENTAL RIGHTS IN INDIA:**

The scholarly literature on environmental rights in India has evolved significantly over the past four decades. Early scholarship focused on the absence of explicit environmental guarantees in the Constitution and the potential for judicial innovation. *Upendra Baxi*, in his seminal work on judicial activism, observed that the Indian Supreme Court's post-emergency jurisprudence demonstrated a remarkable capacity to read unremunerated rights into Article 21, creating possibilities for environmental protection through constitutional interpretation.<sup>2</sup> *Divan and Rosencranz*, in their comprehensive treatise *Environmental Law and Policy in India*, trace the evolution from the early municipal solid waste cases through the recognition that the right to life includes the right to a wholesome environment.<sup>3</sup> They document how the Court progressively expanded Article 21, drawing upon international environmental principles and comparative jurisprudence. Their work remains the most authoritative treatment of Indian environmental law.

<sup>1</sup> L Lammasniemi, *Law Dissertations: A Step-by-Step Guide* (2nd edn, Routledge 2022) 5.

<sup>2</sup> U Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company 1980) 89-95.

<sup>3</sup> S Divan and A Rosencranz, *Environmental Law and Policy in India* (3rd edn, Oxford University Press 2022) 45-52.

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## **II.II THE RIGHT TO LIFE: FROM NEGATIVE PROHIBITION TO POSITIVE OBLIGATION:**

Scholars have extensively analysed the transformation of Article 21 from a negative right against State deprivation to a positive right imposing affirmative obligation. *Seervai*, in his constitutional law commentary, initially took a restrictive view but later acknowledged the Court's expansive interpretation.<sup>4</sup> *Sathe* documented how the Court used Article 21 to create rights to health, shelter, and education, establishing a template for environmental rights.<sup>5</sup> *Sharma and Sharma* argue that this expansion was necessary given the socio-economic realities of India, where legislative action alone proved insufficient to protect vulnerable communities from environmental harm.<sup>6</sup> They contend that judicial intervention filled critical gaps where executive enforcement failed.

## **II.III THE EMERGENCE OF THE RIGHT TO A HEALTHY ENVIRONMENT:**

*Abraham and Rosencranz* examine the doctrinal foundations of the right to a healthy environment in Indian jurisprudence, tracing its roots to Articles 48A and 51A(g) and their interpretive relationship with Article 21.<sup>7</sup> They argue that the Court's approach has been primarily anthropocentric, valuing nature for its utility to humans rather than for its intrinsic worth. *Leelakrishnan*, in his analysis of environmental law developments, identifies the 1990s as the crucial decade when the Supreme Court articulated key principles including the precautionary principle, polluter pays principle, and public trust doctrine.<sup>8</sup> He notes that these principles, while borrowed from international law, were given distinctively Indian articulation through cases like *Vellore Citizens Welfare Forum* and *M.C. Mehta*.

<sup>4</sup> HM Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing 2002) vol 2, 1023-25.

<sup>5</sup> SP Sathe, *Judicial Activism in India* (2nd edn, Oxford University Press 2003) 178-85.

<sup>6</sup> R Sharma and S Sharma, 'Right to Environment: A Fundamental Right in India' (2018) 7 *International Journal of Legal Studies* 112, 115-18.

<sup>7</sup> CM Abraham and A Rosencranz, 'The Right to a Healthy Environment in India' in AE Boyle and MR Anderson (eds), *Human Rights Approaches to Environmental Protection* (Oxford University Press 1996) 165-68.

<sup>8</sup> P Leelakrishnan, *Environmental Law in India* (4th edn, LexisNexis 2019) 23-29.

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## **II.IV THE PUBLIC TRUST DOCTRINE IN INDIAN**

### **SCHOLARSHIP:**

The reception of the public trust doctrine in Indian law has attracted significant scholarly attention. Singh traces the doctrine's origins in Roman and English law and its application by the Supreme Court in *M.C. Mehta vs. Kamal Nath (1997)*.<sup>9</sup> He argues that the doctrine provides a powerful tool for protecting natural resources from privatisation and commercial exploitation, though its implementation remains inconsistent. *Kumar* critiques the Court's application of the public trust doctrine as occasionally rhetorical, with limited operational impact.<sup>10</sup> He notes that while the doctrine has been invoked in several cases, its precise contours and enforcement mechanisms remain underdeveloped.

## **II.V CLIMATE CHANGE LITIGATION AND CONSTITUTIONAL**

### **RIGHTS:**

The most recent scholarly contributions address the intersection of climate change and constitutional rights. The *M.K. Ranjitsinh* judgment of March 2024 has generated immediate academic response. *Kumar and Naik*, writing in *Verfassungsblog*, characterise the decision as "India's *KlimaSeniorinnen* moment," bringing India within the global trend of constitutional climate litigation.<sup>11</sup> They praise the Court for constructing firm constitutional foundations but critique the judgment as "deeply anthropocentric" and insufficiently attentive to ecocentric values. *Patnaik*, in the Supreme Court Observer, offers a more critical assessment, noting the inconsistency between the Court's rhetorical commitment to environmental protection and its ultimate prioritisation of renewable energy development over species conservation in the Great Indian Bustard case.<sup>12</sup> She observes that "many decisions were laden with rhetoric and often contradicted by judgements or orders from other benches." *Vibhaw* examines the practical

<sup>9</sup> P Singh, 'The Public Trust Doctrine in Indian Environmental Jurisprudence' (2018) 60 Journal of the Indian Law Institute 89, 92-95.

<sup>10</sup> V Kumar, 'The Public Trust Doctrine in India: Rhetoric or Reality?' (2019) 61 Journal of the Indian Law Institute 312, 318-20.

<sup>11</sup> P Kumar and A Naik, 'India's New Constitutional Climate Right' (2024) *Verfassungsblog*.

<sup>12</sup> S Patnaik, 'Supreme Court Review 2024: Speaking green, acting grey on key environmental issues' (2025) Supreme Court Observer.

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implications of the judgment for environmental governance, noting that the Court's declaration of a constitutional right against climate change creates new avenues for litigation but leaves unanswered questions about justiciability and remedy.<sup>13</sup>

## **II.VI INTERGENERATIONAL EQUITY AND FUTURE**

### **GENERATIONS:**

The principle of intergenerational equity has received sustained attention from Indian scholars. *The Gene Campaign case (2024)* has renewed interest in this principle. Jain and Jain argue that Indian courts have implicitly invoked future generations' rights in environmental decisions, though explicit doctrinal development remains limited.<sup>14</sup> They contend that the principle should be more systematically integrated into environmental adjudication.

### **II.VII THE GAP BETWEEN LAW AND IMPLEMENTATION:**

A persistent theme in literature concerns the implementation gap. The Indian Express editorial following *M.K. Ranjitsinh* observed that "Governments have not always given proper respect to SC rulings that underline the links between ecology and human dignity. Delhi's continuing air pollution is a classic example of the hiatus between jurisprudence and policy."<sup>15</sup> *Divan and Rosencranz* document numerous instances where judicial orders remained unexecuted, executive authorities failed to comply, and environmental degradation continued despite constitutional pronouncements.<sup>16</sup> They attribute this gap to weak institutional capacity, political economy constraints, and the limitations of judicial remedies.

### **II.VIII RESEARCH GAP:**

Despite this rich scholarly literature, significant gaps remain. First, the *M.K. Ranjitsinh* judgment and subsequent *Ridhima Pandey* developments are too recent to have received sustained scholarly analysis. Most existing literature predates these transformative

<sup>13</sup> N Vibhaw, 'Wildlife protection, climate rights and net-zero: Treading a tightrope' (2024) Shardul Amarchand Mangaldas.

<sup>14</sup> S Jain and V Jain, 'Intergenerational Equity and Environmental Jurisprudence in India' (2023) 14 Indian Journal of Environmental Law 45, 48-52.

<sup>15</sup> 'Express View on Supreme Court linking climate change and fundamental rights: A call to action' *The Indian Express* (9 April 2024).

<sup>16</sup> Divan and Rosencranz (n 3) 78-85.

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decisions. Second, while scholars have examined specific principles or cases, fewer studies adopt a comprehensive doctrinal analysis integrating the full arc of environmental jurisprudence from the 1980s through the 2025 developments. Third, the implications of the newly recognised right against climate change for State obligation and judicial remedy remain incompletely theorised. This paper addresses these gaps by providing a comprehensive doctrinal analysis of the relationship between environmental degradation and the right to life with dignity in Indian constitutional law, integrating the most recent developments up to September 2025.

### **III. CONSTITUTIONAL FOUNDATIONS:**

#### **III.I DIRECTIVE PRINCIPLES AND FUNDAMENTAL DUTIES:**

The 42nd Amendment to the Constitution (1976) inserted two crucial provisions. Article 48A directs that "the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country."<sup>17</sup> Article 51A(g) imposes a 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."<sup>18</sup> While Directive Principles are not directly enforceable, they guide judicial interpretation of fundamental rights. The Supreme Court has consistently held that Directive Principles and Fundamental Rights are complementary, and the latter must be interpreted in light of the former.<sup>19</sup>

#### **III.II ARTICLE 21: THE EXPANSIVE PROVISION:**

Article 21 declares that "no person shall be deprived of his life or personal liberty except according to procedure established by law."<sup>20</sup> For decades, this was interpreted narrowly. The transformation began with *Francis Coralie Mullin v. Union Territory of Delhi (1981)*, where the Court observed that the right to live includes the right to live with human dignity and all

<sup>17</sup> Constitution of India, art 48A.

<sup>18</sup> Constitution of India, art 51A(g).

<sup>19</sup> *Francis Coralie Mullin v. Union Territory of Delhi (1981)* 2 SCR 516.

<sup>20</sup> Constitution of India, art 21.

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that goes with it, including the right to live in an environment free from the danger of disease and infection.<sup>21</sup>

### **III.III THE RIGHT TO A HEALTHY ENVIRONMENT:**

The Supreme Court first explicitly recognised the environmental dimension of Article 21 in *Subhash Kumar vs. State of Bihar (1991)*, holding that the right to life includes the right to enjoyment of pollution-free water and air.<sup>22</sup> In *Virendra Gaur vs. State of Haryana (1995)*, the Court elaborated:

*"Enjoyment of life and its attainment including the right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed."*<sup>23</sup>

The Andhra Pradesh High Court, in *T. Damodhar Rao vs. Municipal Corp. of Hyderabad (1987)*, had earlier articulated this principle with particular clarity:

*"Examining the matter from the constitutional point of view, it would be reasonable to hold that the enjoyment of life and its attainment and fulfilment guaranteed by Article 21 embraces the protection and preservation of nature's gifts without which life cannot be enjoyed. The slow poisoning by the polluted atmosphere caused by environmental pollution and spoilation should also be regarded as amounting to violation of Article 21."*<sup>24</sup>

## **IV. THE 2024 WATERSHED: M.K. RANJITSINH VS. UNION OF INDIA:**

### **IV.I BACKGROUND: THE GREAT INDIAN BUSTARD CASE:**

The case arose from a petition seeking protection for the Great Indian Bustard, a critically endangered bird species on the verge of extinction. In 2021, the Supreme Court had restricted installation of overhead transmission lines across 99,000 square kilometres and directed

<sup>21</sup> Francis Coralie Mullin (n 19).

<sup>22</sup> *Subhash Kumar v. State of Bihar* (1991) 1 SCC 598, para 7.

<sup>23</sup> *Virendra Gaur v. State of Haryana* (1995) 2 SCC 577, para 7.

<sup>24</sup> *T. Damodhar Rao v. Municipal Corp. of Hyderabad* AIR 1987 AP 171.

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conversion of existing lines to underground cables.<sup>25</sup> When respondent Ministries sought modification of this order citing technical difficulties and India's renewable energy targets, a three-judge bench led by Chief Justice D.Y. Chandrachud seized the opportunity to examine the constitutional foundations of climate protection.<sup>26</sup>

#### **IV.II RECOGNITION OF THE RIGHT AGAINST CLIMATE**

##### **CHANGE:**

On 21 March 2024, the Supreme Court delivered a historic judgment recognising, for the first time, a constitutional right to be free from the adverse effects of climate change. The Court held that this right flows from Articles 21 and 14 read with Articles 48A and 51A(g).<sup>27</sup>

The Court observed:

*"Without a clean environment which is unimpacted by the vagaries of climate change, the right to life is not fully realised. The right to health is impacted due to factors such as shifts in vector-borne diseases, rising temperatures, droughts, crop failures and storms."<sup>28</sup>*

Significantly, the Court anchored the right not only in Article 21 but also in Article 14 (right to equality), noting that certain groups—indigenous communities, forest dwellers, women, low-income households—are disproportionately vulnerable to climate impacts. This, the Court held, engages equality guarantees.<sup>29</sup>

#### **IV.III RELATIONSHIP WITH EXISTING ENVIRONMENTAL**

##### **JURISPRUDENCE:**

The Court clarified that the right against climate change and the right to a clean environment are "two sides of the same coin." Environmental degradation exacerbates climate change, and climate change worsens environmental degradation. Both threaten the preconditions for a life with dignity.<sup>30</sup>

<sup>25</sup> *M.K. Ranjitsinh v. Union of India* (2024) (Supreme Court, 21 March 2024) para 3.

<sup>26</sup> *ibid* para 5.

<sup>27</sup> *ibid* para 18.

<sup>28</sup> *ibid* para 21.

<sup>29</sup> *ibid* para 23.

<sup>30</sup> *ibid* para 25.

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#### **IV.IV LEGISLATIVE VACUUM AND CONSTITUTIONAL**

##### **RECOGNITION:**

Crucially, the Court acknowledged that India lacks umbrella climate legislation. "Despite governmental policy and rules and regulations recognising the adverse effects of climate change and seeking to combat it, there is no single or umbrella legislation in India which relates to climate change and the attendant concerns. However, this does not mean that the people of India do not have a right against the adverse effects of climate change."<sup>31</sup>

This holding establishes that constitutional rights fill gaps where legislation is absent or inadequate.

##### **IV.V CRITICAL ASSESSMENT:**

Scholars have noted both strengths and weaknesses in the judgment. *Kumar and Naik* observe that the Court "decisively seized the opportunity to construct firm constitutional foundations" for climate rights, bringing India in line with global trends in climate litigation.<sup>32</sup> However, they also critique the judgment as "deeply anthropocentric" and insensitive to existing ecocentric jurisprudence. The Court ultimately permitted overhead transmission lines in priority areas for the Great Indian Bustard, prioritising renewable energy expansion over species protection. The judgment also offers little guidance on how the newly declared right will be protected in practice.<sup>33</sup> *Patnaik* notes the inconsistency: while "strongly pushing for conservation in crucial environmental cases, it prioritised development projects in others." The *GIB* case exemplifies this tension, with the Court "greenlit a major energy project through an endangered bird's habitat" even as it proclaimed a new climate right.<sup>34</sup>

#### **V. SUBSEQUENT DEVELOPMENTS: THE RIDHIMA PANDEY**

##### **CASE:**

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<sup>31</sup> *ibid* para 27.

<sup>32</sup> *Kumar and Naik* (n 11).

<sup>33</sup> *ibid*.

<sup>34</sup> *Patnaik* (n 12).

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## **V.I BACKGROUND:**

In 2017, nine-year-old Ridhima Pandey filed a petition before the National Green Tribunal arguing that the Government of India had failed to take adequate steps to mitigate climate change, violating domestic environmental laws and international commitments. The NGT dismissed the petition in 2019 with a brief order stating that there was "no reason to presume" that Paris Agreement obligations were not reflected in government policies.<sup>35</sup>

## **V.II SUPREME COURT PROCEEDINGS:**

On appeal, the Supreme Court admitted the case and expanded its scope. Building on *M.K. Ranjitsinh*, the Court framed climate change as integral to the right to life under Article 21.<sup>36</sup> In February 2025, the Court issued significant directions ordering eight central ministries—including Environment, Power, Coal, and Housing—to coordinate on climate action. The Court criticised the prevailing "siloed" approach and called for synergy across government departments.<sup>37</sup> The Court also observed that existing statutes such as the Environment Protection Act, 1986 and the Air Act, 1981 "*require reassessment to incorporate enforceable climate-centric mandates.*"<sup>38</sup> On 22 July 2025, the Court directed the Ministry of Power, Central Electricity Authority, and Central Electricity Regulatory Commission to file a joint affidavit outlining a national carbon reduction roadmap for the power sector. This marked the Court's most detailed intervention in operational climate governance.<sup>39</sup>

## **V.III SIGNIFICANCE:**

The *Ridhima Pandey case* demonstrates how courts can move beyond declaratory relief to structural supervision of government action. By ordering inter-ministerial coordination and requiring specific policy outputs, the Supreme Court is attempting to translate constitutional rights into administrative reality.<sup>40</sup>

<sup>35</sup> *Ridhima Pandey v. Union of India* Civil Appeal No. 388 of 2021, NGT order (2019).

<sup>36</sup> Supreme Court order in *Ridhima Pandey* (February 2025).

<sup>37</sup> *ibid.*

<sup>38</sup> *ibid.*

<sup>39</sup> Supreme Court order in *Ridhima Pandey* (22 July 2025).

<sup>40</sup> Patnaik (n 12).

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## **VI. ENVIRONMENTAL JURISPRUDENCE BEYOND CLIMATE:**

### **VI.I THE NATIONAL GREEN TRIBUNAL AND THE ROHTANG**

#### **PASS CASE:**

In *Court on its Own Motion vs. State of Himachal Pradesh (2014)*, the NGT addressed unregulated tourism's impact on the Himalayan ecosystem. Studies revealed that 40% of glacial retreat in the region was attributable to vehicular emissions (black carbon).<sup>41</sup> The Tribunal held that Indian citizens have the right to a wholesome, clean and decent environment, derived from Articles 48A, 51A(g) and 21.<sup>42</sup> The NGT ordered pollution reduction programmes, transportation limitations, adoption of cleaner fuels in ecologically sensitive zones, and a reforestation initiative. A Monitoring Committee was established to ensure compliance through quarterly reports.<sup>43</sup>

### **VI.II THE PRECAUTIONARY AND POLLUTER PAYS**

#### **PRINCIPLES:**

In *Vellore Citizens Welfare Forum vs. Union of India (1996)*, the Supreme Court held that the precautionary principle and polluter pays principle are part of Indian environmental law.<sup>44</sup> These principles have been codified in Section 20 of the National Green Tribunal Act, 2010, requiring the Tribunal to apply them in all proceedings.<sup>45</sup>

### **VI.III FOREST PROTECTION AND SACRED GROVES:**

In *T.N. Godavarman Thirumulpad vs. Union of India (1996)*, the Supreme Court adopted an expansive definition of "forest," holding that it includes not only lands recorded as forest in government records but also areas that meet the dictionary definition.<sup>46</sup> This continuing mandamus case has resulted in hundreds of orders monitoring forest protection across India.<sup>47</sup>

<sup>41</sup> *Court on its Own Motion v. State of Himachal Pradesh (2014)* (NGT) para 12.

<sup>42</sup> *ibid* para 15.

<sup>43</sup> *ibid* operative directions.

<sup>44</sup> *Vellore Citizens Welfare Forum v. Union of India (1996)* 5 SCC 647.

<sup>45</sup> National Green Tribunal Act 2010, s 20.

<sup>46</sup> *T.N. Godavarman Thirumulpad v. Union of India (1996)* (interim order).

<sup>47</sup> 'Constitution of India and Environmental Jurisprudence' (2022) Zenodo.

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In December 2024, the Court directed that *Orans* (sacred groves) in Rajasthan be notified as "deemed forests" after mapping. The Court held this was "imperative for upholding both ecological sustainability and cultural heritage."<sup>48</sup>

## **VI.IV THE GENE CAMPAIGN CASE: INTERGENERATIONAL EQUITY:**

In *Gene Campaign vs. Union of India (2024)*, a split verdict addressed the release of genetically modified mustard. Justice B.V. Nagarathna, relying on the principle of intergenerational equity, ruled against release and directed the government to frame a national policy on GM crops.<sup>49</sup> The case highlights how Indian courts invoke future generations' rights in environmental decision-making.

## **VII. STATUTORY FRAMEWORK AND STATE OBLIGATION:**

### **VII.I KEY ENVIRONMENTAL LEGISLATION:**

*India's environmental statutory framework includes:*

- *The Water (Prevention and Control of Pollution) Act, 1974*<sup>50</sup>
- *The Forest (Conservation) Act, 1980*<sup>51</sup>
- *The Air (Prevention and Control of Pollution) Act, 1981*<sup>52</sup>
- *The Environment (Protection) Act, 1986 (enacted following the Bhopal gas tragedy)*<sup>53</sup>
- *The National Green Tribunal Act, 2010*<sup>54</sup>
- *The Biological Diversity Act, 2002*<sup>55</sup>

<sup>48</sup> Supreme Court order in *Godavarman* proceedings (December 2024).

<sup>49</sup> *Gene Campaign v. Union of India (2024)* (split verdict).

<sup>50</sup> Water (Prevention and Control of Pollution) Act 1974.

<sup>51</sup> Forest (Conservation) Act 1980.

<sup>52</sup> Air (Prevention and Control of Pollution) Act 1981.

<sup>53</sup> Environment (Protection) Act 1986.

<sup>54</sup> National Green Tribunal Act 2010.

<sup>55</sup> Biological Diversity Act 2002.

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- Numerous rules governing biomedical waste, plastic waste, e-waste, and solid waste management<sup>56</sup>

## **VII.II THE ENVIRONMENT PROTECTION ACT AS UMBRELLA**

### **LEGISLATION:**

The Environment Protection Act, 1986 was designed as umbrella legislation to provide a framework for central government action and harmonise activities of various authorities.<sup>57</sup> It delegates wide powers to the executive to frame rules and regulations.<sup>58</sup>

### **VII.III THE GAP BETWEEN LAW AND IMPLEMENTATION:**

Despite this elaborate framework, implementation remains weak. As the Indian Express editorialised following *M.K. Ranjitsinh*, "Governments have not always given proper respect to SC rulings that underline the links between ecology and human dignity. Delhi's continuing air pollution is a classic example of the hiatus between jurisprudence and policy."<sup>59</sup>

The Supreme Court itself noted in 2024 that "States are compelled to take effective measures to mitigate climate change," signalling that existing efforts remain inadequate.<sup>60</sup>

## **VIII. REMEDIES AND ENFORCEMENT:**

### **VIII.I CONSTITUTIONAL REMEDIES:**

Article 32 provides the right to move the Supreme Court for enforcement of fundamental rights.<sup>61</sup> Article 226 confers similar power on High Courts.<sup>62</sup> These provisions have been extensively used in environmental litigation.

### **VIII.II THE NATIONAL GREEN TRIBUNAL:**

<sup>56</sup> 'Statutory Framework: Environmental Law' S.S. Rana & Co.

<sup>57</sup> Environment (Protection) Act 1986, preamble.

<sup>58</sup> *ibid* s 3. *ibid* s 3.

<sup>59</sup> 'Express View on Supreme Court' (n 15).

<sup>60</sup> *M.K. Ranjitsinh* (n 25) para 29.

<sup>61</sup> Constitution of India, art 32.

<sup>62</sup> Constitution of India, art 226.

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The NGT, established in 2010, provides specialised environmental adjudication. It has power to award relief and compensation, and its orders are binding.<sup>63</sup> The Rohtang Pass case demonstrates the Tribunal's willingness to impose structural remedies and monitor compliance through committees.<sup>64</sup>

### **VIII.III CONTINUING MANDAMUS:**

Indian courts have developed the "continuing mandamus" technique, retaining jurisdiction and issuing periodic directions to ensure compliance.<sup>65</sup> The *Godavarman* case, ongoing since 1996, exemplifies this approach.<sup>66</sup> The *Ridhima Pandey* case now follows this model for climate governance.<sup>67</sup>

### **VIII.IV CHALLENGES OF ENFORCEMENT:**

Despite judicial creativity, enforcement challenges persist. As Patnaik observes, "many decisions were laden with rhetoric and often contradicted by judgements or orders from other benches."<sup>68</sup> The gap between judicial pronouncement and executive action remains wide.

### **IX. TESTING THE HYPOTHESIS:**

***The evidence examined supports the hypothesis.***

*First*, the Supreme Court has unequivocally held that the right to life under Article 21 includes the right to a clean and healthy environment. This line of cases, from *Subhash Kumar* (1991) through *Virendra Gaur* (1995) to numerous subsequent decisions, establishes environmental degradation as a violation of fundamental rights.<sup>69</sup> *Second*, the Court in *M.K. Ranjitsinh (2024)* explicitly recognised a distinct right against the adverse effects of climate change, anchoring it in Articles 21 and 14 read with Articles 48A and 51A(g). This confirms

<sup>63</sup> National Green Tribunal Act 2010, s 15.

<sup>64</sup> *Court on its Own Motion* (n 41).

<sup>65</sup> Vibhaw (n 13).

<sup>66</sup> *Godavarman* (n 46).

<sup>67</sup> *Ridhima Pandey* (n 36).

<sup>68</sup> Patnaik (n 12).

<sup>69</sup> *Subhash Kumar* (n 22); *Virendra Gaur* (n 23).

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that climate-related environmental degradation constitutes a constitutional violation.<sup>70</sup> *Third*, the State bears enforceable obligations to prevent such violations. The *Ridhima Pandey* case (2025) demonstrates that courts will order specific policy measures, require inter-ministerial coordination, and monitor compliance through structural directions.<sup>71</sup> The hypothesis is confirmed. Under Indian constitutional law, environmental degradation constitutes a violation of the right to life with dignity, and the State is under enforceable constitutional obligations to prevent, mitigate and remedy such violations.

## **X. CONCLUSION:**

The Indian Supreme Court's environmental jurisprudence represents one of the most expansive interpretations of the right to life anywhere in the world. From early recognition that life means more than animal existence, through the articulation of rights to clean air and water, to the 2024 declaration of a constitutional right against climate change, Indian courts have constructed a robust framework linking environmental protection to human dignity. Yet significant challenges remain. Implementation lags behind judicial rhetoric. The gap between constitutional principle and ground-level reality persists. The *Ridhima Pandey* case represents an ambitious attempt to bridge this gap through structural supervision, but its ultimate impact remains to be seen. The right to life with dignity in twenty-first century India cannot be separated from the right to a clean and healthy environment. The law has recognised this reality. The task ahead is to ensure that recognition translates into effective protection for India's 140 crore citizens and for the ecosystems upon which all life depends.

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<sup>70</sup> *M.K. Ranjitsinh* (n 25).

<sup>71</sup> *Ridhima Pandey* (n 36).

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