

# Access To Justice and Environmental Rights: A Global Perspective

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## Abstract

We have given a prominent place to nature since ancient times, which is why our relationship with nature is deep and strong. Nature is a form of justice in which many thoughts and ideas lead us to new results in this changing era. When we entered freedom from selfdom, the gravity of environmental protection was identified and realized on priority basis, but for about a decade, the need of environmental protection and improvement was not formalized intentionally, as it was not considered proper to arrest ecological pollution at the cost of the industrial growth which, under the circumstances, was indispensable to maximize production and profit to cope with international situation. The ever-growing environmental issues are not only harming human resources but also the natural structures at the root level. This chapter provides detailed information on the international approach to environmental issues and Indian judicial activism in ecological cases and their impact on our environmental reforms. The functions of environmental Assessment include evaluation and review to provide the basis for identification of the knowledge needed to be determine the necessary steps to be taken, research to create new knowledge of the kinds specifically needed to guide the making of decisions, and monitoring to gather certain data on specific environmental variables and evaluate such data to determine and predict important ecological conditions and trends.

**Keywords:** Assessment, Environment. International, Justice, Protection.

## Introduction

**And this our life, exempt from public haunt, Finds tongues in trees, books in the running brooks, Sermons in stones, and good in everything. William Shakespeare**

The environmental vision has been conceived in terms of a universe which is the creation of god, and therefore, a definite set of rules seems to govern the universe. These rules are there to be followed by every living creature; however, humans, being more intelligent, were expected to adhere to these rules more vigorously. The traditional Indian thought awards man the role of a steward to take care of all the creatures of the earth. The ancient scriptures of all the religions and sects prescribe knowledge as the ultimate instrument of sustaining life on this earth. According to the most emphatic and encompassing ancient literature, Charaka Samhita, a violation of the peaceful co-existence among the creatures and the material world was considered as pollution. The prime causes of pollution have been identified as human greed and selfishness. Pollution is perceived to have appeared in all the creations, maintenance and preservation of 'Srishti' and 'sthititi'. In an anthropocentric worldview, our main environmental concern centres around the continued availability of natural resources to serve human ends, including those of future generations of humans. The concern for the availability of natural resources for present and future generations is

relatively recent, and may be traced by Malthusian, who was the first to attempt to make a scientific contribution to the debate about the possibility of conflict between population growth and subsistence, and the first one to take a global perspective. <sup>1</sup>*Malthusian [1992]* says that, ‘while the human population increased geometrically, food production increased arithmetically until the occupation of all fertile land, and then increases at a diminishing rate. Eventually, the world population would outstrip the availability of food.

The prevailing environmental ethic and its associated approach to environmental law and decision-making remain anthropocentric.

Environmental law is a relatively more dynamic transforming field than other laws. It is an instrument to protect and improve the environment and to control or prevent any act or omission polluting or likely to pollute the environment. In view of the enormous challenges thrown by the industrial revolution, the legislatures throughout the world are busy with this exercise. Many have enacted laws long ago, and they are busy remodelling the environmental law. The natural resources are channelled towards satisfying aspirations by an improved quality of life through the projection of these natural resources to fulfil the basic needs of the human being. To protect the natural resources such as environment, wildlife, land and beauty, prevent pollution or over-cutting of forests, save endangered species, conserve water, develop and follow general protection plans and prevent damaging practices of the natural resources, the environmental law is the body of state and federal statutes. These laws often give individuals and groups the right to bring legal actions or seek court orders to enforce the protection or demand revisions of private and public activity, which may have detrimental effects on the environment. Legal evolutions like social and biological evolution proceed by fits and starts, immediately pressing problems, and this relatively undeveloped quality of environmental law needs proper theory and is required to shape it properly.

### Meaning of Environmental Justice

The word ‘**Environment**’ is derived from the French words ‘environ’ or ‘environe’, meaning ‘around’, which originated from the old French ‘virer’ or ‘Viron’, which means a circle around, the country or circuit. Etymologists frequently conclude that in English usage at least, ‘environment’ is the total of the things or circumstances around an organism, including humans, though ‘environs’ is limited to the ‘surrounding neighbourhood of a specific place, the neighbourhood or vicinity’. The term ‘**Justice**’ is derived from the Latin word ‘jus, which means righteousness and the rule of law. On the other hand, the definition of ‘Jus’ is so broad that it obscures the meaning of what is referred to or meant to. According to research on the word etymology of Justice, the meaning of right and law that it represents is linked to the concept of restriction and obligations. Even though it has been endlessly debated, the concept of Justice appears to be a more fascinating as well as contentious idea.

According to Section 2 [a] of the Environment [protection] Act 1986 of India, the environment includes water, air, land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organisms and property. The Supreme Court of India has defined the term ‘environment **M.C.Mehta vs. Union of India**<sup>2</sup> as: ‘A point has been reached in history, when we must shape our actions throughout the world with a more prudent care for the environmental consequences. Through ignorance or indifference, we can do massive and irresponsible harm to the earthly environment on which our life and well-being depend. We can achieve for ourselves and our posterity a

<sup>2</sup> Dr. Vidya Bhagat Negi, ‘Environmental Laws Issues and Concerns’, 2011, Regal Publications.

<sup>2</sup> 1987 2 scc, 165.

better life in an environment more in keeping with human needs and hopes.' Essentially, the environment means 'surroundings, especially the material and spiritual influence which affect the growth, development and existence of a living being'.

According to Aristotle [1997], 'Plants exist for the sake of animals.... all other animals exist for the sake of man.... Nature has made all things specifically for the sake of man.

Aquinas T. [1924] has also made a similar claim that 'animals are ordered to man's use in the natural course of things, according to divine providence. Consequently, man uses them without any injustice, either by killing them or employing them in any other way according to his need.

Kant I. [1991], In his work, 'Idea for a universal History with a cosmopolitan purpose,' he states that: 'Human nature is such that it cannot be indifferent even to the most remote epoch which may eventually affect our species, so long as this epoch can be expected with certainty.

The ancient Indian Literature in the light of its values and the importance given to the co-existence of mankind with nature clearly shows that have a continuous and long tradition of healthy and sustainable approach towards the conservation, preservation and protection of ecology, environment and species in a holistic manner which lead to a perfect and harmonies life in accordance with the rules and regulations of the nature. Ancient Indian texts of the Vedic period, such as the Vedas, Smritis, Upanishads and Charaka-Samhita, classified that people during this period had a good knowledge and understanding of plants and ecology. These texts contain classification of animals and vegetation, and descriptions of plants typical to various localities. Caraka-Samhita contains information that air, land, water and seasons were indispensable for life and that polluted air and water were injurious to health.

M.C. Linglin, [1972] in his book, 'The Law Relating to Pollution', describes that the law of environment is derived from the two principles sources from the common-law developed by courts, through judicial precedents, and the statutory law with regulations or by-laws made thereunder.<sup>3</sup>

Thus, the concept of defining Environmental Justice is basically for the protection, conservation, rehabilitation, management, and improvement of natural resources and the promotion of sustainable development of these resources. The law of the environment, with its inherent limitations of relying on law alone, is acknowledged, and it also requires critical examination. To approach the law in a critical sense but constructive way, a wide range of disciplines, periods and media needs to be developed for understanding the environmental problems, which require making forays into other disciplines because the sources of environmental harm are diverse, ultimate and cross-disciplinary boundaries. Therefore, the main thrust area of the environmental law is related to protection, conservation and rehabilitation by promoting sustainable development management and improving the natural resources for the well-being of humankind.

### **Global Perspective of Environmental Justice**

The globalisation of environmental concerns and the internationalisation of environmental law have promoted the development of environmental justice discourse. This discourse discerns, analyses and calls for the distribution of environmental benefits and burdens,<sup>8</sup> the recognition of oppressed individuals and communities in the political and cultural realm and procedural dimensions focusing on participatory mechanisms. Ecological distribution conflicts are a term for environmental injustices employed in ecological economics. For instance, a factory may be polluting the river (which belongs to nobody or

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<sup>3</sup> Dr.Vidya Bhagat Negi, 'Environmental Laws issues and concerns',2011,Regal Publications

belongs to a community that manages the river). Yet this damage is not valued in the market, and those impacted are not compensated. Environmental justice arose from community groups in the United States protesting polluted companies and dump yards, primarily in areas of black and indigenous peoples' reservations in the 1980s. This trend then spread to the United Kingdom and Europe. Their primary concern is social inequality, notably the differences in environmental circumstances encountered by the richest people and the poor people of society. This concept gained traction in the White House in 1994 when President Clinton issued an executive order addressing vulnerable income groups in general. It reaffirmed the requirement of the Civil Rights Act of 1964 to do environmental justice, which was later accepted by the United States Environmental Protection Agency in 2003. Globalisation, urbanisation, environmental degradation, and climate change are some of the obstacles to distributional justice, and it has a broader perspective that incorporates generational International Environmental Justice.

Environmental Conventions serve as environmental protection protections and mechanisms. There are several protocols and conventions to protect various environmental components. Environmental issues are one of the major concerns among a variety of organizations. Many international initiatives that demanded transnational coordination and cooperation were directed by the United Nations, created in 1945 after World War II. The UNEP addresses these issues and policies as the UN's designated organization for environmental concerns and policies.

<b>List of Important Environmental Conventions and Protocols</b>		
International Environmental Conventions	Established Year	Organization
Ramsar Convention	1971	International Convention
Convention on International Trade in Endangered Species of Wild Fauna and Flora	1973	International Agreement
Bonn Convention	1979	United Nations Environment Programme
Montreal Protocol	1987	Multilateral Environment Agreement
Vienna Convention	1988	Multilateral Environment Agreement
Basel Convention	1989	Multilateral Environmental Agreement
Convention on Biological Diversity	1992	Multilateral Treaty
United Nations Framework Convention on Climate Change	1992	Inter-Governmental Treaty
Rio Summit	1992	United Nations

United Nations Convention to Combat Desertification	1994	United Nation
Kyoto Protocol	1997	UNFCCC
Rotterdam Convention	1998	UN treaty
Cartagena Protocol on Biosafety	2000	First Protocol on CBD
Stockholm Convention	2001	Stockholm, Sweden
UN-REDD	2008	United Nations Programme
Nagoya Protocol	2010	Second Protocol on CBD
Minamata Convention	2013	International treaty
Kigali Amendment	2016	International Agreement

Environmental conventions and protocols are significant because they address various environmental issues, including wetlands, deserts, human health, and hazardous substances.

The challenges related to addressing environmental justice, including climate justice, require equitable solutions and the respect, protection and fulfilment of human rights in the context of climate change mitigation and adaptation, biodiversity conservation and pollution control efforts. Examples include the protection of land and tenure rights of indigenous peoples in efforts to enhance protected areas and forest coverage for climate mitigation purposes; rights of youth, children and future generations with regards to climate impacts; and ensuring public participation and access to information for all in society with regard to climate change policy and decision making, as well as access to justice for human rights violations caused or triggered by the changing climate and environmental degradation. Another important aspect is the need to promote just transitions to a low emissions and sustainable economy, and equity in reaching global net zero emissions by the middle of the century, as required by the Paris Agreement (PA). This requires not only an enabling legal framework, but also adherence to the rule of law and the respect of human rights.<sup>4</sup>

### **Indian legislative framework vs. Access to the Environment right:**

The constitutional scheme for the realisation of the socio-economic agenda comprises both the justifiable fundamental rights as well as the non-justifiable Directive Principles are provided with its theoretical distinction of natural and legal rights. The judicial contribution to the synthesis and the integration of the Fundamental Rights and the Directive Principles in the process of constitutionalising social and economic rights has been crucial to the realisation of the Directive Principles, not only as a means to effectuate Fundamental Rights but also as a source of laws for a welfare state. The constitution of India for the decent life of its citizens contains several provisions that require the state and the citizen to protect the natural environment.

<sup>4</sup> <https://www.undp.org/sites/g/files/zskgke326/files/2022-06/Environmental-Justice-Technical-Report.pdf>.

Indian judges created a disciplinary website to protect human rights and environmental justice, caused by encroachment on fundamental rights. The important role of state law and culture exists in Indian law to remind people, and the state is a pious duty to protect nature. The jurisdictions for many of these important laws spanned and have proven effective in promoting environmental justice in India.<sup>5</sup>

**1. Article 14:** It gave the right to equality and stated that the state should not deny equality and equal protection of rights before the law in India. National authorities cannot make arbitrary decisions. It said the state's actions on the environment would not violate the equal rights enshrined in Article 14 of the Indian Constitution. Even the Stockholm Declaration of 1972 recognised the principle of equality in environmental management. The first principle of the Declaration states: "People have the fundamental right to liberty, equality and an adequate standard of living in favourable conditions for leading a life in dignity and health.

**2. Article 19:** Article 19(1)(g) of the Indian Constitution balances the right to development with the right to a clean and healthy environment and guarantees freedom, but also sets out why this law is needed. limit. Certain commercial or industrial activities pose risks to vegetation, animals, waterways and human health. Transactions or undertakings that violate the rights of animals, plants or people are not covered by the Basic Law. The right to work, labour and occupational freedom are subject to the provision that they do not pollute the environment.

**3. Article 21:** All actions that harm the environment and harm the health of humans and animals violate the right to health and violate the right recognised in Article 21 of the Constitution of India. Right to pollution Protection from environmental pollution is a fundamental right within the right to life.

**4. Article 32 & 226:** Articles 32 and 226 of the Indian Constitution give general jurisdiction over constitutional matters to the Supreme Court and the Supreme Court. Specifically, Article 32 provides that the Supreme Court has the power to issue "directions, orders or written instruments" to exercise fundamental constitutional rights. According to Article 226 of the Indian Constitution, any citizen can appeal a Supreme Court decision regarding the protection of fundamental rights. A clean environment is regarded as a fundamental right under Article 21, and the state is responsible for providing a clean environment to its citizens, and can exercise its jurisdiction only when the state violates this right.

**5. Article 39:** Article 39 of the Law on Distribution and Management of Natural and Man-made Resources is used only in a way that does not cause environmental imbalance and health risks.

**6. Article 42:** Article 42 of the Constitution authorises the state to enact laws on fair labour, human rights and maternity benefits. The state wanted justice and jobs for people who could thrive in a clean environment.

**7. Article 47:** It is stated that the state should play the main role in promoting the food supply of people and improving public health and living conditions, and that the state should strive to ban alcohol and drugs for health, unless they are used medicinally. Improving public health is the responsibility of the state. Article 47 calls on the State to fulfil its primary responsibility to take care of the health of its citizens and to take necessary and effective measures to improve their living conditions and food quality. The development of public health is fundamental to the environment, as many environmental hazards pose a serious risk to human health. The drafters of the Constitution focused on promoting people's health, which is more important than protecting human life.

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<sup>5</sup> G.S. Natawat, Satish Shastri, J.P. Vyas, Man Nature & Environmental Law, 1988 RBSAPublishers.

**8. Article 48:** Article 48 regulates the conservation of cattle and other cattle that contribute to maintaining the ecological balance in Russia.

**9. Article 48 A:** Article 48A specifically deals with the protection of the environment in the 42nd Amendment Law No. It is the state's responsibility to protect and improve the environment, and to protect forests and wild animals.

**10. Article 49:** Article 49 states that the State must protect any monument, historic site, or object of historical significance declared to be of national importance by a law passed by Parliament.

**11. Article 51 A(g):** Article 51A(g) of the Constitution specifically stipulates that the primary responsibility of all citizens is to protect and develop the natural environment, including forests, lakes, rivers, and wild animals, and to exercise patience toward living things. For this reason, it is argued that the elements of the environment, ecology, forests and wildlife should be separated from each other due to national health and differences between states obliged by law to fulfil these obligations.

**12. Article 246:** Article 246 of the Constitution divides the legislative powers between the Union and the states. List I includes Defence, Foreign Affairs, Atomic Energy, Interstate Freight, Shipping, Air Freight, Oil Fields, Mines, and Interstate Rivers. State List (List II) includes Health and Welfare, Agriculture, Water Resources, Water Resources and Water Resources, Fisheries. List Concurrent List (List III) is not included in Union List Population Management and Factories, including Forestry, Wildlife Conservation, Mines and Minerals and Development, as the State and the Union can make laws. Distribution of legal rights is an environmental issue – some environmental issues, such as sanitation and waste disposal, are best left to the area; others, such as water pollution and wildlife protection, are better than national laws.

**13. Article 253:** Section 253 states that Congress has the power to enter into treaties, agreements, or arrangements with other countries for all or part of the state. This article shows in simple terms that since the 1972 Stockholm Conference, Parliament has had the power to legislate anything related to environmental protection.

Many factors are now out of our control and causing damage. Water and air pollution damage nature and affect our health. Thus, the Constitution recognises the right to health and obliges the state to work to improve the health of the Indian population. The link between environmental degradation and India's major problems is often overlooked. It is worth noting the relationship between environmental degradation on the one hand and medical and social problems on the other. The poor and illiterate are particularly vulnerable to environmental pollution.

### **Stages in Environmental Protection:**

The relationship between environmental protection can be divided into three levels:

1. At the first level, the law is mainly the national law, the law within the wider environment, and the declared meaning or agreement defines the environmental values to be protected. and protected.
2. In the second phase, environmental policy defines the objectives and strategies that should be used to ensure respect for environmental values, including economic, social quality and culture.
3. In the third stage, legal instruments are used to achieve the objectives set out in Environmental Policy. The content of these tools can be economic, political, social or academic.

Under Art 253 Legislation for giving effect to international agreements notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

**The Water (Prevention and Control of Pollution) Act 1974-** The Act prohibits the discharge of pollutants into water and beyond a given standard and lays down penalties for non-compliance with its provisions. Under this Act, the Central Pollution Control Board(CPCB), which laid down the prevention and control of water pollution, and, at the state level, the State Pollution Control Board functions under CPCB

**The Air (Prevention and Control of Pollution) Act 1981:** An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith. "air pollution" means the presence in the atmosphere of any air.

**The Environment (Protection) Act 1986:** An Act to provide for the protection and improvement of the environment and for matters connected therewith. Whereas decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment; And whereas it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property.

**THE NOISE POLLUTION (REGULATION AND CONTROL) RULES, 2000:** Whereas the increasing ambient noise levels in public places from various sources, inter-alia, industrial activity, construction activity, fire crackers, sound producing instruments, generator sets, loud speakers, public address systems, music systems, vehicular horns and other mechanical devices have deleterious effects on human health and the psychological well-being of the people; it is considered necessary to regulate and control noise producing and generating sources with the objective of maintaining the ambient air quality standards in respect of noise.

**The Hazardous Wastes (Management and Handling) Rules, 1989:** Under these rules the hazardous waste, "hazardous waste" means any waste which by reason of any of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics causes danger or is likely to cause danger to health or environment. The main objectives of waste management are: for the protection of the environment through effective waste management techniques. to protect health, well-being and environment. to prevent pollution.

**The Municipal Solid Wastes (Management and Handling) Rules, 2000** The Municipal Solid Wastes (Management and Handling) Rules, 2000 shall apply to every municipal authority responsible for collection, segregation, storage, transportation, processing and disposal of municipal solid wastes.<sup>8</sup> The main objective of the solid waste management system is to promote environmental management and Conservation.

**THE INDIAN FOREST ACT, 1927:** An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.<sup>9</sup> And to protect the forest and the environment. The main objective of this draft is to empower the forest officers by providing them with appropriate equipment and weapons to protect themselves and the forest as well.

**The Supreme Court's Environmental Jurisprudence:** The Supreme Court's record on environmental cases in 2024 reflected the inconsistencies that have long marked its jurisprudence on the subject. While some rulings expanded the constitutional imagination of environmental rights, others revealed contradictions—balancing conservation against development in ways that often-left outcomes uncertain.

**A Constitutional Right Against Climate Change:** In *M.K. Ranjitsinh v. Union of India*<sup>6</sup>, a Division Bench led by former Chief Justice D.Y. Chandrachud recognised, for the first time, a constitutional right against the adverse effects of climate change. The Court held that this right flows from Articles 48A, 51A(g), 21, and 14, expanding upon the 1986 *M.C. Mehta vs. Union of India*<sup>7</sup>. The ruling that first articulated a right to a healthy environment under Article 21.

Highlighting the disproportionate impact of climate change on vulnerable groups such as forest dwellers and indigenous communities, the Court also flagged India's legislative vacuum on climate policy, contrasting it with climate legislation in the European Union. Referring to cases such as climate refugee litigation in New Zealand, the bench predicted an inevitable rise in climate-related disputes in Indian courts. Yet, the decision also exposed the Court's contradictions. Even as it declared a new right, it approved a renewable energy project that endangered the critically threatened Great Indian Bustard (GIB), reflecting the uneasy trade-off between climate goals and biodiversity conservation.

**Genetically Modified Mustard and a Split Verdict:** The release of genetically modified mustard (*DMH-11*) divided the Court in *Gene Campaign v. Union of India*<sup>8</sup>. Justice B.V. Nagarathna ruled against the release, invoking the precautionary principle and pointing to the lack of consultations with states and health experts. She directed the Union government to frame a national policy on genetically modified crops and ensure that DMH-11 was not a herbicide-tolerant variety linked to cancer risks. Justice Sanjay Karol, however, permitted the field release, emphasising a “scientific temper” and the need to balance sustainable development with innovation. The split verdict left the regulatory future of GM crops in India uncertain.

**Pollution and Judicial Monitoring:** The Court continued its supervisory role over pollution crises. In *Ashok Kumar Sinha v. Union of India*<sup>9</sup> It demanded responses from governments over plastic dumping in the Ganga, ordering the removal of illegal encroachments along the riverbanks. When Delhi's air quality reached a hazardous AQI of 1500 in November, a bench revived *M.C. Mehta (1984)* to closely monitor the Graded Response Action Plan. Schools were ordered shut under Stage IV, and Delhi's Chief Secretary was repeatedly summoned over failures in solid waste management.

Separately, in *Union of India v. Rajiv Suri*<sup>10</sup> The Court directed states to establish State Environment Impact Assessment Authorities (SEIAA) under the Environment (Protection) Act within six weeks, strengthening India's environmental governance framework.

**Protecting Forests—With Limits:** The Court also dealt with challenges to the 2023 amendments to the Forest (Conservation) Act, which critics argued diluted protections. While the case remains pending, the Court directed states to adopt the broad definition of “forest” laid down in *T.N. Godavarman v. Union of India (1996)*<sup>11</sup>. It further ruled that zoos and safaris—excluded under the new amendments—would continue to be treated as forest areas until final adjudication. In Delhi, the Court issued contempt against the Vice Chairman of the Delhi Development Authority for clearing forest land in the Ridge despite earlier prohibitions. Former CJI Chandrachud also questioned the Lieutenant Governor's role in the illegal deforestation, leaving behind a landscape of barren construction sites. Perhaps the most empathetic ruling

<sup>6</sup> 2024 SCC On-line SC 570

<sup>7</sup> AIR 1987, SC1086

<sup>8</sup> 2024 INSC 545)

<sup>9</sup> Civil Appeal No. 59 of 2004. D/d. 8.8.2006.

<sup>10</sup> Appeal No. 131 of 2018

(I.A. No. 166 of 2020)

<sup>11</sup> WRIT PETITION (C) NO. 202 OF 1995

came in December, when Justice Sandeep Mehta ordered Rajasthan's Orans (sacred groves) to be notified as "deemed forests," recognising their ecological and cultural value after a three-decade-long community struggle.

**The Rhetoric–Reality Gap:** For all its strong words, the Court's actions often lacked consistency. Its push for transparency in the GM mustard case was undermined by a contradictory split verdict. Its concern over plastic pollution clashed with a stay on a National Green Tribunal order that sought criminal accountability for untreated sewage in the Ganga. And despite articulating a right against climate change, the Court prioritised a renewable energy project over protecting the GIB's fragile habitat.

**Development vs. Environment:** The tension between India's developmental goals and ecological limits dominated several rulings. In *Ranjitsinh*, renewable energy was prioritised over species conservation. In the *Gene Campaign*, scientific advancement was favoured over precautionary safeguards. And in **State of Himachal Pradesh v. Yogendra Mohan Sengupta**<sup>12</sup> The Court approved a controversial urbanisation plan for Shimla by 2041, overriding National Green Tribunal restrictions despite concerns about landslides and ecological risks.

## Conclusion

The depredations and denigrations in the environment are penetrating at the very roots of human existence. These are emerging as grave concerns and have forced actions at various levels. The environmental protection laws have encompassed the broader concerns, yet these are only feeble attempts, though; a positive and remedial beginning at the global level is a ray of hope. The institution of Public Interest Litigation is a noble innovation in India, but it has to be carefully managed. **Justice Bhagwati** has also expressed in the following words:

“ we may also point out that as a matter of prudence and not as a rule of law, the court may confine this strategic exercise of jurisdiction to cases where legal wrong or legal injury is caused to a determinate class or groups of persons or the constitutional or legal right of such determinate class or group of persons is violated and as far as possible, not entertain cases of individual wrong or injury at the instances of a third party, where there is an effective legal aid organisation which can take care of such cases.”

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<sup>12</sup> CIVIL APPEAL NOS. 5348-5349 OF 2019