

# Right to Life and Air Pollution in India: Constitutional Protection, Legal Framework and Contemporary Challenges

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## Abstract

The right to life guaranteed under Article 21 of the Constitution of India has undergone dynamic judicial interpretation, expanding far beyond mere animal existence to include the right to live with human dignity, health, and a clean environment. Among environmental concerns, air pollution has emerged as one of the gravest threats to the effective enjoyment of this fundamental right. Rapid industrialization, urbanization, vehicular growth, construction activities, and agricultural practices have severely degraded air quality across India, leading to serious public health consequences. This article examines the constitutional dimensions of the right to life in relation to air pollution in India. It analyses how the Supreme Court of India has interpreted Article 21 to include the right to pollution-free air, supported by Directive Principles of State Policy and Fundamental Duties. The study further evaluates the statutory framework governing air pollution, including the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, and the role of the National Green Tribunal. Despite progressive jurisprudence, the article identifies major challenges such as weak enforcement, institutional inefficiencies, lack of coordination among authorities, and limited public participation. The article concludes by emphasizing the need for stronger governance, effective implementation of environmental laws, and sustained judicial oversight to ensure meaningful protection of the right to life against the menace of air pollution.

**KEYWORD:** Article 21, Environment Protection Act, Supreme Court Judgments

## 1. Introduction

The Constitution of India places the **right to life and personal liberty** at the heart of its fundamental rights framework. Article 21 provides that “*No person shall be deprived of his life or personal liberty except according to procedure established by law.*” While the text appears narrow, judicial interpretation has transformed Article 21 into a repository of unremunerated rights essential for a dignified human existence.

Environmental protection, particularly protection from air pollution, has become an inseparable component of the right to life. Clean air is essential for survival, health, and well-being. In India, deteriorating air quality has become a national crisis, especially in metropolitan cities such as Delhi, Mumbai, Kolkata, and Bengaluru. The World Health Organization has repeatedly ranked Indian cities among the most polluted in the world.

Air pollution has direct and severe consequences on human health, causing respiratory diseases, cardiovascular disorders, reduced life expectancy, and premature deaths. When the State fails to control

air pollution, it directly impairs the fundamental right to life. This has prompted judicial intervention, making air pollution not merely an environmental issue but a constitutional concern.

## 2. Concept of Right to Life under Article 21

Initially, Article 21 was interpreted narrowly, as seen in *A.K. Gopalan v. State of Madras* (1950). However, the approach changed significantly after *Maneka Gandhi v. Union of India* (1978), where the Supreme Court held that the right to life includes the right to live with dignity and must be interpreted broadly and purposively.

Subsequent judgments expanded Article 21 to include:

- Right to health
- Right to livelihood
- Right to clean environment
- Right to shelter
- Right to privacy

The Court recognized that life is not confined to mere physical existence but includes all those aspects which make life meaningful and worth living. Environmental quality, especially air quality, directly impacts health and dignity, making it an essential part of Article 21.

## 3. Constitutional Basis for Right to Clean Air

### 3.1 Article 21

The Supreme Court has consistently held that environmental pollution which affects public health violates Article 21. Clean air is indispensable for life, and exposure to polluted air amounts to a denial of the right to life.

### 3.2 Directive Principles of State Policy

- **Article 48A** directs the State to protect and improve the environment and safeguard forests and wildlife.
- Though non-justiciable, this provision guides State policy and judicial interpretation.

### 3.3 Fundamental Duties

- **Article 51A (g)** imposes a duty on every citizen to protect and improve the natural environment and the this duty's prescribed in *M C MAHTA VS UNION OF INDIA CASE*
  - Courts have relied on this provision to justify public participation and environmental responsibility.
- Together, these constitutional provisions form a strong foundation for recognizing the right to pollution-free air as a fundamental right.

## 4. Statutory Framework Governing Air Pollution in India

### 4.1 Air (Prevention and Control of Pollution) Act, 1981

The Air Act is the primary legislation dealing specifically with air pollution. Its objectives include prevention, control, and abatement of air pollution.

Key features:

- Establishment of Central and State Pollution Control Boards
- Power to set emission standards
- Authority to inspect industries and issue directions
- Penal provisions for non-compliance

However, enforcement remains weak due to lack of manpower, monitoring mechanisms, and deterrent penalties.

#### **4.2 Environment (Protection) Act, 1986**

This umbrella legislation empowers the central government to take measures to protect and improve environmental quality. It provides authority to:

- Regulate industrial emissions
- Lay down environmental standards
- Issue binding directions

#### **4.3 National Green Tribunal Act, 2010**

The NGT Act established a specialized tribunal for speedy disposal of environmental cases. It plays a crucial role in air pollution litigation by:

- Granting compensation
- Issuing preventive and remedial orders
- Enforcing the principle of sustainable development

### **5. Supreme Court Jurisprudence on Air Pollution and Right to Life**

#### **5.1 Subhash Kumar v. State of Bihar (1991)**

This landmark judgment explicitly recognized that the right to life under Article 21 includes the right to enjoy pollution-free air and water. Any activity that pollutes the environment and affects public health violates Article 21.

#### **5.2 M.C. Mehta v. Union of India (Delhi Vehicular Pollution Case)**

The Supreme Court ordered the conversion of public transport vehicles in Delhi to Compressed Natural Gas (CNG). The Court held that protection of public health is of paramount importance and cannot be compromised for economic reasons.

#### **5.3 M.C. Mehta v. Union of India (Taj Trapezium Case)**

The Court restricted and relocated polluting industries around the Taj Mahal to prevent air pollution and protect both heritage and human health. This case reinforced the precautionary principle.

#### **5.4 Vellore Citizens Welfare Forum v. Union of India (1996)**

The Court recognized the principles of sustainable development, precautionary principle, and polluter pays principle as part of Indian environmental law.

### **5.5 Recent Judicial Trends**

In recent cases concerning Delhi-NCR air pollution, the Supreme Court has reiterated that living in a pollution-free environment is a fundamental right and has criticized government inaction regarding stubble burning, vehicular emissions, and construction dust.

#### **5.5.1 M.K. Ranjitsinh v. Union of India (2025)**

**Issue:** Protection of the Great Indian Bustard (GIB).

**Brief:** The Supreme Court issued directions to protect the critically endangered Great Indian Bustard. The Court balanced renewable energy development with wildlife protection and directed undergrounding or mitigation of power lines in priority habitats in Rajasthan and Gujarat. The judgment reaffirmed the importance of biodiversity conservation under Articles 21, 48A and 51A(g) of the Constitution.

**Justification:** The judgment is justified as it applies the doctrine of sustainable development by harmonising environmental protection with developmental needs. Protection of endangered species is an

essential part of the right to life under Article 21, and the Court correctly enforced constitutional obligations of the State and citizens.

### **5.5.2 CSR Must Include Environment & Ecology – Supreme Court (2026)**

**Issue:** Scope of Corporate Social Responsibility.

**Brief:** The Supreme Court held that Corporate Social Responsibility (CSR) obligations must inherently include environmental protection and ecological balance. Corporations were reminded of their constitutional and statutory duties to prevent environmental degradation.

**Justification:** This ruling is justified because corporations significantly impact the environment and must share responsibility for ecological preservation. The decision strengthens environmental governance by aligning corporate activity with constitutional values and public interest.

### **5.5.3 Vanashakti v. Union of India / CREDAI v. Union of India (Review, 2025)**

**Issue:** Validity of Ex Post Environmental Clearances.

**Brief:** A three-judge bench, by a 2:1 majority, allowed limited ex post facto environmental clearances while reviewing its earlier strict stance. The dissent emphasized that post facto clearances undermine the environmental rule of law and the precautionary principle.

**Justification:** The majority view is justified as a pragmatic approach to address completed projects while imposing safeguards and penalties. At the same time, the dissent highlights the need to ensure that environmental laws are not diluted, thereby preserving the precautionary principle.

### **5.5.4 Supreme Court on Aravalli Hills (2025)**

**Issue:** Definition and protection of Aravalli Hills.

**Brief:** The Supreme Court adopted a uniform definition of the Aravalli range based on scientific parameters. While the decision raised environmental concerns, the Court ensured interim protection to prevent irreversible ecological damage.

**Justification:** The judgment is justified as it seeks scientific clarity and uniform regulation while preventing irreversible environmental harm. Interim protection reflects the Court's precautionary approach toward fragile ecosystems.

### **5.5.5 Higher Penalty on Big Polluters – Supreme Court (2026)**

**Issue:** Environmental compensation and liability.

**Brief:** The Supreme Court ruled that larger corporations must pay higher penalties for environmental damage, strictly enforcing the Polluter Pays Principle and ensuring proportional liability based on capacity and environmental impact.

**Justification:** This decision is justified as it ensures fairness and deterrence in environmental enforcement. Imposing higher liability on major polluters strengthens accountability and discourages environmental violations.

### **5.5.6 Conclusion**

These judgments reflect the Supreme Court's commitment to environmental constitutionalism by enforcing the principles of sustainable development, precaution, and polluter pays. They balance economic growth with environmental protection and reinforce accountability of both the State and private actors.

## **6. Challenges in Controlling Air Pollution in India**

### **6.1 Weak Enforcement of Laws**

Despite comprehensive legislation, enforcement remains ineffective. Pollution control boards often lack resources, technical expertise, and independence.

### **6.2 Institutional and Administrative Failures**

Poor coordination between central, state, and local authorities results in fragmented implementation of pollution control measures.

### **6.3 Urbanization and Vehicular Growth**

Rapid urban growth and increased dependence on private vehicles have significantly contributed to air pollution.

### **6.4 Agricultural Practices**

Seasonal stubble burning in northern India severely affects air quality, highlighting the absence of viable alternatives for farmers.

### **6.5 Public Awareness and Participation**

Lack of environmental awareness and limited citizen participation weaken accountability and compliance mechanisms.

## **7. Role of Judiciary and Public Interest Litigation**

Public Interest Litigation (PIL) has been instrumental in advancing environmental protection in India. The judiciary has:

- Filled legislative gaps
- Compelled executive action
- Ensured enforcement of environmental standards

However, excessive judicial intervention without executive support cannot provide long-term solutions.

## **8. Suggestions and Way Forward**

1. Strengthen enforcement mechanisms under environmental laws
2. Increase funding and autonomy of pollution control boards
3. Promote cleaner technologies and renewable energy
4. Enhance public participation and environmental education
5. Ensure cooperative federalism for regional pollution issues

## **9. Conclusion**

The menace of air pollution poses a serious threat to the realization of the right to life under Article 21 of the Constitution of India. Judicial interpretation has firmly established that the right to clean air is a fundamental right. However, legal recognition alone is insufficient without effective implementation. Addressing air pollution requires coordinated efforts from the State, judiciary, citizens, and industries. Strengthening environmental governance and ensuring accountability are essential to preserve the constitutional promise of life with dignity for present and future generations.

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