

## AN EMERGING PROBLEM OF CLIMATE CHANGE IN JURIDICAL PERSPECTIVE

Shretima Dwivedi<sup>1</sup>, Priya Jain<sup>2</sup>

\* Research Scholar, Faculty of Juridical Science, Rama University, Mandhan, Kanpur, U.P.,  
Assistant Professor, Faculty of Juridical Science, Rama University, Mandhan, Kanpur, U.P.,

### Abstract

This paper provides an in-depth analysis of the emerging trend of climate change litigation within the juridical landscape of India. Through an exploration of recent case law and the historical context of judicial activism and environmental considerations, it highlights the unique characteristics of the Indian judicial system that enable the integration of evolving principles of climate change law. The paper examines the intersection between domestic legal frameworks and international environmental principles, illustrating the judiciary's proactive stance in applying global standards at the national level. However, it also identifies challenges and roadblocks hindering the progress of climate litigation in contemporary times. By delineating the dichotomy between judicial enthusiasm for climate action and practical impediments, this paper offers insights into the evolving role of the Indian legal system in addressing the complex challenges posed by climate change.

### Introduction

India stands at the forefront of global attention when it comes to the intricate interplay between climate change and legal response mechanisms. With close to twenty percent of the world's population, spanning 2.4% of the Earth's land area, and hosting a staggering 7%-8% of all recorded species, India's environmental landscape is not only rich but also profoundly vulnerable to the impacts of climate change.<sup>1</sup> The livelihoods of over 650 million people in India are intricately woven into climate-sensitive sectors such as agriculture and forestry, making the nation acutely susceptible to shifts in weather patterns and ecological disruptions. Projections indicate a worrisome trajectory for India's climate, with minimum and maximum temperatures expected to rise by two to four degrees Celsius in the northern regions and over four degrees Celsius in the southern parts by the 2050s. This forecast underscores the urgency of robust legal frameworks and judicial interventions to mitigate and adapt to the unfolding climate crisis. Indeed, the fate of India, and by extension the planet, hinges significantly on

---

<sup>1</sup> India (2022) IUCN. Available at: <https://www.iucn.org/our-work/region/asia/countries/india#:~:text=India%2C%20a%20megadiverse%20country%20with,and%2091%2C000%20species%20of%20animals>. (Accessed: 2 May 2024).

the efficacy of India's judicial system in addressing the escalating climate-related challenges. Historically, the Indian Judiciary has assumed a proactive role in environmental matters, often stepping in to bridge legislative gaps and catalyze policy reforms through landmark decisions. By interpreting constitutional provisions and principles of environmental law with foresight and diligence, the Judiciary has compelled legislative action and institutional reforms, thereby shaping the contours of India's environmental jurisprudence.<sup>2</sup> The recent surge in global climate change litigation serves as a potent catalyst for driving awareness, fostering public discourse, and catalyzing policy shifts. Cases such as *Urgenda Foundation v. The Netherlands*<sup>3</sup> exemplify the transformative power of strategic climate litigation, transcending the boundaries of individual disputes to galvanize broader societal action and governmental accountability. Such strategic litigation not only underscores the interconnectedness of global climate issues but also underscores the pivotal role of judiciaries in holding governments and corporations accountable for their environmental stewardship. Drawing inspiration from international precedents and leveraging the evolving concept of legal standing, the Indian Judiciary has embarked on a journey of jurisprudential evolution, infusing domestic legal systems with the principles of international environmental law. The establishment of specialized tribunals like the National Green Tribunal underscores India's commitment to expedite environmental justice and bolster its legal arsenal against environmental degradation. Amidst these strides, the Indian judicial landscape grapples with its own set of challenges and limitations in effectively addressing climate change litigation.<sup>4</sup> Despite promising developments, certain youth-led climate litigation efforts have encountered setbacks, highlighting the complexities and hurdles inherent in navigating the legal terrain of climate activism. Against this backdrop, this paper embarks on a comprehensive exploration of India's judicial response to the emerging problem of climate change. By tracing the historical trajectory of environmental litigation, examining the role of judicial activism, and scrutinizing key legal precedents, this paper endeavors to shed light on

---

<sup>2</sup> See *Vishaka & Ors. v. State of Rajasthan & Ors.*, (1997) 6 SCC 241 (India) (illustrating when the Supreme Court of India took reference from various international conventions and laws in the absence of domestic law on sexual harassment of women at workplace, then connected it to the law of the land and gave birth to a new law altogether).

<sup>3</sup> *Urgenda Foundation v. State of the Netherlands*, [2015] HAZA C/09/00456689

<sup>4</sup> Michael Ramsden & Kris Gledhill, 'Defining Strategic Litigation' (2019) 4 *Civil Justice Quarterly* 407, SOC.SCI.RESEARCHNETWORK (Oct. 9, 2019), =<https://ssrn.com/abstract=3467034> (discussing the contours of strategic litigation and their defining features at length, including the non-individuality of the litigation).

the evolving dynamics of climate litigation within the Indian context<sup>5</sup>. Through a nuanced analysis of successes, shortcomings, and opportunities, it seeks to elucidate the imperative for sustained judicial engagement and innovative legal strategies in confronting the formidable challenge of climate change.

## Background

Climate change, a multidimensional wicked problem consisting of mix science, economics, and law, is rewriting the way mankind view global environmental dynamics. Being the result of the harmonious interaction between the human activities and the atmospheric systems, on one hand, and the most important problem affecting the mankind, on the other hand, climate change is one of the most urgent issues ahead of us. This detailed report covers from the the basic scientific aspects to the economic consequences of climate change and the public reaction to it as well that demonstrate the intricacy of the subjects that need to be considered when dealing with the climate change issue.<sup>6</sup>

The hypothesis that some human activities are ‘climate culprits’: they produce greenhouse gases (GHGs) which further contribute to global warming and volatile alterations in the climate goes back to the 19th century. But only at the beginning of the latter part of the 20th century were those exuberant attempts made to systematically tackle the complicated connections between natural phenomena of the weather and anthropogenic activities that guide climate patterns. A huge number of scientists have been engaged in the research conducted by government-funded organizations, independent research institutes, or joint initiatives as part of the IPCC, and all this work has been vital for developing our ideas about climate dynamics. Founded by the World Meteorological Organization (WMO) and the UN Environment Program (UNEP) in 1988, it is an arms-length institution acting as a global data bank and a consensus builder. The IPCC is a source of scientific understanding and policy recommendations on Earth systems, integrating findings to influence policy and action at the international level. Scientific studies spanning two decades by various scientific organizations such as the IPCC have proved beyond reasonable doubt that the CO<sub>2</sub> emissions arising from human-induced activities significantly contribute to the rise of average global

---

<sup>5</sup> Chaturvedi, Eeshan. (2021). Climate Change Litigation: Indian Perspective. *German Law Journal*. 22. 1459-1470. 10.1017/glj.2021.85.

<sup>6</sup> Tim Flannery, *The Weather Makers* 36-43 (Text 2005). See also Daniel Bodansky, *The History of the Global Climate Change Regime*, *International Relations and Global Climate Change* 23 (Urs Luterbacher and Detlef F. Sprinz eds., MIT Press 2001).

temperature. “Frightening forecasts” of keeping the rise of two Celsius to the end of the 21st century showing otherwise, is a reason to take immediately the “adequate climate measures”. Not meeting the ambitious goal mentioned above will create non-linear, exponential effects and feedbacks that in the end could accelerate impact and consequences (in a disproportionate manner) for the areas that are affected the most especially sub-Saharan Africa and the small island nations.<sup>7</sup>

Scientific support recommendations and transformations to actionable policies are often so complex, and many factors make it hard to combine climate action with social economic benefits. A rise of industrial economies, containing the stability and heat trapping effect of carbon-based fuels, has been critical for the development of human habitat and civilization. In the early phases of the human behavior towards global climate change, the idea that global cooperation is either unnecessary or unreasonable was prevalent.

Economic perspectives towards climate change has through a paradigm shift. The famous Stern Review Report on the Economics of Climate Change is something that stands out as it questioned the way that decision makers used to think. Highlighting that the cost of inaction is more compared with taking mitigation measures. Even though the report was criticized, it indirectly underlined the economic benefits of carbon price reduction measures, thus contributing to a new way of seeing the issue in a context of carbon taxes and emissions trading schemes.

The legal reaction to climate change was equally controversial too. Efforts aimed to building international legal frameworks started at the Rio Conference in 1992. UNFCCC presented the international framework for cooperation on emission reductions. The detailed rules for such cooperation have been elaborated in the Kyoto Protocol which was opened for signature in 1997. The Kyoto Protocol presented emission assignments and it incentivized the use of economic tools, namely emissions trading, joint implementation and clean development mechanisms. Though; however, the Protocol faced immense challenges, a big part of them was that the United States did not want to follow it and newly industrialized nations were not ready to undertake binding commitments. These countries, notwithstanding the obstacles, provided mechanisms to transact carbon within the context of the Protocol, while others developed their own internal emission reduction policies. As the world looks for its next

---

<sup>7</sup> Understanding and Responding to Global Climate Change, published by the Pew Center on Global Climate Change and the Pew Center on the States, Available at: [https://www.pewtrusts.org/-/media/legacy/uploadedfiles/wwwpewtrustsorg/reports/global\\_warming/climate101full121406065519pdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/wwwpewtrustsorg/reports/global_warming/climate101full121406065519pdf.pdf) (Accessed: 2 May 2024).

global deal to follow Kyoto, the efficacy of these future regimes will depend heavily on the provisions made for growing emitters like China, India and US.<sup>8</sup> Dealing with the science, economy and law cross-predicaments will need further international cooperation, new policy programs and a dedication to all kinds of actions in order to reduce climate change effects on planet level. By integrating scientific knowledge, economic incentives, and legal mechanisms, we can strive towards a more sustainable and resilient future for generations to come.

### **India's Judicial Activism**

India stands at the forefront of a global movement towards climate justice, propelled by a judiciary characterized by empathy, activism, and visionary legal pronouncements. Against the backdrop of a rapidly evolving international climate change regime, India's judicial landscape has emerged as a beacon of hope, championing environmental causes and advancing the rights of citizens through landmark public interest litigation cases. India's judicial journey towards activism and inclusivity traces back to its rich tradition of public interest litigation (PIL), a legal mechanism that has democratized access to justice and empowered marginalized communities. With a population of close to half a billion citizens in the 1970s, the traditional paradigm of judicial process, centered around private law adjudication, proved inadequate in addressing the multifaceted social wants of the populace. In response, the Indian Judiciary embraced a more expansive interpretation of locus standi, embracing PIL as a means to address systemic injustices and uphold the principles of democracy and participatory governance. The evolution of PIL transformed the Indian judicial system from a passive arbiter of disputes to a proactive agent of social change.<sup>9</sup> Through creative pronouncements and innovative legal strategies, the judiciary expanded its mandate to address a wide range of social issues, including environmental degradation and climate change. By broadening the scope of judicial intervention to encompass the collective interests of society, the Indian Judiciary catalyzed a paradigm shift towards a more inclusive and participatory legal system.

---

<sup>8</sup> Anita M. Halvorsen, *Global Response to Climate Change From Stockholm to Copenhagen*, 85, *Denver Law Review*, 841, (2008)

<sup>9</sup> S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2d ed. 2002)

Dealing with environmental justice issues, Indian courts have been always eager and zealously concerned with protecting the rights of both present as well as future generations of human beings. Realizing the relationship between a healthy environment and constitutional human rights as the most basic right, the judiciary has always used the provisions of Such a ruling established a precedent which was used in other environmental justice cases, and launched judicial interventions concerning issues such as protection of natural sources, reduction of air pollution, and promotion of sustainable development. Part of the greatness of the Indian judiciary lies in its foresight and far reaching vision which is the most powerful institution that gives rise to environmental policies and holds private sector agents who are harmful to the environment accountable. Choices for cleanliness and against the contamination of natural resources has asserted the laws to the extend that it is now more recognizable that the court is defending environmental rights and the protection of the ecological systems. Regarding the *Intellectuals Forum v. State of Andhra Pradesh*<sup>10</sup>, the Supreme Court of India has brought out the grave fact and highlighted the core of sustainable development that economic growth should not come at the expense of the degradation of environment. Such principle has been more firmly established, as the court explicated that nature is not only a defensive position of man but also an answer to the conservation of his life and the future welfare. The judiciary had already done its part in nurturing environmental rights for the long term as well as environmental protection which is the path towards sustainable development. Judiciary remains an important participant of India's struggle for environmental security and survival as the country works towards attaining its search for sustainability and a green transition. A strong judiciary in India has implemented the principle of judicial activism and has given visionary legal rulings to make it the primary trigger of climate change actions in the country. By their judgements, they have, therefore, called attention to the rights of people as well as an integrated approach in environmental management. Through its function of making sure that democracy, equality as well as justice are preserved, the judiciary is the embodiment of peace and justice that is meant for all human beings. As far as legal framework of climate change and conservation of nature is concerned, there have been witnessed a lot of positive initiatives in India, with the Supreme Court playing a pivotal role in expanding the scope of environmental law principles. Several landmark cases have set important precedents, shaping the legal landscape and establishing fundamental principles to address environmental degradation and mitigate the impacts of

---

<sup>10</sup> *Intellectuals Forum, Tirupathi v. State of A.P. & Others*, (2006) 3 SCC 54

climate change. One such principle is the 'polluter pays' principle, which holds that those responsible for pollution bear the costs of remediation and compensation for affected parties. This principle, enshrined in the basic environmental law of the land, underscores the accountability of polluters and the importance of holding them responsible for their actions. In the case of *Indian Council for Enviro-Legal Action v. Union of India*<sup>11</sup>, the Supreme Court emphasized the obligation of enforcement agencies to strictly enforce environmental laws, ensuring that polluters are held accountable for their actions.

The right to healthy environment is now included as one of the fundamental rights in Indian constitution and guaranteed by Article 21 of the Constitution of India. An express acknowledgement of this right by the supreme court in the case of *Subhash Kumar v. State of Bihar*<sup>12</sup> provides an essential dimension of the right to life, which is protection of the environment. It portrays the pivotal responsibility of state institutions to protect the environment for the sake of the health and general welfare of their people, hence reinforcing the interdependent nature between environmental quality and human rights. Government agencies are the ones that are accountable for fulfilling their environmental laws obligations by all means; resource limitations (like non-availability of funds or shortage of staff) will not make them disregard their environmental duties. In *Dr. B.L. Wadehra v. Union of India*<sup>13</sup>, the Supreme Court decided that government agencies cannot take responsibility for their environmental obligations due to the insufficiency of other duties. This way the environmental protection would be number one among the authorities and the reason that they must act responsibly. Another significant part of the environmental law is the precautionary principle. It states that the authorities should be aware of the possible causes of pollution and take necessary steps to prevent or cure that. Any attempt to violate this doctrine is made the responsibility of the developers and industrialists to provide valid evidence of their efforts to protect the environment. The scenario of *Vellore Citizen's Welfare Forum v. Union of India*,<sup>14</sup> case, the apex court stressed on the proactive aspects of the measures rather than afterthoughts to prevent environmental degradation, which essentially reiterates the need for conservancy. Development agencies of the government have to interpret ecology in decision making processes to include the environmental policies, sustainable development objectives and intergenerational fairness. This guarantee that developments are carried out

---

<sup>11</sup> (1996)5 SCC 281

<sup>12</sup> 1991) 1 SCC 598

<sup>13</sup> AIR 1996 SC 2969

<sup>14</sup> AIR 1996SC 2715

while respecting the environment and protecting the rights of future generations of humans. While in the Supreme Court of State of Himachal Pradesh v. Ganesh Wood Products<sup>15</sup>, it was the case that the court had emphasized the role that government agencies play in establishing environmental conservation and sustainable development as a part of their decision-making processes. Additionally, the state has been recognized as the trustee of all natural resources, which are meant for public use and enjoyment. In M.C. Mehta v. Kamal Nath<sup>16</sup>, the Supreme Court emphasized that natural resources such as seashores, running waters, air, forests, and ecologically fragile lands cannot be converted into private ownership. This underscores the collective ownership of natural resources and the state's duty to protect and preserve them for the benefit of all citizens.

### **Judicial System on Environment**

In the Indian scenario, the judiciary forms the core of the democratic rule - the state power is supervised and checked, thereby ensuring the fundamental rights of individuals. The constitutional importance of judicial activism, as in the environmental laws, cannot be attributed only to the change of times and transformations of a single judge; rather, it is the result of a complex mosaic of actors and factors that have influenced the legal system of India. The Indian legal system is a jurisprudence of the trias politica theory, enshrined in the Constitution of India which declares the separation of powers between the Parliament, Executive, and Judiciary of the country. It acts as a shield against the power grab in the system by equilibrating the authority levels or, in other words, by balancing power and authority. The articles 50 of the Indian Constitution placed the strictest separation between the Judiciary and the Executive, highlighting the judicial independence as the cornerstone on which depend the entire system of protecting citizen rights. Indian constitution entrusts The Supreme Court, with the position of a guardian of fundamental rights, to interpret and enforce the constitution. Thus, it becomes imperative that judiciary acts according to the constitution to protect the citizen's rights. The Judicial legislation and governance, which are often termed as judicial activism, are realized through legitimate judicial decisions, which in turn help to protect the rights of the people and the rule of law. Article 13 of the Constitution vests in the Supreme Court the prerogative to compare legislative actions to the main constitutional

---

<sup>15</sup> AIR 1996 SC 149

<sup>16</sup> 1997 1 SCC 388.



guarantees of Fundamental Rights and the right to a habitable and healthy environment that are stipulated in Part III.

Article 32 of the Constitution creates a direct link to the Supreme Court, wherein citizens can easily file a petition for their fundamental rights being denied. Secondly, Article 142 confers the Supreme Court the ability to pass any order being essential for providing complete justice to the cause or matter before it which in turn highlights the wide array of protective powers that the Court has in its service to the citizens. Then again, to promote social justice and environmental protection, the judicial system effectiveness is dependent on democracy central traits. India's parliamentary democracy, bicameral legislature, and strong executive, along with effective electoral processes, provide the foundation for democratic governance. These institutions, including Parliament, various government departments, independent regulators, and the judiciary, operate in accordance with constitutional and democratic values, ensuring accountability and transparency in governance. The emergence of judicial activism in India can be attributed, in part, to historical challenges faced by democratic institutions, particularly during the period of the Emergency in the 1970s. The suspension of civil liberties and the erosion of constitutional principles during this period prompted a reevaluation of the role of the judiciary in safeguarding democratic rights. The judiciary's response to the emergency, including controversial decisions regarding habeas corpus rights, catalyzed a renewed commitment to constitutionalism and judicial independence.

In the aftermath of the emergency, the Indian judiciary underwent a transformation, emerging as a catalyst for social change and a bulwark against executive overreach. The judiciary's proactive stance in addressing social and environmental issues reflects a commitment to upholding the principles of justice, equality, and the rule of law. Through landmark judgments and progressive legal interpretations, the Indian judiciary has set international standards in environmental jurisprudence, demonstrating its commitment to protecting the rights of present and future generations<sup>17</sup>. During the 1970s, the establishment of specialized Environmental Courts and Tribunals began across Europe, and by 2016, their number exceeded one thousand two hundred globally. As the concept of dedicated green courts gained traction worldwide, India took a significant step by passing the National Green Tribunal Act of 2010 (NGT Act). The NGT was established to ensure the effective and

---

<sup>17</sup> A.D.M. Jabalpur v. Shivkant Shukla, (1976) 2 SCC 521

expeditious resolution of environmental protection cases, with benches comprising both judges and expert members. Despite some challenges regarding jurisdiction and statutory limitations, the NGT has emerged as a vital institution in addressing environmental concerns in India, streamlining legal processes, and contributing to the development of exceptional environmental jurisprudence rooted in international principles.

### **Climate Change Litigation**

As the judiciary, in regard to the climate change litigation in India and beyond, is engaged in the process of adopting legislations both internal and international into the environmental jurisprudence, it is the role of the judiciary, which has been determinative in the environmental jurisprudence. It is difficult to trace any particular incident in the evolution of the Indian legal system in a systematic manner w.r.t environmental issues but one can witness development in it through landmark cases where a few principles were established that formed basis of the country's environmental law and policy framework. One of the principles is known as public trust doctrine which dictates that the government is the trustee of the natural resources and they are ultimately for the welfare of the public. It is based on this principle that has led to the involvement of the judgment in many cases for environmental protection to prevent them from exhaustion and deterioration. Last, the notion of intergenerational equity which calls for striking a fair balance between the interests of present and future generations is a judiciary constituent in environmental defense as well as sustainability. The polluter pays principle and also other core rule of environmental law are those who release pollutants into the environment should financially accountable for the damage they cause. This principle has been implemented through litigation decisions, obliging industrial polluters and other pollution-related entities to take the responsibility of the cost incurred in treating the misdeeds and providing compensation claims. The preventive principle stipulating the actions to be taken proactively in order to prevent the potential environmental damage, even without complete certainty, has been accepted as a part of the Indian environmental law. By virtue of this principle, the law is to be a protective shield for the environment from possible threats and risks, particularly in cases where the courts should adjudicate on new technologies or industrial activities with little or unclear environmental impact.

India judiciary has taken a forward step of absorbing a novel idea from international environmental law and incorporating it into local empiricism. NGT formation in 2010 was a key intervention aimed at remedying the existing environmental issues. The NGT, which is the platform of law for issues of environment, has been a very important factor in the progress of environmental justice and also rigorous law enforcement. One notable case before the NGT was *Society for Protection of Environment & Biodiversity v. Union of India*<sup>18</sup>, where the tribunal addressed a government notification exempting certain construction projects from environmental regulations. The tribunal, recognizing the potential adverse impacts of unregulated construction activities on the environment, stayed the implementation of the notification and underscored the importance of upholding environmental standards. While India does not explicitly recognize the doctrine of non-regression in its legal framework, the concept has found mention in judicial decisions, particularly in cases involving challenges to environmental policies or regulations that weaken existing protections. The application of international legal principles, such as non-regression, reflects a growing trend of leveraging global norms to address environmental challenges at the national level. Globally, there has been a rise in climate change litigation, with individuals and communities seeking judicial remedies to compel governments to take more ambitious action on climate change.<sup>19</sup> The *Urgenda* case in the Netherlands, which resulted in a court ruling requiring the government to significantly reduce greenhouse gas emissions, has inspired similar legal actions in other countries, including India. These climate change litigation efforts align with the objectives of the Paris Agreement, which calls for enhanced climate education, awareness, public participation, and access to information. By holding governments accountable for their climate commitments and policies, litigation serves as a catalyst for advancing climate action and promoting environmental justice. As public awareness of climate change grows, there is increasing recognition of the need for specialized legal frameworks to address climate-related challenges. Discussions about the formation of climate change law as an independent branch of legal doctrine reflect a broader shift towards recognizing climate change as a distinct legal and societal issue requiring specialized regulation and litigation.

---

<sup>18</sup> O.A. No. 677 of 2016, decided on Dec. 8, 201

<sup>19</sup> Michel Prieur, *Le Principe De Non Régression En Droit De L'environnement, Condition Du Développement Durable* (2013).

## Conclusion

The landscape of climate change litigation in India is intricately woven with the fabric of constitutional principles and evolving judicial activism. Over the years, courts in India have played a crucial role in recognizing environmental rights as fundamental rights of citizens, laying the groundwork for innovative jurisprudence. This proactive stance has been evident in landmark cases like *Vishaka*, where the judiciary intervened to protect rights not expressly legislated by the Parliament, paving the way for subsequent laws on related subjects. In the middle of the recognition of environmental rights, challenges persist in the legal approach to climate change issues. While courts have acknowledged the fundamental rights of citizens against pollution, the application of certain climate-related concepts, such as calculating carbon footprints in illegal constructions, has faced hurdles due to the lack of scientific evidence. These complexities underscore the evolving nature of climate change litigation and highlight the need for a nuanced approach that balances environmental protection with legal principles. India's development trajectory presents a paradoxical scenario, where economic growth is juxtaposed with environmental degradation and social inequality. The country's rapid economic expansion has led to a burgeoning consumer society and increased population, exacerbating ecological challenges and endangering the rights of future generations. In this context, understanding environmental rights becomes imperative, as the complexities of modern economic activities give rise to new ecological problems. Looking ahead, the future of climate change litigation in India hinges on the growing awareness among the populace and the adoption of robust risk management strategies. While the strategies discussed are not exhaustive, they serve as a starting point for navigating the complexities of climate-related legal disputes. In the midst of debates over locus standi and the role of scientific data in legal proceedings, there is a growing recognition among stakeholders of the need for a more streamlined approach to standing doctrines. In conclusion, the trajectory of climate change litigation in India reflects a dynamic interplay between constitutional principles, judicial activism, and evolving socio-economic dynamics. As the country grapples with the challenges of balancing economic growth with environmental protection, the role of the judiciary in upholding environmental rights and promoting sustainable development will be paramount. By fostering greater awareness, leveraging scientific data, and adopting innovative legal strategies, India can chart a course towards a more equitable and environmentally sustainable future.