



INTERNATIONAL JOURNAL OF HUMAN RIGHTS LAW REVIEW

An International Open Access Double Blind Peer Reviewed, Referred Journal

Volume 4 | Issue 2

Art. 51

2025

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Recommended Citation

Rishab Soni and Dr. Sheeba Ahad, *Conceptual Foundations of the Right to Life and Environmental Jurisprudence*, 4 IJHRLR 783-798 (2025).
Available at www.humanrightlawreview.in/archives/.

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Conceptual Foundations of the Right to Life and Environmental Jurisprudence

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Manuscript Received
18 Apr. 2025

Manuscript Accepted
20 Apr. 2025

Manuscript Published
22 Apr. 2025

ABSTRACT

The right to life, enshrined in various constitutional and international legal frameworks, has undergone significant interpretative expansion to encompass the right to a healthy and sustainable environment. This evolution marks a paradigm shift from a narrow, biological conception of life to a broader, dignified existence that includes environmental well-being as an essential component. Environmental jurisprudence, particularly in India, has developed through judicial activism and landmark decisions that interpret Article 21 of the Constitution to include the right to clean air, water, and a pollution-free environment. The fusion of environmental protection with fundamental human rights reflects the growing recognition that ecological balance is indispensable for the survival and quality of human life. This research traces the conceptual foundations of the right to life within environmental jurisprudence by exploring philosophical, legal, and judicial dimensions that bridge human rights with ecological concerns. It examines how courts, particularly the Indian judiciary, have progressively recognized the intrinsic connection between environmental degradation and the infringement of fundamental rights, thereby fostering a human-centric approach to environmental protection. Furthermore, it analyzes the influence of international environmental law, principles such as sustainable development and the precautionary principle, and the role of public interest litigation in shaping environmental jurisprudence. By critically evaluating the intersection of constitutional guarantees and environmental rights, this study underscores the need for a robust, inclusive legal framework that not only protects individual life but also promotes intergenerational equity and ecological justice as cornerstones of modern constitutionalism.

KEYWORDS

Right, Life, Environment, Jurisprudence, Justice

INTRODUCTION

The Indian Constitution, by Article 21, provides the right to life and personal liberty to all citizens. The Supreme Court of India has, over time, interpreted this right in a broad sense to encompass the right to a healthy and clean environment as a part of life with dignity. This dissertation aims to critically examine the judicial interpretation role in placing environmental protection within the confines of Article 21. This dissertation aims to examine how Indian environmental jurisprudence has developed, specifically how environmental degradation is directly a violation of fundamental rights.

This research takes into account previous judicial rulings that have served as the cornerstone of environmental justice, e.g., *M.C. Mehta v. Union of India*, *Subhash Kumar v. State of Bihar*, and *Vellore Citizens' Welfare Forum v. Union of India*, wherein the courts have developed concepts such as the Polluter Pays Principle, Precautionary Principle, and Sustainable Development. The dissertation further goes on to speak about statutory regimes such as the Environment (Protection) Act, 1986, Air and Water Acts, and formation of the National Green Tribunal, and how they function to aid Article 21.

In addition, it highlights dominant issues like ineffective enforcement machinery, environmental blindness, and bureaucratic lethargy. Comparative examination with global environmental jurisprudence supports the research and provides reform suggestions.

The study concludes that although judicial activism has revolutionized the cause of environmentalism in India, there is a strong need for policy implementation linked to each other, robust institutional structures, and citizens' involvement to turn the purpose of Article 21 into reality. The right to life cannot be an abstract concept but must become a tangible assurance of environmental well-being

EVOLUTION OF ARTICLE 21 OF THE INDIAN CONSTITUTION

Article 21 of the Indian Constitution is among the most revolutionary and judicially loaded provisions in the area of Indian constitutional law. It promises that "No person shall be deprived of his life or personal liberty except according to procedure established by law." Although the provision looks straightforward

and procedural in its phrasing, its interpretation by the Indian judiciary has developed considerably over the decades, most notably against the backdrop of evolving socio-political and environmental circumstances in the country. Today, Article 21 is not merely the fulcrum of fundamental rights jurisprudence but also a door to several unenumerated human rights, such as the right to live in a healthy and sustainable environment.

EARLY PHASE: A NARROW INTERPRETATION

In the early years after the Constitution was adopted in 1950, the judiciary took a literal and narrow interpretation of Article 21. This phase can be best exemplified by the famous case *A.K. Gopalan v. State of Madras* (1950),¹ where the Supreme Court ruled that provided the "procedure established by law" was maintained, even if the law itself was arbitrary or unjust, then it could not be unconstitutional. The Court also held that every fundamental right was a separate and unconnected one, so Article 21 could not be construed in conjunction with Articles 14 (Right to Equality) and 19 (Right to Freedom). This formalistic trend emphasized only procedural legality and physical liberty, thus excluding the substantive aspects of rights.

TRANSFORMATIONAL SHIFT: MANEKA GANDHI CASE

The jurisprudence of Article 21 experienced a historic shift through the *Maneka Gandhi v. Union of India* (1978²) ruling. This judgment overruled the *Gopalan* precedent and established the basis for a wider and liberal interpretation of Article 21. The Court declared that the "procedure established by law" has to be just, fair, and reasonable and not arbitrary or oppressive. More significantly, the Court blended Articles 14, 19, and 21 into a "golden triangle," which ensured that any law touching personal liberty would have to meet the test of reasonableness, freedom, and equality.

The *Maneka Gandhi* ruling was a landmark ruling in Indian constitutional law. It redefined personal liberty in an expansive manner, thereby enabling the judiciary to encompass a broad array of rights within Article 21 that constitute the minimum requirements of a human dignity-filled life. This opened up the way towards acceptance of socio-economic and environmental rights as inherent in the right to life.

EXPANSION OF SUBSTANTIVE RIGHTS UNDER ARTICLE 21

Post-*Maneka*, the Supreme Court started to build a rich and

¹ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

² *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

expansive jurisprudence under Article 21. The word "life" was given the meaning not just of physical survival but of life with dignity, health, and well-being. This was the start of a judicial movement that placed within Article 21 rights like:

- Right to Livelihood (*Olga Tellis v. Bombay Municipal Corporation*, 1985),
- Right to Shelter (*Chameli Singh v. State of U.P.*, 1996),
- Right to Education (*Mohini Jain v. State of Karnataka*, 1992; *Unni Krishnan v. State of A.P.*, 1993),
- Right to Health (*Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, 1996),
- Right to Privacy (*Justice K.S. Puttaswamy v. Union of India*, 2017), and
- Right to a Clean and Healthy Environment, which is the subject matter of this study.

ENVIRONMENTAL PROTECTION AND ARTICLE 21

The recognition of the environment as a constitutional right under Article 21 began in earnest in the 1980s and 1990s, when the judiciary acknowledged that environmental degradation directly affects the quality of human life. In *Subhash Kumar v. State of Bihar* (1991)³, the Court clearly held that "the right to life includes the right to enjoyment of pollution-free water and air for full enjoyment of life." This was one of the earliest and strongest rulings clearly correlating environmental protection with Article 21.

Later, a succession of judgments confirmed and extended this reading. The *M.C. Mehta v. Union of India* series of cases – covering the Ganga Pollution case, Oleum Gas Leak case, and Taj Trapezium case – not only reaffirmed the constitutional foundation of environmental protection but also gave rise to environmental principles like the Precautionary Principle, Polluter Pays Principle, and the doctrine of Sustainable Development. These precepts were not only borrowed from international law but were imbibed into Indian constitutional law by the filter of Article 21⁴.

INTEGRATION WITH GLOBAL ENVIRONMENTAL STANDARDS

Indian courts have also continued to be open to international environmental norms and conventions. Although international conventions such as the Stockholm Declaration (1972) and the

³ *Subhash Kumar v. State of Bihar*, AIR 1991 SC 420.

⁴ *M.C. Mehta v. Union of India (Oleum Gas Leak Case)*, AIR 1987 SC 1086.

Rio Declaration (1992) are not binding, the judiciary has cited them as a guide in interpreting domestic law and constitutional provisions. In this, the courts have embraced the "international law as interpretative tool" doctrine, particularly when there is no inconsistency between municipal law and international obligations.

Through this approach, Indian environmental jurisprudence under Article 21 has embraced intergenerational equity, sustainable use of resources, and public trust doctrine, thereby elevating environmental rights to the status of human rights.

A Living and Dynamic Constitution The evolution of Article 21 mirrors the dynamic life of the Indian Constitution. The Supreme Court has been diligent in dynamically interpreting the provision to make room for the demands of times, issues of society, and international standards. The incorporation of environmental rights in the purview of the right to life exemplifies the judiciary's seriousness in fostering constitutional morality, human dignity, and environmental justice.

Moreover, Article 21 has evolved from a procedural safeguard to a substantive source of multiple human rights, including the fundamental right to a clean and healthy environment. Its meaning has kept pace with emerging concerns, including environmental degradation, climate change, and the need for ecological preservation. The evolution of Article 21 has not only empowered the citizen but also placed obligations on the State and private actors to ensure environmental protection, thereby redefining the nexus between law, life, and nature in the Indian constitutional context.

JUDICIAL INTERPRETATION OF "RIGHT TO LIFE"

The right to life has been enshrined under Article 21 of the Indian Constitution, which pronounces that "No person shall be deprived of his life or personal liberty except according to procedure established by law." While the language of the Constitution may seem brief, the provision's meaning has undergone a dramatic change, courtesy the active approach of the Indian judiciary. From a procedure-oriented narrow approach in its infancy to a substantive and liberal approach encompassing environmental rights, the evolution of Article 21 is a cornerstone in the constitutional law of India.

In the initial years post-independence, the Supreme Court took a formalistic view of Article 21. In *A.K. Gopalan v. State of Madras*⁵,

⁵ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

the Court held that so long as a procedure was prescribed by a valid law, even if the procedure was arbitrary or discriminatory, the deprivation of liberty or life would not violate Article 21. This view created a rigid dichotomy between Articles 14, 19, and 21 and dealt with them separately.

But the course changed drastically with the seminal judgment in *Maneka Gandhi v. Union of India*, in which the Court overruled the *Gopalan* precedent. It enunciated that the process depriving a person of life or liberty has to be "just, fair and reasonable" and cannot be arbitrary, oppressive, or fanciful. The Court harmoniously read Articles 14, 19, and 21 together, giving birth to the doctrine of interrelationship of fundamental rights. It was this judgment that helped to establish the foundation for the extension of Article 21 into a repository of different human rights.

After *Maneka Gandhi*, the judiciary went a step further in defining "life" to include all that gives meaning, dignity, and worth to life. In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, the Court held that the right to life includes the right to live in human dignity and all that follows therefrom, like proper food, clothing, shelter, and the right of free speech. This decision reaffirmed that life is not to be construed as animal life.

Similarly, in *Olga Tellis v. Bombay Municipal Corporation*,⁶ the Court held that the right to livelihood is encompassed in the right to life, and no individual can exist without the means of livelihood. This was the judicial establishment of socio-economic rights as part of the fundamental rights regime in India. The case served as a benchmark for balancing the rights of urban poor against state-led development policies.

One of the strongest evolutions was the judicial affirmation of the right to a clean and healthy environment as an aspect of the right to life. In *Subhash Kumar v. State of Bihar*, the Supreme Court held that "the right to life includes the right to enjoyment of pollution-free water and air for full enjoyment of life." This decision acted as a judicial precedent for the intersection of environmental issues with basic human rights.

The environmental jurisprudence of the Court was further established by a series of public interest litigations (PILs), specifically those initiated by environmentalist and lawyer M.C. Mehta. In the case of *Oleum Gas Leak*, the Court articulated the doctrine of absolute liability and reiterated environmental protection as an integral part of the right to life.⁷ Other decisions

⁶ *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

⁷ *M.C. Mehta v. Union of India (Oleum Gas Leak Case)*, AIR 1987 SC 1086.

such as the Taj Trapezium case and Ganga pollution case demonstrated the Court's readiness to intervene and issue elaborate directives to avoid environmental degradation.

In *Bandhua Mukti Morcha v. Union of India*, the Court went a step further by recognizing that the right to life includes the right against exploitation, bonded labour, and cruel conditions of work. It reiterated the notion that Article 21 extends to the economic, social, and cultural fields, especially for the poor and the marginalized.

The Article 21 jurisprudence was further developed in the case of *Justice K.S. Puttaswamy (Retd.) v. Union of India*, where a nine-judge bench unanimously decided that right to privacy was a fundamental right and was essential to life and personal liberty under Article 21. The judgment focused on autonomy, dignity, and liberty as non-negotiable values in a democratic constitutional order. In all, judicial interpretation of the right to life has redefined the scope and horizon of Article 21. From being a limited procedural safeguard, it has become a dynamic and expansive right safeguarding environmental interests, individual freedom, socio-economic well-being, and human dignity. Indian courts, in developing this jurisprudence, have made important contributions to constitutional law theory and practice, which point to the fact that basic rights must develop in harmony with the needs of developing society as well as international human rights norms.

THE INTERCONNECTION BETWEEN ENVIRONMENT AND HUMAN RIGHTS

The relationship between the environment and human rights is increasingly being recognized as both intrinsic and inextricable. A safe, clean, healthy, and sustainable environment is the foundation for the enjoyment of many internationally recognized human rights, including the rights to life, health, water, food, housing, and an adequate standard of living. The growing recognition of this connection has led to the evolution of a distinct field of jurisprudence—environmental human rights—which integrates environmental concerns within the human rights framework.

FOUNDATIONAL PRINCIPLES OF THE INTERCONNECTION

At its core, the link between environment and human rights stems from the understanding that environmental degradation directly affects the ability of individuals and communities to enjoy basic human rights. Environmental harm—such as air and water pollution, climate change, deforestation, and biodiversity loss—

can impair public health, displace communities, destroy livelihoods, and jeopardize future generations' ability to live with dignity. Thus, the protection of the environment becomes not only a matter of ecological preservation but also a matter of human survival and dignity.

The right to life, as guaranteed under Article 21 of the Indian Constitution, has been interpreted by the Indian judiciary to encompass the right to a healthy environment. This expanded interpretation allows courts to address environmental issues not merely from a statutory or regulatory perspective, but also as a constitutional obligation.

EVOLUTION IN INTERNATIONAL LAW

The connection between environmental protection and human rights has also gained traction in international legal frameworks. The 1972 Stockholm Declaration was one of the earliest international instruments to recognize that both aspects are interdependent. Principle 1 of the declaration affirmed that man has the fundamental right to "freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well-being."⁸

This recognition was further reinforced by the 1992 Rio Declaration on Environment and Development, which emphasized that human beings are "at the centre of concerns for sustainable development" and that they are "entitled to a healthy and productive life in harmony with nature." Over time, treaties, declarations, and resolutions have increasingly emphasized the need for integrating environmental safeguards into human rights mechanisms.

A milestone in this regard was the 2021 UN Human Rights Council Resolution 48/13, which formally recognized the right to a clean, healthy, and sustainable environment as a human right. This resolution marked a global consensus on the necessity of environmental protection for the realization of all other rights and gave a new impetus to environmental litigation globally.

JUDICIAL TRENDS IN INDIA

The Indian judiciary has played a pivotal role in integrating environmental concerns into the human rights discourse, particularly through the expansive interpretation of Article 21. In *M.C. Mehta v. Union of India*, the Supreme Court held that the "right to live in a pollution-free environment" is a part of the right

⁸ United Nations, Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), 1972.

to life.⁹This line of reasoning was extended in *Subhash Kumar v. State of Bihar*, where the Court held that the right to enjoyment of pollution-free water and air is essential for full enjoyment of life.

These judgments reflect the transformation of environmental rights from statutory privileges to justiciable fundamental rights. Moreover, they demonstrate how the judiciary has adopted a rights-based approach to environmental protection—holding governments and industries accountable for environmental degradation that threatens human health, dignity, and life.

ENVIRONMENTAL JUSTICE AND VULNERABLE POPULATIONS

The interconnection between environment and human rights becomes particularly crucial in the context of vulnerable and marginalized groups. Environmental degradation often disproportionately affects economically disadvantaged communities, indigenous peoples, and rural populations, who depend directly on natural resources for their survival. The principle of environmental justice seeks to address this disparity by emphasizing equitable access to environmental benefits and burdens.

In *T.N. Godavarman Thirumulpad v. Union of India*, the Supreme Court recognized the importance of preserving forests not just for ecological balance but also for the livelihoods of forest-dwelling communities. Likewise, in cases involving illegal mining, industrial pollution, and deforestation, courts have shown increasing sensitivity to the inter-generational equity principle, ensuring that environmental protection today does not come at the cost of future generations.

EMERGING ISSUES: CLIMATE CHANGE AND HUMAN RIGHTS

Climate change poses one of the most significant threats to the enjoyment of human rights globally. Rising temperatures, sea-level rise, and extreme weather events threaten food security, water availability, housing, and the very habitability of regions. In this context, several international and regional human rights bodies have begun addressing climate change as a human rights issue.

The Indian judiciary, while not having a direct climate change litigation precedent yet, has acknowledged the broader implications of environmental degradation on rights. The need for sustainable development, recognized in *Vellore Citizens' Welfare Forum v. Union of India*, reinforces the balance between economic

⁹ *M.C. Mehta v. Union of India*, AIR 1987 SC 1086.

progress and environmental protection.

RIGHTS OF NATURE AND LEGAL PERSONHOOD

In a groundbreaking move, Indian courts have also extended the rights-based framework to nature itself. In *Mohd. Salim v. State of Uttarakhand*, the High Court declared rivers Ganga and Yamuna as legal entities with rights akin to those of human beings.¹⁰ While this approach is still evolving and has raised legal and administrative challenges, it represents a novel legal recognition of the ecocentric approach to rights—beyond anthropocentric paradigms.

The relationship between the environment and human rights is a reflection of the integrated and indivisible nature of human well-being and ecological balance. The recognition that a clean and healthy environment is a precondition for the exercise of all other rights marks a significant shift in constitutional and international legal thought. In India, judicial activism has been instrumental in bridging the gap between environmental protection and human rights, ensuring that environmental justice becomes an essential element of the right to life under Article 21.

Going forward, the integration of environmental concerns into mainstream human rights discourse offers not only a moral and legal imperative but also a strategic pathway to achieving sustainable development, ecological resilience, and social justice.

INTERNATIONAL INFLUENCE ON ENVIRONMENTAL RIGHTS IN INDIA

The evolution of environmental jurisprudence in India has not occurred in isolation. It has been significantly shaped and enriched by international principles, treaties, and conventions on environmental protection. The dynamic interplay between international environmental law and Indian constitutional jurisprudence reflects a growing commitment to the integration of global environmental standards into domestic legal frameworks. While India follows a dualist legal system—requiring international treaties to be legislatively incorporated for enforceability—Indian courts have consistently relied upon international environmental norms and soft law instruments to interpret and expand constitutional rights, particularly under Article 21 of the Constitution.

CONSTITUTIONAL BASIS FOR APPLYING INTERNATIONAL LAW

¹⁰ *Mohd. Salim v. State of Uttarakhand*, 2017 SCC OnLine Utt 367.

Article 51(c) of the Indian Constitution directs the State to "foster respect for international law and treaty obligations."¹¹ Although this directive principle is not enforceable in itself, it guides judicial reasoning in many cases involving environmental issues. Moreover, the Supreme Court has affirmed in *Vishaka v. State of Rajasthan* that international conventions and norms, even if not ratified or legislated upon, can be relied upon by courts if they are consistent with fundamental rights and do not contradict domestic law. This principle has been employed repeatedly in environmental litigation to incorporate sustainable development, precautionary principle, and polluter pays doctrine into Indian environmental law.

STOCKHOLM CONFERENCE AND THE RISE OF ENVIRONMENTAL AWARENESS

The United Nations Conference on the Human Environment, held in Stockholm in 1972, was a landmark event that placed environmental issues on the global agenda. India was a signatory to the Stockholm Declaration, which recognized the right to a healthy environment as a fundamental human right.¹² Although the Declaration was not binding, its influence was profound. The Indian government responded to the growing environmental consciousness by enacting the Water (Prevention and Control of Pollution) Act, 1974, which marked the beginning of environmental regulatory law in the country.

The Stockholm Declaration's principles were also invoked by Indian courts to justify the expansion of environmental rights under Article 21, setting the stage for judicial activism in this domain.

RIO DECLARATION AND THE PRINCIPLES OF SUSTAINABLE DEVELOPMENT

The Rio Earth Summit of 1992 led to the Rio Declaration on Environment and Development, which introduced pivotal concepts like sustainable development, precautionary principle, and inter-generational equity.¹³ These principles were instrumental in shaping Indian environmental jurisprudence during the 1990s.

In *Vellore Citizens' Welfare Forum v. Union of India*, the Supreme Court acknowledged the impact of international law and held that "sustainable development as a balancing concept between ecology

¹¹ Constitution of India, Art. 51(c).

¹² United Nations Conference on the Human Environment (Stockholm Declaration), 1972.

¹³ Rio Declaration on Environment and Development, 1992.

and development has been accepted as part of customary international law." The Court relied on Principle 15 of the Rio Declaration to incorporate the precautionary principle into Indian law, thereby mandating that the absence of scientific certainty shall not be used to postpone measures to prevent environmental degradation.

This case is often cited as a turning point in Indian environmental law, showing how international norms were not only persuasive but determinative in judicial reasoning.

UN FRAMEWORKS AND CLIMATE CHANGE COMMITMENTS

India's commitment to international environmental treaties has also shaped its domestic environmental obligations. As a party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, India has pledged to reduce its carbon emissions intensity and promote renewable energy.¹⁴ These global commitments have led to the formulation of domestic policies such as the National Action Plan on Climate Change (NAPCC) and its eight missions, which include the National Solar Mission and National Mission for Green India.

Although these policies are executive in nature and not enforceable as laws, Indian courts have increasingly referenced them while adjudicating environmental disputes, treating them as commitments flowing from international obligations that influence State behavior.

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

Several international human rights instruments have implicitly or explicitly recognized the right to a healthy environment. While the Universal Declaration of Human Rights (UDHR) does not contain a direct reference, the right to life (Article 3), right to health (Article 25), and standard of living (Article 25) collectively provide a normative foundation for environmental rights.

Furthermore, the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes the right to the highest attainable standard of health (Article 12), which includes environmental determinants of health such as clean air and water.¹⁵ Indian courts have relied on these provisions to broaden the interpretation of Article 21, particularly in cases dealing with

¹⁴ United Nations Framework Convention on Climate Change, 1992; Paris Agreement, 2015.

¹⁵ International Covenant on Economic, Social and Cultural Rights, 1966, Art. 12.

pollution, public health, and ecological balance.

PRINCIPLE OF COMMON BUT DIFFERENTIATED RESPONSIBILITIES (CBDR)

India has consistently championed the principle of common but differentiated responsibilities, first articulated at the Rio Summit and reiterated in the Kyoto Protocol and the Paris Agreement.¹⁶ The idea behind CBDR is that while all nations are responsible for global environmental protection, developed countries must take the lead due to their historical emissions and greater capacity.

Indian courts have subtly incorporated this principle by advocating for environmentally responsible development without stifling economic growth. The judiciary has thus emphasized proportionality and equity in balancing developmental needs with environmental obligations.

TRANSBOUNDARY ENVIRONMENTAL CONCERNS AND LIABILITY NORMS

India's participation in international conventions such as the Convention on Biological Diversity (CBD) and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes has influenced domestic legislation such as the Biological Diversity Act, 2002 and the Hazardous Wastes (Management and Handling) Rules, 1989. Indian courts have enforced these laws with due regard to their international origins, especially in cases involving the import of e-waste or genetically modified organisms (GMOs).

For instance, in the *Research Foundation for Science Technology and Natural Resource Policy v. Union of India*, the Supreme Court prohibited the import of hazardous wastes from industrialized nations, citing India's obligations under the Basel Convention.

INFLUENCE OF GLOBAL JUDICIAL TRENDS AND COMPARATIVE JURISPRUDENCE

Indian courts have also drawn upon comparative constitutional jurisprudence from jurisdictions such as South Africa, Colombia, and the Philippines, where the right to a healthy environment is expressly recognized. In *Minors Oposa v. Secretary of the Department of Environment and Natural Resources*, the Supreme Court of the Philippines upheld the doctrine of inter-generational responsibility, a concept that has been echoed in Indian

¹⁶ Kyoto Protocol to the UNFCCC, 1997; Paris Agreement, 2015.

decisions.¹⁷

Similarly, the South African Constitution's explicit recognition of environmental rights (Section 24) has been cited in Indian judgments as an aspirational model, underscoring the influence of global trends in shaping domestic law.

CHALLENGES IN DOMESTIC IMPLEMENTATION

Despite the incorporation of international norms, the effective implementation of environmental rights in India remains a challenge. Regulatory bodies often lack resources, expertise, or political will. Moreover, environmental norms often face friction with industrial development and infrastructural priorities.

Courts, while proactive, also face limitations in enforcement. The absence of a codified environmental rights charter, unlike some other countries, has made it difficult to consistently enforce international standards unless litigants invoke constitutional remedies under Articles 21 and 32.

International environmental law has profoundly influenced the development of environmental rights in India. From declaratory principles like the Stockholm and Rio Declarations, to binding treaties and conventions, to comparative jurisprudence, the global legal landscape has served as both a blueprint and a catalyst for India's progressive environmental jurisprudence. Indian courts have emerged as global norm entrepreneurs, actively incorporating international law into constitutional interpretation, especially under Article 21.

However, the true realization of these rights depends not only on judicial recognition but also on robust statutory frameworks, institutional commitment, and public participation. As environmental challenges become increasingly transnational and complex, continued engagement with international law will remain vital for ensuring environmental justice in India.

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