



Environmental justice as a human right: Evaluating the role of the Supreme Court, High Courts and the National Green Tribunal in India

Subhasree Roy, Student of Department of Law, St. Xavier's University, Kolkata, India

Contact at: roysubhasree8@gmail.com

Abstract

Environmental justice (EJ) and its access have become an essential component of India's constitutional framework for the protection of right to life, equality, and dignity. This article aims to assess how the Hon'ble Supreme Court of India (SCI), High Courts (HCs), and the National Green Tribunal (NGT) have established environmental justice as a human right by broadening interpretations of Articles 21 and 14 of the Constitution of India (CoI). It discusses the importance of establishing key principles of sustainable development, precaution, and polluter pays, and employing public interest litigation and specialized forums. It also aims to evaluate existing achievements, institutional limitations, and gaps in enforcement, with a focus on marginalized groups, climate vulnerability, and intergenerational equity, and suggests reforms to strengthen rights-based environmental governance.

Keywords: Environmental justice, Article 21, National Green Tribunal, human rights

1 Introduction

One of the most important areas of modern legal theory is the nexus between human rights and environmental preservation. Environmental injustice and violations of human rights have a very strong link and aren't unrelated.¹ The idea of EJ has developed from its beginnings as a purely regulatory goal to become a fundamental human right as the global climate crisis worsens injustices within society. Where the environment gets worsened, even the basic rights such as getting justice, free speech and election of fair government get abused.² In the Indian context, judicial innovation rather than legislative change has sparked this transformation, turning the statutory framework of environmental law into a constitutional need. EJ has a bipartite structure which encompasses procedural justice, which calls for the meaningful involvement of impacted communities in environmental decision-making, and distributive justice, which requires the fair

¹ Sonam Angmo and Jyotika Teekchandani, 'Environmental Justice as a Human Rights Issue' (2024) 5(3) *International Research Journal of Humanities and Interdisciplinary Studies* 188–194.

² L M Harris, L Rodina and C Morinville, 'Revisiting the Human Right to Water from an Environmental Justice Lens' (2015) 3(4) *Politics, Groups, and Identities* 660–665.

and equitable distribution of environmental duties, responsibilities and benefits. However, a third dimension, which is the substantive justice, has arisen in Indian jurisprudence in recent years, explicitly connecting the right to a clean environment to the "Right to Life" guaranteed by Article 21 of the CoI. Since vulnerable populations are disproportionately affected by climate change, this move has become very essential making the neglect of the environment a breach of right to equality enshrined under Article 14 of the CoI. The landmark decision taken by the Hon'ble SCI in *Subhash Kumar v. State of Bihar*³ marked the starting point of this judicial activism, where the Court expanded the horizons of Article 21 to include the right to enjoy pollution-free water and air. In the recent times, this anthropocentric approach of preserving human life by safeguarding nature has developed into a more complex and eco-centric structure. In 2024, the Hon'ble SC's ruling in *M K Ranjitsinh v Union of India*⁴ was a turning point in EJ since it clearly acknowledged a right to be free from the adverse effects of climate change. The Court recognized how climate change poses special and existential threat by separating the acknowledged right from general pollution concerns, bringing domestic laws into compliance with international human rights norms. Not just the SCI, but the HCs in India have also played an exceptional role in establishing the right to a healthy environment as an implicit right by extending and interpreting the Constitution.⁵

Through many such landmark judgements, the judicial system in India has established that environmental degradation leads to infringement of fundamental rights and established compliance with environmental principles guaranteeing justice to the environmental victims. This paper aims to evaluate the constitutional interpretation by the Hon'ble SCI, the establishment of the international environmental principles by the HCs, and the procedural activism by the NGT, for determining how effectively these bodies have institutionalized EJ as a human right in India.

2 The meaning of environmental justice

Fair distribution of environmental benefits and burdens between everyone on a regional, national, and global level is what constitutes EJ.⁶ It also includes the rightful and meaningful participation in environmental decision-making.⁷ The development of EJ in India has a very long and complex history evolving from just

³ *Subhash Kumar v State of Bihar* (1991) 1 SCC 598 (SC).

⁴ *M K Ranjitsinh v Union of India* (2024) SCC OnLine SC 162 (SC).

⁵ Anjay Kumar Verma and Sonalika Kumari, 'Judicial Interpretation of Environmental Rights in India: A Study of Landmark Cases with Special Reference to Constitutional Provisions.' (2025) 6 *International Journal of Research Publication and Reviews* 13802.

⁶ Sonam Angmo and Jyotika Teekchandani, 'Environmental Justice as a Human Rights Issue' (2024) 5(3) *International Research Journal of Humanities and Interdisciplinary Studies* 188–194.

⁷ S Ravi Rajan, 'A History of Environmental Justice in India' (2014) 7(5) *Environmental Justice* 117–121.

conserving and preserving the environment to address the degradation to a more layered and overarching understanding of EJ.⁸

The intersection of human rights and environmental law has moved towards the centre of current global legal discourse from being in the periphery.⁹ In India, this evolution has been primarily judicial rather than legislative. Even though statutes like the Environment (Protection) Act, 1986 provided the machinery for the intersection, it was the Indian Judiciary that provided the soul to it by interpreting the “Right to Life” under Article 21 of the CoI, to include the right to a clean and wholesome environment.¹⁰ EJ in India has emerged as a unique legal paradigm mainly through constitutional interpretation of fundamental rights rather than explicit codification of statutes, with the architects of this transformational jurisprudence being the SCI and the HCs.¹¹ The Forty-Second Amendment Act of 1976 included Article 48A that gave birth to India's EJ framework, imposing the duty on the states to "protect and improve the environment and to safeguard the forests and wildlife," and also included Article 51A(g), establishing citizens' fundamental duty to "protect and improve the natural environment."¹² The transformation of these provisions from just aspirational directives to enforceable rights began with the significant ruling by the Hon'ble SCI in *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh* (1987),¹³ wherein it was recognized by the Court that the right to life guaranteed under Article 21 of the CoI encompasses the citizens' right to live in a "healthy environment with minimal disturbance of ecological balance," establishing the environmental responsibility of not exhausting natural resources within a single generation as they are permanent assets of mankind.¹⁴ There was a significant shift in environmental preservation from being an administrative issue to a human rights obligation because of this judicial interpretation, which firmly established EJ within the constitutional framework of fundamental rights protection.¹⁵

3 International recognition of environment as a human right

⁸ Ubaid Sidique and Khurram Zaidi, 'Rising to the Challenge: A Systematic Review of Development of Environmental Justice in India' [2024] 23(4) *India Review* 1.

⁹ Leena Hansen, 'Human Rights and the Environment' (2023) 34 *Yearbook of International Environmental Law* <https://doi.org/10.1093/yiel/yvae004> accessed 21 December 2025.

¹⁰ Gitanjali Nain Gill, 'The Social Justice Bench of the Supreme Court of India: A New Development' (2016) *Public Law* 392–401.

¹¹ PC Harigovind and PS Rakesh, 'Anatomisation of the Recent Trends in the Role of NGT in Fostering Sustainability and Environmental Justice in India: Challenges and Implications' (2023) 22 *Asian Journal of Environment & Ecology* 40.

¹² Utkarsh Jain and Piyush Kumar Trivedi, 'Indian Constitutional Perspective of Environmental Justice: An Analytical Study with Reference to PIL and Precedents' *International Journal for Multidisciplinary Research (IJFMR)* 6(3) <https://www.ijfmr.com> accessed 21 December 2025.

¹³ *Rural Litigation and Entitlement Kendra v State of Uttar Pradesh (Dehradun Quarrying Case)* (1987) 1 SCC 379.

¹⁴ Anjay Kumar Verma and Sonalika Kumari, 'Judicial Interpretation of Environmental Rights in India: A Study of Landmark Cases with Special Reference to Constitutional Provisions.' (2025) 6 *International Journal of Research Publication and Reviews* 13802.

¹⁵ *Ibid.*

The full enjoyment of human rights is affected by environmental degradation is a fact not unknown. The UNGA, in its first environmental conference in 1968, expressed its concern about the continuing degradation of the quality of the human environment and its effects on the physical, mental and social well-being of humans, dignity, and the enjoyment of basic human rights.¹⁶ In 1972, it was stated in the Stockholm Declaration that, for the enjoyment of basic human rights including even the right to life, natural as well as the human-made environment is essential for the well-being of humans.¹⁷ Principle 1 of the Declaration states the ‘right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being.’¹⁸ Even though multilateral environmental agreements fail to mention human rights explicitly most of the times, one of the major exceptions is the Paris Agreement, adopted at COP21 in 2015, which acknowledges that climate change is a common concern of humankind, and imposes substantive obligations on states for the protection of human rights including the right to health and the rights of the vulnerable communities.¹⁹ Among the recent major developments is the acknowledgement by the UN General Assembly (2022) and the UN Human Rights Council (2021) of the right to a clean, healthy, and sustainable environment as a human right. Under this recognition, all individuals are empowered with an essential resource for demanding accountability from their governments, major polluters, and anyone else who causes environmental damage.²⁰

The right to a healthy environment, as clarified by the International human rights jurisprudence, consists of two interconnected dimensions essential for understanding and advancing EJ - substantive and procedural. The rights under the substantive dimension are fundamental rights and the rights under the procedural dimension are tools to achieve those fundamental rights.²¹ While the substantive dimension focuses on factors such as clean air, healthy food, a stable climate, access to safe drinking water and proper sanitation, safe working conditions, which are essential for maintaining human dignity and well-being, procedural dimension, on the other hand, focuses on factors such as access to information, participation in decision making, access to effective remedies when environmental damages occur. Conditions under substantive dimension form the foundation for the enjoyment and protection of fundamental rights and are not optional. The procedural dimension, on the other hand, recognizes that environmental protection consists of alert governments and informed citizens for the effective exercise of fundamental rights.²² The important

¹⁶ UNGA Res 2398 (XXIII), ‘Problems of the Human Environment’ (3 December 1968) UN Doc A/RES/2398(XXIII).

¹⁷ United Nations, *Report of the United Nations Conference on the Human Environment* (5–16 June 1972) UN Doc A/CONF.48/14/Rev.1, ch I (‘Declaration of the United Nations Conference on the Human Environment’).

¹⁸ Ibid.

¹⁹ Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) <https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf> accessed 21 December 2025.

²⁰ ‘Environmental Justice’ (UNDP2022) <<https://www.undp.org/rolhr/human-rights/environmental-justice>>.

²¹ UN Environment, ‘What Are Environmental Rights?’ (UNEP - UN Environment Programme 2 March 2018) <<https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what>>.

²² Núria Saura-Freixes, ‘Environmental Human Rights Defenders, the Rule of Law and the Human Right to a Healthy, Clean, and Sustainable Environment: Last Trends and Challenges’ (2022) 8 UNIO – EU Law Journal 53.

fundamental rights enshrined under International conventions often get violated when environmental degradation occurs. The right to life, which is enshrined in Article 6 of the International Covenant on Civil and Political Rights (ICCPR)²³, is directly threatened by any form or extent of environmental degradation, disasters, or natural crises. Protected under Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the right to mental and physical health is critically compromised by the effects of degradation.²⁴ Besides these direct effects, environmental degradation also tends to disrupt the accessibility to adequate food, clean water, and housing which are recognized as rights in Article 11 of the ICESCR.²⁵

The international legal community has grown to recognize the environment as an inalienable human right, with this recognition manifesting itself through United Nations declarations, regional human rights instruments, and the jurisprudence of international courts and human rights bodies, and India has substantially aligned its national legal framework with these international developments while simultaneously articulating distinctive positions grounded in developmental equity.

4 Role of the Supreme Court of India and the High Courts

The intentional adoption of international environmental law principles by the Hon'ble SCI has further solidified EJ as a human right through a series of landmark rulings. Key legal doctrines on environmental liability and remediation have been established through these rulings. The Court introduced the principle of absolute liability for industries that are hazardous and inherently dangerous in the case of *M.C. Mehta v. Union of India (Oleum Gas Leak case)*,²⁶ holding the businesses involved in such activities accountable and are "strictly and unconditionally liable to compensate those affected" without any clauses for any exceptions or escape. This essentially marked a strong shift from the English rule of strict liability held in *Rylands v. Fletcher*, establishing that such liability is not based on mere negligence but on the inherent danger of the activity.²⁷ Further, the polluter pays principle was developed by the Court in *Vellore Citizens' Welfare Forum v. Union of India*,²⁸ ruling that "whoever pollutes the environment must bear the cost of managing it to prevent further damage" and the polluting tanneries were ordered to compensate both the victims and the environment itself for ecological restoration. It was thus solidified that environmental degradation violates

²³UN Human Rights Committee, General Comment No 36: Article 6 (Right to Life) (2018) UN Doc CCPR/C/GC/36 <https://www.ohchr.org> accessed 21 December 2025.

²⁴ International Covenant on Economic, Social and Cultural Rights (opened for signature 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 12.

²⁵ International Covenant on Economic, Social and Cultural Rights (opened for signature 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 11.

²⁶*M C Mehta v Union of India (Oleum Gas Leak Case)* (1987) 1 SCC 395.

²⁷'Absolute Liability: A Comparative Analysis of the Bhopal Gas Tragedy, 1984 and Visakhapatnam Gas Leak Case, 2020' (2024) *Indian Journal for Research in Law and Management* (ISSN 2583-9896).

²⁸ *Vellore Citizens' Welfare Forum v Union of India* (1996) 5 SCC 647.

fundamental rights enshrined under Article 21 of the CoI.²⁹ The Court further clarified that the precautionary principle in the Vellore Citizens' case holds that those undertaking potentially harmful activities have the burden of proof to demonstrate the absence of environmental risk in the activities carried out. The public trust doctrine was articulated by the Hon'ble SCI in *M.C. Mehta v. Kamal Nath and Others*,³⁰ applying it to environmental issues by establishing that natural resources such as air, water, forests, and ecologically fragile lands cannot be converted to private ownership as they are very important to the public interest. This ruling imposes obligations on the State to protect these resources for public use and enjoyment rather than allowing their commercial exploitation for corporate benefits. Additionally, the Court recognized water as a fundamental right integral to the right to life and sustainable development, in *Narmada Bachao Andolan v. Union of India*,³¹ affirming that the environmental and developmental rights are justiciable, balancing development with human rights. In the recent times, the recognizing of protection from the adverse effects of climate change as a distinct and fundamental right by the Hon'ble SCI in *M.K. Ranjitsinh v. Union of India (2024)*³² was a groundbreaking decision. The Court interpreted Articles 21 and 14 of the CoI to guarantee citizens, especially vulnerable populations, including the indigenous and rural communities, protection against climate-related environmental degradation affecting access to clean air, water, and food. This marked a significant expansion of EJ jurisprudence to include intergenerational and climate equity concerns.

While the apex court has a very significant role in expanding environmental rights in India, the HCs too have played a vital and supportive role in promoting EJ through the authority given to them under the Constitution. They often apply principles upheld by the apex court to address specific environmental issues and attempts to resolve issues on which clear guidance haven't been provided by the apex judicial body. The HCs have settled environmental disputes and upheld environmental rights by interpreting constitutional provisions and responding to Public Interest Litigations.³³ The existing legal requirements to has been relaxed through the broadening of the *locus standi* under of PIL by the Hon'ble SCI in the case of *SP Gupta v. Union of India*³⁴. This significantly enhanced the access to EJ and allowed individuals, NGOs, and affected communities, who may not be directly affected but are aware environmentally, to seek legal recourse, thus shifting environmental protection from being solely the responsibility of the government to a

²⁹ Shreya Ranjan, 'Case Study: *Vellore Citizens Welfare Forum v Union of India & Ors*' International Journal of Law, Social Sciences & Sustainable Development (IJLSSS) vol 3, iss 3 (30 June 2025) 612–615 <https://ijlsss.com/case-study-vellore-citizens-welfare-forum-vs-union-of-india-ors/> accessed 21 December 2025.

³⁰ *M C Mehta v Kamal Nath and others* (1997) 1 SCC 388.

³¹ *Narmada Bachao Andolan v Union of India* (2000) 10 SCC 664.

³² *M K Ranjitsinh v Union of India* (2024) SCC OnLine SC 162 (SC).

³³ Rashi Sharma, 'Evolution of Environ-Human Rights in India: Role of Judiciary' (2020) 7(4) *Journal of Emerging Technologies and Innovative Research* 527.

³⁴ *S.P. Gupta v. Union of India* (1981) AIR 1982 SC 149.

collaborative effort involving citizens, government bodies, and the judiciary to fulfill constitutional environmental obligations.³⁵

The HCs in India have shaped the concept of EJ through region-specific jurisprudence grounded in constitutional principles. In *People United for Better Living in Calcutta v State of West Bengal* (1993),³⁶ the Hon'ble HC of Calcutta addressed severe pollution caused by tanneries along the Ganga and ordered their relocation to a leather complex with effluent treatment facilities, reinforcing the polluter pays principle and corporate accountability. In *S Jagannath v Union of India*,³⁷ the Hon'ble HC of Madras highlighted the ecological damage caused by unregulated shrimp aquaculture, invoking the precautionary principle to balance economic activity with coastal environmental protection. The Hon'ble HC of Delhi, in the widely known *Taj Trapezium case*, addressed the existing urban environmental concerns and directed industries to either adopt cleaner technologies or relocate. This was done to curb air pollution threatening the Taj Mahal, thereby setting pollution control benchmarks for urban regions.³⁸ Through not just these cases but many other ones, the HCs have addressed various ecological issues across the different states and significantly contributed to the expansion of environmental rights. These decisions demonstrate the court's commitment to interpreting constitutional provisions in a manner that promotes environmental sustainability. The HCs have strengthened the legal framework for preservation of the environment by creating judicial precedents on various environmental issues, thus supplementing the actions of the SCI at the national level.³⁹

5 The National Green Tribunal

Created under the National Green Tribunal Act of 2010 (NGT Act, 2010), the NGT serves as a specialized body aiming at delivering EJ to the victims of environmental damage through swift legal proceedings and expert knowledge.⁴⁰ Guided by the principles of natural justice, the NGT has the authority to handle a wide range of disputes, including reviewing appeals filed against the decisions taken by authorities under other core environmental statutes.⁴¹ As a platform designed for combining judicial and technical expertise to handle the complex nature of environmental disputes, the NGT was intended to alleviate the caseload of higher courts and resolve cases within a six-month timeframe, thereby broadening access to EJ for

³⁵ Dr Inderpreet Kaur Narang, 'Public Interest Litigation: A Comparative Analysis of Its Evolution and Impact in the USA and India' *ShodhKosh: Journal of Visual and Performing Arts* 2(2) (July–December 2021) 417–424 <https://doi.org/10.29121/shodhkosh.v2.i2.2021.5327> accessed 21 December 2025.

³⁶ *People United for Better Living in Calcutta v State of West Bengal* (1993) Cal HC (Calcutta Tanneries case).

³⁷ *S Jagannath v Union of India* (1997) 2 SCC 87.

³⁸ *M C Mehta v Union of India (Taj Trapezium Case)* (1997) 2 SCC 353.

³⁹ A P S Sethi, 'State-Level Environmental Law and the Role of High Courts' (2001) 6 *Indian Journal of Environmental Law* 89, 91.

⁴⁰ R Zaheerulla Shriff and Dr Arun D Raj, 'The Role of the National Green Tribunal (NGT) in Environmental Protection in India: Effectiveness, Challenges, and the Way Forward' (2025) 8(3) *International Journal of Law Management & Humanities* 39–50 DOI: <https://doi.org/10.1000/IJLMH.119631>

⁴¹ *Ibid.*

communities affected by damages.⁴² The Tribunal has played an important role in ensuring compliance with international environmental laws, applying principles of absolute liability, polluter pays principle, precautionary principle, and sustainable development to a range of environmental issues, which are now embedded in Indian jurisprudence.⁴³ It has issued significant rulings, such as prohibition of open waste burning, imposition of hefty fines on industries, and requiring corrective actions like the creation of green belts and common effluent treatment facilities. Additionally, the Tribunal is not bound by the Code of the Civil Procedure, 1908 or the Indian Evidence Act, 1872 and has the power to regulate its own procedure as given under the NGT Act, 2010.⁴⁴

6 Existing challenges

Striking a balance between development and safeguarding the environment is laborious and challenging. There exists a troubling imbalance, the ones who contribute the least to inducing climate change leading to any form of environmental crisis, such as the indigenous people, rural communities, and forest dwellers, are the first to suffer the wrath and the last to receive any institutional help or justice. When viewed from the perspective of human rights, the activities carried out by industries or businesses that are profit-focused and often treat nature as disposable lead to various forms of violation of the human rights of the vulnerable communities, especially the right to a clean and healthy environment of the people affected by such activities.⁴⁵ Research confirms that women's vulnerability to crisis impacts further reflects pre-existing structural inequalities rather than inherent female weakness.⁴⁶

There are several existing barriers to EJ in India, including both ideological and practical challenges. The biggest practical challenge to climate justice in India is not a lack of a proper judiciary system, law or rulings but rather, the failure in implementation.⁴⁷ Despite the guidelines and fines imposed by the NGT, the lack of resources and incentives for companies and government agencies to comply is quite rampant. Moreover, regulatory agencies such as the state pollution control boards are seen often lacking the staff and capacity to monitor and enforce environmental laws. Oftentimes, offenders misuse the existing legal gaps

⁴² Madhuker Sharma, 'Efficiency at the National Green Tribunal and Its Accessibility: An Empirical Study' (2022) HP National Law University Research Series.

⁴³ Shirley Kiran Kalapala, Dr Mamata Mohanty and Dr Sneha Tiwari, 'The Role of the National Green Tribunal (NGT) in Environmental Protection' (2025) 11 International Journal of Environmental Sciences 2321, ISSN: 2229-7359 <https://www.theaspd.com/ijes.php> accessed 26 December 2025.

⁴⁴ National Green Tribunal, About Us (official website) <https://www.greentribunal.gov.in/about-us> accessed 26 December 2025.

⁴⁵ E Yanti, 'Forest Burning and Human Rights Violations' (2024) 7(2) *Journal of Environmental Law and Society* 155–170.

⁴⁶ UN Women, *Gender Equality and Women's Empowerment in Disaster Recovery: Disaster Recovery Guidance Series* (undated) <https://www.unwomen.org> accessed 19 December 2025.

⁴⁷ Verma AK and Kumari S, 'Judicial Interpretation of Environmental Rights in India: A Study of Landmark Cases with Special Reference to Constitutional Provisions.' (2025) 6 International Journal of Research Publication and Reviews 13802.

and the lack in implementation undermining the legislative intent and decisions of the courts.⁴⁸ Nonetheless, the NGT's ability to further EJ is hindered by inadequate infrastructure, a limited number of benches in various regions, poor coordination with regulatory bodies, and difficulties in enforcing orders against non-compliant polluters or state agencies.⁴⁹ Another significant hindrance is the overlap between jurisdiction and law. The National Green Tribunal Act of 2010 expressly prohibits any Court to entertain any offence under the Act. However, despite being different entities, tribunals and courts have some similarities as well.⁵⁰ From the examination of the rulings of both the Apex Court and HCs, it is evident that decisions by the tribunal are subject to contest in front of the HC. This constrains the NGT's jurisdiction indicating that while the NGT has significantly enhanced the capacity for environmental adjudication, ongoing structural and resource limitations continue to obstruct the full realization of EJ. As violations go undetected or unaddressed, achieving climate justice seems like a far-fetched dream. Companies, especially in the energy and mining industries, often resist tougher environmental regulations through lobbying efforts, typically framing environmental preservation as a barrier to economic progress and contending that it impedes job creation and economic development.⁵¹

7 Conclusion

India's path towards implementing environmental rights and accepting human rights have been defined by the significant judicial rulings, growing awareness among citizens, and compliance with the international environmental standards. EJ has evolved from being on the sidelines of Indian environmental regulation to being the core of the country's constitutional rights regime, making environmental protection an enforceable part of the right to life, equality, and dignity. Environmental harm is now considered as a violation of fundamental rights, especially for the vulnerable and marginalized communities, as proved by the establishing of the right to a healthy environment and recently, the right to be free from the negative effects of climate change, by the Hon'ble SCI, thus strengthening the legal status of environmental rights in India. However, the nation still has a long way to go. The jurisprudential progress is hampered by gaps in structural implementation, such as regulatory agencies lacking resources, inadequate monitoring, limited geographical reach of the NGT, and persistent opposition from powerful corporate actors who view

⁴⁸ K R Shyam Sundar, 'Challenges in Environmental Law Enforcement in India' (2007) 14 *Indian Journal of Environmental Law* 185, 188.

⁴⁹ Raghuveer Nath Dixit and Dr. Armin Rosencranz, 'Evaluating the National Green Tribunal after Nearly a Decade: Ten Challenges to Overcome' (2020) IX NLIU Law Review, issue 1, 17–55, available at: <https://nliulawreview.nliu.ac.in/wp-content/uploads/2022/01/Volume-IX-Issue-I-17-55.pdf> (accessed 26 December 2025).

⁵⁰ Nupur Chowdhury and Nidhi Srivastava, 'The National Green Tribunal in India: Examining the Question of Jurisdiction' (2018) 21(2) *Asia Pacific Journal of Environmental Law* 196.

⁵¹ Karmapriya Muschött and Johanna Ohlsson, 'The National Green Tribunal of India, Environmental Justice and Human Rights in the Context of Environmental Degradation & Climate Change' (2024) <https://www.diva-portal.org/smash/get/diva2:1913650/FULLTEXT01.pdf> accessed 26 December 2025.

environmental protection as a barrier to economic development and treat nature as disposable. Addressing the climate change and effects of environmental harm on vulnerable communities, populations who stand on the front line of natural crises and the last ones to receive help is the need of the hour. Promotion of community involvement and raising awareness among individuals to adopt sustainable methods of living and development initiatives to be able to preserve natural resources for the future generations and protect their rights is also a non-negotiable need at the current stage. By addressing the important issues, India can encourage an atmosphere where environmental rights of both the present and current generations are valued and protected. The future of EJ as a human right in India will only be determined by whether courts, authorities, and citizens can work together to move beyond case-by-case adjudication and work towards reforms that prioritizes intergenerational equity, climate resilience, and the lived realities of the marginalized groups.