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ENVIRONMENTAL JUSTICE IN INDIA: A CONCEPTUAL ANALYSIS

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ABSTRACT

Environmental Justice examines the benefits, risks, and decision-making that shape the outcomes of society. In India, rapid industrial growth, urbanisation, infrastructure development, rising pollution, and frequent environmental disasters have raised concerns about the worst environmental harm to vulnerable and marginalised communities. This paper examines the development and relevance of environmental justice in India through the principles of distributive, procedural, and recognition justice. The main goal is to relate these principles to real issues, i.e., environmental inequality, human rights, and access to justice. The study also analyses India's constitutional and environmental framework, especially Articles 14, 21, 48A, and 51A(g), relevant environmental legislation, and principles like sustainable development, precautionary principle, polluter pays principle, public trust doctrine, absolute liability, and intergenerational equity. It further examines the role of the Supreme Court and the National Green Tribunal in shaping environmental justice through significant environmental cases and ongoing environmental disputes. Ultimately, the study seeks to identify gaps in India's environmental governance and explores how better participation, accountability, recognition of vulnerable communities, and equitable distribution of environmental protection can contribute to meaningful environmental justice.

INTRODUCTION

Environmental Protection is not only a question of protecting forests, rivers, air, land, and other natural resources, but environmental problems are also a question of social justice because the

benefits of development and the burdens created by degradation aren't always shared equally.¹ Therefore, Environmental Justice asks not only whether the environment is protected, but who gains from development, who bears the environmental risks, whose concerns are recognised, and who has the opportunity to participate in environmental decision-making.² This concept emerged from the struggles of unequal distribution of environmental hazards and has gradually expanded to include distributive, procedural, and recognition dimensions of justice. Scholars like Robert Bullard, Dorceta Taylor, David Schlosberg, Gordon Walker, Julian Agyeman, and others have contributed to the development of these three dimensions of Environmental Justice.³

Environmental justice is especially relevant in developing nations like India, where economic development, industrialisation, urbanisation, and infrastructure development coexist with substantial social and economic inequalities. The Indian environmental experience has involved conflicts over forests, land, water, pollution, displacement, industrial hazards, and access to natural resources. Indian scholars such as Ramachandra Guha, Madhav Gadgil, S. Ravi Rajan, and Abhayraj Naik have examined the development of environmentalism and environmental justice in India.⁴ Events such as the Bhopal Gas Disaster, struggles over forests and common resources, industrial pollution, hazardous waste, and unequal exposure to air pollution demonstrate that environmental harm cannot always be separated from questions of livelihood, health, poverty, and social vulnerability.

Environmental Justice in India has also developed through constitutional interpretation and judicial intervention. The protection of the environment is tied to the constitutional right to life under Article 21, and Articles 14, 48A, and 51A(g) provide a strong constitutional foundation for equality, environmental protection, and the duty to protect the natural environment. Indian

1 David Schlosberg, *Reconceiving Environmental Justice: Global Movements and Political Theories* 5–9 (MIT Press 2007) [<https://www.tandfonline.com/doi/abs/10.1080/0964401042000229025>]

2 Gordon Walker, *Beyond Distribution and Proximity: Exploring the Multiple Spatialities of Environmental Justice*, 34 *Antipode* 614, 614–18 (2009). [https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-8330.2009.00691.x?utm_]

3 David Schlosberg, *Reconceiving Environmental Justice: Global Movements and Political Theories* 6–11 (MIT Press 2007); Organisation for Economic Co operation and Development, *A Primer on Environmental Justice* (2024).

4 Ramachandra Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya* (Univ. of Cal. Press 1989); Madhav Gadgil & Ramachandra Guha, *This Fissured Land: An Ecological History of India* (Univ. of Cal. Press 1992); S. Ravi Rajan, *Modernizing Nature: Forestry and Imperial Eco-Development, 1800–1950* (Oxford Univ. Press 2006); Abhayraj Naik, *The Environmental Justice Movement in India*.

Judiciary and the National Green Tribunal (NGT)⁵ have further developed principles such as sustainable development, the precautionary principle, the polluter pays principle, the public trust doctrine, absolute liability, and intergenerational equity. Public interest litigation, court orders, and environmental remedies have played an important role in expanding access to environmental justice and have provided ways to address environmental damage.

Despite the development of law and institutions, significant questions arise regarding the effectiveness and enforcement in practice of Environmental Justice. Pollution and hazards often get concentrated around industrial areas, urban settlements, and vulnerable economic regions, while economically and socially disadvantaged communities may have the least resources to prevent, challenge, or recover from environmental harm. Environmental disasters and industrial incidents demonstrate the importance of protecting workers, local communities, livelihoods, and public participation.

This research dives into how India approaches environmental justice. It examines the development and application of environmental justice in India by bringing together its constitutional and statutory framework, judicial and tribunal developments, and the experiences of communities affected by environmental harm. The study therefore approaches environmental justice not merely as environmental protection, but as a broader question of equity, participation, recognition, accountability, and access to justice.

THE CONCEPT OF ENVIRONMENTAL JUSTICE

Environmental Justice is the relationship between environmental protection and social justice. It recognises that not everyone shares the benefits and burdens of our environment equally. Certain communities get stuck with a greater share of pollution, hazardous waste, displacement, resource depletion, and environmental risks but may receive fewer benefits from development.

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The concept of Environmental Justice is generally understood to rest on three distinct pillars: distributive justice, which asks whether environmental benefits and burdens are shared fairly across populations; procedural justice, which asks whether affected communities have a

5 National Green Tribunal Act, No. 19 of 2010, § 20, India Code (2010)

6 Julian Agyeman, Toward a 'Just' Sustainability, 22 *Continuum: J. Media & Cultural Stud.* 751, 753 (2008); Julian Agyeman, Robert D. Bullard & Bob Evans, *Just Sustainabilities: Development in an Unequal World* (2003). [https://www.tandfonline.com/doi/full/10.1080/10304310802452487?utm_]

genuine voice in the decisions that expose them to risk;⁷ and recognition justice, which asks whether the identity, knowledge, and standing of a community are acknowledged at all before a project is approved or a policy is written.

Early research focused narrowly on toxic-waste siting, but commentators have since argued that this wasn't the full story, since climate change, water stress, and biodiversity loss raise identical questions of who profits and who pays.

The term itself emerged from the environmental-justice movement by activists in the United States in the 1980s, where studies of hazardous-waste facility disposal examined the relationship between the location of toxic sites and the racial composition of surrounding neighbourhoods. Robert Bullard's study⁸ of waste-facility siting in the American South was foundational to this claim and gave the movement a set of empirical tools. Susan Cutter took further enquiry from race alone to the combined effects of race, class, and geography. She argued that environmental hazard could not be explained by any single variable.⁹

As the concept travelled beyond the United States, scholars and researchers working on the Global South reframed it as the question of ecological distribution conflicts: basically, who has the power to externalise the ecological costs of production and consumption onto others¹⁰. This shift in thinking, associated with the idea of an "environmentalism of the poor," treats environmental justice not just as an issue of toxic-site zoning but as one of the uneven ways resources get extracted, used, and disposed of across an unequal global economy.¹¹

Therefore, Environmental Justice isn't about protecting nature through distinct conventional approaches that treat environmental protection primarily as a matter of conservation or

7 Andrew Szasz & Michael Meuser, *Environmental Inequalities: Literature Review and Proposals for New Directions in Research and Theory*, 45 *Current Soc.* 99, 10 (1997).

8 Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* 30 (1990).

9 Susan L. Cutter, *Race, Class and Environmental Justice*, 19 *Progress Hum. Geography* 111, 113 (1995).
[https://www.pure.ed.ac.uk/ws/files/11574533/PDF_EnvironmentalJustice2.pdf?utm_]

10 Joan Martinez-Alier & Martin O'Connor, *Ecological and Economic Distribution Conflicts*, in *Getting Down to Earth: Practical Applications of Ecological Economics* 153, 156 (1996).
[<https://link.springer.com/article/10.1007/s11625-017-0519-0>]

11 Joan Martinez-Alier, *The Environmentalism of the Poor* (2002); Ramachandra Guha & Joan Martinez Alier, *Varieties of Environmentalism: Essays North and South* (1997).

pollution control. It ties environmental concerns with questions of equality, human rights, livelihood, health, and access to justice.

HISTORICAL DEVELOPMENT IN INDIA

Environmental-justice consciousness in India didn't arrive as an import; it evolved from deep-rooted domestic debates over the just use of natural resources and later grew through the experience of colonial forest and land policy that forced forest-dwelling and pastoral communities off their lands, all in the name of scientific forestry.¹² In the twentieth century, Environmental activists and scholars have pointed to strands of restraint and stewardship woven through old texts and folk traditions that were later invoked.¹³

The roots of the modern environmental movement in India are more directly traceable to the 1970s and 1980s: the Chipko movement fought against commercial logging in the Himalayan foothills, and the broader agrarian and tribal groups stood up to oppose the construction of large dams and mining projects. Ramachandra Guha and Madhav Gadgil described this as a fight for the ecological and economic space needed by the rural poor, distinct from the "full stomach" conservationism of wealthier constituencies.¹⁴ Anil Agarwal gave a parallel argument and saw ecological destruction and poverty as two faces of the same process. He insisted that addressing pollution without considering the questions of livelihood and land rights would be an incomplete remedy.¹⁵ Guha's historical study of peasant resistance in the Himalaya still stands as a key reference for scholars exploring this area.¹⁶

The Bhopal gas disaster of December 1984, in which methyl isocyanate leaked from the Union Carbide pesticide plant and killed thousands of residents of the surrounding low-income settlements, is treated as the turning point at which environmental harm, industrial safety, and social inequality became impossible to discuss separately in India. Even decades later, no one

12 S. Ravi Rajan, A History of Environmental Justice in India, 7 *Envtl. Just.* 117, 118 (2014).

13 O.P. Dwivedi, Classical India, in A Companion to Environmental Philosophy 37, 40 (Dale Jamieson ed., 2001).

14 Madhav Gadgil & Ramachandra Guha, Ecology and Equity: The Use and Abuse of Nature in Contemporary India (1995). [https://digitallibrary.un.org/record/497304?utm_]

15 Anil Agarwal, Beyond Pretty Trees and Tigers: The Role of Ecological Destruction in the Emerging Patterns of Poverty and People's Protests (Fifth Vikram Sarabhai Mem. Lecture, Indian Council of Soc. Sci. Rsch., 1984); Ramachandra Guha, The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya (1989).

16 Ramachandra Guha, How Much Should a Person Consume? Thinking Through the Environment (2006).

agreed on the scale of death or injury. Most independent reports agreed that the compensation provided to the injured parties was insufficient. That injustice sparked activists around the world to rally together, laying the groundwork for a transnational environmental justice movement.¹⁷

CURRENT ISSUES

The most visible Environmental Justice issue in India is Air Pollution. Studies of the geography of pollution exposure show that outdoor workers, people living in informal settlements, and those living near industrial corridors bear a heavier burden of exposure than wealthier residents who can afford air purifiers, private vehicles, or seasonal relocation.¹⁸ Delhi during its air quality crises illustrates the pattern starkly: in the ongoing M.C. Mehta case before the Supreme Court, throughout 2024 and 2025, the hearings have repeatedly focused on unpaid wages for construction and daily-wage workers—people left jobless due to construction bans under the Graded Response Action Plan (GRAP), even as the Court has itself acknowledged that a “perennial GRAP” of recurring emergency bans is not a substitute for a long-term structural policy.¹⁹

The second live flashpoint is Forest Governance. The Forest (Conservation) Amendment Act, 2023, renamed the Van (Sanrakshan Evam Samvardhan) Adhiniyam, narrowed the definition of “forest” for statutory protection. It created several exemptions, including a blanket exemption within 100 kilometres of international borders, for security and linear infrastructure projects. Indigenous-rights groups and several retired officials have argued that the amendment, when read with the Forest Conservation Rules, 2022, dilutes the requirement of Gram Sabha consent under the Forest Rights Act, 2006, and exposes tribal and forest-dwelling communities to displacement without the protection and safeguards provided by the environmental-justice principles. In February 2024, the amendment was challenged before the Supreme Court, and

17 Neeraj Santoshi, Bhopal Disaster: So, How Many Died? 32 Years On, No One Sure, Hindustan Times (Dec. 3, 2016); Renu Pariyadath & Reena Shadaan, Solidarity After Bhopal: Building a Transnational Environmental Justice Movement, 7 *Envtl. Just.* 146, 147 (2014).

18 Vinish Kathuria & Nisar A. Khan, Vulnerability to Air Pollution: Is There Any Inequity in Exposure?, 42 *Econ. & Pol. Wkly.* 3158, 3160 (2007); Ashwin Sabapathy, Sumeet Saksena & Peter Flachsbarth, Environmental Justice in the Context of Commuters' Exposure to CO and PM10 in Bangalore, India, 25 *J. Exposure Sci. & Env'tl. Epidemiology* 200 (2015).

19 M.C. Mehta v. Union of India, W.P. (Civil) No. 13029 of 1985, Orders of Nov. Dec. 2024 & 2025 (S.C., India) (Delhi air-quality/GRAP proceedings); SC Says Perennial GRAP is Not Answer to Delhi Air Pollution, Bar & Bench (Nov. 18, 2025).

the court passed an interim order requiring all States and Union Territories to continue treating “dictionary meaning” forests as protected.²⁰

A third and increasingly prominent issue is how industrial and hazardous waste spreads unevenly across the country and its interaction with climate vulnerability. National-scale analyses of hazardous-waste generation in India have found that states with weaker regulatory capacity and larger informal workforces tend to end up with more hazardous industrial activity, compounding existing inequalities in health and housing.²¹ Layered onto this is climate vulnerability: coastal fishing communities, forest-dependent tribal communities, and outdoor and informal workers are always among the least equipped to adapt to heat stress, unpredictable rain, and extreme weather, precisely the populations whose historical claims to land and resources are also the weakest.²²

LEGAL FRAMEWORK

India doesn't have a single, consolidated environmental justice law. The framework is instead built up from constitutional provisions, a set of pollution-specific statutes, and judicially developed doctrine. Article 48A directs the State to protect and improve the environment, and Article 51A(g) casts environmental protection as a fundamental duty of every citizen.²³ Over time, the Supreme Court's approach has turned environmental protection into a real, enforceable fundamental right, even though the Constitution originally framed it more as a guiding principle.²⁴

20 The Forest (Conservation) Amendment Act, 2023, No. 15, Acts of Parliament, 2023 (India);

Dilip Chakma & Joan Carling, *Diminishing Forest Protection in India: Indigenous Voices Against Controversial Forest Law Amendment*, *Indigenous Peoples Rts. Int'l* (Aug. 2023)

[https://iprights.org/2023/08/08/diminishing-forest-protection-in-india-indigenous-voices-against-controversial-forest-law-amendment/?utm_] ;

In re Forest Conservation Act Matters, Interim Order (S.C., India, Feb. 2024).

21 Pratyusha Basu & Jayajit Chakraborty, *Environmental Justice Implications of Industrial Hazardous Waste Generation in India: A National Scale Analysis*, 11 *Envtl. Rsch. Letters* 125001 (2016); Jayajit Chakraborty & Pratyusha Basu, *Air Quality and Environmental Injustice in India*, 18 *Int'l J. Env'tl. Rsch. & Pub. Health* 304 (2021).

22 *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280 (India) (discussing climate vulnerability of forest-dwelling and pastoral communities).

23 India Const. art. 48A; India Const. art. 51A, cl. (g).

24 *Francis Coralie Mullin v. Adm'r, Union Territory of Delhi*, A.I.R. 1981 S.C. 746 (India); *Subhash Kumar v. State of Bihar*, A.I.R. 1991 S.C. 420 (India); *Virendra Gaur v. State of Haryana*, (1995) 2 S.C.C. 577 (India).

India's environmental laws were built in stages, largely as a legislative response to specific crises. The Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, set up State Pollution Control Boards and consent-based regulatory mechanisms, but it was the Bhopal disaster that prompted Parliament to enact the Environment (Protection) Act, 1986; the law gave the central government broad powers to create standards and act against environmental harm across the board.²⁵ Land-use and forest questions are governed separately by the Forest (Conservation) Act, 1980, as amended in 2023, which handles forest governance. For major industrial and infrastructure projects, the EIA (Environmental Impact Assessment) is supposed to require public consultation, building a measure of procedural justice for the approval.²⁶

The National Green Tribunal Act of 2010 set up a specialized tribunal with both civil and criminal jurisdiction, with more speed and expertise than ordinary courts. This tribunal makes it easier for environmental claimants—including affected communities to get justice without the means for long court battles.²⁷ Procedural rights are reinforced outside the environmental statutes proper by the Right to Information Act, 2005, which has been used by community groups to obtain environmental clearance documents, monitoring reports, and compliance data that project developers and regulators wouldn't disclose.²⁸

India's domestic framework doesn't operate in isolation. It is shaped by international commitments too: the Rio Declaration's articulation of common but differentiated responsibilities, and the Paris Agreement, which India has signed. The Supreme Court itself noted in 2024 that India has entered significant international climate commitments without

25 Water (Prevention and Control of Pollution) Act, 1974, No. 6, Acts of Parliament, 1974 (India); Air (Prevention and Control of Pollution) Act, 1981, No. 14, Acts of Parliament, 1981 (India); Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986 (India); C.M. Abraham, *The Indian Judiciary and the Development of Environmental Law*, 11 S. Asia Rsch. 61, 63 (1991).

26 Forest (Conservation) Act, 1980, No. 69, Acts of Parliament, 1980 (India), as amended by the Forest (Conservation) Amendment Act, 2023; Environmental Impact Assessment Notification, S.O. 1533(E) (Sept. 14, 2006) (India).

27 National Green Tribunal Act, 2010, No. 19, Acts of Parliament, 2010 (India); Pallavoor B. Sahasranaman, *Handbook of Environmental Law* (2012).

28 Right to Information Act, 2005, No. 22, Acts of Parliament, 2005 (India); Gitanjali N. Gill, *Access to Environmental Justice in India: Innovation and Change*, in *Procedural Environmental Rights: Principle X in Theory and Practice* 209, 212 (Jerzy Jendroska & Magdalena Bar eds., 2018).

translating them into a coherent domestic climate statute, leaving courts to read climate obligations into existing constitutional and statutory text rather than a purpose-built law.²⁹

The judge-supplemented structure of current environmental justice has practical consequences because no single statute defines who counts as an affected community or guarantees a right to consultation before decisions are made. For example, mining projects get EIA-based consultation; a forest diversion attracts Gram Sabha consent under the Forest Rights Act (now narrowed by the 2023 amendment), but smaller industrial activities often slip through without meaningful consultation. Reform proposals have accordingly called for a single, clear standard: free, prior, and informed participation for communities likely to be affected by an environmental decision, rather than leaving the level of protection to depend on which regulator happens to have jurisdiction.

JUDICIAL AND NGT DEVELOPMENT

India's environmental-justice law is judge-made. The Supreme Court broadened Article 21 in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, which held that the right to life includes the right to live with human dignity. Later, in *Subhash Kumar v. State of Bihar*, the Court held that the right to life includes the right to a wholesome environment, and in *Virendra Gaur v. State of Haryana*, it held that this extends to a right to a hygienic environment necessary to lead a life of dignity.³⁰ Commentators have described this line of cases as the point at which Environmental protection stopped being just about following regulations or statutes—it became a constitutional right enforceable through writ jurisdiction.³¹

Two Supreme Court decisions set the parameters for this constitutional entitlement. In *Indian Council for Enviro-Legal Action v. Union of India*, the “Bichhri village” case concerning chemical-industry pollution of groundwater and farmland in Rajasthan, the Supreme Court applied the polluter-pays principle to require the offending industries to bear the full cost of remediation, regardless of fault in the tort-law sense.³² In the second case, *A.P. Pollution Control Board II v. Prof. M.V. Nayudu*, the Supreme Court embraced the precautionary

29 M.K. Ranjitsinh v. Union of India, 2024 INSC 280, ¶58 (India).

30 *Francis Coralie Mullin v. Adm'r, Union Territory of Delhi*, A.I.R. 1981 S.C. 746 (India); *Subhash Kumar v. State of Bihar*, A.I.R. 1991 S.C. 420 (India); *Virendra Gaur v. State of Haryana*, (1995) 2 S.C.C. 577 (India).

31 Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* (2d ed. 2001).

32 *Indian Council for Enviro-Legal Action v. Union of India*, A.I.R. 1996 S.C. 1446 (India).

principle. The judges ruled that even if there's scientific uncertainty about potential environmental harm, that uncertainty can't justify delaying action.³³

Procedurally, the Court has tried to shield public-interest environmental litigation from misuse, especially in the *State of Uttaranchal v. Balwant Singh Chaufal*, which laid down guidelines for screening genuine public-interest petitions from those filed for private gain or publicity, while still preserving public interest litigation (PIL) as affordable and open to people who might not have the resources to pursue traditional lawsuits.³⁴ Empirical assessments of environmental PIL nonetheless suggest mixed effectiveness, with compliance and enforcement remaining the weakest link even where petitioners succeed on the merits.³⁵

Since 2010, the National Green Tribunal has generated a substantial body of case law giving concrete effect to these principles: in *Kalpavalli Tree Growers' Cooperative Society v. Union of India*, the Tribunal engaged with community forest conservation issues; in *Vardhman Kaushik v. Union of India*, it issued sweeping orders to address Delhi's air quality; and in *All Dimasa Students Union v. State of Meghalaya*, it addressed unregulated coal mining and its effects on indigenous communities in the North-East.³⁶ Despite these strides, independent reports point out serious trouble inside the Tribunal. At times during the past decade, around seventy percent of judicial posts were vacant, undermining the accessible justice the Tribunal was supposed to provide.³⁷

The most significant recent development is the Supreme Court's judgment in *M.K. Ranjitsinh and Others v. Union of India*, decided in March 2024. This case deals with protecting the critically endangered Great Indian Bustard from overhead transmission lines linked to solar

33 *A.P. Pollution Control Bd. II v. Prof. M.V. Nayudu*, A.I.R. 2001 S.C. 1996 (India).

34 *State of Uttaranchal v. Balwant Singh Chaufal*, (2010) 3 S.C.C. 402, ¶40 (India).

35 Michael G. Faure & A.V. Raja, Effectiveness of Environmental Public Interest Litigation in India: Determining the Key Variables, 21 *Fordham Env'tl. L. Rev.* 239, 241 (2010).

[https://ir.lawnet.fordham.edu/elr/vol21/iss2/3/?utm_]

36 *Kalpavalli Tree Growers' Mutually Aided Coop. Soc'y v. Union of India*, O.A. No. 92 of 2013 (Nat'l Green Trib. July 2015) (India); *Vardhman Kaushik v. Union of India*, O.A. No. 21 of 2014 (Nat'l Green Trib.) (India); *All Dimasa Students Union v. State of Meghalaya*, O.A. No. 73 of 2014 (Nat'l Green Trib.) (India).

37 Arijeet Ghosh et al., Reforming the Tribunals Framework in India: An Interim Report, *Vidhi Ctr. for Legal Pol'y* (2018); Geetanjoy Sahu, Ecocide by Design? Under Modi, Vacancies at National Green Tribunal Reach 70%, *The Wire* (Feb. 15, 2018); Gitanjali N. Gill, Mapping the Power Struggles of the National Green Tribunal of India, 7 *Asian J.L. & Soc'y* 85, 87 (2020).

and wind energy projects in Rajasthan and Gujarat. A three-judge bench led by the then Chief Justice held that the right to be free from the harmful effects of climate change comes from Articles 14 and 21 of the Constitution, along with Articles 48A and 51A(g), making India one of a small number of jurisdictions to have recognised an explicit constitutional climate right.³⁸ Commentators have noted the irony that the same judgment weakened its earlier restrictions on overhead transmission lines, supposedly for the sake of supporting renewable energy, and have questioned whether the decision truly helps forest-dwelling and pastoral communities living in areas where both the bustard's habitat and new energy infrastructure overlap.³⁹

ARGUMENTS

This paper argues that India's environmental-justice framework has developed unevenly: rights-recognition and procedural infrastructure have advanced considerably, while distributive outcomes for the communities the framework is meant to protect have not kept pace. Over the last forty years, the courts have expanded the scope of rights under Articles 14 and 21, and lawmakers have created a solid structure for managing pollution, forests, and environmental cases.⁴⁰ Yet scholarship on the ground-level application of these rights consistently finds that marginalised groups, particularly Adivasi and Dalit communities, face significant practical barriers and hurdles. The process is often expensive and drags on for years, and these communities must face the technical burden of producing scientific evidence that better-resourced project proponents can produce much more easily.⁴¹

It reflects a deeper asymmetry than simply an implementation gap that better enforcement could close. Critics writing from a postcolonial perspective point out that state bodies, like forest departments and pollution boards, follow old colonial models built around centralized authority. So, even genuinely well-intentioned reforms repeat those same top-down patterns,

38 M.K. Ranjitsinh v. Union of India, 2024 INSC 280 (India)

39 Supreme Court Observer, Supreme Court Review 2024: Speaking Green, Acting Grey on Key Environmental Issues (Jan. 2025); Expanding Just Transition: M.K. Ranjitsinh Case, Drishti Judiciary (2024).

40 Kirit Patel, Alan P. Diduck & Aruna Kumar Malik, Environmental Justice in India: Context, Issues and Framework, in *Advancing Environmental Justice for Marginalized Communities in India* 21, 23 (Alan P. Diduck, Kirit Patel & Aruna Kumar Malik eds., 2021).

41 Abhayraj Naik, Environmental Justice in India, *Socio-Legal Rev.* (2018). [https://forum.nls.ac.in/slr-forum-blog/environmental-justice-in-india/?utm_]

unless deliberately redesigned.⁴² The Forest (Conservation) Amendment Act, 2023 is a useful illustration: even as Article 21 jurisprudence has never been stronger on paper, a legislative change can still narrow statutory protection for forest-dependent communities without triggering the same constitutional scrutiny that judicial doctrine would suggest is available.

The argument, therefore, is not that Indian environmental law lacks the vocabulary of justice — it plainly does not — but that vocabulary alone isn't enough without strong institutions, proper funding, and real power handed to the communities impacted by development.

DISCUSSION

Placed alongside the broader scholarship on “just sustainability,” which asks if environmental policy can truly deliver ecological limits, economic growth, and fairness, India's experience suggests that the three goals are frequently traded off against one another rather than pursued together.⁴³ The renewable-energy transition foregrounded in Ranjitsinh is a clear example: Solar and wind power are central to India's climate promises. Yet these projects often rely on land, minerals, and infrastructure taken from forested, predominantly tribal areas already scarred by years of resource extraction. A framework that treats climate mitigation and environmental justice as automatically aligned goals risks reproducing old patterns of dispossession under a new, low-carbon label.

Tools like the Environmental Justice Atlas make the pattern clear. India records one of the highest concentrations globally of documented ecological-distribution conflicts, spanning mining, dams, waste, and biomass extraction, which suggests that the issues discussed in this paper are not isolated instances but a structural feature of the country's development model.⁴⁴ The sheer volume of disputes reveals something structural about how India has gone about development. This scale points to the limits of case-by-case judicial remedies: the Supreme

42 Glyn Williams & Emma Mawdsley, Postcolonial Environmental Justice: Government and Governance in India, 37 *Geoforum* 660, 662 (2006).

43 Julian Agyeman, Toward a 'Just' Sustainability?, 22 *Continuum: J. Media & Cultural Stud.* 751, 753 (2008). [https://www.uwosh.edu/sirt/wpcontent/uploads/sites/86/2017/08/Agyeman_Toward-a-Just-Sustainability.pdf?utm_]

44 Anup K. Das, Environmental Justice Atlas (EJAtlas.org): India Reaches the Top While Mapping the Ecological Conflicts and Environmental Injustices, 109 *Current Sci.* 2176, 2176 (2015). [https://www.currentscience.ac.in/Volumes/109/12/2176.pdf?utm_]

Court or the National Green Tribunal can only resolve disputes brought before them, and cannot rewrite how land, water, and clean air get divided across regions and communities.

A more institutionally grounded path forward would combine three elements already visible in fragments of Indian law: reinforce the Gram Sabha consent provisions, which were diluted by the 2023 forest amendment; restore and rebuild the National Green Tribunal so it really works as an accessible, expert court for environmental conflicts; and translate the Ranjitsinh climate right into an actual legislative framework. None of this requires abandoning the doctrinal gains of the last four decades; it requires taking their logic seriously enough to fund and staff the institutions that are supposed to deliver on them.

It is also worth noting what a purely court-centred model of environmental justice tends to miss: compensation follows the polluter-pays principle; it can't bring back a contaminated aquifer, a ruined crop season, or a community forced out of ancestral forests. The Bhopal litigation still stands as the clearest example; it is a caution against treating litigation outcomes as a proxy for justice delivered. A more preventive orientation, built around genuinely independent environmental-impact scrutiny before clearance rather than remediation after harm, would move Indian environmental-justice practice closer to the distributive ideal that the concept was originally meant to serve.

CONCLUSION

Environmental justice, understood as the fair distribution of environmental benefits and burdens together with a genuine voice for affected communities in the decisions that create them, has become an increasingly explicit theme in Indian constitutional and environmental law. From the early recognition of a right to a wholesome environment under Article 21, through the polluter-pays and precautionary doctrines developed in the 1990s, to the National Green Tribunal's specialised jurisdiction and the Supreme Court's 2024 recognition of a constitutional right against the adverse effects of climate change, India's courts have built one of the more elaborate environmental rights jurisprudences in the world.⁴⁵

The persistent gap, however, lies not in the recognition of rights but in their translation into outcomes for the communities most exposed to environmental harm: forest-dwellers displaced

45 M.K. Ranjitsinh v. Union of India, 2024 INSC 280 (India); Kalpavalli Tree Growers' Mutually Aided Coop. Soc'y v. Union of India, O.A. No. 92 of 2013 (Nat'l Green Trib. July 2015) (India); Indian Council for Enviro-Legal Action v. Union of India, A.I.R. 1996 S.C. 1446 (India).

by narrowed statutory protections, informal workers left unpaid during pollution-control shutdowns, and coastal and tribal populations bearing the sharpest edge of climate vulnerability with the least capacity to adapt. Closing that gap will require less new doctrine and considerably more institutional investment, procedural power-sharing, and legislative follow-through on the rights the judiciary has already recognised.