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# The Right to Life and Environmental Protection: An Indian Constitutional Perspective

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## Abstract

Environmental protection in India has undergone a profound evolution, primarily through judicial interpretation of Article 21 of the Constitution, which guarantees the right to life and personal liberty. Indian courts have expansively construed this provision to include the right to a clean and healthy environment, thereby embedding ecological protection within fundamental rights. This paper examines the influence of Article 21 on environmental jurisprudence, analyzing landmark judicial decisions, statutory enactments, corporate accountability, and technological interventions. Comparative insights from China further illuminate how environmental rights enhance public welfare. The study underscores both the achievements and ongoing challenges of Article 21 in fostering sustainable environmental governance. By situating India's legal and judicial frameworks in a global context, the paper highlights the intersections of law, technology, corporate governance, and public participation in advancing environmental protection.

**Keywords:** Article 21, Right to Life, Environmental Protection, Judicial Activism, Sustainable Development, Corporate Responsibility, Public Participation, Biodiversity, Pollution Control.

## Introduction

Environmental protection has emerged as a defining concern of contemporary governance, integrating legal, social, economic, and technological dimensions. In India, Article 21 of the Constitution—the right to life—has evolved into a constitutional anchor for environmental protection. Initially, the Constitution did not explicitly guarantee a healthy environment; however, judicial activism has expanded Article 21 to encompass ecological rights. Landmark Supreme Court decisions have recognized that the right to life includes the right to clean air, safe drinking water, and ecological balance, thereby positioning environmental protection as an essential component of fundamental rights.

The importance of environmental protection has grown in tandem with India's industrialization, urbanization, and rapid economic development, which have led to significant environmental degradation.

**Problem:** Pollution of air, water, and soil, deforestation, loss of biodiversity, and industrial hazards have posed serious threats to public health and the quality of life. In this context, the judiciary has intervened to ensure that development does not compromise ecological sustainability, transforming Article 21 into a constitutional tool for environmental governance.

**Objectives:** Firstly, this paper aims to examine how judicial interpretation of Article 21 has shaped environmental governance in India. Secondly, it analyzes judicial innovations, legislative impact, corporate responsibility, and technological integration. Thirdly, it elaborates a comparative perspectives, particularly with reference to China's environmental framework.

## Methodology

This study follows a doctrinal research methodology, relying on mainly on constitutional provisions, judicial decisions, and statutory instruments, alongside secondary sources including academic literature, comparative studies, and empirical research. Landmark Supreme Court cases are critically analyzed to trace the trajectory of Article 21's interpretation in environmental matters. Comparative insights from China, particularly its Environmental Protection Law of 2015, are examined to situate India's experiences within global environmental discourses. Additionally, the study incorporates corporate responsibility frameworks and technological innovations, including environmental accounting, ESG investments, and artificial intelligence applications in environmental management.

A multidisciplinary approach enables a comprehensive understanding of the scope and impact of Article 21 on environmental protection.

### **Analysis**

#### **(a) Constitutional Foundations and Judicial Interpretation**

The Indian Supreme Court has played a pivotal role in transforming Article 21 into a source of environmental rights. In *Subhash Kumar v. State of Bihar*, the Court held that the right to life includes the right to enjoy pollution-free water and air.<sup>1</sup> This case was foundational in asserting that environmental degradation directly affects the quality of life and, therefore, falls within the purview of Article 21.

In *M.C. Mehta v. Union of India* (Oleum Gas Leak Case), the Court established the principle of absolute liability for hazardous industries, holding that enterprises engaging in inherently dangerous activities must bear full responsibility for any harm caused, irrespective of negligence or contractual limitations.<sup>2</sup> This principle underscored that industrial activity must not infringe upon the constitutional right to life and health. Similarly, in *Vellore Citizens Welfare Forum v. Union of India*, the Supreme Court incorporated the precautionary principle and the polluter pays principle as part of Indian environmental law, asserting that environmental protection is a collective responsibility and that polluters must compensate for ecological damage.<sup>3</sup>

Other notable rulings include *Indian Council for Enviro-Legal Action v. Union of India*, where the Court emphasized the strict liability of industries causing environmental degradation, reinforcing the constitutional obligation under Article 21 to prevent pollution.<sup>4</sup> Collectively, these cases demonstrate that the judiciary has constitutionalized environmental protection, making it enforceable under Article 32, and has integrated principles of sustainability, precaution, and corporate accountability into environmental governance.

#### **(b) Article 21 as a Catalyst for Legislation**

Judicial interpretation of Article 21 has also influenced and strengthened legislative frameworks. The Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, though enacted prior to some key judgments, have been interpreted in light of Article 21, providing courts with authority to enforce stricter environmental standards.

For example, in the Taj Trapezium Case (*M.C. Mehta v. Union of India*), the Court ordered industries near the Taj Mahal to switch to cleaner fuels, citing both heritage conservation and the public's right to a healthy environment.<sup>5</sup> This demonstrates how judicial activism under Article 21 can extend statutory frameworks to achieve broader environmental objectives. Additionally, in *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, the Court restricted limestone mining in ecologically sensitive areas, emphasizing environmental preservation as integral to the right to life.<sup>6</sup> These rulings illustrate how Article 21 serves as a constitutional catalyst, reinforcing legislative intent and bridging gaps in environmental enforcement.

#### **(c) Comparative Perspectives: Lessons from China**

China's Environmental Protection Law of 2015 emphasizes public participation, transparency, information disclosure, and corporate accountability. Empirical studies indicate that such regulatory measures, combined with ESG investments, improve air quality, enhance public health, and elevate subjective well-being. India's judicial enforcement under Article 21 allows citizens to approach courts to enforce environmental standards, reflecting a similar approach to legal empowerment and citizen participation.

The comparative study highlights several lessons: first, law alone is insufficient without active monitoring and transparency; second, integrating corporate responsibility and technological tools strengthens enforcement; third, aligning environmental quality with human development outcomes enhances the legitimacy and impact of environmental governance. While India excels in judicial activism, China demonstrates stronger legislative coherence and technological implementation, offering lessons for India's policy and enforcement frameworks.

#### **(d) Corporate Responsibility and Environmental Accounting**

Corporate responsibility has emerged as a crucial dimension of environmental protection in India. Judicial pronouncements under Article 21 reinforce the expectation that corporate activities align with environmental norms. Environmental accounting, corporate sustainability initiatives, and ESG investments not only mitigate

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<sup>1</sup> *Subhash Kumar v State of Bihar*, AIR 1991 SC 420.

<sup>2</sup> *M.C. Mehta v Union of India* (Oleum Gas Leak Case), (1987) 1 SCC 395.

<sup>3</sup> *Vellore Citizens Welfare Forum v Union of India*, AIR 1996 SC 2715.

<sup>4</sup> *Indian Council for Enviro-Legal Action v Union of India*, AIR 1996 SC 1446.

<sup>5</sup> *M.C. Mehta v Union of India* (Taj Trapezium Case), (1996) 6 SCC 594.

<sup>6</sup> *Rural Litigation and Entitlement Kendra v State of Uttar Pradesh*, AIR 1985 SC 652.

environmental risks but also enhance profitability, creating a mutually beneficial dynamic between business and ecological protection.

For instance, in *Tata Chemicals v. Union of India*, courts emphasized that companies must adopt environmental standards that prevent pollution and ensure the welfare of surrounding communities.<sup>7</sup> Similarly, the Supreme Court in *M.C. Mehta v. Union of India (Ganga Pollution Case)* directed industries along the Ganga to adopt effluent treatment mechanisms, underlining corporate accountability as a constitutional obligation.<sup>8</sup> These judgments illustrate that Article 21 extends beyond individual rights, imposing societal responsibilities on corporate actors.

**(e) Technological Innovations and Environmental Protection**

Technological tools, especially artificial intelligence and data analytics, have been increasingly utilized in environmental management, including pollution monitoring, waste management, and biodiversity conservation. Indian courts have recognized the role of technology in realizing environmental rights, often directing the adoption of modern pollution-control measures and sustainable practices.

However, judicial pronouncements caution against technological solutions that inadvertently create ecological harm, emphasizing sustainable innovation. The integration of technology, corporate accountability, and regulatory oversight is critical for advancing environmental protection, reflecting the multidimensional scope of Article 21.

**(f) Environmental Disasters and Judicial Response**

The Bhopal Gas Tragedy remains a landmark environmental and public health disaster, demonstrating the catastrophic consequences of inadequate regulation. Judicial interventions post-Bhopal, including the evolution of absolute liability and stricter industrial safety norms, underscore Article 21's role in advancing environmental protection. Legislative outcomes, such as the Public Liability Insurance Act, 1991, and the Environment (Protection) Act, 1986, were direct results of judicial activism responding to environmental disasters.<sup>9</sup>

The judiciary's response highlights the preventive and corrective dimensions of environmental governance, ensuring that public health, ecological balance, and industrial development coexist sustainably.

**(g) Public Participation and Transparency**

Courts have emphasized that public participation and transparency are essential to environmental protection. Judicial mandates require disclosure of environmental impact assessments, compliance reports, and industrial audits, reinforcing the democratic aspect of environmental governance under Article 21. Such participatory mechanisms enhance accountability and ensure that citizens have a voice in decisions affecting ecological quality.

**(h) Biodiversity Protection and Article 21**

Article 21 has been invoked to protect forests, wetlands, and biodiversity. In *T.N. Godavarman Thirumulpad v. Union of India*, the Court directed conservation of forest areas, underscoring ecological protection as an inherent aspect of the right to life.<sup>10</sup> Technological innovations, such as GIS mapping and biodiversity databases, support research and conservation efforts, reflecting the integration of judicial, technological, and legislative measures for sustainable environmental management.

**Result**

The expansive interpretation of Article 21 has transformed environmental protection from a policy objective into a constitutional mandate. Judicial activism has influenced legislation, industrial standards, corporate responsibility, and technological innovation. Practical outcomes include improved air and water quality, increased public participation, greater corporate accountability, and a jurisprudential foundation for sustainable development. Comparative insights from China reveal that robust legislative frameworks, technological integration, and transparency are complementary to judicial enforcement, highlighting areas where India can strengthen its environmental governance.

**Findings**

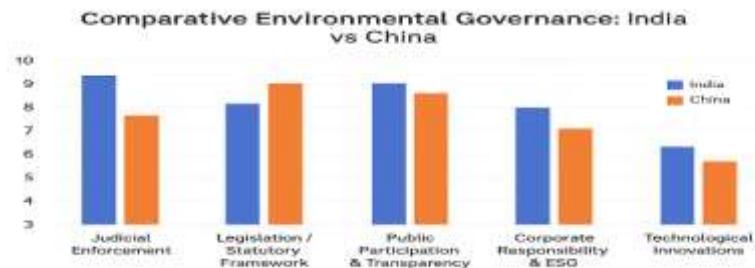
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<sup>7</sup> *Tata Chemicals Ltd v Union of India*, (2000) 3 SCC 134.

<sup>8</sup> *M.C. Mehta v Union of India (Ganga Pollution Case)*, AIR 1988 SC 1037.

<sup>9</sup> *Union Carbide Corporation v Union of India*, AIR 1989 SC 248.

<sup>10</sup> *T.N. Godavarman Thirumulpad v Union of India*, AIR 1997 SC 1228.



### Title of Bar Graph: Comparative Environmental Governance: India vs China

The bar graph indicates that India leads in judicial enforcement, reflecting the proactive role of courts in safeguarding environmental rights. China, however, surpasses India in legislation, transparency, corporate responsibility, and technological innovation. Consequently, while judicial protection in India is strong, comprehensive enforcement integrating legislation, corporate accountability, and technology is more robust in China, illustrating a multidimensional approach to environmental protection.

### Discussion

While Article 21 has provided a robust constitutional foundation for environmental protection, significant challenges remain. Weak institutional capacity, fragmented regulatory frameworks, and enforcement deficits often undermine judicial pronouncements. Judicial overreach occasionally raises concerns regarding the separation of powers between the judiciary, legislature, and executive.

Comparative analysis suggests that integrating transparency, ESG practices, public participation, and technological innovations can enhance India's environmental governance. Legal frameworks must evolve to ensure coordination between regulatory bodies, courts, and corporate actors. Strengthening environmental monitoring mechanisms, incentivizing sustainable corporate practices, and incorporating technology-driven environmental management are critical for fulfilling the promise of Article 21.

### Conclusion

Article 21 of the Indian Constitution has emerged as the cornerstone of environmental jurisprudence, transforming the right to life into a guarantee of ecological well-being. Judicial activism has constitutionalized environmental protection, compelling legislative, executive, and corporate actors to prioritize ecological sustainability. Technological innovations and corporate responsibility have further broadened the scope of environmental governance. Comparative perspectives from China reaffirm the role of legal frameworks in aligning environmental protection with public welfare. Despite enforcement challenges, Article 21 provides a resilient foundation for environmental protection. Strengthening institutions, adopting sustainable technologies, and fostering participatory governance will be crucial to realizing the constitutional promise of a healthy environment. As the Supreme Court has observed, the right to life under Article 21 must be understood as the right to live with dignity, which is inseparable from the right to a clean and healthy environment. Thus, it may be concluded that "A society that safeguards its environment today ensures the health, well-being, and prosperity of its future generations."

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### Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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