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Eco-Constitutionalism in India

Environmental Rights, Judicial Activism, and
the Role of Civil Society

by

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Introduction

- Eco-Constitutionalism integrates environmental protection into the constitutional framework.
- India has evolved a unique model through judicial activism and citizen participation.

Conceptual Framework

- Environment as a constitutional value
- Intergenerational equity
- Nature as a rights-bearing entity
- State accountability and ecological justice

Constitutional Framework

- Article 48A: State shall protect environment
- Article 51A(g): Citizen's duty
- Article 21 interpreted to include clean air, water, and ecological balance

Jurisprudential Framework

- Public Interest Litigation
- Expansion of Article 21
- Key Doctrines:
 - Public Trust
 - Polluter Pays
 - Precautionary
 - Sustainable Development
 - Absolute Liability
- Continuing Mandamus

Landmark Cases (Part 1)

- Rural Litigation v. UP (1985)
- MC Mehta–Ganga Pollution (1988)
- Oleum Gas Leak (1987)
- Vehicular Pollution (1991–2001)
- Enviro–Legal Action (1996)

Landmark Cases (Part 2)

- Vellore Citizens Forum (1996)
- Godavarman v. Union (1995–)
- Subhash Kumar v. Bihar (1991)
- Kamal Nath Case (1997)
- A.P. PCB v. Nayudu (1999)
- Narmada Bachao Andolan (2000)

National Green Tribunal (NGT)

- Established 2010
- Expert environmental court
- Key orders:
 - Mining bans
 - Diesel bans
 - Riverfront protection
- Applies environmental principles with speed and expertise

Role of Civil Society

- Pioneering litigation by MC Mehta
- Movements: Chipko, Narmada Bachao, Silent Valley
- NGOs as litigants, monitors, educators
- Public participation in environmental governance

Challenges and the Way Forward

- Challenges:
 - Regulatory dilution
 - Climate change
 - Enforcement gaps
- Solutions:
 - Strengthen NGT and institutions
 - Expand environmental education
 - Recognize rights of nature and future generations

Conclusion

- India's Constitution now speaks for nature.
- The judiciary, civil society, and law schools must uphold environmental justice.
- A greener future is a constitutional promise — and a democratic imperative.