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Public Interest Litigation As A Tool Of Environmental Governance In India: A Constitutional And Judicial Analysis

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ABSTRACT
Public Interest Litigation (PIL) has emerged as a distinctive judicial mechanism in India, enabling courts to address systemic environmental harms beyond the constraints of traditional adversarial litigation. Since the 1980s, the Supreme Court of India (SCI) and various High Courts (HC) have employed PIL to expand access to environmental justice, interpret constitutional rights expansively, and influence environmental governance. This paper examines the role of PIL as an instrument of environmental governance in India through a constitutional and judicial lens. It analyses how courts have utilized PIL to operationalize Articles 21, 48A, and 51A(g) of the Constitution, develop environmental principles such as sustainable development and the precautionary principle, and shape regulatory enforcement. Adopting a doctrinal and case-based empirical methodology, the study examines landmark environmental PILs and evaluates judicial remedies, monitoring mechanisms, and compliance outcomes. The paper argues that while PIL has significantly strengthened environmental governance by addressing regulatory gaps and executive inaction, it has also raised concerns relating to institutional capacity, democratic accountability, and separation of powers. The study concludes that PIL remains a transformative but contested tool of environmental governance, requiring calibrated judicial intervention and stronger institutional coordination to ensure long-term environmental protection..
Keywords: Public Interest Litigation (PIL); Environmental governance; Environmental law in India; Constitutional interpretation; Access to environmental justice; Judicial review; Sustainable development; SCI.

INTRODUCTION:

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1. Introduction: The Jurisprudential Paradigm Shift

The evolution of environmental legislation in India exemplifies a unique paradigm of judicially driven democratic accountability, wherein the courts have emerged as the pivotal arena for ecological stewardship, transcending traditional legislative and executive dominance to address systemic failures in environmental protection.[1] This metamorphosis originated in the liberalization of locus standi principles during the late 1970s and early 1980s, an era marked by the judiciary's concerted efforts to restore its institutional credibility in the aftermath of the 1975-1977 Emergency, a period of authoritarian governance that eroded public faith in judicial independence and highlighted the need for a more inclusive legal framework.[2] Conventional Anglo-Saxon legal doctrines, which mandated that litigants prove direct personal harm to initiate proceedings, systematically marginalized the bulk of India's populace the economically disadvantaged, uneducated, and socially excluded who bore the brunt of environmental harms such as deforestation, industrial pollution, and resource depletion yet were barred from judicial recourse due to financial, educational, or logistical barriers.[3]

[1] Sahu, G. (2014). Public interest environmental litigation in India: Exploring issues of access, participation, equity, effectiveness and sustainability. Journal of Environmental Law, 19(3), 293–319. https://doi.org/10.1093/jel/eqm020
[2] Ghosh, S. (2012). A new era for environmental litigation in India. Center for the Advanced Study of India, University of Pennsylvania. https://casi.sas.upenn.edu/iit/new-era-environmental-litigation-india
[3] Sharma, S. (2024). Effectiveness of environmental PIL in India; Constitutional manifestation. International Journal of Innovative Research in Technology, 11(7), 3142-3148.

This paper adopts a doctrinal and case-based empirical methodology to evaluate the efficacy of PIL in India's environmental governance framework. The study relies primarily on an analysis of primary legal sources, including the text of the Constitution of India, statutory enactments (such as the Environment Protection Act, 1986, and the Forest Conservation Act, 1980), and landmark judgments delivered by the SCI and the National Green Tribunal. To provide a holistic view, the doctrinal analysis is supplemented by quantitative data drawn from secondary sources, including reports from the Central Pollution Control Board (CPCB), the India State of Forest Reports (ISFR), and performance statistics of the National Green Tribunal. This dual approach facilitates a critical assessment of the gap between judicial pronouncements (law in books) and environmental compliance on the ground (law in action).

Evolution of PIL

Trailblazing jurists like Justice P.N. Bhagwati and Justice V.R. Krishna Iyer dismantled these archaic impediments through interpretive ingenuity, authorizing empathetic citizens, non-governmental organizations, and journalists to initiate lawsuits on behalf of voiceless victims, thereby inaugurating PIL as a transformative instrument for social and environmental justice.[4] In the sphere of environmental adjudication, this innovation was nothing short of revolutionary, empowering the SCI to exercise epistolary jurisdiction by converting informal missives, such as letters or postcards from concerned activists, into formal writ petitions under Article 32 of the Constitution, thus democratizing access to apex justice and fostering a participatory model of environmental governance.[5] This procedural agility facilitated the expeditious escalation of critical ecological disputes directly to the SCI, exemplified by the *Rural Litigation and Entitlement Kendra v. State of U.P.*[6] case, which halted illegal limestone quarrying in the ecologically fragile Himalayas to preserve biodiversity and prevent landslides, and the *M.C. Mehta v. Union of India*[7] litigation, which confronted the rampant contamination of the Ganges River by industrial effluents and municipal waste, compelling regulatory interventions that underscored the judiciary's role in enforcing sustainable practices.

Governance Vacuum

The imperative for such judicial assertiveness stemmed from a profound "governance vacuum" in environmental administration, where India boasts a comprehensive statutory edifice including Water, Air and the overarching Environment Act[8] designed to mitigate pollution and conserve natural resources, yet these enactments have been undermined by ineffective implementation. Entrusted to entities like Pollution Control Boards (PCBs) and forest departments, enforcement has been hampered by perennial underfunding, pervasive corruption, and vulnerability to political manipulation, as evidenced by studies revealing how regulatory capture by influential industries dilutes oversight and perpetuates environmental degradation. Consequently, the judiciary has not merely interpreted statutes but actively enforced them, innovating the "*continuing mandamus*" doctrine a mechanism of prolonged judicial supervision wherein cases remain active for decades, enabling iterative interim orders to monitor compliance and adapt remedies to evolving circumstances, effectively positioning the courts as de facto environmental policymakers.[9] This approach has yielded landmark outcomes, such as the integration of international principles like "*polluter pays*" and precautionary measures into domestic law through cases like *Vellore Citizens Welfare Forum v. Union of India*[10], and the establishment of institutions like the National Green Tribunal in 2010 to expedite environmental disputes, thereby enhancing access, equity, and sustainability in litigation.

However, this judicial expansionism has sparked debates on overreach, as critics argue it encroaches on executive prerogatives without democratic accountability, potentially leading to unsustainable solutions that overlook socioeconomic trade-offs, such as job losses from industrial closures.[11] Nonetheless, PIL's enduring impact lies in constitutionalizing environmental rights under Article 21's right to life, intertwining human dignity with ecological integrity, and inspiring global models of

[4] Quest Journals. (2025). Public Interest Litigation in India: Evolving Jurisprudence and Judicial Innovation. Journal of Research in Humanities and Social Science, 13(9), 66-71.

[5] CPR India. (n.d.). Public interest environmental litigation in India. https://cprindia.org/journalarticles/public-interest-environmental-litigation-in-india-exploring-issues-of-access-participation-equity-effectiveness-and-sustainability

[6] AIR 1985 SC 652

[7] AIR 1988 SC 1115.

[8] Water (Prevention and Control of Pollution) Act, No. 6, Acts of Parliament, 1974 (India); Air (Prevention and Control of Pollution) Act, No. 14, Acts of Parliament, 1981 (India); Environment (Protection) Act, No. 29, Acts of Parliament, 1986 (India).

[9] India Today. (2025). Continuous Mandamus: Why keeps environmental cases open for decades. https://www.indiatoday.in/india/law-news/story/what-is-continuous-mandamus-and-why-supreme-court-keeps-environmental-cases-open-for-decades-2844251-2025-12-30.

[10] AIR 1996 SC 2715.

[11] Rajamani, L., & Ghosh, S. (2019). Public participation in Indian environmental law. In Routledge Handbook of International Environmental Law (pp. 573-589). Routledge.

judicial activism amid climate crises, though it underscores the urgent need for bolstering executive capacity to transition from court-centric to holistic governance for long-term ecological resilience.[12]

2. The Constitutionalisation of Environmental Rights

The Indian Constitution, as originally enacted in 1950, did not contain explicit provisions for environmental protection. It was the 42nd Amendment Act of 1976, influenced by the Stockholm Declaration of 1972 that introduced specific mandates. Article 48A of the Directive Principles of State Policy (DPSP) obligates the State to "*protect and improve the environment and to safeguard the forests and wild life of the country*". Simultaneously, Article 51A(g) of the Fundamental Duties makes it the duty of every citizen to "*protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures*".

2.1 Expanding Article 21: From Existence to Dignity

Though Directive Principles lack direct enforceability, courts integrated them to broaden Fundamental Rights, especially Article 21's right to life. The key expansion interpreted "life" beyond mere survival to include dignified existence.[13]

In the *Rural Litigation and Entitlement Kendra v. State of U.P.*[14] case, the Court implicitly recognized the right to live in a healthy environment by ordering the closure of limestone quarries in Dehradun that were destroying the ecological balance. This was formalized in *Subhash Kumar v. State of Bihar*[15], where the Court unequivocally held that the "*Right to live is a fundamental right under Art 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life*". This judgment established that any citizen could invoke the extraordinary jurisdiction of the SCI under Article 32 to remedy environmental pollution, effectively constitutionalizing environmental standards.

2.2 The Right to be Free from Adverse Effects of Climate Change

The evolution of Article 21 reached a new zenith in 2024 with the judgment in *M.K. Ranjitsinh & Ors. v. Union of India*[16]. The case concerned the protection of the critically endangered Great Indian Bustard (GIB) from collision with overhead power lines in Rajasthan and Gujarat. While the immediate issue was the conflict between wildlife conservation and the infrastructure for renewable energy (solar power), the Court used the opportunity to articulate a new dimension of the right to life.[17]

The bench, led by Chief Justice D.Y. Chandrachud, held that the "*right to be free from the adverse effects of climate change*" is a distinct fundamental right flowing from Articles 14 (Right to Equality) and 21 (Right to Life). The Court reasoned that climate change disproportionately impacts marginalized communities, indigenous tribes, and the poor, thereby violating their right to equality. By explicitly recognizing this right, the Court acknowledged that a clean environment is stable and unimpacted by the vagaries of climate change, laying the groundwork for future climate litigation against state inaction.[18] This decision marked a shift from "*environmentalism*" to "*climate constitutionalism*," recognizing that the right to life is meaningless in a destabilized climate system.

3. Judicial Invention of Environmental Principles

To operationalize these constitutional rights, the Indian judiciary has imported and domesticated key principles of international environmental law, making them the "*law of the land*."

3.1 The Principle of Polluter Responsibility

The "*Polluter Pays Principle*" (PPP) was firmly embedded in Indian jurisprudence through *Indian Council for Enviro-Legal Action v. Union of India*[19], also known as the Bichhri case. The case involved chemical plants producing H-acid that had contaminated the groundwater of Bichhri village in Rajasthan. The Court held that the polluting industries were "*absolutely liable*" to compensate for the harm caused. Crucially, the Court clarified that the PPP encompasses not just compensation to victims but also the costs of restoring the damaged environment to its original state.[20]

In *Vellore Citizens Welfare Forum v. Union of India*[21], the Court applied this principle to the leather tanneries of Tamil Nadu, which were discharging untreated effluents into the Palar River. The Court declared the PPP to be an essential feature of "*Sustainable Development*," ordering the constitution of an authority to assess the damage and recover costs from the polluters. This judgment

[12] Columbia Law School. (2024). Guest Blog: Pioneering Decision from the Indian Supreme Court Recognizing Freedom from the Adverse Effects of Climate Change as a Fundamental Right. https://blogs.law.columbia.edu/climatechange/2024/08/28/guest-blog-pioneering-decision-from-the-indian-supreme-court-recognizing-freedom-from-the-adverse-effects-of-climate-change-as-a-fundamental-right.

[13] *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, AIR 1981 SC 746.

[14] AIR 1985 SC 652

[15] AIR 1991 SC 420.

[16] 2024 SCC OnLine SC 570.

[17] *Ibid.*

[18] *Ibid.*

[19] AIR 1996 SC 1446.

[20] *Ibid.*

[21] AIR 1996 SC 2715.

emphasized that economic development could not come at the cost of environmental destruction, and that the financial burden of remediation must be borne by the industry, not the state.

3.2 The Precautionary Principle

Adopted from the Rio Declaration, the Precautionary Principle was also institutionalized in the *Vellore* case.[22] The SCI outlined three pillars of this principle in the context of Indian municipal law:

Governmental and regulatory entities must foresee, avert, and address sources of ecological harm.

In cases of potential severe or permanent damage, uncertainty in science should not delay preventive actions.

The burden to demonstrate environmental safety rests with the proponent or developer.[23]

This shift in evidentiary responsibility is noteworthy. In the Taj Trapezium litigation[24], the Court applied this to mandate the shutdown or relocation of 292 facilities near the Taj Mahal to prevent acid rain damage. Even amid debates on the exact role of these industries in discoloring the marble, the judiciary prioritized precautionary measures to conserve the cultural landmark.[25]

3.3 The Public Trust Doctrine

Originating from Roman ideas of shared resources, the Public Trust Doctrine was introduced in *M.C. Mehta v. Kamal Nath*.[26] The dispute concerned a private resort, Span Motels, which had intruded on the Beas River's bed in Himachal Pradesh and altered its course to safeguard against flooding. The Court ruled that vital assets like atmosphere, oceans, waterways, and woodlands hold immense value for society, rendering private control inappropriate.[27]

The judiciary positioned the government as custodian of these natural assets, obligated to preserve them for public benefit. Accordingly, the resort's lease was invalidated, and the firm was required to fund ecological restoration. This principle curbs the commodification of public goods and has been used in later disputes to contest state transfers of natural assets for profit.

4. Forest Governance: The Godavarman Continuum and Legislative Pushback

Forest administration in India has been predominantly shaped by the sustained judicial oversight in *T.N. Godavarman Thirumulpad v. Union of India*.[28]

4.1 Redefining "Forest"

Through a provisional ruling on December 12, 1996, the SCI reshaped the Forest (Conservation) Act, 1980 (FCA). It interpreted "*forest*" broadly, using its common dictionary sense to include all legally designated forests and any government-recorded forested areas, regardless of proprietorship. This wide scope encompassed vast tracts of "*presumed forests*" territories resembling woodlands but not formally declared requiring federal approval for non-forestry uses.[29]

For implementation, the Court created the Central Empowered Committee (CEC), a semi-judicial entity reporting solely to the SCI on forestry issues, sidestepping the Ministry of Environment, Forest and Climate Change (MoEFCC). Via the CEC, the judiciary has overseen wood processing sectors, mining in wooded zones, and the administration of the Compensatory Afforestation Fund (CAMPA).[30]

4.2 The 2023 Amendment and Constitutional Challenge

In 2023, lawmakers passed the Forest (Conservation) Amendment Act, aiming to moderate the Godavarman ruling. This change limits FCA's reach to areas officially notified as forests or documented as such post-October 25, 1980. It waives requirements for lands up to 100 kilometers from national borders for critical linear infrastructure and permits forest diversions for wildlife attractions, safaris, and tourism without central approval.

This statutory adjustment prompted swift court review. In *Ashok Kumar Sharma v. Union of India*[31], the SCI issued a temporary directive requiring adherence to Godavarman's expansive forest definition until expert panels identify all relevant lands. This dispute underscores the clash between legislative priorities for development, security, and growth, and judicial emphasis on environmental preservation.

Table 1: Change in Forest Cover (ISFR 2021 vs 2023)

Forest Category	**Canopy Density**	**Area 2021 (sq. km)**	**Area 2023 (sq. km)**	**Change (sq. km)**	**Percentage Change (%)**

[22] *Vellore Citizens Welfare Forum v. Union of India,* AIR 1996 SC 2715.
[23] *Ibid.*
[24] *M.C. Mehta v. Union of India*, AIR 1997 SC 734.
[25] *Ibid.*
[26] *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388.
[27] *Ibid.*
[28] (1997) 2 SCC 267.
[29] *Ibid.*
[30] *Ibid.*
[31] (2024) 9 S.C.R. 194.

Very Dense Forest (VDF)	> 70%	99,779.00	102,146.62	+2,367.62	+ 2.37%
Moderately Dense Forest (MDF)	40% – 70%	3,06,890.00	3,05,238.58	-1,651.42	- 0.54%
Open Forest (OF)	10% – 40%	3,07,120.00	3,06,560.21	- 559.79	- 0.18%
Total Forest Cover	> 10%	7,13,789.00	7,15,343.00	+ 156.41^[32]	+ 0.02%
Tree Cover	< 1 Ha	95,748.00*[33]	1,12,014.00	+1,289.40	+ 1.16%#[34]
Total Forest & Tree Cover	--	**8,09,537.00**	**8,27,357.00**	**+1,445.81**	**+ 0.18%**

Source: *Ministry of Environment, Forest and Climate Change* [35]

According to the India State of Forest Report (ISFR) 2023, India's forested areas exhibit an encouraging but complex pattern. The total forest coverage has seen a small rise of 156.41 sq. km (+0.02%), with the combined forest and tree coverage growing by 1,445.81 sq. km (+0.18%). Notably, Very Dense Forest areas have expanded significantly by 2,367.62 sq. km (+2.37%), indicating effective protection, maturation, and regrowth in thickly wooded regions. Conversely, minor reductions in Moderately Dense Forest (-1,651.42 sq. km or -0.54%) and Open Forest (-559.79 sq. km or -0.18%) point to persistent issues such as habitat deterioration and alterations in vegetation density. This trend suggests advancements in creating denser, carbon-absorbing woodlands, supported by increased tree coverage beyond conventional forests, yet ongoing initiatives are crucial to mitigate density reductions and maintain ecological harmony.

5. River Governance: The Failure of the Ganga Action Plan

The Ganga Pollution Cases, initiated in 1985, represents one of the longest-running mandamuses in judicial history. The Court bifurcated the case to target industries (tanneries) and municipalities (sewage) separately.[36]

5.1 Judicial Orders vs. Reality

In 1987, the Supreme Court of India ordered the closure of 29 tanneries in Kanpur's Jajmau for failing to install primary effluent treatment plants, asserting that polluters' financial burdens cannot justify polluting a sacred river.[37] Subsequent judicial interventions have mandated industrial relocations, common effluent treatment plants (CETPs), and reviews of the Ganga Action Plan (GAP) and Namami Gange Mission (NGM).[38]

Recent Central Pollution Control Board (CPCB) data for 2025 (January-August) show biochemical oxygen demand (BOD) compliant with bathing standards (≤3 mg/L) across Uttarakhand, Bihar, Jharkhand, and West Bengal, but non-compliant in Uttar Pradesh stretches:

[32] Note (^): The Total Forest Cover increase of 156.41 sq km is the official net change figure reported in ISFR 2023. The arithmetic sum of VDF, MDF, and OF changes (+2367.62 - 1651.42 - 559.79) equals +156.41, validating the density breakdown.

[33] Note ():* The Tree Cover figure for 2021 was revised in the 2023 report methodology (often due to better resolution or inclusion of bamboo). The absolute change of +1,289.40 sq. km is calculated against the revised 2021 estimate (approx. 1,10,724 sq. km) rather than the originally reported 95,748 sq. km.

[34] Note (#): Percentage change for Tree Cover is calculated based on the net increase relative to the revised baseline.

[35] https://sansad.in/getFile/annex/263/AS61.pdf?source=pqars; https://m.thewire.in/article/environment/isfr-2023s-grey-areas-forest-degradation-decline-and-fra-2006-cited-as-being-linked-to-these/amp

[36] *M.C. Mehta v. Union of India*, AIR 1988 SC 1037.

[37] *M.C. Mehta v. Union of India*, AIR 1988 SC 1037.

[38] National Mission for Clean Ganga. (2025). Namami Gange Programme. https://nmcg.nic.in/NamamiGanga.aspx

Farrukhabad to Purana Rajapur (Kanpur), Dalmau (Rae Bareli), and downstream Mirzapur to Tarighat (Ghazipur, excluding select Varanasi/Ghazipur upstream) (Ministry of Jal Shakti, 2025a).[39] Dissolved oxygen (DO) meets norms (≥5 mg/L) everywhere. During Maha Kumbh 2025 in Prayagraj, median fecal coliform (FC) was 1,400 MPN/100 mL (<2,500 limit), DO 8.7 mg/L, and BOD 2.56 mg/L, deeming water fit for bathing despite fluctuations from mass bathing.[40] However, high FC spikes occurred on auspicious days due to untreated sewage.[41]

Table 2: Ganga Water Quality Compliance (CPCB 2025)

State	Monitoring Locations	Compliant (BOD ≤3 mg/L, DO ≥5 mg/L, FC ≤2,500 MPN/100 mL)	Non-Compliant Stretches
Uttarakhand	19	Full	0
Uttar Pradesh	41	Partial (most except hotspots)	3 (Kanpur, Raebareli, Mirzapur-Ghazipur)
Bihar	33	Near full (marginal pollution)	0
Jharkhand	4	Full	0
West Bengal	15	Full	0
Total	112	~95	3

Source: Ministry of Jal Shakti (2025a).[42]

Despite NGM's progress 513 projects sanctioned at ₹42,019 crore, creating 6,561 MLD sewage treatment capacities (3,806 MLD operational) a gap persists with 10,160 MLD sewage generations.[43] This underscores judicial enforcement's limits: courts mandate standards but cannot replace administrative infrastructure for sustained sewage management.

5.2 The Rights of Nature Experiment

To bridge deficiencies, the *Mohd. Salim v. State of Uttarakhand,*[44] judgment assigned legal personality to the Ganges and Yamuna, endowing them with rights, with designated officials as protectors. The SCI halted this, noting challenges like accountability for natural disasters such as floods. Although suspended, it hints at a move toward nature-centered jurisprudence, echoing international examples.

6. Urban Air Quality Governance: The Delhi CNG Case

The SCI's role in addressing Delhi's air contamination provides a noteworthy case of effective judicial policymaking. In the *M.C. Mehta v. Union of India* (Vehicular Pollution Case)[45], the judiciary mandated the shift of Delhi's public transportation fleet including buses, auto-rickshaws, and cabs to Compressed Natural Gas (CNG). This was implemented despite opposition from fuel interests and administrative delays.

6.1 Impact Analysis

Statistics from CPCB and external research show that the CNG transition resulted in stabilized and decreased levels

[39]Ministry of Jal Shakti. (2025a). Pollution in Ganga River. https://www.jalshakti-dowr.gov.in/static/uploads/2025/12/9f19eeb5c327c523bb9af86a310a45d8.pdf

[40] Economic Times. (2025, March 9). Kumbh 2025: CPCB report finds Ganga, Yamuna water fit for bathing despite variability. https://m.economictimes.com/news/india/kumbh-2025-cpcb-report-finds-ganga-yamuna-water-fit-for-bathing-despite-variability/articleshow/118817419.cms

[41] Ministry of Jal Shakti. (2025b). Monitoring of water quality of Ganga River. https://www.pib.gov.in/PressReleasePage.aspx?PRID=2147811

[42] *Supra* note 41.

[43] Ministry of Jal Shakti. (2025c). Current progress of the National Mission for Clean Ganga. https://www.jalshakti-dowr.gov.in/static/uploads/2025/12/3b2747285295540a7e28be825dedafc2.pdf

[44] 2017 SCC OnLine Utt 367.

[45] (2002) 4 SCC 356.

of pollutants like PM10, CO, and SO2 in the subsequent years (2021-2025).

Table 3: Annual Average PM10 Levels in Delhi (2021-2025)

Year	**PM10 Level**	**Trend Analysis**
2021	211	Stable from previous year; high winter peaks due to stubble burning, vehicular emissions, and meteorological factors.
2022	211	No change from 2021; persistent pollution despite interventions.
2023	206	Marginal decline (-2.4%); slight improvements from GRAP measures and reduced stubble burning.
2024	212	Increase (+2.9%); reversal attributed to higher dust/construction and variable weather.
2025	198	Notable decline (-6.6%); lowest in 2018–2025 (excluding COVID-2020 at 181 µg/m³), credited to enhanced CAQM enforcement, dust control, and policy actions. Still ~3.3× NAAQS.

Source: https://cpcb.nic.in/

Delhi's 2025 air quality breakthrough delivers a powerful message of hope: with an annual average PM10 of 198 µg/m³ the lowest in seven years (excluding the 2020 COVID lockdown) the capital has turned the tide against decades of severe pollution.

This 6.6% drop from 212 µg/m³ in 2024, as confirmed by the CAQM and Ministry of Environment, Forest and Climate Change (PIB release, January 2, 2026), underscores the real impact of relentless GRAP enforcement, dust suppression, vehicular curbs, and coordinated action. Though still over three times the national standard of 60 µg/m³, the downward momentum proves that sustained, multi-stakeholder resolve can deliver measurable wins paving the way for a cleaner, breathable future for Delhi's residents.

7. The National Green Tribunal: Institutional Performance

Formed under the 2010 National Green Tribunal Act, the NGT was designed as an expert forum with technical knowledge to swiftly resolve environmental disputes.

7.1 Performance and Challenges

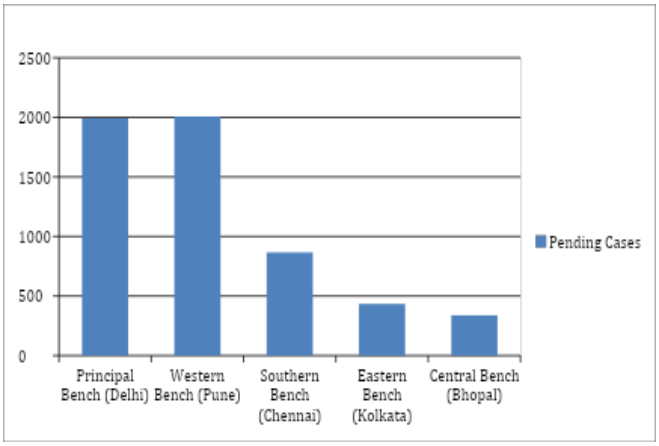
The NGT has issued significant rulings, such as prohibiting hazardous mining practices in Meghalaya and levying substantial fines on offenders. Nevertheless, it encounters major operational hurdles. As of December 31, 2025, the body operates with notable shortages, featuring only 7 judicial members out of 20 authorized, and 8 expert members from a sanctioned 20. This has caused case backlogs which depicted in table 4.

Table 4: NGT Vacancy Statistics (As of Dec. 2025)

NGT	**Sanctioned Total Strength as per The NGT Act 2010 (Sec. 4)**		
	Chairperson Total 1 (Sanctioned)	**Judicial Members Total 20 (Sanctioned)**	**Expert Members Total 20 (Sanctioned)**
Principal Bench (Delhi)	1	04	06
Western Bench (Pune)		NIL	NIL
Southern Bench (Chennai)		01	01
Eastern Bench (Kolkata)		01	NIL
Central Bench (Bhopal)		01	01
Total	**01**	**07**	**08**

Source: National Green Tribunal

Table 5: NGT Case Statistics (As of Nov. 2025)



Source: National Green Tribunal, Zonal Wise Report.[47]

India's National Green Tribunal grapples with a total pendency of 5,639 cases, vividly charted across benches: Western (Pune) tops at 2,007, closely trailed by Principal (Delhi) at 1,993 commanding over 70% of the backlog amid urban-industrial pressures. Southern (Chennai) stands at 867, while Eastern (Kolkata) and Central (Bhopal) lag at 434 and 338, exposing stark disparities that demand swift judicial reforms for ecological justice.

8. Critique: Judicial Activism vs. Overreach

India's courts are internationally praised for their proactive environmental stance, yet they are accused of exceeding bounds. Detractors claim that by providing intricate technical instructions like fuel specifications or forest approvals the judiciary assumes an executive function without the requisite skills or electoral legitimacy.

The use of advisory panels (e.g., CEC or EPCA) forms an alternative bureaucracy that lacks transparency and oversight. Additionally, court decisions occasionally overlook socioeconomic factors; sweeping prohibitions on extraction or building can cause widespread job losses, prompting debates on reconciling environmental equity with employment rights. The sustained oversight model, though useful temporarily, reflects chronic administrative deficiencies. Monitoring river purification for four decades implies fundamental systemic reforms remain unaddressed.

9. Conclusion

Examining PIL in India demonstrates a judiciary that has innovatively broadened constitutional provisions to address administrative gaps. By defining the right to a clean environment and recently affirming climate protections in *M.K. Ranjitsinh*[48], the SCI has positioned itself as guardian of India's natural heritage. The adaptation of global doctrines such as Polluter Pays and Precautionary approaches has created a strong mechanism for responsibility.

Nonetheless, judicial limitations are clear in the ongoing Ganga contamination and NGT delays. Courts can impose sanctions and establish benchmarks, but they cannot construct the necessary facilities or foster the commitment for enduring ecological stewardship. Future steps should bolster regulatory institutions and ensure the NGT's full operational capacity. Shifting from court-driven enforcement to voluntary governmental action is vital for fulfilling India's climate pledges and securing fairness across generations. The declaration of a "*right against climate change harms*" is a bold judicial step; its fulfillment demands comprehensive state reform

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[48] *Supra note* 18.

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