

Right to a Healthy Environment in India - Explained

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Healthy Environment Latest News

- Rising air pollution in Delhi-NCR has renewed debate on recognising the right to a healthy environment as an explicit constitutional right.

Background: Environmental Degradation and Public Health

- India faces recurring environmental crises, particularly during winter months, when air pollution levels in Delhi-NCR deteriorate sharply due to vehicular emissions, industrial activity, fossil fuel use, construction dust, waste burning, and agricultural residue burning.
- These conditions severely affect public health, leading to respiratory illnesses, cardiovascular diseases, and reduced life expectancy.
- The persistent nature of such crises has highlighted gaps in policy enforcement and raised questions about the legal responsibility of the State to protect environmental health.

Particulate Matter and Health Risks

- Among various pollutants, particulate matter is considered the most harmful. **PM10** particles can enter the respiratory system, while finer **PM2.5** particles penetrate deep into the lungs and bloodstream.
- Diesel particulate matter, a sub-category of PM2.5, is especially toxic and poses serious risks to children and vulnerable populations.
- In response to worsening air quality, the Commission for Air Quality Management (CAQM) has strengthened the **Graded Response Action Plan (GRAP)**, mandating school closures and staggered office timings during severe pollution phases, indicating growing administrative recognition of environmental health risks.

Constitutional Basis of Environmental Protection

- Although the original Constitution did not explicitly guarantee environmental rights, judicial interpretation has expanded the scope of **Article 21** (Right to Life) to include the right to a clean and healthy environment.
- This interpretation was gradually developed through landmark judgments, beginning with **Maneka Gandhi v. Union of India** (1978), which broadened the meaning of “life” beyond mere physical existence.
- Subsequently, constitutional amendments strengthened environmental responsibility.
- **Article 48A** (Directive Principles) places a duty on the State to protect and improve the environment, while **Article 51A(g)** imposes a fundamental duty on citizens to safeguard natural resources.
- Together, these provisions create a shared constitutional obligation toward environmental protection.

Role of Judiciary and Public Interest Litigation

- Since the mid-1980s, rapid industrialisation and liberalisation have intensified environmental degradation, prompting judicial intervention.
- The judiciary has played a proactive role by using Public Interest Litigations (PILs) under **Articles 32 and 226** to address environmental harm.
- Courts have consistently balanced development needs with environmental sustainability, reinforcing the idea that economic growth cannot come at the cost of ecological destruction.
- The **Environment (Protection) Act, 1986**, further strengthens this framework by defining the environment as an interconnected system of air, water, land, and living beings.
- Judicial rulings have clarified that the right to live with dignity includes the right to pollution-free air and water, making environmental protection an enforceable legal concern.

Environmental Principles in Indian Jurisprudence

- Indian environmental law has adopted key global principles to deal with ecological harm.
- The principle of absolute liability was introduced to address industrial disasters involving hazardous substances, ensuring that enterprises bear full responsibility for damage regardless of fault.
- The precautionary principle requires preventive action even in the absence of scientific certainty, while the polluter pays principle mandates that polluters bear the cost of environmental damage.
- These principles, affirmed by the judiciary, emphasise prevention, accountability, and sustainable development as core governance values.

Public Trust Doctrine and State Responsibility

- The public trust doctrine reinforces the idea that natural resources are held by the State in trust for the people.
- Under this doctrine, the State cannot exploit environmental resources for private or commercial gain at the cost of public interest.
- Constitutional provisions under **Article 39** further support community ownership of material resources and equitable distribution for public welfare.
- Recent judicial recognition of climate change impacts has expanded environmental rights further.
- The Supreme Court's acknowledgement of protection against adverse climate effects as part of **Articles 21 and 14** reflects the evolving nature of environmental constitutionalism in India.

Need for Explicit Constitutional Recognition

- Despite progressive judicial interpretation, the absence of an explicit fundamental right to a healthy environment limits enforceability.
- Since rights must be linked to Part III for direct claims, the article argues for formally incorporating the right to a clean and healthy environment into the Constitution.
- Such recognition would clearly define State accountability and citizen responsibility, strengthening environmental governance in an era of climate uncertainty.

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