Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2026 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Environmental Law and Environmental Pollution

Pragati Pandey[a]

[a]Mangalayatan University, Jabalpur, India

Received 05 October 2026; *Accepted* 05 November 2026; *Published* 09 November 2026

Environmental pollution has become a major issue in today's world due to rapid growth in industry, increasing population, urbanisation, and unnecessary use of natural resources. Pollution of air, water, land, and noise has badly affected human health, wildlife, and the overall balance of nature. This article explains the meaning of environment and environmental pollution and also explains how environmental laws in India help in controlling and preventing environmental pollution. It also explains the constitutional provisions related to environmental protection, important environmental laws, and key principles such as the Precautionary Principle, Polluter Pays Principle, Public Trust Doctrine, and Sustainable Development. The judiciary and Public Interest Litigation (PIL) also play an important role, with the help of landmark cases like M.C. Mehta v Union of India, Vellore Citizens' Welfare Forum v Union of India, and Subhash Kumar v State of Bihar. The article shows that environmental law, supported by the Constitution and judiciary, is essential for protecting nature and ensuring a healthy life for present and future generations. This research article examines the concept of environment and environmental pollution, analyses the constitutional framework of environmental protection in India, and evaluates the role of major environmental statutes such as the Environment (Protection) Act 1986, the Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Stockholm Declaration, and the Rio Summit 1992. The study concludes that environmental law, supported by constitutional mandates and judicial activism, serves as a powerful instrument in combating environmental pollution and ensuring environmental justice in India.

Keywords: *environmental law, environmental pollution, precautionary principle, sustainable development.*

INTRODUCTION

The environment encompasses all living and non-living elements that influence life on Earth. The term 'environment' is derived from the French word '*Environia*', meaning 'to surround,' and refers to the aggregate of physical, biological, and social conditions in which organisms live. According to Section 2(a) of the Environment (Protection) Act 1986, the environment is defined as including water, air, land, and the interrelationship among them, as well as their interaction with human beings, other living creatures, plants, microorganisms, and property.

With the advancement of science and technology, unchecked industrial growth and human activities have resulted in severe environmental pollution. Pollution refers to the presence of wrong matter in the wrong quantity at the wrong place. Environmental pollution has become a major socio-legal issue in India, affecting public health, biodiversity, climate stability, and economic sustainability.

Environmental law has evolved as a branch of law aimed at regulating human conduct to prevent environmental degradation, deforestation, and vehicular emissions. Environmental law consists of statutes, rules, regulations, principles, and judicial precedents designed to protect and improve environmental quality. In India, environmental jurisprudence has witnessed significant growth through constitutional interpretation, legislative enactments, international environmental commitments, and proactive judicial intervention.

This article seeks to analyse how environmental law functions as a mechanism to control and prevent environmental pollution in India by examining constitutional provisions, statutory frameworks, environmental principles, and landmark judicial decisions.

ENVIRONMENT AND ENVIRONMENTAL LAWS

The term 'Environment' is derived from the French word "*environ or environner*", which means 'to surround'. Environment refers to the total of all living things and non-living things and their effects that influence human life. In simple words, it is the surroundings and conditions under which man lives and works. According to Section 2(a) states that environment includes water, air, land and the inter-relationship which exist among and between air, water and land, and human beings, other living creatures, plants, micro-

organism and property.[1] Environmental law refers to a branch of law, rules, regulations, and principles that are essential to protect the environment from exploitation by man-made activities. It ensures and provides guidelines to people on conducting activities that might harm the environment.

Environmental Laws: There are several Indian and International statutes to prevent and control environmental pollution.

Environment (Protection) Act 1986: This legislation was enacted after the Bhopal Gas Tragedy. It empowers the Central Government to set environmental standards, regulate industrial activities, Control hazardous substances, provide for penalties, and issue directions, including closure of polluting industries.

Water (Prevention and Control of Pollution) Act 1974: This Act aims to prevent and control water pollution and maintain water quality. Also established authorities such as the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs).[2]

Air (Prevention and Control of Pollution) Act 1981: The Act also establish board such as Central Pollution Control Board (CPCB) and State Pollution Control Board (SPCB) to set emission standards, prevent and control air pollution, declaration of air pollution control areas, regulation of industrial emissions.[3]

Stockholm Declaration 1972: 1st UN Conference on environmental issues at the global level, which contains 26 Principles. This declaration sets global environment protection norms, guides national environment policies and laws, and promotes environment awareness and education, management of resources.[4]

Rio Summit 1992: This summit is also known as the United Nations Conference on Environment and Development (UNCED). The summit addresses environmental issues such as climate change, deforestation and biodiversity loss, promotes sustainable development, and drafts international agreements.[5]

[1] Environmental Protection Act 1986, s 2(a)
[2] Water (Prevention and Control of Pollution) Act 1974
[3] Air (Prevention and Control of Pollution) Act 1981
[4] Stockholm Declaration 1972
[5] Rio Summit 1992

Environmental Pollution: Pollution denotes the presence of wrong matter in the wrong quantity and at the wrong place. According to Section 2(c) of the Environmental Protection Act 1986, environmental pollution means the presence in the environment of any environmental pollutant. In India, a main environmental issue is pollution, which causes harm to the environment. Basically, environmental pollution is the introduction of contaminants into habitats that causes harm, instability, disorder, and discomfort to living organisms. It increases with every passing year, causing grave and irreparable damage to Earth.[6]

There are some factors that are responsible for environmental pollution, such as Population Growth, Industrialization, Urbanization, Deforestation, Vehicular emissions, burning of fossil fuels, etc.

Major Types of Pollution: Air pollution (Contamination of the atmosphere by harmful gases, particulate matter or chemicals, affecting air quality), Water pollution (Contamination of water bodies due to industrial waste, sewage or chemicals), Noise pollution (Excessive or harmful sound levels that disrupt human or environmental well-being), Soil/Land pollution (Contamination of soil by chemicals, waste or other substances, reducing its fertility and usability), Thermal/Radioactive pollution (release of heat and radioactive substances affecting ecosystems.

CONSTITUTIONAL PERSPECTIVES

Constitution of India provides a strong legal framework for environmental protection through Fundamental Rights, DPSP (Directive Principles of State Policy), and Fundamental Duties. These provisions recognise the importance of a clean and healthy environment for human well-being and sustainable development.

Fundamental Rights –

Although the original Constitution did not explicitly mention environmental protection, the SC has interpreted certain Fundamental Rights to include environmental concerns.

[6] Environmental Protection Act 1986, s 2(c)

Article 21: Right to life & Personal liberty (includes the right to a pollution-free environment or the right to clean air).[7]

Article 14: Right to Equality (government must not discriminate in environmental protection measures).[8]

DPSP –

It guides the government in creating laws and policies; also, DPSP is not justiciable.

Article 48(A): Protection and Improvement of the Environment (it directs the State to protect and improve the environment and safeguard forests and wildlife)[9]

Article 49: Protection of Monuments and Natural Heritage.[10]

Fundamental Duties –

Impose moral and legal responsibilities on citizens to protect the environment.

Article 51(A)(g): Duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife.[11]

PROTECTION OF ENVIRONMENT FROM POLLUTION

An environmental law helps in protecting the environment from pollution and making the environment pollution-free. Basically, Environmental law protects the environment by

- Regulating industrial emissions and waste disposal;
- Imposing penalties and compensation for pollution;
- Enforcing environmental clearances and impact assessments;
- Promoting public participation through PILs;

[7] The Constitution of India 1950, art 21
[8] The Constitution of India 1950, art 14
[9] The Constitution of India 1950, art 48(a)
[10] The Constitution of India 1950, art 49
[11] The Constitution of India 1950, art 51(A)(g)

- Providing specialised forums like the NGT National Green Tribunal) for environmental justice.

There are certain Principles of environmental law which are used to control and prevent environmental pollution:

Precautionary Principle: The principle mandates preventative action to avoid environmental or health harm when an activity poses a potential risk, even without full scientific certainty. Basically, it indicates 'prevention is better than cure'. This principle is recognised as part of Article 21 of the Constitution. It prevents irreversible environmental damage and promotes sustainable development. In the case of Vellore Citizens Welfare Forum v Union of India[12], the precautionary principle was adopted, ordering tanneries that are discharging untreated effluent into agricultural fields, roadsides, waterways, and open lands to install effluent treatment plants to prevent water pollution.

Polluter Pays Principle (PPP): It was first introduced in 1972 by the Organisation for Economic Cooperation and Development. This principle imposes liability on the person who pollutes the environment, and the polluter should compensate the victims and restore the environment. This principle requires the polluter to bear the costs of preventing, controlling and remedying environmental damage caused by their activities.

Public Trust Doctrine refers to natural resources being held in trust by the state for public benefit, and the state must protect them for current and future generations. This doctrine also states that resources like air, water, sea, and forests are a gift of nature, and they should be made freely available to everyone irrespective of their status. According to the Stockholm Declaration on the Public Trust Doctrine, natural resources of the Earth, including air, water, land, flora and fauna, especially representative samples of natural systems, must be safeguarded for the benefit of present and future generations through careful planning or management as appropriate. Also, it empowers citizens to question ineffective management of natural resources.

[12] *Vellore Citizens' Welfare Forum v Union of India & Ors* (1996) 5 SCC 647

Sustainable Development: It refers to development must meet present needs without comprising the ability of future generations to meet their own needs. Harmonises development with ecology and is central to environmental governance in India.

Public Interest Litigation refers to legal mechanisms that allow individuals or groups to approach courts for public welfare issues. It also helps in protecting the environment from damage and pollution. In India, Public Interest Litigation has been instrumental in enforcing environmental laws and addressing pollution, deforestation and ecological damage. It is one of the preventative measures for environment pollution. Public Interest Litigation protects the environment by addressing pollution, conservation, enforcement of policy, public awareness, ensuring the polluter pays principle (PPP), preventative action and control. Also, courts use Public Interest Litigation to enforce laws like the Environment (Protection) Act 1986,[13] the Water (Prevention and Control) Act 1974, and the Air (Prevention and Control) Act 1981.[14]

LANDMARK CASE LAWS

The Indian judiciary has played a transformative role in strengthening environmental law through judicial activism and Public Interest Litigation (PIL).

M.C. Mehta v Union of India [Oleum Gas Leak Case]:[15] This case was triggered by the leakage of Oleum gas from Shriram Food and Fertiliser Industries in Delhi, causing serious harm to workers and residents. A public interest litigation (PIL) was filed by environmental lawyer M.C. Mehta seeking compensation and preventive measures. The issue raised whether industries engaged in hazardous activities should be held liable for environmental damages. The Supreme Court evolved a new doctrine of absolute liability, holding that an enterprise engaged in hazardous or inherently dangerous activity is absolutely liable for harm caused, and such liability exists without any exception; the enterprise must compensate victims and bear the cost of damage. It also rejected the traditional rule in *Rylands v Fletcher*, strengthened environmental accountability, and placed public safety above industrial profit.[16]

[13] Environmental Protection Act 1986
[14] Air (Prevention and Control) Act 1981
[15] *M.C. Mehta v Union of India* (1986) 1 SCC 395
[16] *M C Mehta & Anr v Union of India & Ors* (1986) 1 SCC 395

Vellore Citizens' Welfare Forum v Union of India: In this case, tanneries in Tamil Nadu were discharging untreated effluents into rivers, agricultural lands and contaminating groundwater. PIL was filed highlighting severe water pollution and health hazards, and the petition was filed under Article 32 of the Constitution. The issue raised was whether economic development can override environmental protection or whether international environmental principles apply in India. The court held that sustainable development is a balancing concept between ecology and development, and the Precautionary Principle and Polluter Pays Principle are part of Indian law. Also, polluting tanneries must pay compensation and install pollution control devices or effluent treatment plants. Strengthened environmental governance and these two principles are essential components of Indian environmental law.[17]

Subhash Kumar v State of Bihar: In this case, industrial slurry from washeries was discharged into the Bokaro River, polluting water used by residents and a PIL was filed alleging violation of the right to life. The issue raised was whether pollution of natural resources violates fundamental rights. The court held that the right to life and personal liberty under Article 21 includes the right to pollution-free water and air. It strengthened constitutional protection of the environment and linked human rights with environmental protection.[18]

CONCLUSION

Environmental pollution is a serious threat not only to ecological balance but also to the fundamental right to life guaranteed under the Indian Constitution. The increase in air, water, land, and noise pollution underscores the urgent need for effective environmental governance and strict enforcement of environmental laws. India has developed a comprehensive legal framework to address environmental challenges through constitutional mandates, legislative enactments, international commitments, and judicial innovation.

The Constitution of India, particularly through Articles 21, 48A, and 51A(g),[19] establishes a strong foundation for environmental protection by recognising the right to a clean and healthy environment as an integral part of the right to life and by imposing duties upon both

[17] *Vellore Citizens' Welfare Forum v Union of India & Ors* (1996) 5 SCC 647
[18] *Subhash Kumar v State of Bihar & Ors* (1991) 1 SCC 598
[19] The Constitution of India 1950, arts 14, 21, 48A and 51A(g)

the State and citizens. Statutes such as the Environment (Protection) Act 1986,[20] the Water Act 1974,[21] the Air Act 1981[22], the Stockholm Declaration, and the Rio Summit, 1992[23] provide regulatory mechanisms to control pollution and hold polluters accountable.

Judicial activism, especially through Public Interest Litigation, has played a transformative role in environmental protection. Landmark judgments like *M.C. Mehta v Union of India*[24] introduced the doctrine of absolute liability, while *Vellore Citizens' Welfare Forum v Union of India*[25] firmly evolved the Precautionary Principle and Polluter Pays Principle into Indian environmental law. The recognition of environmental rights under Article 21 in *Subhash Kumar v State of Bihar*[26] further strengthened the linkage between human rights and environmental protection.

In conclusion, environmental law in India has evolved into a dynamic and effective tool for combating environmental pollution. However, the success of these laws ultimately depends on strict enforcement, public awareness, responsible industrial practices, and active participation of citizens. A balanced approach integrating environmental protection with sustainable development is essential to safeguard natural resources for present and future generations.

[20] Environmental Protection Act 1986
[21] Water Act 1974
[22] Air Act 1981
[23] The Rio Summit 1992
[24] *M C Mehta v Union of India* (1986) 1 SCC 395
[25] *Vellore Citizens' Welfare Forum v Union of India* (1996) 5 SCC 647
[26] *Subhash Kumar v State of Bihar* (1991) 1 SCC 598