

Environmental Justice and Human Rights: An Analysis of Environmental Inequality in India

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ABSTRACT

Environmental justice and human rights are widely acknowledged as interrelated frameworks for comprehending the disproportionate allocation of environmental detriment and safeguarding. Environmentally harmful activities extend beyond ecological issues since they involve social, political, and economic differences. Environmental degradation and violation of human rights have been studied in relation to each other in this study. The study proposes that pollution, climate change, environmental degradation, land grabbing, and unequal distribution of natural resources adversely affect disadvantaged social groups, such as indigenous populations, rural people, poor urban dwellers, and low-income individuals. In this paper, the issue of environmental justice will be discussed in the broader discourse of equality, dignity, sustainability, and democracy. The ways in which environmental disparity affects the rights to life, health, water, food, shelter, livelihood, and participation will be discussed. Moreover, this paper highlights how the Constitution of India, judicial measures, and environmental legislation have an impact on environmental justice. Particular attention is paid to air and water pollution, forest rights, displacement, and environmental problems faced by socially disadvantaged people. The state, business organizations, and other institutions have both contributed to and worked towards overcoming environmental damage. This paper argues that environmental justice is vital for protecting human rights and achieving sustainable development in India, which requires substantive equality, democracy, and ecological sustainability.

INTRODUCTION

Environmental justice and human rights have emerged as two interconnected paradigms for understanding the uneven consequences of environmental degradation. Environmental justice and human rights have emerged as two interconnected paradigms for understanding the uneven consequences of environmental degradation. Environmental destruction affects all societies, but the consequences do not fall equally on all people. The results of pollution, global warming, industrial pollution, environmental destruction, and displacement fall unfairly on those societies which are already disadvantaged. Therefore, environmental crises should not be viewed only as problems of environmental disturbance or governmental mismanagement, but also of social inequality and discrimination.

Environmental justice involves fair distribution of both burdens and advantages, equal access to natural resources like fresh air, clean water, and land, as well as active participation in environmental policy making. The idea of human rights provides the basis in terms of ethics and law on which environmental destruction can be viewed as a violation of basic entitlements necessary to ensure a decent living. Whenever people face toxic air, do not have access to drinkable water, get forced out of their own land, or remain unable to participate in environmental decision making processes, the issue goes beyond environmental policy making.

Environmental degradation and its connection to human rights is especially relevant in India. This environmental destruction has been due to the rapid process of industrialization, mining, infrastructure development, dam building, urbanization, and waste production. However, such negative impacts are not evenly distributed. Those who bear the burden of environmental destruction caused by development are the poor, the Adivasis, the Dalits, the rural workforce, the coastal populace, those dependent on forests, and residents of slums. At the same time, they often receive little recognition, compensation, and participation in decision-making.

This paper focuses on studying environmental justice in India through the lens of human rights. Further, this paper argues that the issue of environmental discrimination parallels society's inequities, which means protecting human rights is inherently connected to fighting for environmental justice. The essay starts by discussing the relationship between environmental justice and human rights theoretically. Next, the essay delves into India's constitution and law to explore how the Indian judiciary connects environmental justice to Article 21 and other constitutional rights. The further discussion elaborates on the critical features of environmental discrimination in India, such as pollution, displacement, forestry issues, natural resource exploitation, and climate change impact. The discussion will also highlight the roles played by the state, businesses, and organizations in fostering or counteracting environmental discrimination. The paper concludes that India should pursue its sustainable development policy based on equality, participation, accountability, and environment management.

Environmental Justice as a Human Rights Issue

Environmental justice is a belief that nobody must be made to suffer more environmentally than others because of their socio-economic status. This comprises three elements of distributive justice, procedural justice, and recognition justice. Distributive justice is concerned with how the bad and good effects of the environment should be distributed equitably. Procedural justice requires that those who are affected by decisions regarding the environment have a right to receive information, participate, and gain recourse. Recognition justice is an acknowledgment of the identity and knowledge of the oppressed people. These principles are especially important in societies where the marginalized are socially and economically disadvantaged.

The above concerns almost totally coincide with human rights problems. The right to life is violated whenever dangerous pollution causes illnesses and premature deaths. The right to health can be violated through pollution from industries, improper handling of waste, and insufficient air quality which cause illness. Water and sustenance rights can be denied whenever there is pollution of rivers, depletion of water sources, and damage to the soil through chemicals and mining activities. Housing rights are violated whenever there is destruction of the environment or involuntary displacement because of development plans. The right to livelihood is threatened by environmental degradation in activities like farming, fishing, ranching, and forestry work. Participation rights are denied when decisions about land, forests, and natural resources are not adequately consulted with affected communities.

However, in the Indian situation, this problem is compounded by the values of equality, dignity, and social justice, enshrined in the Constitution. Article 21 has been interpreted to mean the right to live a life of dignity, while Articles 14 and 15 lay down essential equality-based standards that help to understand the problem of environmental injustice in India. Environmental injustice cannot, therefore, be understood in terms of pollution alone. Rather, it is an institutional problem resulting from the confluence of poverty, caste, tribal eviction, ineffective regulation, and exclusion.

Constitutional and Legal Framework in India

While the Indian Constitution does not explicitly guarantee an independent basic right to a clean environment, the Supreme Court has established environmental rights jurisprudence via constitutional interpretation. Article 21, which ensures the right to life and personal liberty, has been interpreted expansively to encompass the right to live with dignity and, thus, the right to a healthy environment.¹ This constitutional commitment is further strengthened by the introduction of Directive Principles and Fundamental Duties. Article 48A gives the state the responsibility to conserve and develop the environment, as well as to safeguard forests and wildlife, and Article 51A(g) places the responsibility of protecting the natural environment on the shoulders of the nation's residents.²

The environmental jurisprudence of the Supreme Court has been instrumental in establishing a connection between the protection of the environment and the protection of human rights. In the case of *Subhash Kumar v. State of Bihar*, the Supreme Court of India ruled that the right to life include the right to breathe clean air and water in order to fully experience the happiness that life has to offer.³ In the process of establishing a connection

¹ Indian constitution, 1950, Art 21.

² Indian constitution, 1950, Art 48A; Indian constitution, 1950, Art 51A(g).

³ (1991) 1 SCC 598.

between environmental quality and fundamental rights, this ruling established a founding authority. In the M. C. Mehta series of cases, the Supreme Court of India tackled issues pertaining to industrial pollution, vehicular emissions, river contamination, and hazardous industries. As a result, the Court was able to transform the landscape of environmental governance in India.⁴

It was the Oleum Gas Leak case that was particularly significant since it was the case in which the Supreme Court developed the idea of unlimited liability for businesses that participated in hazardous operations.⁵ This was a significant step forward since it acknowledged that businesses who engage in hazardous operations have a greater responsibility to protect their employees and the general public from harm. In the case of Vellore Citizens Welfare Forum v. Union of India, the Supreme Court recognized the importance of incorporating the precautionary principle and the polluter pays principle into Indian environmental law.⁶ Similar to the previous case, Indian Council for Enviro-Legal Action v. Union of India, the Supreme Court of India reaffirmed the idea that polluters are responsible for bearing the expense of repairing the environmental damage that their actions have created.⁷

Additionally, India's legislative framework demonstrates a significant official commitment to the conservation of the environment. The Water (Prevention and Control of Pollution) Act, 1974 addresses water contamination, while the Air (Prevention and Control of Pollution) Act, 1981 seeks to prevent and control air pollution.⁸ The Environment (Protection) Act, 1986 serves as comprehensive legislation granting extensive authority to the central government to safeguard and enhance environmental quality.⁹ The Forest (Conservation) Act, 1980 governs the diversion of forest land, whereas the Biological variety Act, 2002 advocates for the conservation and sustainable utilization of biological variety.¹⁰ The National Green Tribunal Act, 2010 developed a specialized framework for environmental adjudication and access to remedies.¹¹

Simultaneously, environmental justice in India is contingent upon legislation pertaining to land, forests, and underprivileged populations. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was established to address the historical injustices inflicted against forest-dwelling tribes by acknowledging their rights to forest land and resources.¹² The Panchayats (Extension to Scheduled Areas) Act, 1996 enhances self-governance and the function of Gram Sabhas in scheduled areas.¹³ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 seeks to enhance the transparency and equity of land acquisition through the inclusion of measures for compensation and rehabilitation.¹⁴ However, the presence of these laws does not guarantee effective protection, and the disparity between legal acknowledgment and social reality persists as a fundamental issue of environmental justice in India.

Air and Water Pollution as Forms of Environmental Inequality

Air and water pollution are two instances of environmental inequities prevalent in India. The impacts on health in regard to air pollution are numerous, including respiratory and heart ailments as well as early mortality. On the contrary, breathing dirty air cannot be considered isolated from sociological problems. The poor in urban areas typically live next to industrial areas, busy highways, dumps, power plants, and congested transport routes, all characterized by pollution. These groups do not have the ability to acquire healthcare services and basic necessities such as clean water.

⁴ (1998) 6 SCC 63.

⁵ (1987) 1 SCC 395.

⁶ (1996) 5 SCC 647.

⁷ (1996) 3 SCC 212.

⁸ Water (Prevention and Control of Pollution) Act 1974; Air (Prevention and Control of Pollution) Act 1981.

⁹ Environment (Protection) Act 1986.

¹⁰ Forest (Conservation) Act 1980; Biological Diversity Act 2002.

¹¹ National Green Tribunal Act 2010.

¹² Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

¹³ Panchayats (Extension to Scheduled Areas) Act 1996.

¹⁴ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

The severity of the problem of air pollution has been underscored on multiple occasions by judicial interventions. In the vehicle pollution litigation of *M C Mehta v Union of India*, the Supreme Court mandated initiatives to mitigate urban air pollution, including the implementation of compressed natural gas in Delhi's public transportation system.¹⁵ These interventions revealed that environmental governance can directly influence the quality of life for urban inhabitants. They emphasized the necessity for equitable implementation, since policy transitions may impact certain social groups disproportionately.

The pollution of water causes hazards which are comparable. Many areas within India experience pollution of their water supplies from the effluents generated by industries, waste from the sewage, by-products of mining operations, and agricultural wastes. For these populations dependent on such waters, especially in rural and semi-urban settings, there may be no other recourse. The Ganga pollution lawsuits demonstrated the judiciary's readiness to intervene against industrial pollution and to enforce regulatory adherence.¹⁶ The ongoing prevalence of water pollution, despite legislative interventions, underscores the inadequacies of enforcement and the susceptibility of individuals dependent on contaminated water supplies for their survival.

It happens that impoverished and oppressed people do not pollute the environment but suffer the consequences the most from it. This imbalance is the basic reason for the demonstration of environmental inequality. The point is not only in pollution itself but also in an unjust distribution of risks, protective mechanisms, and recoveries. Human rights approach requires answering the questions of who suffers, who decides, and who enjoys the profits.

Forest Rights, Land Acquisition, and Displacement

Disputes over land use, forest rights, and displacements are key to the discussion on environmental justice in India. The development projects such as dams, mines, roads, industries, and power generation projects often involve the need for acquiring large expanses of land. They are normally justified using the rhetoric of growth, welfare, and nation building. The people who get displaced from their lands due to these projects are mainly from the tribal, rural, poor, and agrarian communities.

Land and forests mean more than mere economic commodities to the Adivasi and forest-dwelling tribes. They become part of their culture, spirituality, memories, and continuity. The dislodgment or denial of such communities from their native forests becomes both an economic and socio-cultural deprivation. Matters pertaining to the regulation of tribal lands and forests are crucial to environmental justice. In *Samatha v State of Andhra Pradesh*, the Supreme Court determined that government land, forest land, and tribal land in scheduled regions are not permissible for lease to private mining enterprises or non-tribals.¹⁷ The ruling acknowledged the unique legal safeguards pertaining to tribal land in designated regions and continues to serve as a significant precedent on tribal resource entitlements.

Likewise, the *Niyamgiri case*, *Orissa Mining Corporation v Ministry of Environment and Forest*, recognized the importance of Gram Sabha decision-making in cases involving the religious and community rights of tribal populations over forest land.¹⁸ This case is crucial for forest governance and participatory justice, as it recognized the necessity for impacted communities to have a substantial voice in decisions that impact their ecological and cultural environments.

The Forest Rights Act of 2006 has been enacted in order to recognize forest rights as well as rectify past injustices to forest dwellers. Despite this, enforcement has remained inadequate, with some eligible tribes facing claim denials, delays in administration, or even displacement from their homes. Likewise, while the Land Acquisition Act of 2013 provided a more rights-based approach to land acquisition through provisions such as compensation

¹⁵ (1998) 6 SCC 63.

¹⁶ *M C Mehta v Union of India* (1988) 1 SCC 471.

¹⁷ (1997) 8 SCC 191.

¹⁸ (2013) 6 SCC 476.

and rehabilitation, these processes have often proven inadequate in practice. Environmental justice requires going beyond compensation and recognizing the social and environmental impacts of displacement.

Climate Change and Vulnerable Communities

Environmental discrimination was furthered by the consequences of climate change, which brought out the fact that the environmental issue at hand was affecting populations least capable of adapting. In the Indian context, the manifestations of climate change include extreme temperatures, erratic rainfall, crop failures, droughts, floods, increasing water levels, and coastal erosion. However, such occurrences have a disparate impact. Those who depend heavily on environmental conditions for income generation and lack adequate resources to adapt are particularly vulnerable.

The impact of climate change on rights is profound. Extreme heat can put the right to life and health at risk, especially among outdoor workers and the poor in cities. Droughts may reduce farm yields and cause hunger. Flooding and cyclones could damage homes, displace communities, and affect access to clean water. Coastal changes will threaten fishing settlements and people living in fragile environments. Environmental refugees could increase insecurity, especially if these individuals lack any legal and social safety net in their new locations.

India's climate change strategy encompasses the National Action Plan on Climate Change, initiated in 2008, which established national missions focused on solar energy, energy efficiency, water management, sustainable habitat, and more sectors.¹⁹ While such policy frameworks are important, climate justice requires much more than this technical process. It requires the recognition that vulnerability is shaped by the existing inequities. Climate policy should be guided by the need to adapt to vulnerable communities, engage community participation, and ensure that mitigation measures do not lead to further dispossession or marginalization.

Role of the State, Corporations, and Institutions

Environmental justice issues in India can occur due to natural conditions as well as deliberate acts on the part of the government, companies, and organizations. While it is the duty of the government to ensure the protection of citizens' rights and prevent any violations, in many cases, environmental policy suffers from poor enforcement, delays, weak evaluation systems, and competing developmental interests. The Environmental Impact Assessment Notification, 2006 was established to guarantee preliminary evaluation of specific projects and public engagement; however, its implementation has often faced criticism for procedural deficiencies and insufficient attention to local perspectives.²⁰

Moreover, companies have an important role to play in deciding the outcomes of environmental problems. The industries involved in mining, infrastructure, construction, manufacturing, and chemicals generate pollution, displacement of the land, job hazards, and environmental destruction. Corporate responsibility is therefore essential in realizing environmental justice. The principle of polluter pays, which has been acknowledged by the Supreme Court, is an attempt to ensure that people who do damage to the environment are responsible for meeting the costs of preventing and repairing the damage.²¹ In practice, the enforcement of responsibility is inconsistent, particularly in populations that lack legal and monetary resources.

The judiciary along with special institutions such as the National Green Tribunal has strengthened environmental adjudication. However, environmental justice cannot be accomplished simply by resorting to litigation. Issues relating to unequal access to courts, delays in processes, and the implementation of decisions by the courts might pose problems. Moreover, some environmental actions could be taken in such a manner that local people do not find themselves adequately represented. This is particularly the case when the actions being taken are not done in consideration of any customary right claims by these people. This means that an ideal framework for environmental justice must include elements of rights protection, democracy, science, and social accountability.

¹⁹ Government of India, National Action Plan on Climate Change (2008).

²⁰ Environmental Impact Assessment Notification 2006, issued under the Environment (Protection) Act 1986.

²¹ Vellore Citizens Welfare Forum v Union of India (1996) 5 SCC 647; Indian Council for Enviro-Legal Action v Union of India (1996) 3 SCC 212.

Toward a Human Rights-Based Environmental Justice Framework

A framework for environmental justice in India will have to involve both the rights approach as well as a structural one. Firstly, environmental management will need to recognize the fact that there is an interrelationship between social stratification and environmental vulnerabilities. The burden of pollution, depletion, and degradation of the environment and even climate change is not random. This is because these impacts tend to affect poor people, members of lower castes, tribals, women, and marginalized geographical regions according to hierarchical patterns.

Procedural justice is another key idea. To participate effectively in the decision-making process on environmental issues, there has to be information access, holding of fair hearings, consultations with the community, and proper remedies. This is especially critical for questions such as land acquisition, diversion of forests, industrial licenses, and climate adaptation plans. The participation should be real, not just nominal. It should give affected communities an ability to influence the results.

Third, enforcement of environmental rules should be made more efficient. In India, there are many environmental laws; however, lack of enforcement often leads to inefficiency. The regulatory agencies need accountability, transparency, expertise, and independence. Whenever harm to the environment occurs due to the actions of any individual or organization, appropriate action must be taken against such people/organizations.

Moreover, environmental justice requires that there be a merger between social justice and environmental conservation. Sustainability in the development process is not achievable when development causes displacement and livelihood insecurity, and exposes underprivileged groups to environmental hazards. The public trust principle, precautionary principle, and sustainable development principle provide essential normative direction, although their application must prioritize human dignity and community rights.²²

In conclusion, human rights-based approach to environmental justice turns environmental law into the law of real equality. Clean air, fresh water, ecological safety, and participatory democracy are no more luxuries available to only chosen individuals, but become necessary preconditions for decent existence of each and every individual.

CONCLUSION

In the context of environmental justice and human rights, there is a strong connection between them in an analysis of environmental injustices in India. The destruction of the environment goes beyond just environmental damage; it is also a sign of power imbalances, oppression, and injustices. Issues like pollution, land alienation, climate risks, conflicts over forests, and unequal access to environmental resources tend to affect communities who have traditionally been marginalized socially and economically.

The Indian constitutional and legislative structure has made great progress towards building links between environmental law and human rights. The combination of Articles 21, 14, 48A, and 51A(g) provides a basis for the courts to recognize environmental quality as necessary for leading a life of dignity. Cases such as Subhash Kumar, M C Mehta, Vellore Citizens' Welfare Forum, Samatha, and Orissa Mining Corporation have set several important principles for environmental governance and community rights. Nevertheless, merely recognizing environmental rights in the law is insufficient. Poor implementation, resettlement due to development, corporate immunity, exclusion from processes, and unequal access to justice repeatedly prevent the realization of environmental rights. The requirement of environmental justice in India means that there must be an intense commitment to substantive equality, political activism, and ecology. Sustainable development cannot be assessed based on economic development alone, but rather on its ability to preserve the honor and right of the most underprivileged communities that have been impacted by environmental problems. An equitable future for the environment requires the combination of the advantages and the costs associated with development.

²² A P Pollution Control Board v Prof M V Nayudu (1999) 2 SCC 718.