

ENVIRONMENT VERSUS DEVELOPMENT IN INDIAN COURTS

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Abstract

Indian Judiciary has been playing its vital role in the implementation of environmental laws and evolving legal principles to protect environmental pollution as natural and fundamental human rights in the contemporary legal order. The Supreme court of India through its decisions strengthen the environmental protection machinery by providing more teeth and also making head of law enforcing agencies personally accountable for any lapse or negligence. The Court has given various directions in consideration of environmental aspects such as categorization of industries, balancing of development and ecology, the liability of government and local authorities to maintain healthy atmosphere which is regarded as fundamental right to life as contained in Article 21 of Constitution of India. However, despite of enactment of various environmental laws, treaties, policies and various judicial decisions, the degradation of environment continues. Development of environmental jurisprudence through judicial activism faces criticism but Indian Judiciary continues to uphold the philosophy of 'public trust' and 'social justice'. This article aims to research the role played by Indian judiciary to implement environment laws and how higher and lower judiciary is dealing with development versus environmental issues. Research also aims to study role of public interest litigation in environmental protection through courts. The research study method is doctrinal in nature and includes primary and secondary sources like reports, surveys; cases, journals, working papers; internet etc. Timeline for paper presentation will be ten to fifteen minutes.

Key words: Public Interest litigation, Sustainable Development, Environmental laws, Social Justice,