

**“Greening Justice: Role of PIL in Environmental Protection in India”***\*Prof. Mona Purohit**Professor,**Head and Dean,**Department of Legal Studies and Research,**Barkatullah University, Bhopal**\*\*Ms. Prerna Singh Rajpoot**Research Scholar,**Department of Legal Studies and Research,**Barkatullah University, Bhopal***ABSTRACT**

India has witnessed the rise of Public Interest Litigation as a powerful tool for environmental protection and justice, enabling citizens to advocate for a sustainable future. This research paper explores the transformative impact of PILs in the Indian legal landscape, focusing on their role in addressing environmental degradation and enforcing environmental rights. The paper examines important PIL cases that have shaped environmental jurisprudence, emphasising how PILs have empowered citizens and NGOs to challenge both state and corporate actions detrimental to the environment. Through a detailed analysis of judicial responses, legal reforms, and the socio-political context, this study highlights the strengths and limitations of PILs in strengthening environmental sustainability. This study delves into the vital role that judicial activism plays in advancing environmental justice in India by assessing how well PILs work to achieve concrete environmental outcomes and to advocate for policy reform. The findings suggest that while PILs have significantly contributed to environmental advocacy, there remain challenges that necessitate ongoing reform and vigilant enforcement to ensure lasting environmental protection. Through a detailed analysis of judicial responses, legislative reforms, and the socio-political dynamics surrounding environmental governance, this study aims to shed light on the strengths and limitations of PILs as a vehicle for promoting environmental sustainability. The evolution of PILs in India has not only strengthened environmental laws but has also fostered a more inclusive approach to environmental justice, bringing environmental concerns to the forefront of public discourse. Additionally, this research paper also aims at assessing the role of judicial activism, emphasising how the judiciary has played a critical role in advancing environmental protection by pushing for stricter enforcement, encouraging policy reform, and advocating for innovative legal framework to address new-age environmental challenges.

**Keywords:** Green Justice, Public Interest Litigation, Environment Protection, Sustainable Future.

*“Nature provides a free lunch, but only if we control our appetites...”*

**-William Ruckelshaus**

## **1. INTRODUCTION**

According to the Black’s Law dictionary ‘public interest’ is ‘something in which the public as a whole has a stake<sup>1</sup>. Thus the phrase public interest Public Interest Litigation (PIL) is a legal mechanism which aligns with the principles outlined in Article 39A of the Indian Constitution, which aims to ensure access to justice and promote social justice through legal mechanisms. Prior to the 1980s, only individuals directly affected by an issue could approach the courts for relief. However, after the Emergency period, the judiciary, particularly the high courts, began reaching out to the broader public, allowing any individual or organization (such as NGOs) to approach the court for legal remedies in matters affecting the public interest. Justices P. N. Bhagwati and V. R. Krishna Iyer were pioneers in recognizing and admitting PILs, thus expanding access to justice. Unlike conventional legal cases, filing a PIL is relatively straightforward, with instances where even letters or telegrams sent to the courts have been treated as PILs that allows persons to voice their opposition to environmental degradation and request that the courts take appropriate action. Environmental PILs have significantly influenced Indian legislation and regulations.

Public Interest Litigation is a legal mechanism that allows any person, organization, or group to approach the court on behalf of the public or for the protection of public interest. PIL in environmental law has been instrumental in promoting environmental protection and conservation in India. PILs can be filed against both public and private entities who are violating environmental laws or causing harm to the environment. PIL is often used to address issues related to environmental protection, pollution control, conservation of natural resources, and sustainable development.<sup>2</sup> By holding public officials accountable for their acts or inactions on environmental protection, PIL contributes to the promotion of transparency and accountability in governance. PILs in environmental law have also contributed to raising public awareness of environmental rights and issues. It has given citizens the ability to file complaints with the courts and take action against environmental infractions.

## **2. CONSTITUTIONAL MANDATES FOR ENVIRONMENTAL PROTECTION**

The Directive principles under the Indian constitution directed towards objectives of constructing welfare state. Healthy environment is also one of the elements of welfare state. Article 47 specifies that the State shall regard the increasing of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary

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<sup>1</sup> PUBLIC INTEREST | Secondary Sources | FE | Westlaw, <https://1.next.westlaw.com/Document/Ia156d95c862b11e99abecdcdb138ae2eb/View/FullText.html?>(last visited Sep 8, 2024).

<sup>2</sup> Aishwarya Agrawal, *Sustainable Development in Environmental Law*, LAWBHOO MI (Sep. 30, 2023), <https://lawbhoomi.com/sustainable-development-in-environmental-law/> (last visited Sep 8, 2024).

tasks. The enhancement of public health also includes the protection and improvement of environment without which public health cannot be assured. Article 48 deals with organization of agriculture and animal husbandry. It directs the State to take initiatives to organize agricultural and animal husbandry on modern and scientific lines. In particular, it should take actions for maintaining and improving the breeds and preventing the slaughter of cows and calves and other milch and draught livestock. Article 48-A of the constitution specifies “the state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country”.

The Constitution of India under section III protects fundamental rights which are important for the development of every individual and to which a person is intrinsically entitled by virtue of being human alone. Right to environment is also a right without which development of individual and achievement of his or her full potential shall not be attainable. Articles 14, 19 and 21 of this part have been used for environmental protection.

According to Article 21 of the constitution, “no person shall be deprived of his life or personal liberty except according to procedure established by law”. Article 21 has received liberal interpretation from time to time after the decision of the Supreme Court in *Maneka Gandhi v. Union of India*<sup>3</sup>. Article 21 guarantees fundamental right to life. Right to environment, free of danger of disease and infection is inherent in it. Right to healthy environment is important attribute of right to live with human dignity. The right to live in a healthy environment as part of Article 21 of the Constitution was first recognized in the case of *Rural Litigation and Entitlement Kendra v. State*<sup>4</sup> (Popularly known as Dehradun Quarrying Case). It is the first case of this kind in India, involving issues relating to environment and ecological balance in which Supreme Court directed to stop the excavation (illegal mining) under the Environment (Protection) Act, 1986.

Article 19 (1) (g) of the Indian constitution confers basic right on every citizen to practice any profession or to carry on any occupation, trade or business. This is subject to reasonable restrictions. A citizen cannot engage on commercial activity, if it poses health threats to the society or broad public. Thus, precautions for environment protection are inbuilt in this. The Supreme Court, while deciding the matter relating to carrying on trade of liquor in *Cooverjee B. Bharuch v. Excise commissioner, Ajmer*<sup>5</sup> observed that, if there is clash between environmental protection and right to freedom of trade and occupation, the courts have to balance environmental interests with the fundamental rights to carry on any occupations.

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<sup>3</sup> AIR 1978 SC 597.

<sup>4</sup> AIR 1988 SC 2187.

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### 3. HISTORICAL BACKGROUND OF PIL IN INDIA

The term “public interest litigation” was first used by Prof. Abram Chayes in 1976 to refer to cases seeking social change through court directives, which articulated public norms of governance and also enforced the public norms.<sup>6</sup> Thus, it is free from traditional judicial trappings; legal centralism, precedents, and other procedural inflexibilities. The concept was developed to provide legal representation to groups and interests that were not being served by the legal system, such as the poor, environmentalists, and racial and ethnic minorities.<sup>7</sup> The PIL may thus be described as litigation in the interest of the “voiceless voices” to secure their legal rights and entitlements. In India, PIL came into being in the late 1970s and became fully developed in the 1980s. Some major milestones in the history of PIL in India include:

#### *Mumbai Kamgar Sabha v. Abdul Bhai*<sup>8</sup>

In this case, Justice Krishna Iyer emphasised the significance of Public Interest Litigation (PIL) in guaranteeing that the judicial system adequately addressed the needs of the impoverished and marginalised.

#### *Hussainara Khatoon v. State of Bihar*<sup>9</sup>

This was the first reported PIL case, and it brought attention to the poor conditions of prisons in India. The case established the right to speedy justice as a fundamental right.

#### *The Rural Litigation & Entitlement Kendra (RLEK) v. Government of India*<sup>10</sup>

This was the inaugural environmental Public Interest Litigation (PIL) in India, aimed at rectifying ecological imbalances resulting from lime-stone crushers.

### 4. PRINCIPLES EVOLVED THROUGH PIL FOR ENVIRONMENTAL PROTECTION IN INDIA

Environmental protection is critical for sustaining natural resources, safeguarding ecosystems, and ensuring a healthy quality of life for current and future generations. Public Interest Litigations (PIL) in India have played a crucial role in shaping environmental law and policy. Through various landmark cases, the judiciary has developed key principles aimed at safeguarding the environment and ensuring sustainable development. These principles, shaped by PILs, have empowered citizens to seek judicial intervention, thereby strengthening environmental governance in India. Following are some of the guiding principles, which provide framework for effective environmental protection and management -

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<sup>6</sup> Saroj Bohra, *Public Interest Litigation*.

<sup>7</sup> NEXT IAS Content Team, *Public Interest Litigation (PIL)*, (Apr. 25, 2024), <https://www.nextias.com/blog/public-interest-litigation/> (last visited Sep 9, 2024).

<sup>8</sup> AIR 1976 AIR 1455.

<sup>9</sup> 1979 SCR (3) 532.

<sup>10</sup> 1985 SCR (3) 169.

**4.1 Polluter Pay Principle-** The polluter pays approach is a largely acknowledged norm and mandates that those responsible for pollution bear the cost of its control and remediation. It underlines the principle that the individual who causes pollution must face the price of managing it. This is done to prevent damage to the environment or human health. However, PPP is merely a part of a set of bigger concepts striving towards sustainable development across the globe.

**Case**—M.C. Mehta v. Union of India & Ors.<sup>11</sup>

**Facts** – The case involved a series of legal proceedings aimed at protecting the iconic Taj Mahal from environmental degradation. The Taj Mahal’s white marble turned yellow primarily as a result of acid rain and pollution. Pollutants such as sulphur dioxide react with oxygen and moisture in the environment to produce a corrosive effect. Growing pollution became a major concern in order to save the Taj Mahal from deteriorating.

**Principle** - The polluter is liable for the damage caused to the environment.

**4.2 Precautionary Principle** - The precautionary principle has been evolved from Stockholm convention. In the developing countries like India, exploitation of natural resources is essential through industrial development while the international and national laws and the policies have already provided various guidelines regarding the term sustainable development, which requires special attention to bring awareness aiming industrial and others who engaged in the exploitation of natural and manmade resources for economic progress. The principle suggests that there is a social obligation to safeguard the public from exposure to harm when the scientific inquiry has revealed risk. With a view to achieve this goal the honourable supreme court has not only explained the sustainable development but also imposed certain obligation to be followed by public at large.<sup>12</sup>

**Case** - Vellore citizen’s welfare Forum v. Union of India<sup>13</sup>

**Facts** - The Vellore Citizens Welfare Forum, an NGO, filed a PIL under Article 32 of the Indian Constitution, highlighting the pollution caused by untreated sewage discharged by tanneries and industries in Tamil Nadu. This sewage, dumped into agricultural and open lands, ultimately flows into the Palar River, the main water source for the region.<sup>14</sup> The pollution has rendered the entire surface and subsoil water of the river unfit for use, leading to water scarcity for the population. A survey by the Tamil Nadu Agricultural University Research Centre found that over 35,000 hectares of agricultural land in the tanneries belt have become unsuitable for cultivation due to

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<sup>11</sup> AIR 1997 SUPREME COURT 734.

<sup>12</sup><https://enterclimate.com/blog/general-overview-of-the-polluter-pays-principle/>

<sup>13</sup> AIR 1996 SUPREME COURT 2715.

<sup>14</sup> Aishwarya Agrawal, *Vellore Citizens Welfare Forum v Union of India*, LAWBHOOI (Mar. 18, 2024), <https://lawbhoomi.com/vellore-citizens-welfare-forum-v-union-of-india/> (last visited Sep 9, 2024).

chemical and dye contamination, affecting soil quality and groundwater. Out of 467 wells surveyed, 350 were found contaminated.<sup>15</sup>

**Principle** - Preventive measures should be taken to avert environmental harm, even in cases of scientific uncertainty.

**4.3 Public Trust Doctrine** - The Roman Empire has developed this legal theory. The public trust doctrine primarily rests on the principle that certain resources like air, sea, water, and the forest have such great importance to the people as a whole and it is unjustified to make these resources subject to private ownership. The said resources are a gift of nature and there should be available free for all. The doctrine enjoins upon the government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. Various public properties including rivers, seashores, and the air are held by the government in trusteeship for the uninterrupted use of the public so the government cannot transfer these properties to any private party who may interfere with the interest of the public at large.<sup>16</sup>

**Case** - M.C. Mehta v. Kamal Nath<sup>17</sup>

**Facts** – It is also known as the SPAN Motel case, in this case, a Public Interest Litigation (PIL) was filed against Mr. Kamalnath, the environment minister, for permitting the SPAN Motel Company to build a hotel close to the mouth of the Beas River in Himachal Pradesh, as well as for altering the river's path by blasting the riverbed. The site on which the hotel was to be built was leased for 99 years by the government. Both the local gram panchayat and the government gave their approval. In this case, the Supreme Court applied the term public trust with relation to the protection and preservation of natural resources. The state government awarded a lease of forestland to a private corporation for commercial purposes yet the area was ecologically balanced and lush with flora.

**Principle** - Natural resources are held in trust by the state for the benefit of the public. The Supreme Court of India decreed that the government, acting as trustee, must shield and enhance the environment for the public good. This kind of area cannot be granted on lease to a private owner for commercial gains.

**4.4 Sustainable development** - The law on sustainable development is an important piece of legislation that aims to promote environmentally-friendly practices and a more sustainable future for our planet. It recognises the dire need to balance economic growth with environmental protection and social progress and provides guidelines for achieving this balance. The law encourages the use of renewable energy sources, the

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<sup>15</sup> *Id.*

<sup>16</sup> The Doctrine of Sustainable Development and the Law Related to It - Legal Vidhiya, (May 27, 2023), <https://legalvidhiya.com/the-doctrine-of-sustainable-development-and-the-law-related-to-it/> (last visited Sep 6, 2024).

<sup>17</sup> AIR ONLINE 1996 SC 711.

adoption of cleaner technologies, and the reduction of greenhouse gas emissions. It also promotes sustainable agriculture, forest management, and fisheries practices, as well as the conservation of biodiversity.<sup>18</sup>

**Principle** –In 1987, the United Nations Brundtland Commission defined sustainability as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”<sup>19</sup>

This principle was first applied in the Vellore Citizens welfare case. This case is discussed at length in the latter part of this article.

- **Right to clean Environment** - The constitution of India is not an inert but a living document which evolves and grows with time. The specific provisions on environment protection in the constitution are also outcome of this dynamic nature and expansion potential of the fundamental law of the land. The preamble to our constitution secures socialist structure of the society and dignity of the person. Decent standard of living and pollution free environment is inherent in this. The Environment (Protection) Act, 1986 defines environment as “environment includes water, air and land and the interrelationship which exists among and between air, water and land and human beings, other living creatures, plants, micro-organism and property”.

The chapter on fundamental duties of the Indian Constitution explicitly lays duty on every citizen to maintain environment. Article 51-A (g), declares that “It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures.”

#### 4.5 Rule of Absolute Liability

**Case** – M.C.Mehta v. Union of India<sup>20</sup>

**Facts** – On the 4th of December 1985, there was a leakage of oleum gas from a plant operated by Shriram Foods and Fertilizers Industries in Bhopal. This physically affected many common publics which include both workmen and common people outside. After 2 days of this incident, another minor leak of oleum gas occurred.

Ultimately, the gas leak resulted in the death of thousands of people and injuries to additional thousands of others.

M. C. Mehta, a lawyer, filed a writ petition for shut down of the Shriram Food and Fertilizers Industry since it poses a risk to public safety.<sup>21</sup>

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<sup>18</sup> The Doctrine of Sustainable Development and the Law Related to It - Legal Vidhiya, (May 27, 2023), <https://legalvidhiya.com/the-doctrine-of-sustainable-development-and-the-law-related-to-it/> (last visited Sep 6, 2024).

<sup>19</sup> United Nations, *Sustainability*, UNITED NATIONS, <https://www.un.org/en/academic-impact/sustainability> (last visited Sep 10, 2024).

<sup>20</sup> 1987 SCR (1) 819.

<sup>21</sup> thelegalquorum, *MC Mehta v. Union of India (1986)*, THE LEGAL QUORUM (Feb. 10, 2024), <https://thellegalquorum.com/mc-mehta-v-union-of-india-1986/> (last visited Sep 10, 2024).

**Principle** – This legal doctrine holds that companies operating in hazardous industries are strictly liable for any damage caused by accidents, regardless of whether they were negligent. In other words, they cannot claim exemption from liability, even if the disaster was not their fault.

**The National Green Tribunal Act of 2010** explicitly incorporates the absolute liability principle. This means that the Tribunal must apply this principle, even in cases where the disaster was an accident.

**A hazardous enterprise is responsible for any damages caused by accidents**, even if those accidents were not due to the company's negligence.

## 5. PIONEERING CASES OF PIL & ENVIRONMENTAL PROTECTION

Public Interest Litigation (PIL) has played a transformative role in advancing environmental protection in India. Several landmark cases have set legal precedents, ensuring the safeguarding of natural resources and promoting sustainable development. Following are some of the cases that have shaped India's environmental jurisprudence, empowering citizens to address ecological concerns through the judiciary and ensuring environmental justice -

- **Rural Litigation and Entitlement Kendra v. State of U.P.**<sup>22</sup> - Known as the Doon Valley case, this Public Interest Litigation (PIL) case is of great importance. The dispute arose due to intense mining activities in mountainous regions. In this instance, RLEK and a cohort of inhabitants lodged an appeal with the Supreme Court to halt the ongoing mining activities that were negatively impacting the Mussoorie tree and forest cover, as well as hastening soil erosion leading to landslides and groundwater obstructions. The Court mandated the reforestation of the valley and the closure of all mining.
- **M.C. Mehta v. Union of India, 1987**<sup>23</sup> - When gas spilled from the plant of Shriram Foods and Fertilizer Industries, several people were injured. The victims of the gas leak were heard and were successful in seeking damages through PIL. The Supreme Court consistently emphasised that the right to clean air and water is part of the Indian Constitution's Article 21's right to life.
- **M.C. Mehta v. Union of India, 1991**<sup>24</sup> - Delhi is union territory with 96 lakh people living there. Approximately 90 Lakh of this population live in urban regions. M.C. Mehta submitted this case, pleading for the court to issue the proper directives to lessen traffic pollution in Delhi. The Supreme Court mandated that the Central government take action to introduce environment as a required subject in educational institutions and to convey information and awareness about it through audio-visual media. It was believed that it was the responsibility of the government to prevent vehicle pollution

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<sup>22</sup> 1985 SCR (3) 169.

<sup>23</sup> 1987 AIR 965.

<sup>24</sup> 1991 SCR (1) 866.



from contaminating the air. Reiterating that the right to a healthy environment is a fundamental human right, the Supreme Court said that the right to clean air is also protected by Article 21, which is related to the right to life.

- **Vellore Citizens Welfare Forum v. Union of India and Ors., 1996<sup>25</sup>** - In the present case, there was a dispute regarding various tanneries in the Tamil Nadu state. The primary source of drinking water, the river Palar, was being polluted by these tanneries. The Supreme Court mandated that a body be established and given all the authority it needs to handle the matter. The supreme court examined the study before rendering its decision, attempting to maintain a balance between development and the environment. The Court acknowledged that these tanneries in India are the country's main source of foreign cash and that they employ thousands of people. However, it also poses a health risk to everyone and destroys the ecosystem. After ruling in favour of the petitioners, the court ordered all tanneries to deposit Rs. 10,000 in the collector's office as a fine. The court additionally ordered the government of Tamil Nadu to give Mr. M.C. Mehta a reward of Rs. 50,000 in recognition of his efforts to safeguard the environment. The court in this case also emphasises the Green Benches Constitution in India, which primarily deals with issues connected to environmental protection, as well as for quick and efficient resolution of environmental challenges.
- **In Re Felling of Trees in Aarey Forest Case-<sup>26</sup>** Aarey colony, also referred to as the "green lung of Mumbai", is a Goregaon suburb. The Sanjay Gandhi national park and this gorgeous area together include more than five lakh trees. While a project to build a new vehicle shed is in the works, several trees are being cut down to make area for the aforementioned metro project. In a letter to C.J.I. Ranjan Gogoi, the law students pleaded with him to order the state administration to stop felling trees. The Supreme Court took sue motu cognizance of the letter and registered it as a PIL. The Maharashtra government was told by the supreme court not to remove any more trees in Mumbai's Aarey forest. The Court ruled that if it is illegal to cut down trees, they cannot be cut down at all.

## 6. CONCLUSIONS & SUGGESTIONS

### 6.1 Conclusion

Public Interest Litigation (PIL) has become a powerful strategic instrument in promoting environmental conservation and ensuring fairness in India. Public Interest Litigations (PILs) have enabled individuals and organisations to contest environmental infractions, mandate government intervention, and advance judicial responsibility. Landmark cases have proved the usefulness of PILs in pushing substantial legal and policy reforms, enforcing environmental legislation, and raising public awareness about environmental challenges. This voyage,

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<sup>25</sup> AIR 1996 SC 2715.

<sup>26</sup> 2019 SCC ONLINE SC 1322.

however, has not been devoid of obstacles. The areas where Public Interest Litigations (PILs) should be enhanced are underscored by concerns such as procedural delays, the possibility of misuse, and the necessity for more explicit legal frameworks. The efficacy of Public Interest Litigations (PILs) in safeguarding the environment highlights their significance within the Indian legal framework. They offer a mechanism for public interaction and have empowered marginalized groups to seek restitution for environmental injustices. Despite these successes, there is a need for continuing reforms to overcome the inherent limits and strengthen the overall efficacy of PILs. In conclusion, PILs have shown to be an important vehicle in achieving environmental justice in India, driving legislative reforms, and fostering public engagement

## 6.2 Suggestions

- **Streamline Judicial Processes- Reduce Delays:** Implement procedural improvements to accelerate the handling of PIL cases. This could include the development of specialized environmental courts or tribunals that focus entirely on environmental matters, thus minimising backlog and speeding up the adjudication process. *Improve Case Management:* Adopt technology and case management solutions to effectively track and manage PILs. Enhanced digital infrastructure can permit speedier access to case records, expedite hearings, and assure prompt conclusions.
- **Clarify Legal Standards and Frameworks:** - **Develop Clear Guidelines:** Establish clearer guidelines for the filing and adjudication of PILs, especially concerning environmental problems. This can help in standardizing standards and decreasing ambiguity in judicial proceedings. *Define Scope and Limits:* Clearly specify the scope and limits of PILs to prevent misuse and ensure that they are used successfully for genuine environmental concerns.
- **Strengthen Public Participation: Enhance Outreach and Awareness:** Increase efforts to educate the public about their rights under PIL and the procedure of filing a PIL. Greater understanding can enable more individuals and communities to engage in environmental activism. **Support Civil Society groups:** Provide support and resources to NGOs and civil society groups that play a critical role in originating and supporting PILs. Strengthening these entities can strengthen their capacity to contribute to environmental justice.
- **Address Resource and Capacity Constraints:** - **Allocate Resources:** Ensure enough resources and training for judges, attorneys, and other stakeholders participating in PILs. This includes financial support for environmental lawsuits and capacity-building activities for legal professionals. *Facilitate Expert Involvement:* Encourage the involvement of environmental experts and consultants in PIL cases to contribute scientific and technical insights, which can enhance the quality and effect of judicial decisions.
- **Promote Collaborative Approaches:** - **Encourage Multi-Stakeholder Engagement:** Foster collaboration between government agencies, judicial authorities, NGOs, and the

commercial sector to handle complex environmental concerns more effectively. Collaborative efforts can lead to more complete solutions and shared responsibility. *Implement Mediation and Negotiation*: Explore alternative dispute resolution processes such as mediation and negotiation to resolve environmental conflicts amicably and lessen the strain on courts.

- **Enhance Monitoring and Evaluation: Track Outcomes:** Develop systems to monitor and assess the outcomes of PILs, including their impact on environmental protection and policy changes. Regular assessments can provide significant insights and inform future actions. *Learn from Best Practices*: Study successful PILs from other jurisdictions and adapt best practices to the Indian setting. Learning from international experiences can bring new views and ways.

By resolving the difficulties and implementing the suggested improvements, the effectiveness of PILs can be significantly strengthened. Strengthening PIL mechanisms, clarifying legal criteria, and increasing collaboration and public participation would lead to more robust environmental protection and guarantee that justice is not only pursued but effectively achieved.