



## Integrating environmental protection and human rights: an analytical review of India's legal and policy framework

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### Abstract

The international and Indian legal and policy frameworks have been transformed by the acknowledgment of the inherent human right to a clean and healthy environment. Examining environmental protection within the human rights framework of India from constitutional, legislative, and institutional perspectives, this review article analyzes and discusses the topic. Articles 21, 48A, and 51A(g) of the Indian Constitution are discussed, along with how international agreements like the Stockholm Declaration (1972), Rio Declaration (1992), and the Paris Agreement (2015) have affected them. The paper evaluates the operational functions of CPCBs, SPCBs, NGT, and MoEFCC and explores significant environmental legislations such as the Environment (Protection) Act, 1986, the Air and Water Pollution Acts, and the Forest and Wildlife Protection Acts. Despite significant progress, weak enforcement, judicial overload, and policy incoherence remain major challenges. The paper concludes that realizing environmental justice in India demands a robust rights-based approach, stronger institutional accountability, and participatory environmental governance to ensure sustainable development and human well-being.

**Keywords:** Environmental rights, human rights, India, environmental law, judicial, policy framework

### Introduction

It has become clearer in recent decades that protecting the environment is intrinsically linked to protecting human rights. In addition to being essential for maintaining ecological harmony, basic human rights like life, health, livelihood, & dignity cannot be adequately guaranteed without a spotless, healthy, & sustainable environment. Protecting the environment is a must for achieving social justice & human flourishing since declining environmental quality threatens these rights. The realization that maintaining nature is essential to protecting humans has resulted in a shift toward rights-based approaches to environmental governance on a global scale.

Through judicial activism, legislative reforms, and constitutional interpretation, the link between environmental protection & human rights has developed in the Indian setting. The Indian judiciary has creatively interpreted Article 21 of the Constitution to encompass environmental quality, even though the document does not mention a "right to environment" explicitly. Constitutional provisions provide the ethical and legal basis for environmental regulation in India. Human rights and environmental protection are now closely intertwined within this triadic constitutional framework of state accountability, citizen duty, & judicial enforcement.

Two seminal international documents have impacted environmental policy: the 1972 Stockholm Declaration, & 1992 Rio Declaration. The worldwide agreement that protecting the environment is crucial to achieving human rights for all was further solidified by the Paris Agreement (2015) and following UN resolutions (2021–2022). As a result of these international obligations, environmental laws and policies in India have changed over time. Several environmental statutes make up India's legal framework. These laws collectively seek to balance economic growth with ecological sustainability. However, despite this comprehensive legal architecture, challenges such as weak

enforcement, bureaucratic inefficiencies, and inadequate public participation persist, undermining the realization of environmental rights.

This paper seeks to critically analyze how India's legal and policy frameworks integrate environmental protection with human rights. It explores the constitutional, statutory, and institutional mechanisms that support environmental justice while examining their limitations in practice. By reviewing legislative provisions, judicial pronouncements, and policy instruments, the paper aims to highlight the evolution, strengths, and gaps in India's environmental governance. Ultimately, it advocates for a more holistic, rights-based approach that ensures environmental sustainability as a cornerstone of human dignity and equitable development.

### Conceptual Framework: Linking Environment and Human Rights

An entity's right to a safe, healthy, & environmentally sound environment has been more widely acknowledged in recent decades, thanks to changes in global morality, legislation, and politics. Environmental degradation endangers more than simply ecosystems; it endangers basic HR with the right to exist, be vigorous, have access to food and water, and advance in one's own development. This is becoming increasingly clear to people around the world. This realization is driving this change. Sustainable development cannot be achieved without simultaneously preserving human dignity and preserving the delicate balance of our planet. The progressive codification of this right is a reflection of this universal recognition.

### Early International Recognition: The Stockholm Declaration (1972)

The first official worldwide recognition of the link between conservational preservation & human welfare occurred at the 1972 UNCHR in Stockholm. The conference's final product, the Stockholm Declaration, outlined 26 principles

for governments to follow as they seek a middle ground between social and economic progress and environmental preservation.

#### **The initial tenet of the Stockholm Declaration was that:**

“Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being.”

When it was first proposed, this principle was groundbreaking. As a result, environmental protection is now considered fundamental to human flourishing and dignity (United Nations, 1972), rather than an afterthought. Intergenerational justice is based on a principle that originated in the Declaration of Independence, which states that governments and individuals have a moral and legal obligation to safe & develop the environment for the sake of all generations.

The establishment of U.N. Environment Programme (UNEP), the principal UN agency for environmental affairs, was a major institutional result of the Stockholm Conference. When it came to creating international environmental treaties, encouraging environmental monitoring, and raising awareness about pollution, biodiversity loss, and climate change, UNEP was essential. Several nations' constitutions were revised in response to the Stockholm Declaration, with environmental preservation being incorporated into national frameworks as a basic right and a state responsibility in countries like South Africa, Portugal, and India.

#### **Strengthening of Environmental Rights: The Rio Declaration (1992)**

The UNCED in Rio de Janeiro in 1992 expanded upon the worldwide dialogue that began in Stockholm twenty years earlier by recognizing that sustainable development must be constructed on three principles: economic growing, social equity, & environmental protection. The Rio Declaration on Development of the Environment & Development includes additional dimensions, such as a more procedural and participatory right to environment, while maintaining the link between HR & environment. According to Principle 10 of the Rio Declaration, environmental concerns are best tackled when all relevant parties are involved at the right level. By using these rights, citizens can stop being bystanders to environmental damage and start being active players in environmental policymaking.

In addition, the Rio Summit resulted in important treaties that are legally enforceable, including the CBD, the UNFCCC, and the Agenda 21 Action Plan, which all served to put the sustainable development objectives into action. They united in their belief that a healthy environment is fundamental to the realization of social and economic rights, thus bridging the gap between environmental protection and human advancement.

#### **Global Endorsement: UN Resolutions of 2021 and 2022**

By passing Resolution A/HRC/RES/48/13 in October 2021, the UNHRC officially, one of the most serious challenges to the exercise of HR on a worldwide scale is environmental degradation, which includes climate change & loss of biodiversity, as recognized in this landmark resolution (UNHRC, 2021). Resolution A/RES/76/300, passed by the UNGA in July 2022, reiterates this right and urges all governments, NGOs, and businesses to "scale up efforts" to

make sure it's put into practice. A record-breaking degree of consensus was demonstrated when the General Assembly's resolution was approved with 161 votes in favor, 0 against, and only 8 abstentions.

The political and normative clout of these decisions is substantial, notwithstanding the lack of legal force behind them. They empower governments, courts, and human rights organizations globally to acknowledge and uphold environmental rights domestically by bringing together decades of policy advocacy, grassroots activity, and jurisprudence. Environmental rights should be a part of customary international law, and this acknowledgment adds weight to that cause, since these instruments reflect consistent state practice and opinion juris (UNGA, 2022).

#### **The Paris Agreement**

A watershed moment in international climate diplomacy was the adoption of the Paris Agreement on December 12, 2015, during the 21st Conference of the Parties (COP21) to the UNFCCC. According to its proponents, the planet must not warm more than 1.5 degrees Celsius beyond its pre-industrial level, and certainly not more than 2 degrees Celsius. The most stringent climate change goals of the signatories to this legally binding agreement must be updated every five years in the NDCs. As part of the Paris Agreement, the COP issued Decision 1/CP.21, which directs climate action in the years before 2020 and lays out the particulars for implementing the Agreement. This resolution has several purposes: it sets the stage for the adoption of the Paris Agreement, it provides direction on climate action before 2020, it organizes activities that are important for putting the Agreement into effect, and it explains how NDCs should be formulated and developed. Notably, it also addresses financial and regulatory arrangements to facilitate participation by countries such as the United States under its domestic legal framework.

The Paris Agreement is based on the NDCs, which are voluntarily made promises by every nation to lessen their emissions & adapt to the effects of climate variation. According to Article 4 of the Agreement, every Party is required to establish, communicate, and update a series of Nationally Determined Contributions (NDCs) that it plans to accomplish. These contributions are to represent a progression over time, reflecting the highest possible ambition.

#### **Environmental Provisions in The Indian Constitution**

##### **1. Article 21 (Right to Life)**

Article 21 of the Indian Constitution declare that, "No person shall be deprived of his life or personal liberty except according to the procedure established by law." Protecting citizens from imminent danger and arbitrary state action were the initial goals of Article 21. The right to life, according to the Indian SC's evolving and progressive understanding (Dharmapurikar, 2021), includes more than just the right to exist; it also includes the right to health & dignified life. The inclusion of environmental preservation into the realm of fundamental rights has been greatly facilitated by this expansive interpretation. The health and well-being of humans are put at risk by environmental deterioration, which includes things like water and air pollution, deforestation, industrial waste, and hazardous waste. To illustrate the concept, "the right to life encompasses the right to enjoyment of pollution-free water

and air for full enjoyment of life" (Subhash Kumar v. State of Bihar, 1991).

## 2. Article 48A (Directive Principles)

As a consequence of the 42nd Constitutional Amendment Act of 1976, Article 48A now reads as follows: "The State shall endeavor to maintain and enhance the environment and to safeguard the forests and wildlife of the country."

The importance of environmental protection to the nation's policy is acknowledged in this section of the Constitution. The State is obligated to incorporate environmental considerations into legislative, administrative, and developmental frameworks according to Article 48A, even though DPSPs are not justiciable and cannot be directly enforced by courts (Chaudhary, 2011). Maintaining ecological integrity in the face of industrialization, urbanization, and agricultural development is of utmost importance, and sustainable development must strike a balance between the two.

A major change to the constitution occurred with the addition of Article 48A, which states that protecting the environment is an essential part of good government and not only a legislative issue. In order to keep the environment in check, the state is prompted to take preventative actions like:

- Creating national policies to safeguard forests, biodiversity, and pollution control.
- Passing laws to control industrial emissions, deforestation, and wildlife exploitation.
- Supporting scientific research, technological interventions, and public awareness campaigns.

The Indian judiciary frequently cites Article 48A while explaining constitutional environmental responsibilities. In the 1996 case *T.N. Godavarman Thirumulpad v. Union of India*, the SC of India utilized Article 48A to demand that the government put conservation measures in place, regulate the diversion of forest area, and put an end to illicit logging. Even though Article 48A isn't necessarily justiciable, the Court ruled that it does complement statutes like the Forest Act, 1980, and makes environmental rights under Article 21 more enforceable.

## 3. Article 51A(G) (Fundamental Duties)

The 42nd Congress Amendment Act of 1976 added Article 51A(g) to the Indian Constitution as a part of the Fundamental Duties under Part IVA. It says it straight:

"It shall be the duty of every citizen of India to protect and improve the natural environment, including forests, lakes, rivers, wildlife, and to have compassion for living creatures."

The legislation establishes an ethical and civic duty for every citizen to participate in environmental conservation activities, in addition to the broader framework of state responsibility described in Article 48A, that necessitates measures to be taken by the state in order to preserve and enhance the environment. Despite its importance in raising public environmental consciousness, encouraging individual initiative, and fostering a sense of civic duty, Article 51A(g) is not enforceable in a legal tribunal. (Swenden, 2019).

A change in constitutional thinking is reflected in the introduction of Article 51A(g), which states that environmental conservation is a collective social duty and not only a responsibility of the government. In a nation like

India, where biodiversity and public health are under grave danger from both fast urbanization and natural degradation, this double duty takes on added significance. According to Deepai (2021), the incorporation of this duty by the Constitution promotes sustainable development and ecological balance by encouraging citizens to cultivate a sense of stewardship toward nature and wildlife.

## Statutory Framework

### 1. Environment (Protection) Act, 1986

The "Environmental Protection Act of 1986" grants the federal government the authority to shut down, regulate, or prohibit any enterprise or activity; it also grants them the right to halt or control the distribution of water, electricity, and other services. It is a power of paramount importance. No authority had such authority under the previous Acts. The Environmental Act of 1986 maintained the same lack of strength as the Pollution Acts. There was no system in place to make sure the Pollution Acts were being enforced. Citizens and employees were not granted access to data or allowed to observe or utilize any industry without the Board's consent. Only when authorities from the Pollution Control Boards choose to book industries under the Pollution Acts will they be held accountable. Because to corruption, political pressure, and a lack of infrastructure, the Boards have let the industries go scot-free. This person will not be able to move on with their complaint if the government decides not to submit a complaint or files a complaint against the industry within the 60-day notice period. Therefore, there are essentially no rights for individuals to initiate proceedings against industries that have defaulted. Nobody is allowed to obtain any data or start their own independent activity under the "Environmental Protection" Act of 1986, and that includes residents, employees, and environmental groups.

### 2. Air (Prevention and Control of Pollution) Act, 1981

The existence of clouds alerted millions of people to the dangerously high level of air pollution. Due to regional differences in air pollution levels, the problem has not yet spread to every corner of the globe. Pollutant levels in the air are steadily rising across India, and if current trends continue, one day soon, no city will be safe from the garbage, which will cover the entire country. Extensive research and investigation have shown that India releases more than one million tonnes of pollutants into the air annually. Pollution is a direct or indirect result of today's industrial and urban civilization, which includes things like fast transportation, modern food, the demand for miracle treatments, mechanization, and the pursuit of monetary riches. Damage to people, property, and the environment can result from air pollution. However, this rule has drawn a lot of criticism for purportedly attempting to safeguard the environment by employing severe fines & long-disproven concept of punitive deterrence.

The main contention is that the Act is outdated, lacks clear policy direction, and fails to effectively strengthen pollution control mechanisms. In practical litigation, the enforcement system appears ineffective, as courts often prioritize procedural and legal formalities over sensitive environmental concerns. Additionally, there is a general reluctance to order or enforce the closure of non-compliant industries, further exacerbating pollution problems. From a purely economic perspective, the possibilities for industries

to engage in corrupt practices are presented by the legal control technique. The formal execution of most of these laws has been inadequate, thus they have not yet reached a practical operating level. Dust pollution in mining regions is one kind of pollution that the Air Act might not do much to curb. State and federal authorities work together to enforce the Mines & Mineral (Development & Regulation) Act, 1957, which aims to prevent and manage environmental deterioration, including water and air pollution, in the mining industry. Sections 4A (1) and 4A (2) of the Act state that in the event of severe environmental damage, the Central Government may cancel mining permits, and Sections 18(1) and 18(2) grant the same ability to the State Government (2). Several cities in India rank among the most polluted in the world, and it's no secret that cars are a big part of the problem. The majority of state boards have previously established car emission limits in accordance with the Air Act. These standards are reinforced through provisions in the Motor Vehicles Acts. However, enforcement of these regulations lies not with the Pollution Control Boards but with the central and state governments, particularly through their Transport Departments.

### **3. Factories (Amendment) Act, 1987**

The Factories (Amendment) Act, 1987 was another step forward in environmental policy after Bhopal. It mandated stricter rules for the safe handling & use of hazardous materials on the job and increased punishments for infractions. The Act was a major step forward in mandating that workers, government officials, and residents be informed about potentially dangerous processes. Another provision of this Act allows workers to report safety infractions to the Factory Inspectorate in a direct manner while the factory is in operation. Another significant modification is the clarification of who is considered an occupier of manufacturing facilities for the resolves of the Act's safety and hazard management provisions. An increase in corporate accountability and the likelihood of safety rule compliance resulted from the amendment's clarification that the occupier possesses ultimate control over the factory's affairs. Additionally, for the first time, the amendment details how much of a certain chemical an employee can be exposed to on the job.

### **4. Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985**

The Bhopal Gas case came to a sudden end after the SC introduced new principles of strict and absolute liability and measure of compensation based on the enterprise's magnitude and capacity to deter, completely disregarding the crucial issue at hand and even its own ruling in Shriram's case. To put it mildly, the Supreme Court's decision is shocking, upsetting, and regrettable. Just a judicial letdown, that's all. Although the litigation surrounding the Bhopal Gas Tragedy often referred to as the "Industrial Hiroshima" has been concluded by the Supreme Court, a major concern remains that the 1985 Bhopal Gas Leak Disaster (Processing of Claims) Act was not thoroughly reviewed by the Court to determine its constitutionality.

Irrespective of one's stance on the term "total sellout," the case clearly shows that the Indian government's policy and the influence of multinational corporations have defeated the Apex Court. The "Waterloo" of the Indian Judiciary is

the name that will be etched into history. The court adopted the government's stance, which is to argue in American courts that the Indian legal system is ill-equipped to deal with this type of case. This government plea was vindicated by the court's decision. Furthermore, the Bhopal case verdict backs up Mr. Palkiwala's affidavit. This decision goes against the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985, since it is not "equitable" or in the claimants' best interest. After the SC's triumph in M.C. Mehta Vs. Union of India, the Bhopal Gas Leak case serves as a disappointing anticlimax. About the principles of absolute and strict liability and measuring damages in relation to the size and capability of the business, which should serve as a disincentive. A sum of 470 million USD (Rs. 715 crores) is hardly sufficient, and it has little bearing on the size and capability of U.C.C., let alone serving as a deterrence. Lastly, the verdict has reversed all criminal procedures connected to the Bhopal Gas Leak Disaster, which goes against every norm of criminal law.

### **5. Water (Prevention and Control of Pollution) Act, 1974**

Legislation pertaining to water has been passed thus far, affirming the goal of lawmakers to view water as an economic asset, an integral component of the people's way of life, a viable housing option, and a natural heritage resource. The requirements of a conventional civil court made finding a solution quite difficult. Due to few procedural and technical mistakes, cases often remained unsolved. However, the Water Act, 1974, did not come into being until 1974. After that, in 1977, lawmakers approved the Water Act. It usually takes a very long time for a legal action to be resolved because of the method. In addition, a suspect has the option to appeal a lower court's decision. As a consequence, pollution persists and the enforcement of laws is slowed down. In a string of decisions, India's highest court has called for the prompt resolution of pollution control lawsuits.

Once more, it is evident that while hearing these cases, judges lacking the requisite technical skills are frequently unable to fully consider the scientific and technical data pertaining to environmental contamination and related issues. In India, only few cities have made investments in full sewage treatment systems. In fact, they are actually operated wrongly the great majority of the time. As a result, enormous volumes of untreated household sewage wind up in rivers and other bodies of water. It is practically demonstrated that in many cases, this is the only source of river water contamination in India. There has been no change in the urban local bodies' apathy and lack of action over the discharge of treated domestic sewage. They can't do anything since they're bankrupt. 75 (Ratlam's case) The PCB and the Central/State Governments have broad powers to regulate electricity, water supply, and other utilities under Section 33-A of the Act. While this power originally belonged to the Central Government, it has been delegated to certain State Governments. However, putting these powers into practice has proven to be quite challenging.

### **6. Forest (Conservation) Act, 1980**

There is a dramatic change in forest legislation from the previous ones to the new ones, which are more environmentally conscious. For the sake of the people and the country, it views forests as a valuable national asset that

should be preserved and improved. There appears to be some impact from the Forest Conservation Act of 1980. The body that represents the Central Government on the topic grants prior permission without providing any guidelines. The federal government has the final say over the committee's organizational structure and makeup. The committee is not obligated to perform an objective, open-ended Environmental Impact Assessment before issuing recommendations. The suggestion that previous approval not be granted is likewise not binding on the Central Government. Concerning these points, the National Forest Policy is crystal clear. The legislation must to provide sufficient infrastructure mechanisms, and prior approval ought to be subject to impartial examination by experts. Some modifications were made by the Forest Act of 1980. But the important thing to consider is why the amendment doesn't consider building a dam, which, according to the policy, should align with the goals of forest & tree conservation, as a nonforest objective.

Importantly, in 1985, India's NFP stated that it will address the issues faced by tribal people and seek to involve them in the protection and development of forests. It is widely recognized that India's forest policy originally acknowledged the traditional rights and privileges of tribal communities and pledged to protect and preserve them. The policy emphasized that those who depend on and hold customary rights in forests should have a sense of ownership in their development and conservation. However, in practice, the approach of the forest department has shifted from protection and cooperation to a rigid and indifferent attitude toward tribal populations, often treating them as obstacles to be controlled.

## 7. Wild Life Protection Act, 1972

Since the beginning of time, the forest's flora, wild animals, and other living things have all contributed to maintaining the ecological balance. Various methods for preserving wildlife have been developed from prehistoric times. We possessed a number of literatures, like Manusmriti and Arthashastra, that dealt with hunting regulations. Even during the British era, a plethora of laws were passed to ensure the safety of wildlife. Its 1972 Indian Forest Act incorporation was partial. Each of the fifty states passed its own wildlife protection law. The Central Government's Wild Elephants Preservation Act of 1879 is an important piece of legislation to note. In 1887, there was the Wild Birds Protection Act & Indian Fisheries Act. The Wild Life act, 1972 is the country's most important law protecting wildlife. After two major revisions in 1986 and 1991, the Act is now the most thorough law in the nation for the care and preservation of wildlife. Hunting wildlife was outlawed and severely limited by the Wild Life Act of 1972. Animals are grouped into several types under this law. But in 1991, the hunting ban was consistently expanded to include all creatures listed in Schedules I to IV. Protecting wildlife cannot be achieved solely through hunting regulations. Some avian and animal species are on the brink of extinction. Efforts must be made to boost the population in order to prevent the extinction of these species. When put into practice correctly, the legal measures serve to safeguard wildlife. Originally, the Wild Life Act, 1972's criminal measures were insufficient to serve as a deterrence to the perpetrator. Significant progress was achieved in this area in 1991 with the enhancement of the penalty for Act violations from two years to three years in prison and the fine from two thousand to twenty-five

thousand rupees. But when you consider the worth of the illicit items, even this sum isn't enough.

## Role of Institutions: Cpcb, Spcbs, Ngt, And Moefcc

Effective environmental governance in India relies heavily on the coordinated functioning of statutory institutions, regulatory bodies, and judicial mechanisms. Key institutions involved in implementing environmental laws, monitoring compliance, and adjudicating disputes include the CPCB, SPCBs, the NGT, & MoEFCC. Each institution has a distinct mandate but works synergistically to uphold the environmental protection framework established under the Constitution, statutory provisions, and international commitments.

### Central Pollution Control Board (CPCB)

The CPCB was recognized in 1974 under the Water Act as a statutory organization to serve as the national apex body for environmental regulation & pollution control in India. Its establishment marked a pivotal moment in the country's environmental governance, representing India's first organized attempt to systematically monitor, regulate, and mitigate pollution at the national level (Swenden, 2019). The CPCB works in tandem with the SPCBs to guarantee that all states and union territories adhere to the same environmental regulations. The CPCB is overseen administratively by the MoEFCC. Over the decades, the Board's mandate has progressively expanded to cover air, water, soil, noise, and hazardous waste management, reflecting a holistic approach to environmental protection (Deepa, 2021).

One of the CPCB's primary responsibilities is setting standards for environmental quality. This includes formulating benchmarks for effluents, emissions, and ambient environmental conditions under key environmental legislations. These standards serve as regulatory reference points for industries, municipal authorities, and other polluting entities. For instance, CPCB has established permissible limits for particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) in ambient air, biochemical oxygen demand (BOD) in wastewater, and noise levels in urban areas, providing a scientific basis for enforcement and monitoring.

### State Pollution Control Boards (SPCBs)

The SPCBs are statutory authorities well-known under the Water Act, 1974, & Air Act, 1981, in each state & union territory. While the CPCB functions at the national level, SPCBs are responsible for implementing environmental regulations, monitoring pollution, and enforcing compliance within their respective state jurisdictions. These boards act as the primary interface between citizens, industries, and the government, adapting national standards to local environmental conditions and industrial profiles, and addressing region-specific ecological challenges.

One of the central responsibilities of SPCBs is the prosecution of environmental laws at the state level. This includes monitoring industrial effluents, air emissions, noise levels, and waste management practices to ensure compliance with statutory norms. SPCBs have the authority to inspect industrial units, issue notices for non-compliance, and recommend corrective measures. Their role is critical in ensuring that the broader regulatory framework established by the CPCB is implemented effectively on the ground.

SPCBs also play a crucial role in granting consents to establish & operate industrial units. Before an industry begins operations, it must obtain a "Consent to Establish"

and subsequently a “Consent to Operate” from the SPCB, ensuring that it complies with all environmental standards. This regulatory mechanism allows SPCBs to prevent potential environmental hazards proactively and enforce compliance through continuous monitoring of industrial practices.

In addition, SPCBs are responsible for monitoring environmental quality and maintaining state-level data on air, water, and soil pollution. They operate networks of monitoring stations that collect and analyze data, which is then shared with CPCB to inform national policy and programs. For example, the SPCB of Uttar Pradesh actively monitors the quality of the Yamuna River, issuing reports and directives to industrial and municipal authorities to mitigate pollution in heavily industrialized areas of the Delhi-NCR region.

### Challenges and Gaps in Implementation

Despite a comprehensive legal framework, several challenges hinder effective integration of environmental protection and human rights in India:

1. **Weak Enforcement:** Environmental laws often suffer from poor implementation and lack of coordination among regulatory bodies.
2. **Judicial Overload:** Overreliance on courts for environmental protection indicates systemic weaknesses in administrative enforcement.
3. **Environmental Inequality:** Marginalized communities bear the disproportionate burden of pollution, displacement, and climate vulnerability.
4. **Policy Incoherence:** Development policies often prioritize economic growth over ecological sustainability.
5. **Public Awareness and Participation:** Limited access to environmental information restricts effective citizen participation in environmental governance.

### Recommendations

To strengthen the incorporation of environmental protection & HR, the following measures are recommended:

1. **Constitutional Amendment:** Explicit recognition of the right to a healthy environment as a fundamental right under Part III of the Constitution.
2. **Enhanced Enforcement:** Strengthening the capacity and accountability of pollution control boards and environmental tribunals.
3. **Community Participation:** Encouraging local governance models that empower communities to manage natural resources sustainably.
4. **Environmental Education:** Integrating environmental and human rights education at all levels to foster ecological consciousness.
5. **Policy Integration:** Ensuring that all developmental projects undergo rigorous environmental and human rights impact assessments.
6. **Climate Justice Framework:** Incorporating equity and intergenerational justice into climate and environmental policymaking.

### Conclusion

Human rights and environmental preservation are two sides of the same coin when it comes to sustainable development. A safe & healthy environment is now a fundamental human right in India, thanks to a more progressive reading of Article 21 and similar constitutional provisions. In order to demonstrate its dedication to environmental justice, India has established a legislative framework that includes the Environment Act, Water and Air Acts, Wildlife & Forest Conservation laws, and institutions like the CPCB, SPCBs, NGT, and MoEFCC. However, implementation gaps, weak enforcement, and limited public participation continue to hinder the effective realization of these rights. Bridging this gap requires a rights-based, participatory approach that integrates ecological sustainability with social equity. Strengthening institutional accountability, promoting environmental education, and embedding community participation are vital for ensuring that environmental governance in India not only safeguards nature but also upholds human dignity and intergenerational justice cornerstones of a truly sustainable and inclusive future.

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