



Advocates as Catalysts for Environmental Justice: A Study of Public Interest Litigation in India

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ABSTRACT

Environmental protection has become a critical legal and social concern in India, with the judiciary interpreting constitutional provisions to encompass the right to a clean and healthy environment. Public Interest Litigation (PIL) has emerged as a vital instrument to advance environmental justice, allowing advocates to represent marginalized communities affected by industrial pollution, mining, and deforestation. This article critically examines the role of advocates in environmental PILs, highlighting their functions as legal strategists, ethical guardians, and agents of social change. The study traces the evolution of environmental PILs through landmark cases such as M.C. Mehta v. Union of India, which established absolute liability for hazardous industries, and Vellore Citizens' Welfare Forum v. Union of India, which introduced the "polluter pays" principle and sustainable development doctrine. In Karnataka, particularly Mysore district, advocates have played a central role in curbing illegal mining, enforcing environmental clearances, and promoting sustainable industrial practices, demonstrating the transformative impact of advocacy-driven litigation. The article also identifies key challenges, including scientific complexity, industrial resistance, judicial delays, and limited resources, and emphasizes the ethical responsibilities of



advocates to pursue genuine public interest litigation.

Introduction

Environmental protection has become a fundamental legal and social concern in India. The Constitution, though silent at its inception on environmental rights, has been progressively interpreted to address ecological issues. Article 21 guarantees the right to life and personal liberty, which the Supreme Court has expansively construed to include the right to a clean and healthy environment. Articles 48A and 51A(g) further strengthen this framework by imposing duties on the State and citizens to protect and improve the environment.

The emergence of Public Interest Litigation (PIL) has transformed environmental governance by widening access to justice. Unlike traditional litigation, PIL relaxes the rule of locus standi, enabling advocates, activists, and concerned citizens to represent communities that are often voiceless in legal processes. This mechanism has been particularly crucial for marginalized groups impacted by industrial pollution, mining operations, deforestation, and displacement, who lack the means to approach courts directly.

Advocates play a central role in this process. Their responsibilities go beyond filing petitions; they gather evidence, present scientific and technical data, and frame environmental harm as a constitutional violation of the right to life. In doing so, they bridge the gap between affected communities, the judiciary, and regulatory agencies. Advocates also invoke principles such as the “polluter pays” doctrine, precautionary principle, and sustainable development, thereby enriching India’s environmental jurisprudence.

By holding industries, governments, and regulatory authorities accountable, advocates ensure that PILs serve as instruments of social change rather than symbolic litigation. They act simultaneously as legal strategists, representatives of vulnerable groups, and defenders of constitutional duties. Thus, the role of advocates in environmental PILs is indispensable for advancing environmental justice, ensuring that protection of the environment is recognized not only as a policy goal but as a fundamental right guaranteed by the Constitution.

2. Evolution of Public Interest Litigation in Environmental Matters

Public Interest Litigation (PIL) in India represents a judicial innovation that arose during the late 1970s and early 1980s as a response to pervasive social and environmental injustices. Unlike



conventional litigation, where locus standi is limited to aggrieved individuals, PIL expanded access to justice by allowing public-spirited citizens, advocates, and organizations to approach courts on behalf of communities who lacked the resources, knowledge, or capacity to seek legal remedies. This development enabled the judiciary to function as a proactive guardian of constitutional rights and environmental protection.

Environmental PILs gained particular importance as industrialization and mining activities escalated, creating widespread ecological degradation, pollution, and displacement of vulnerable communities. Advocates, by initiating and pursuing such litigation, facilitated the transformation of environmental concerns into justiciable issues under constitutional and statutory frameworks.

2.1 Landmark Cases

One of the most significant milestones in environmental jurisprudence through PIL was *M.C. Mehta v. Union of India*, which established the principle of absolute liability for enterprises engaged in hazardous activities. Advocates were instrumental in presenting data on industrial hazards, particularly in cases concerning leakage of harmful gases, river pollution, and air quality degradation. These cases ensured that industries could no longer escape responsibility by citing lack of negligence.

In *Vellore Citizens' Welfare Forum v. Union of India*, the Supreme Court recognized the “polluter pays” principle and formally introduced the doctrine of sustainable development into Indian law. This landmark ruling marked a paradigm shift, placing equal emphasis on ecological balance and economic progress, and advocates played a pivotal role in framing these global environmental principles within the Indian constitutional framework.

Similarly, Indian Council for *Enviro-Legal Action v. Union of India* dealt with severe industrial pollution that rendered agricultural land infertile. Through vigorous advocacy, the petitioners highlighted the long-term ecological and socio-economic costs of unregulated industries. The Court mandated remediation and compensation, reinforcing accountability mechanisms for industries causing irreversible environmental damage.

2.2 PIL and Mining/Industrial Context in Karnataka

Karnataka, particularly districts like Mysore, has been a focal point of environmental litigation due to rampant sand mining, stone quarrying, and industrial expansion. These activities have raised concerns about riverbed depletion, air and noise pollution, and loss of biodiversity. Advocates practicing



before the Karnataka High Court have filed multiple PILs challenging illegal mining leases, violation of environmental clearance norms, and encroachment on forest and agricultural lands.

Such litigation underscores the role of advocates not merely as legal representatives but as defenders of public interest. By seeking judicial intervention, they have compelled stricter compliance with the Environment Protection Act, 1986, the Mines and Minerals (Development and Regulation) Act, 1957, and rules framed under state law. These efforts have ensured that exploitation of natural resources is subjected to judicial scrutiny and aligned with constitutional obligations under Articles 21, 48A, and 51A(g).

Thus, the evolution of PIL in environmental matters demonstrates how advocacy-driven litigation has shaped Indian environmental jurisprudence, ensuring accountability of industries, regulatory agencies, and governments in safeguarding ecological balance.

3: Role of Advocates in Environmental PILs

Advocates constitute the fulcrum of effective environmental litigation through Public Interest Litigation (PIL). Their role extends beyond that of legal representatives; they function as facilitators of social justice, defenders of constitutional rights, and watchdogs over environmental governance. The contribution of advocates in environmental PILs can be understood under the following dimensions:

3.1 Legal Representation

Advocates are entrusted with drafting and filing petitions, framing legal questions, and presenting arguments before the court. Their task involves meticulous research into environmental laws, constitutional provisions, and international principles. Importantly, they collect and analyze scientific data on issues such as industrial pollution, groundwater depletion, deforestation, and biodiversity loss, translating complex technical findings into clear legal submissions.

For instance, in *Ashok Kumar Lingala v. State of Karnataka*, advocates effectively argued against rampant illegal mining in Mysore district. They presented evidence of ecological degradation, water contamination, and violation of statutory safeguards, leading the Karnataka High Court to order cessation of such mining operations. Similarly, in *T.N. Godavarman Thirumulpad v. Union of India*, the Supreme Court relied heavily on submissions by advocates to evolve a continuing mandamus for forest conservation.

3.2 Public Awareness and Advocacy



The role of advocates is not confined to courtrooms. They also act as educators and mobilizers, raising awareness among communities about their environmental rights. Advocates frequently organize public seminars, workshops, and legal literacy campaigns to empower local populations. For example, in *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, lawyers representing villagers challenged limestone quarrying in the Doon Valley, demonstrating how advocates can mobilize local grievances into national-level environmental reforms.

3.3 Monitoring Compliance

The effectiveness of environmental PILs lies not only in obtaining favorable judgments but also in ensuring their implementation. Advocates play a critical role in post-judgment monitoring by filing compliance reports, seeking contempt proceedings against non-complying authorities, and pushing for the establishment of monitoring committees. This role was crucial in *M.C. Mehta v. Union of India (Ganga Pollution Case)*, where advocates repeatedly approached the Court to ensure that tannery industries installed effluent treatment plants.

3.4 Ethical Obligations

Advocates, as officers of the court, are bound by the Bar Council of India Rules of Professional Conduct and Etiquette. They are expected to maintain integrity, avoid frivolous litigation, and uphold public trust in the justice system. In PILs, these ethical obligations acquire heightened significance since the litigation is pursued for the common good rather than private gain. The Supreme Court in *State of Uttaranchal v. Balwant Singh Chauhan* emphasized that PILs must be filed in genuine public interest, reinforcing the ethical responsibility of advocates.

In sum, advocates in environmental PILs function not only as legal professionals but also as social engineers. They bridge the gap between vulnerable communities and the judiciary, transform ecological concerns into constitutional claims, and safeguard the integrity of judicial outcomes through vigilant compliance monitoring. Their role is indispensable in advancing environmental justice in India.

4: Judicial Analysis of Environmental PILs in India

The judiciary in India has played a transformative role in the development of environmental jurisprudence, particularly through the instrument of Public Interest Litigation (PIL). Courts have consistently broadened constitutional interpretations to embed environmental rights within the ambit of Article 21 of the Constitution, thereby ensuring that ecological concerns are treated as inseparable from



the right to life and human dignity. The contributions of both the Supreme Court and various High Courts, including the Karnataka High Court, reflect a proactive judicial philosophy toward environmental protection.

4.1 Supreme Court Contributions

One of the earliest and most significant judicial interventions was in *M.C. Mehta v. Union of India*, which emphasized strict liability of hazardous industries and contributed to the establishment of the Environmental Pollution (Prevention and Control) framework. The Court in subsequent *M.C. Mehta cases* addressed river pollution, vehicular emissions, and industrial hazards, laying the foundation for an active judicial role in ecological governance.

The *Vellore Citizens' Welfare Forum v. Union of India* case introduced the principles of sustainable development, precautionary principle, and polluter pays, holding industries financially liable for pollution damage. By aligning Indian jurisprudence with international environmental principles, the Court ensured that development projects would be scrutinized not merely for economic gains but also for their ecological costs.

Other important interventions include Indian Council for *Enviro-Legal Action v. Union of India*, where the Court ordered industries to compensate villagers for land degradation caused by chemical waste, and *T.N. Godavarman Thirumulpad v. Union of India*, a continuing mandamus that significantly shaped India's forest conservation policy. These cases underscore the judiciary's commitment to evolving enforceable doctrines for environmental protection.

4.2 Karnataka High Court Contributions

At the state level, the Karnataka High Court has emerged as a critical forum for addressing environmental disputes. In *Ashok Kumar Lingala v. State of Karnataka*, the Court took judicial notice of the widespread environmental degradation caused by illegal mining in Mysore district and directed cessation of unlawful operations. Advocates played a pivotal role in demonstrating statutory violations under the Mines and Minerals (Development and Regulation) Act, 1957, and the Environment Protection Act, 1986.

In other mining-related PILs, the Court has mandated strict enforcement of Environmental Impact Assessments (EIA), ordered rehabilitation of affected communities, and directed industries to adopt pollution control technologies. In *Samaj Parivartana Samudaya v. State of Karnataka*, the Karnataka



High Court and later the Supreme Court dealt with illegal iron ore mining in Bellary, mandating systemic reforms in the state's mining governance.

These interventions highlight how judicial oversight has become a tool to enforce compliance with statutory safeguards, restore ecological balance, and protect vulnerable communities impacted by unregulated industrial expansion.

5: Challenges Faced by Advocates

While advocates have played an indispensable role in advancing environmental justice through Public Interest Litigation (PIL), the path is not without significant hurdles. The complexity of environmental disputes, coupled with institutional and systemic constraints, makes advocacy in this field particularly challenging. The following issues are commonly encountered by advocates engaged in environmental PILs:

5.1 Scientific Complexity

Environmental disputes often involve highly technical matters such as groundwater contamination, air quality monitoring, industrial effluents, and ecological degradation caused by mining or deforestation. Advocates are required to collaborate with scientists, environmental engineers, and independent experts to present credible evidence before the courts. However, translating complex scientific data into persuasive legal arguments is not always straightforward. In cases like *M.C. Mehta v. Union of India (Ganga Pollution Case)*, the Court relied heavily on expert reports, which were painstakingly presented and explained by advocates. This illustrates both the necessity and the difficulty of bridging the gap between science and law.

5.2 Industrial Resistance

Large industries, particularly those engaged in mining and manufacturing, often resist judicial scrutiny. With vast financial resources, they employ teams of lawyers to challenge petitions, file appeals, or delay proceedings through procedural objections. Advocates pursuing PILs frequently face an unequal battle, as public interest groups often lack comparable resources. For instance, in *Indian Council for Enviro-Legal Action v. Union of India*, industries contested liability for years, delaying compensation to affected villagers despite clear evidence of environmental harm.

5.3 Judicial Delays



The chronic issue of judicial backlog in India affects environmental PILs as much as any other form of litigation. Complex environmental cases may take years, or even decades, to reach finality, by which time the environmental damage may already be irreversible. The T.N. Godavarman Thirumulpad forest case, for example, evolved into a “continuing mandamus,” reflecting the judiciary’s struggle to address environmental harm within reasonable timelines. Advocates are often forced to repeatedly file interim applications to secure even partial relief for affected communities.

5.4 Resource Limitations

Unlike corporate entities, public-spirited advocates and NGOs often lack the financial and technical resources necessary for effective litigation. Field surveys, expert consultations, and laboratory tests for pollution samples require significant funding. Many environmental advocates work pro bono or with limited support, making it difficult to sustain long legal battles. Nevertheless, through perseverance and collaboration with grassroots organizations, they continue to bring environmental violations to judicial notice.

Despite these challenges, advocates remain at the forefront of environmental protection. Their resilience ensures that PILs continue to serve as an effective tool for promoting environmental governance, safeguarding natural resources, and protecting public health in India.

6: Ethical Considerations and Professional Responsibility

Advocates engaged in environmental Public Interest Litigations (PILs) carry not only a professional responsibility towards their clients but also a broader ethical duty to society and the environment. The nature of PILs demands higher standards of integrity, diligence, and social commitment.

6.1 Avoiding Frivolous Litigation

The judiciary has consistently cautioned against misuse of PILs for personal, political, or publicity-driven motives. In *State of Uttaranchal v. Balwant Singh Chaufal*, the Supreme Court stressed that frivolous PILs waste valuable judicial time and undermine genuine causes. Advocates must therefore exercise due diligence to ensure that the petitions they file represent authentic public grievances, particularly in environmental matters where misuse can obstruct genuine ecological justice.

6.2 Transparency and Accuracy



Advocates have a duty to place complete and accurate facts before the court. Misrepresentation or suppression of material information can not only weaken the case but also erode judicial trust in PILs as a constitutional tool. The Advocates Act, 1961, and the Bar Council of India Rules under Section 49 set clear professional standards requiring fairness, candor, and honesty in representation.

6.3 Collaboration with Experts

Since environmental litigation is deeply rooted in technical evidence, advocates must actively collaborate with environmental scientists, engineers, and medical experts to build robust cases. In *M.C. Mehta v. Union of India (Oleum Gas Leak Case)*, the Court relied on scientific assessments to evolve the principle of absolute liability, demonstrating how ethical advocacy involves integrating expert knowledge to strengthen legal arguments.

6.4 Monitoring Court Orders

Ethical responsibility extends beyond obtaining judgments. Advocates must also ensure proper implementation of judicial directions. In *Vineet Narain v. Union of India*, the Supreme Court emphasized continuing mandamus, requiring vigilant follow-up to secure compliance. In environmental PILs, advocates often serve as watchdogs, monitoring compliance with orders relating to pollution control, rehabilitation, or afforestation.

6.5 Advocates as Agents of Social Justice

The Supreme Court has long acknowledged the role of advocates as instruments of social transformation. In *S.P. Gupta v. Union of India*, the Court expanded the concept of locus standi, recognizing advocates' right to espouse public causes. Similarly, in *Harish Uppal v. Union of India*, the Court reiterated that lawyers, as officers of the court, are duty-bound to advance justice rather than obstruct it.

Ethical advocacy in environmental PILs requires advocates to rise above narrow client-based duties and embrace broader obligations towards environmental protection and societal welfare. By avoiding frivolous litigation, maintaining transparency, collaborating with experts, and ensuring effective monitoring of court orders, advocates fulfill their role as guardians of constitutional values and public trust.

7: Recommendations and Way Forward



The effective functioning of advocates is crucial to advancing environmental justice through Public Interest Litigation (PIL). While their role has been transformative, persistent challenges—such as scientific complexity, industrial resistance, and resource limitations—necessitate systematic improvements. The following recommendations provide a roadmap for enhancing the capacity, effectiveness, and ethical rigor of advocates engaged in environmental PILs:

7.1 Specialized Training for Advocates

To ensure meaningful participation in environmental PILs, advocates should undergo specialized training in environmental law, scientific literacy, and technical skills. Understanding ecological processes, industrial operations, and pollution control mechanisms enables advocates to interpret expert data effectively and present persuasive legal arguments. Law schools and bar associations could incorporate dedicated courses on environmental jurisprudence, impact assessment frameworks, and global environmental principles such as sustainable development and the precautionary principle. Such training equips advocates to transform scientific evidence into actionable litigation strategies, directly advancing environmental justice.

7.2 Enhanced Collaboration

Environmental PILs require interdisciplinary cooperation. Advocates should establish stronger networks with NGOs, community organizations, and scientific experts. This collaboration ensures that legal strategies are informed by on-the-ground realities, technical assessments, and social impact data. For example, engaging local communities in Mysore district affected by mining can provide vital evidence and empower citizens to participate actively in litigation, reinforcing the central objective of PILs—protecting the public interest.

7.3 Monitoring Mechanisms

A critical aspect of PILs is ensuring compliance with judicial directives. Advocates should facilitate mechanisms to track adherence to court orders, including regular reporting, field inspections, and follow-up petitions. Establishing formal networks of advocates and civil society organizations can create an effective monitoring ecosystem, ensuring that environmental PILs achieve tangible results, such as pollution mitigation, habitat restoration, or industrial compliance.

7.4 Ethical Reinforcement



Ethical conduct is fundamental to PIL advocacy. Workshops, seminars, and continuing legal education programs can reinforce principles of integrity, transparency, and public accountability in environmental litigation. Emphasizing ethical practice ensures that advocates remain faithful to the constitutional purpose of PILs—protecting public welfare—while avoiding misuse or frivolous petitions.

7.5 Use of Technology

Modern technology can significantly strengthen environmental litigation. Tools such as Geographic Information System (GIS) mapping, remote sensing, and data analytics allow advocates to visualize ecological degradation, track mining operations, and present robust evidence in court. For instance, GIS mapping of illegal sand mining in Mysore district can provide precise documentation of riverbed depletion over time, making judicial interventions more effective. Leveraging technology empowers advocates to provide compelling, data-driven arguments that substantiate claims of environmental harm.

By implementing these recommendations, advocates can enhance their effectiveness in advancing environmental justice through PILs, bridging gaps between science, law, and society, and ensuring that environmental rights are meaningfully enforced. Strengthened training, collaboration, monitoring, ethics, and technology collectively enable advocates to fulfill their pivotal role in safeguarding ecological integrity and public health.

CONCLUSION

From the above discussion finally it is evident that Advocates play a crucial role in advancing environmental justice in India through Public Interest Litigation (PIL). By bringing environmental issues before the courts, they ensure that industries and mining activities follow legal and constitutional guidelines. Their work holds polluters accountable and emphasizes that protecting the environment is a shared societal responsibility. Advocates connect scientific knowledge, community experiences, and the judiciary. By working with experts and involving local communities, they make complex environmental issues understandable in legal terms and give a voice to those affected. In Mysore district, such efforts have led to stricter enforcement of mining regulations, better monitoring of industrial activities, and adoption of sustainable practices.

The effectiveness of advocates can be further enhanced through modern tools like data analytics, remote sensing, and GIS mapping, combined with collaboration with scientists and community organizations. Training in environmental law and ethical practice will also strengthen their ability to



address complex environmental challenges. Ultimately, advocates act as agents of change, ensuring that environmental rights are not only recognized in law but also implemented in practice. Through strategic and ethical litigation, they help promote sustainable development, protect public health, and uphold justice in India's evolving environmental landscape.

“Good done anywhere is good done everywhere. For a change, start by speaking to people rather than walking by them like they're stones that don't matter. As long as you're breathing, it's never too late to do some good.”

- Maya Angelou