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ARE ENVIRONMENTAL LAWS IN INDIA JUST DECORATIVE STATUTES?

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Abstract

India's environmental regime is marked by a striking contradiction: an extensive network of constitutional provisions, framework statutes such as the Environment (Protection) Act, 1986, specialised regulators, and activist courts on the one hand, and some of the world's most alarming air and water pollution indicators on the other. This article interrogates the claim that Indian environmental laws have become largely "decorative statutes" by tracing their historical evolution, examining the design of key institutions like the Pollution Control Boards and the National Green Tribunal, and analysing empirical evidence on air and water quality outcomes. Drawing on recent assessments, including the Air Quality Life Index 2025 report which finds that all Indians breathe air exceeding WHO PM2.5 guidelines and that toxic air cuts average life expectancy by about 3.5 years as well as Central Pollution Control Board data on hundreds of polluted river stretches, the article shows how a seemingly robust legal framework coexists with persistent ecological crisis. It argues that the core problem lies less in the absence of norms and more in fragmented legislation, chronic undercapacity and politicisation of regulators, weak and outdated sanctions, low public awareness, and a development model that routinely sidelines environmental safeguards. At the same time, the article highlights important successes where litigation and regulatory action have led to cleaner technologies, improved monitoring, and partial restoration of river stretches, suggesting that the law's potential is real but underrealised.

The conclusion proposes a reform agenda centred on institutional strengthening, a more coherent environmental code, meaningful public participation, and a shift from symbolic compliance to outcome based environmental governance, so that statutes move from being ornamental to genuinely transformative.

Keywords

Environmental law in India; decorative statutes; implementation deficit; Pollution Control Boards; National Green Tribunal (NGT); Air Quality Life Index (AQLI) 2025; polluted river

stretches; environmental impact assessment (EIA); environmental governance; sustainable development and environmental justice.

India today presents a harsh environmental paradox: it often showcases one of the most elaborate sets of environmental statutes and judicial doctrines in the Global South, yet it also routinely appears among the countries with the worst air quality, polluted rivers, and ecological stress indicators. This mismatch between a dense legal framework and a deteriorating environment has led many observers to ask whether India's environmental laws have become largely "decorative" impressive in language and structure, but weak when it comes to changing what actually happens in the air, water, and land that people depend on. The reality is more complex: the laws are not empty, and there are genuine success stories, but structural weaknesses in implementation, politics, institutions, and social attitudes repeatedly blunt their impact.[1][2][3][4]

Environmental law in India is therefore best understood as a story of ambitious promises colliding with a difficult ground reality. The legal system has, especially since the 1980s, evolved an impressive vocabulary of rights, duties, principles, and procedures to protect nature and public health, but these gains remain fragile and uneven. For a law student trying to assess whether these laws are merely ornamental, it becomes important to carefully examine how this framework developed, how it functions in practice, and what would be required to shift it from symbolism towards genuine environmental transformation.[5][6]

Modern Indian environmental legislation did not emerge overnight. It was shaped by a combination of domestic crises, international environmental movements, and judicial creativity. In the 1970s and early 1980s, India began to adopt specific pollution control statutes the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981 to respond to visible contamination of rivers and worsening urban air quality as industrialisation picked up pace. These laws introduced the idea of specialised regulators, the Pollution Control Boards, and created a framework for "consent to establish" and "consent to operate" industries based on prescribed standards.[2][3][4][1][5]

The Bhopal gas tragedy of 1984 marked a brutal turning point. The disaster exposed the inadequacy of existing laws to manage hazardous industries and respond to catastrophic accidents. In response, Parliament enacted the Environment (Protection) Act, 1986, a broad

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umbrella statute that gave the central government power to issue notifications and rules on virtually every aspect of environmental protection. Over time, a large number of rules followed under this Act covering hazardous waste, solid and plastic waste, biomedical waste, e-waste, coastal zone regulation, and, most controversially, the Environmental Impact Assessment (EIA) framework for projects requiring prior environmental clearance.[3][4][7][1]

Constitutionally, the 42nd Amendment inserted Article 48A, which directs the State to protect and improve the environment and safeguard forests and wildlife, and Article 51A(g), which makes it a fundamental duty of every citizen to protect and improve the natural environment. Building on this, the Supreme Court, particularly from the 1980s onwards, read the right to a clean and healthy environment into Article 21 the right to life through a series of public interest litigation (PIL) decisions. The Court imported key global environmental principles such as the polluter pays principle, the precautionary principle, and the concept of sustainable development into Indian law, often giving them near-constitutional status.[8][9][6][5]

At first glance, this history suggests a strong and evolving environmental regime. There is a web of statutes and delegated legislation, specialised regulators, constitutional backing, and an activist higher judiciary willing to push the executive. Yet, when one steps outside the text of these laws and judgments and looks at the air, water, and land, a very different picture appears.

Air pollution in India, for example, has become one of the country's gravest public health crises. According to the Air Quality Life Index (AQLI) 2025 report, toxic air is now India's most severe health threat, reducing average life expectancy by about 3.5 years nationwide. The report notes that all 1.4 billion Indians live in areas exceeding the World Health Organization's guideline for fine particulate matter (PM2.5), and almost half the population lives in areas that breach even India's own weaker national standard of 40 micrograms per cubic metre. Residents of Delhi-NCR are estimated to lose over eight years of life expectancy due to current PM2.5 levels, and other northern states like Bihar, Haryana, and Uttar Pradesh also face life expectancy losses of five years or more.[10][11][12][13]

These figures are not merely abstract statistics. They translate into children growing up with damaged lungs, elderly people suffering increased risk of stroke and heart disease, and working adults missing days of work due to respiratory illness. In theory, there are multiple legal tools available: the Air Act, standards issued by the Central Pollution Control Board (CPCB),

directions under the Environment (Protection) Act, and specific orders by the Supreme Court and the National Green Tribunal (NGT) on vehicular emissions, construction dust, industrial sources, and stubble burning. Yet the gap between what the law says and what the air actually contains remains stubbornly wide.[14][13][15][6]

Water pollution offers a similarly sobering picture. CPCB's periodic assessments of polluted river stretches show that despite decades of programmes and judicial monitoring, hundreds of river stretches across India still fail to meet basic water quality standards. As per the 2022 CPCB report on polluted river stretches, 311 polluted stretches were identified on 279 rivers across 30 States and Union Territories, based primarily on high biological oxygen demand (BOD) levels. Subsequent monitoring indicates some improvement the number of polluted stretches declined to 296 in 202 but key rivers like the Yamuna in Delhi continue to have severely polluted segments, reflecting long-standing failures in sewage treatment, industrial effluent control, and urban planning.[16][17][18][19][20]

Government replies in Parliament confirm both the scale of the problem and the slow pace of change. A 2025 Lok Sabha reply on critically polluted river stretches in Maharashtra recorded that the BOD levels exceeded 30 mg/l at several stretches, and while some improvement has occurred compared to earlier assessments, the overall number of polluted stretches remains high. These official documents coexist with a long list of statutory prohibitions on untreated discharge and detailed procedural frameworks for consent and monitoring, underlining how weak implementation erodes the credibility of the law itself.[18]

Against this backdrop of disturbing indicators, it is tempting to dismiss environmental legislation as purely decorative. However, academic studies paint a more nuanced picture of why implementation falters. Research on environmental legislation and green governance in India emphasises that while the legal architecture is extensive, enforcement is undermined by overlapping jurisdictions, institutional fragmentation, and chronic resource constraints. Pollution Control Boards often struggle with inadequate staffing, limited technical equipment, and weak laboratory infrastructure, making it difficult to carry out regular inspections or to verify self-reported data from industries.[1][2][3]

Empirical work further suggests that regulatory complexity and ambiguity create opportunities for non-compliance and corruption. Different statutes sometimes allocate similar functions to

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multiple agencies, leading to confusion about who is responsible for what, and allowing officials and polluters to shift blame when violations are detected. In many states, environmental regulators operate with limited autonomy and are subject to considerable political interference in appointments, postings, and enforcement decisions. This weakens their bargaining position vis-à-vis powerful industrial and infrastructure interests, and fosters a culture where negotiated non-compliance becomes normal.[21][2][3]

Studies focusing on implementation challenges repeatedly highlight the role of poor coordination among government agencies, lack of up-to-date technology, and scarcity of reliable data. A 2023 analysis of implementation obstacles notes that frequent government interference, absence of operational independence, and lack of adequate punishment for violators combine to make environmental rules easy to flout. These findings echo earlier literature pointing to enforcement backlogs, insufficient monitoring networks in remote and rural areas, and significant disparities in enforcement capacity between different states.[2][3][8]

Interestingly, even as official assessments point to serious challenges, they also show that focused interventions can make a difference. The CPCB data on polluted river stretches, for instance, reveals that from 2018 to 2022 the number of polluted stretches fell from 351 to 311, and over a hundred stretches previously listed as polluted were delisted after improvements in water quality. Recent reviews further indicate that in 2023 the number of polluted stretches dropped again to 296, with the most severely polluted "Priority 1" stretches reducing from 45 to 37. These improvements do not mean the problem is solved hundreds of stretches remain polluted but they show that law, combined with targeted programmes and investment in sewage treatment, can produce measurable gains.[17][19][20][16][18]

Beyond statutes and regulators, the judiciary especially the Supreme Court and the NGT has become a visible face of environmental governance in India. Through landmark judgments, the Supreme Court has linked environmental protection to the right to life, ordered relocation of polluting industries from city centres, mandated conversion of public transport fleets to cleaner fuels, and established monitoring committees to supervise forest and wildlife conservation. The NGT, established in 2010, has built a substantial docket of cases on illegal mining, industrial pollution, sand extraction, waste management, and protection of fragile ecosystems.[9][15][6]

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However, empirical evaluations of the NGT and judicial interventions stress that court orders alone cannot substitute for strong administrative machinery. Studies assessing the NGT's impact point out that while the Tribunal has been assertive in articulating principles like polluter-pays and precaution, it often faces difficulties in ensuring compliance with its orders, especially when they require coordinated action from multiple departments and levels of government. Continuing mandamus proceedings, where courts keep matters pending for years to monitor compliance, sometimes help maintain pressure, but they can also blur institutional boundaries and risk creating an illusion of control without corresponding change on the ground.[22][6][8][9]

Indeed, some scholars argue that high-profile judicial activism can unintentionally contribute to the "decorative" character of environmental law. When courts issue sweeping directions that attract media attention but are not fully implemented, citizens may come to believe that the system is working while pollution indicators tell a different story. The danger is that ambitious judgments become another layer of legal ornamentation, adding to the length of law review articles but doing little to alter the lived experience of polluted air, unsafe water, and shrinking green spaces.[7][6]

The political economy of development further shapes how environmental statutes function. Governments at both central and state levels are under relentless pressure to attract investment, build infrastructure, and generate employment. In such a context, environmental safeguards are frequently described as "obstacles" or "delays" in project implementation, and there is recurring pressure to simplify, dilute, or bypass procedures such as environmental impact assessments and public hearings.[21][7][1]

Recent commentary on environmental and climate governance in India points to a trend of procedural shortcuts and substantive dilution of environmental safeguards in the name of ease of doing business. Changes to forest conservation rules, for example, have been criticised for allowing private entities greater access to forest land for projects without robust consent processes involving local gram sabhas, thereby undermining earlier protections that recognised community rights and ecological concerns. Similar concerns have been raised around proposed and adopted amendments to the EIA framework, where exemptions for certain categories of projects, post-facto clearances, and weaker public participation requirements threaten to hollow out one of the key preventive tools in the environmental toolkit.[3][7][21]

Alongside these structural and political factors, there is also a social dimension to the problem. Research on implementation challenges emphasises that lack of environmental awareness and education among the general population is a significant barrier to effective enforcement. Many people are not fully conscious of the long-term consequences of everyday practices such as open waste burning, indiscriminate plastic use, noise pollution during festivals, or construction on floodplains and lakebeds. When such practices are normalised and rarely penalised, the message that the law sends is that environmental offences are minor, almost optional.[23][2][3]

The same studies underline that corruption and absence of credible punishment are central obstacles. Where violations are routinely met with informal settlements, delayed prosecutions, or trivial fines, the expected cost of non-compliance remains low compared to the financial benefits of ignoring environmental standards. For industries operating on tight margins, lax enforcement creates a perverse incentive to cut corners on effluent treatment, emission controls, and waste management, thereby disadvantaging those who invest in compliance.[4][2][3]

Against this complex background, labelling the entire body of environmental law as purely "decorative" does not do justice to pockets of genuine progress. There have been notable instances where legal interventions, backed by sustained civil society engagement, have led to closure or modernisation of grossly polluting units, better waste management systems in some cities, and more structured forest diversion procedures. CPCB's data on river stretches and the gradual spread of continuous emissions monitoring systems show that when monitoring efforts are expanded and made more transparent, regulators and courts have better tools to respond.[20][6][16][17][22][3]

Furthermore, legal scholarship documents cases where environmental litigation has empowered local communities and NGOs, compelled disclosure of information, and created space for broader policy debate. The very existence of environmental statutes and forums like the NGT allows affected citizens at least to challenge destructive decisions, even if the outcomes are uneven and often imperfect. Without such legal avenues, many conflicts over land, forests, and pollution would likely be settled entirely through informal power and money.[8][1]

The real critique, therefore, is not that environmental laws in India are meaningless, but that they are underperforming relative to their stated objectives and potential. They risk becoming

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decorative when they are invoked mainly for international image-building or for drafting ambitious policy documents, while local regulators remain understaffed, data is patchy, and political support for tough enforcement is weak. The challenge is to push these laws out of the realm of rhetoric and into a space where they shape everyday administrative practice and social behaviour.[2][21]

A number of reform pathways emerge from the literature and from official assessments. First, strengthening institutions is crucial. This involves not only increasing the budgets and staff of Pollution Control Boards and related agencies, but also insulating them from arbitrary political interference, clarifying their powers, and setting clear performance metrics tied to environmental outcomes rather than just file disposal. Building robust laboratory and monitoring infrastructure, and investing in training for inspectors and technical staff, can significantly improve the quality of enforcement.[1][3][2]

Second, sanctions must be made realistic and proportionate to the scale of harm. Several studies point out that fines and penalties under existing laws are often outdated and too low to deter non-compliance by large industrial operators. Updating penalty provisions to reflect current economic realities, and linking fines to the economic gains from violations or to restoration costs, can significantly increase the deterrent effect of environmental legislation. At the same time, enforcement must be consistent, so that violators cannot assume that offences will go unnoticed or unpunished.[15][7][3]

Third, legal design reforms can help reduce the fragmentation and complexity that currently characterise environmental law. Scholars advocate moving towards a more coherent environmental code or framework law that consolidates scattered provisions, harmonises standards, and clarifies responsibilities across different levels of government. Such a code could explicitly embed principles of environmental justice, inter-generational equity, and precaution, and then require that sectoral regulations on mining, energy, infrastructure, and urban development be aligned with these core principles.[7][3][1]

Within this, reforms to EIA law and practice are particularly important. Strengthening the requirement for baseline studies, cumulative impact assessments, and independent expert review can help reduce the problem of copy-paste or poorly prepared EIA reports. Ensuring that public hearings are held with proper notice, in local languages, and with genuine

opportunity for affected people to be heard can turn them from box-ticking exercises into meaningful participatory spaces. Clear legal rules should require authorities to respond to objections raised during hearings and to justify, in writing, how they have considered concerns about pollution, displacement, and ecological damage.[23][3][7][1]

Fourth, deepening environmental democracy is essential. Greater access to environmental information such as real-time air quality data, compliance status of major polluters, conditions imposed in clearances, and performance of sewage treatment plants can empower citizens, researchers, and the media to hold regulators and industries to account. Initiatives that integrate community-based monitoring, citizen science, and social audits into formal regulatory systems can supplement limited state capacity and bring local knowledge into decision-making.[16][17][20][8][1]

Fifth, environmental education and ethics must be taken seriously. Studies repeatedly emphasise that lack of awareness and concern for the environment among the general public is a major barrier to implementation. Integrating environmental education at school and university levels, including law schools, can help future voters, professionals, and judges understand the deep connections between ecology, health, livelihoods, and rights. Campaigns that link environmental issues directly to everyday experiences such as children's asthma, contaminated drinking water, or urban flooding can shift public perception from seeing environmental protection as an elite or abstract concern to recognising it as central to human well-being.[3][23][1][2]

For a law student writing on whether environmental laws in India are just decorative, it is therefore important to avoid both extremes. It would be inaccurate to say that the laws have done nothing: there are measurable improvements in some indicators, and there are specific cases where strong legal action has led to cleaner technologies, better monitoring, or protection of vulnerable ecosystems. At the same time, celebrating the framework without acknowledging its serious shortcomings would ignore the lived reality of millions who breathe polluted air, drink unsafe water, and lose access to common lands and forests.[17][16][8]

A more balanced conclusion is that India's environmental laws are caught at a crossroads between ornamentation and transformation. They contain language, principles, and institutional designs that, if properly implemented and continuously improved, could form the

backbone of genuine ecological governance. But until political will, institutional capacity, and social norms align to support strict, fair, and transparent enforcement, these laws will continue to look stronger on paper than in practice.[21][1][2][3]

The task for the next generation of lawyers, judges, policymakers, and citizens is to insist that environmental law be measured not just by the sophistication of its doctrines and the length of its statutes, but by tangible outcomes: cleaner air, safer rivers, healthier communities, and more resilient ecosystems. When that shift in focus happens when success is defined in terms of particulate levels, BOD readings, forest cover, biodiversity indicators, and reduced health burdens rather than only by the number of laws passed or cases filed then environmental statutes in India will cease to be decorative and start becoming truly transformative.[12][13][17]

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