

Topic of Thesis: “Contribution of Judicial Activism to the Development of Environmental Jurisprudence in India”

Department: Law

Name of Research Scholar: Faisal Ahmed Khan

Name of Supervisor: Dr. Faizanur Rehman

Findings of the Study

Thus, there is an effort made to understand the pitfalls and the way forward for the environmental jurisprudence. With these observations and noting the following findings of the study are being presented along with the suggestions to fine tune the same:

(i) The Environmental Conservation in India suffers from inadequate legal protection

Although there is a plethora of legislation in India yet there is a lot of void in the law which resultantly leads to a lot of room for the vested interests.

(ii) Environmental Action through PIL suffers from Inconsistency

The courts in environmental matters have been incoherent, inconsistent and have not laid down any strictly binding principles of law or policy.

(iii) The Environmental Activism of the Court has been Anti-Poor

The implementation of the decisions of the courts has led to extreme hardships for the affected people who have had to pay the with their livelihood.

(iv) The Judiciary has tried filling the Loopholes in Environmental Policy

In most of the cases the courts have not subverted the legislative framework rather it has tried to give it a purposive interpretation or used some innovative ideas to make it more suited for environment conservation.

(v) Environmental Jurisprudence in India is Judge driven not Principle based

The *Environmental Jurisprudence* in India has mostly been the response of some Judges who have been aware of the dangers to the ecology by the unprecedented and unplanned activities of humankind.

(vi) Judicial Activism in Environment Suffers from an Urban Bias

The courts have not been able to ensure this and their approach in the environmental cases has been heavily focused on the metropolitan cities and suburbs.

(vii) Judicial Activism in Environmental Matters has been a Limited Success

The Judicial Activism in India despite promising much has, unfortunately, not been able to bring about considerable changes in the environmental issues

(viii) Courts have used Variety of Techniques for Environmental Conservation

The court has in a subtle manner brought about changes whose effect has been not to censure or punish people but to make them sensitized through the environmental awareness and education program.

(ix) NGT has not had the Desired Impact on Environmental Protection

The tribunal which is a specialized body to be headed by a retired Supreme Court judge has unfortunately not been able to live up to the expectations which were raised when it started functioning.

(x) Activism of the Courts is leaning in favor of Mega Projects.

Although environmental activism does not mean putting an end to all development activities and jeopardizing the economic growth, nonetheless it is clear that the courts have been hesitant to take on the mega projects.