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Access to Environmental Justice through Public Interest Litigation (PIL) in Bangladesh: Prospects and Challenges

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ABSTRACT: Environmental justice has emerged as a significant component of sustainable development and human rights in environmentally vulnerable countries like Bangladesh. However, the journey toward achieving environmental justice in Bangladesh faced difficulty until 1994. This was largely due to restrictive standing rules that limited access to justice for affected communities and concerned individuals. This study explores the role of Public Interest Litigation (PIL) in facilitating access to environmental justice in Bangladesh from its formative years to the contemporary period. Adopting a qualitative doctrinal research design, it relies on document analysis of constitutional provisions, environmental laws, landmark judicial decisions, and other secondary sources. The study finds that lawyers have utilized PIL as a powerful tool to advocate access to environmental justice since the late 1990s, receiving support from a responsive judiciary. Its role has remained consistent even after the introduction of specialized environmental courts and the insertion of Article 18A in the Constitution. However, challenges persist, including habitual delays in implementing HC orders, power dynamics, and endless judicial oversights. Finally, the study not only offers practical recommendations to enhance the effectiveness of PIL in advancing access to environmental justice but also emphasizes that PIL should function as an auxiliary mechanism rather than a substitute for a robust and enforceable constitutional framework.

KEYWORDS: Environment, Environmental Justice, Public Interest Litigation, Writ, Constitution, Access to Justice

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1. Introduction

Environment refers to the surroundings or conditions in which a person, animal, or plant lives or operates. The environment and human rights are, therefore, closely interrelated because the complete enjoyment of some human rights requires a safe, clean, and healthy environment. In today's world, the weight of environmental challenges is not evenly shared among states or individuals. Thus, environmental justice emerged as a concept in the early 1980s in the United States to protect the environment as well as the poor and minority groups and has since spread to other regions of the world.[1]

Bangladesh deals with a broad spectrum of environmental challenges and pollution like most developing countries.[2] According to the statistics of the global Environmental Performance Index (EPI) for 2022, Bangladesh ranks 177 out of 180 countries in reducing environmental pollution.[3] The Constitution is the supreme law of Bangladesh.[4] There was no constitutional provision regarding environmental protection before the 15th Amendment. Article 18A was inserted in 2011 as one of the fundamental principles of state policy that is judicially unenforceable,[5] to protect and improve the environment and biodiversity. Other environmental laws and regulations, like the Environment Court Act, the Environment Conservation Act, etc., have also come into place at different times. Despite the existence of environmental laws and regulations, implementation and enforcement have been weak. This results in extensive environmental degradation that disproportionately affects vulnerable populations.[6] Furthermore, these populations frequently lacked the financial and logistical resources necessary to access the legal system. Against these circumstances, PIL has been an effective tool to advocate for access to environmental justice since the late 1990s. Previous studies have

[1] Md Iqbal Hossain, *International Environmental Law Bangladesh Perspective* (6th edn, Ain Prokashan 2017).
[2] Hossain (n 1) 475
[3] Tonmoy Wardad, 'EPI 2022: Bangladesh's Position Slips 15 Notches to 177th' (*The Financial Express*, 12 June 2022) <https://thefinancialexpress.com.bd/national/epi-2022-bangladeshs-position-slips-15-notches-to-177th-1654953295> accessed 4 April 2023.
[4] The Constitution, art. 7(2).
[5] The Constitution, art. 8.
[6] Hossain (n 1) 476

discussed many of these issues. However, most of them focus on developments before the last decade. Some recent studies have examined environmental PIL after the Fifteenth Amendment.[7] However, recent developments such as the legal-personhood ruling concerning rivers and the 2025 recognition of safe drinking water as a fundamental right have not yet received sufficient attention. This study seeks to address this gap.

The study places these recent developments within the existing three-phase account of the growth of PIL in Bangladesh. It also examines an issue that has received less attention in earlier studies: whether PIL has produced practical outcomes after achieving important legal and procedural developments, such as wider standing, recognition of legal personhood, and expansion of the right to life. The case of the rivers, discussed later in this study, raises questions about the extent to which such judicial developments have been implemented in practice. Therefore, the contribution of this study is not limited to adding recent cases to the existing literature. It also examines the gap between the development of PIL through judicial decisions and its practical implementation, covering both the earlier history and the most recent developments.

2. Conceptual Discussion

a. Environmental Justice

Environment, according to the Oxford Languages Dictionary, refers to the surroundings or conditions in which a person, animal, or plant lives or operates. It encompasses both living and non-living beings and how they interact with their surroundings.[8] A healthy environment is a basic right of all the Earth's inhabitants and reaffirmed by the Rio Declaration.[9] However, the distribution of environmental risks within and between communities is uneven and affects various groups differently.[10] This is known as environmental injustice. In contrast, environmental justice is a concept that seeks to redress these inequitable environmental burdens experienced by groups such as racial minorities and indigenous groups, women, residents of

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[7] Muhammad Ekramul Haque and Ali Mashraf, 'Public Interest Environmental Litigation (PIEL) to Tackle Climate Change in Bangladesh: Growth, Challenges, and Future' in Mahatab Uddin (ed), International Law, Climate Change and Bangladesh (Springer 2024) 351 https://doi.org/10.1007/978-3-031-71297-5_16 accessed 22 September 2026; Ali Mashraf and Tahseen Lubaba, 'Public Interest Litigation and the Constitution of Bangladesh: Past, Present and Future' in M Rafiqul Islam and Muhammad Ekramul Haque (eds), *The Constitutional Law of Bangladesh: Progression and Transformation at its 50th Anniversary* (Springer 2023) 401.

[8] Hossain (n 1) 8

[9] 'Agenda 21: Programme of Action for Sustainable Development: Rio Declaration on Environment and Development-Statement of Forest Principles' (UN-United Nations 1992) <https://digitallibrary.un.org/record/170126> accessed 13 September 2023.

[10] Susan L. Cutter, 'Race, Class and Environmental Justice' (1995) 19 Progress in Human Geography 111.

economically disadvantaged areas, or residents of developing nations.[11] According to Dr. Abdullah Al Faruque, 'Environmental justice implies the fair distribution of benefits of environmental resources, environmental laws and regulations be properly applied and enforced; and that environmental risk be distributed fairly throughout society.'[12] It exists when all people have access to information, participation in decision-making, and access to justice in environment-related matters.[13] The scope of this study is limited to the third component only.

b. Public Interest Litigation

Primarily, only an aggrieved party could seek redress. Others not personally affected were unable to go before courts to represent the victim or aggrieved party, even if certain actions were in violation of the law.[14] The concept of Public Interest Litigation has emerged in recent years, marking a considerable shift from traditional judicial proceedings.[15] The term 'Public Interest' refers to an act that benefits the general public, and litigation means the process of taking legal action. Thus, Public Interest Litigation refers to a legal action brought by an individual or entity to enforce the law in the public or general interest, in which the public or a class of the community has a pecuniary or other interest that affects their legal rights or liabilities.[16] Historically, it has been an innovative judicial mechanism for advancing the social and economic rights of underprivileged and marginalized people.[17] PILs are filed in Bangladesh as writ petitions under Article 102 of the Constitution of the People's Republic of Bangladesh. PIL, however, is a post-1991 phenomenon in Bangladesh since the constitutional order was disrupted in between.[18] Though initially rejected in the *Bangladesh Sangbadpatra Parishad vs. Govt. of Bangladesh*[19] case, PIL won its jurisprudential battle and was finally accepted in 1996 in the FAP 20 case.[20] Since then, a variety of environmental issues have been addressed through a number of different other PIL cases.

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[11] Hossain (n 1) 11
[12] Abdullah Al Faruque, *Environmental Law: Global and Bangladesh Context* (2nd edn, New Warsi Book Corporation 2021).
[13] Hossain (n 1) 12-13
[14] Badsha Mia and Kazi Shariful Islam, 'Human Rights Approach to Environment Protection: An Appraisal of Bangladesh' (2014) 22 Journal of Law, Policy and Globalization 59.
[15] Md Anisur Rahman, Sazzadur Rahman Titu and Jayanta Kumar Saha, 'Access To Justice Through Public Interest Litigation In Bangladesh' (2021) 20 Ilkogretim Online - Elementary Education Online 3490.
[16] Ibid, 3490
[17] Varun Gauri, 'Public Interest Litigation in India: Overreaching or Underachieving?' [2009] World Bank Policy Research Working Paper No. 5109 <https://papers.ssrn.com/abstract=1503803> accessed 13 September 2023.
[18] Rafiqul Islam Hossaini and Mohammad Shoeb Mahmud, 'Public Interest Litigation in Bangladesh: A Long Way to Go' (1997) 9 Social Change 61.
[19] [1991] 43 DLR (AD) 126
[20] *Dr. Mohiuddin Farooque vs. Bangladesh and others* [1997] 49 DLR (AD) 1, and *Dr. Mohiuddin Farooque vs. Bangladesh and others* [1996] 48 DLR (HCD) 438

3. Methodology of the Study

This study adopts a qualitative doctrinal research design. It analyzes the legal texts and judicial decisions to explore the role of PIL in advancing access to environmental justice in Bangladesh. Primary sources include relevant constitutional provisions, environmental laws, mostly the Environment Court Act of 2010, and landmark PIL cases concerning environmental issues. These sources form the core legal framework through which the evolution and practical application of PIL in environmental governance are examined. In addition, secondary sources such as books, journal articles, newspaper reports, and relevant online materials are utilized to provide contextual and theoretical insights. The study employs a document analysis method, through which both primary and secondary materials are systematically reviewed to identify recurring themes, patterns, and doctrinal developments.

Cases were selected based on two criteria. The first criterion is scope. The study includes only writ petitions filed as PIL under Article 102 of the Constitution and *suo motu* rules issued by the High Court Division. Cases under the Environment Court Act, 2010 were excluded because they concern statutory environmental offences rather than constitutional PIL and are outside the focus of this study. The second criterion is significance. Priority was given to cases in which the High Court Division or Appellate Division established or developed a legal principle relating to standing, the right to life, legal personhood, or the nature of remedies given. Cases that only applied an already established legal principle to routine facts were not given the same priority.

4. Prospects of PIL in the Formative Phase (Pre-Environment Court Act, 2000)

The Constitution of the People's Republic of Bangladesh is the supreme law of the Republic, and any other law that goes against the Constitution is void to that extent.[21] Part II of the Constitution outlines the fundamental principles of state policy, and Part III lists a number of fundamental rights. It is important to note that, whereas Part II is not subject to judicial enforceability in court,[22] Part III is.[23] Since its inception in 1972, the Constitution has undergone a total of 17 amendments to date.[24] The original Bangladeshi Constitution did not

[21] The Constitution, art. 7(2).
[22] The Constitution, art. 8.
[23] The Constitution, art. 44.
[24] Parban Chakma and Rafid Azad Saumik, '50 Years of Bangladesh Constitution In a Nutshell' *The Daily Star* (4 November 2022) <https://www.thedailystar.net/law-our-rights/news/50-years-bangladesh-constitution-nutshell-3160281> accessed 1 December 2023.

incorporate any provision related to environmental rights within either the fundamental rights, preamble, or state policies.

Before the emergence of PIL, public nuisance cases such as air and water pollution were addressed by existing criminal law provisions as contained in the Penal Code,[25] civil remedies under the law of torts, and procedural Codes. The Code of Civil Procedure (CPC) also provides for representative suit where a representative of the affected persons can present a petition in a court to seek rights vindication on behalf of the affected.[26] However, the complex and conservative legal system, coupled with procedural hurdles, could hardly provide any appropriate remedy for environmental wrongs.[27] Therefore, the approach has been twofold.[28] To put pressure on the government for environmental reform, lawyers sought to modify fundamental rights while NGOs urged the High Court to adopt a harmonious interpretation and effectively involving the judiciary to bypass the non-enforceability of state policies.[29] The Bangladesh Environmental Lawyers Association (BELA) took the pioneering role in introducing PIL in Bangladesh. It filed approximately 250 cases between 1994 and 2014 specifically to protect the environment on behalf of affected parties and communities.[30] This organization, along with Bangladesh Legal Aid and Services Trust (BLAST), Ain O Salish Kendra (ASK), Human Rights and Peace for Bangladesh (HRPB), and numerous lawyers, has undertaken a substantial number of PIL cases on environmental issues, contributing to the advancement of access to environmental justice.

The formative phase reveals several key prospects that significantly advanced access to environmental justice:

a. Liberalization of *Locus Standi*

One of the most transformative contributions of PIL during this period was the liberalization of *locus standi*, which expanded access to justice beyond directly affected individuals. Traditionally, the requirement of being a person aggrieved imposed a restrictive threshold. This limitation was fundamentally reconfigured in the FAP 20 case (*Dr. Mohiuddin Farooque vs. Bangladesh*), where the Appellate Division adopted a liberal interpretation of standing.[31]

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[25] Act No. XLV of 1860
[26] The Code of Civil Procedure, 1908 (Act No. V of 1908), Order I Rule 8.
[27] Faruque (n 12) 478
[28] Jona Razzaque, 'Access to Environmental Justice: Role of the Judiciary in Bangladesh' (2000) 4 Bangladesh Journal of Law 1.
[29] ibid.
[30] Hossain (n 1) 776
[31] [1997] 49 DLR (AD) 1

In this case, a writ petition was filed under Article 102(1) and (2) of the Constitution. It challenged the legality of a flood control program in Tangail District, with petitioners expressing concerns about potential environmental harm jeopardizing the lives, properties, livelihoods, vocations, and environmental security of over one million people.[32] Initially rejected by the High Court Division on the question of standing, the petitioner subsequently appealed to the Appellate Division of the Supreme Court. On hearing, Chief Justice A.T.M. Afzal noted that an organization with a countrywide presence, such as the appellant, carrying out studies and research of the disputed project, has to be granted threshold status, which is a person aggrieved, and has an opportunity to proceed with the writ petition.[33] Justice B.B. Roy Chowdhury, another member of the Bench, elaborated that 'person aggrieved' encompasses not only those who are personally aggrieved, but also one whose heart bleeds over his unfortunate fellow creatures because of an injustice done to them by the Government or the local authority in breach of constitutional duty. The Court therefore ordered that the respondents should not implement the project with consequences. As a result, the government reviewed the project, including the rejection of the original plan and the inclusion of an environmental impact assessment plan that sought consultation with the people residing in the project area.[34]

The FAP 20 case holds significance as it established the groundwork for subsequent PIL cases, not only unlocking the scope for writ petitions to protect environmental rights but also safeguarding all other fundamental rights.[35] Consequently, access to environmental justice was significantly democratized and transformed PIL into an inclusive mechanism capable of addressing large-scale environmental harms. However, this procedural development must be considered in light of what happened after the case. The judgment did not include continuing mandamus, a fixed reporting schedule, or a specific monitoring body. As a result, implementation was left mainly to the relevant government agencies, including agencies whose actions had led to the litigation.

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[32] 'Dr. Mohiuddin Farooque (Petitioner in Writ Petition No. 998 of 1994) and Sekandar Ali Mondol (Petitioner in Writ Petition No. 1576 of 1994) v. Bangladesh, Represented by the Secretary, Ministry of Irrigation, Water Development and Flood Control' (*UNEP-LEAP*) <https://leap.unep.org/en/countries/bd/national-case-law/dr-mohiuddin-farooque-petitioner-writ-petition-no-998-1994-and> accessed 1 December 2023.

[33] 'Farooque vs. Government of Bangladesh, WP 998 of 1994, CA 24 of 1995 (1996.07.25) (Flood Action Plan Case)' (*Environmental Law Alliance Worldwide*) <https://www.elaw.org/bd.farooque.FAP.1996> accessed 1 December 2023.

[34] Ali Mashraf, 'Landmark Environmental Law Verdicts' *The Daily Star* (4 June 2019) <https://www.thedailystar.net/law-our-rights/news/landmark-environmental-law-verdicts-1753354> accessed 1 December 2023.

[35] Faruque (n 12) 480

This can also be understood through David Schlosberg's distinction between the distributive, participatory, and recognition dimensions of environmental justice.[36] FAP 20 strengthened participatory justice by allowing wider access to the courts. However, the case did not itself ensure distributive justice in the form of compensation or other concrete remedies for the people affected by the project.

More than three decades later, the displaced people affected by the flood-control embankment have still not received the compensation. This remains the case despite a separate writ petition by BELA and the subsequent issuance of a *Rule Nisi* concerning the compensation issue. This implementation problem becomes more visible in the post-2011 cases discussed later in this study. Those cases introduced mechanisms such as continuing judicial oversight and the identification of specific bodies, including the NRCC, to play a monitoring role. These developments are relevant to the study's later proposal for an independent compliance mechanism.

b. Expansion of Judicial Role in Environmental Governance

During the formative phase, PIL also facilitated an expansion of the judiciary's role beyond traditional dispute resolution into the domain of environmental governance. In response to inadequate enforcement of environmental laws and administrative inaction, the courts frequently issued detailed directives aimed at regulating environmental practices. This is particularly evident in the case of *Dr. Mohiuddin Farooque vs. Bangladesh and others*.[37] Here, the issue of severe noise from hydraulic horns and smoke emissions from two-stroke motor vehicles in violation of the Motor Vehicles Ordinance, 1983 was addressed.[38] The High Court Division held that life is a qualitative life with others, and is without environmental hazards, and gave six directives to fight vehicular pollution.[39] The court directed the government to convert all its petrol and diesel-run vehicles in Dhaka Metropolitan City to vehicles powered by CNG, to end all its two-stroke three-wheelers by replacing them with cleaner transport alternatives, and take punitive measures against vehicle operators who do not remove hydraulic horns from buses and trucks, among other directives.[40] Such judicial activism played a crucial

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[36] David Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature* (Oxford University Press 2007).
[37] Writ Petition No. 300 of 1995
[38] 'Farooque v. Government of Bangladesh WP 300 of 1995 (1995.02) (Vehicle Pollution Case: Original Writ Petition)' (*Environmental Law Alliance Worldwide*) <https://www.elaw.org/content/bangladesh-farooque-v-government-bangladesh-wp-300-1995-199502-vehicle-pollution-case-origio> accessed 2 December 2023.
[39] Hossain (n 1) 781
[40] Hossain (n 1) 789

role in addressing environmental challenges in the absence of effective executive action, thereby enhancing access to justice.

c. Emergence of Preventive and Precautionary Environmental Jurisprudence

The evolution of PIL during this period also reflects a shift from a purely remedial approach to a more preventive and precautionary model of environmental protection. Traditional legal remedies often addressed environmental harm only after its occurrence, limiting their effectiveness in preventing long-term damage. Through PIL, the judiciary began to adopt a proactive stance, issuing directives aimed at preventing environmental harm before it materialized. This was evident in the case of *Dr. Mohiuddin Farooque vs. Bangladesh and others*.[41] Citing a government survey on widespread ecological damage, petitioners sought relief for industrial pollution and argued that the air and water are being contaminated by industrial waste.[42] The Court directed the respondents to make sure that no new factories or industrial facilities are established in Bangladesh without first setting up appropriate and sufficient pollution control measures.[43]

Similarly, in another case of *Dr. Mohiuddin Farooque vs. Bangladesh and others*,[44] several shipments of skimmed milk brought in by Danish Condensed Milk Bangladesh were discovered to contain more than the maximum approved level of radiation. The petitioner submitted that the use of food substances that have radiation levels exceeding the approved limit is a danger to the people of Bangladesh.[45] The High Court Division extended the meaning of right to life to include the protection of health and normal longevity of a human being.[46] This judgment also indirectly accepted the precautionary principle by accepting the rights of potential consumers of radiated food products and reducing the burden on affected parties to demonstrate actual damage.

d. Recognition of Environmental Harm as a Public Wrong

Finally, the formative phase of PIL contributed to a conceptual shift in understanding environmental harm as a public wrong rather than merely a private injury. Early cases demonstrate an increasing willingness of the courts to treat environmental protection as a

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[41] Writ Petition No. 891 of 1994

[42] *Farooque v. Government of Bangladesh* (*ECOLEX*) <https://www.ecolex.org/details/court-decision/farooque-v-government-of-bangladesh-8b264199-d4d6-498c-ae79-146bf7c80c67/> accessed 1 December 2023.

[43] Faruque (n 12) 483

[44] Writ Petition No. 92 of 1996

[45] F*arooque vs Government of Bangladesh*, WP 92 of 1996 (1996.07.01) (Radioactive Milk Powder Case)' (*Environmental Law Alliance Worldwide*) <https://www.elaw.org/content/bangladesh-farooque-vs-government-bangladesh-wp-92-1996-19960701-radioactive-milk-powder-cas> accessed 2 December 2023.

[46] Hossain (n 1) 780

matter of public interest. For instance, in the case of the *Bangladesh Environmental Lawyers Association vs. Bangladesh and others*,[47] judicial intervention was sought to save the Buriganga River against unlawful encroachment. The High Court Division instructed the appropriate statutory authorities to produce to the Court an action plan, outlining a specific timeframe and measures for the removal of encroachers.[48] In another case titled *Dr. Mohiuddin Farooque vs. Election Commission & others*,[49] petition was filed to contest wall writing on state property and use of rampant loudspeaker during the 1994 election campaign of the four Municipal Corporations of the country.[50] The court directed the Attorney General to take necessary measures to avoid the destruction of both state and private property in the name of election campaigning. By addressing environmental harm as a public wrong rather than an individual grievance, the judiciary reinforced the collective dimension of environmental justice.

Taken together, the formative phase of PIL in Bangladesh demonstrates a significant expansion of access to environmental justice. While these developments laid a strong foundation for environmental jurisprudence, they also highlight an increasing reliance on the judiciary.

5. From the Environment Court Act, 2000 to the Pre–15th Amendment Period

The Environment Court Act, 2000 was enacted in response to global commitments such as Agenda 21. It sought to establish a specialized adjudicatory framework capable of addressing environmental disputes more effectively than the traditional judicial system. The subsequent replacement by the Environment Court Act, 2010 further reflected an effort to ensure more efficient and timely resolution of environmental conflicts. However, despite the creation of this specialized mechanism, structural and procedural limitations within the environmental court system constrained its effectiveness in ensuring access to environmental justice. In this context, PIL continued to play a crucial and complementary role. This phase reveals several important prospects that highlight the enduring relevance of PIL even in the presence of specialized environmental courts.

a. Role of PIL Amid Institutional Limitations of Environmental Courts

While the Environment Court Acts of 2000 and 2010 were designed to provide a focused forum for environmental adjudication, their operational limitations significantly restricted access.

[47] Writ Petition No. 4098 of 1999
[48] Faruque (n 12) 482
[49] Writ Petition No. 186 of 1994
[50] Faruque (n 12) 482

One of the most critical barriers is the requirement of prior approval from the Director General of the Department of Environment before initiating proceedings.[51] This procedural condition ultimately reintroduces the restrictive standing and limits direct public access to the courts. Moreover, the Inspector has no independent power of investigation and has to obtain permission from the DG before preparing both preliminary and investigation reports.[52] Thus, in situations where the state itself violates environmental law, a conflict of interest arises since the Department of Environment is a constituent of the state apparatus.[53]

The Court also lacks *suo motu* or epistolary jurisdiction that restricts the proactive role of the Environment Court.[54] Last but not least, the Environment Court can exercise its jurisdiction in matters arising under 'environmental law', which includes the Bangladesh Environment Conservation Act of 1995, the Bangladesh Environment Conservation Rules of 2023, and all other laws specified by the government.[55] Although the government has assigned the Environment Court jurisdiction over offenses under the Brick Manufacturing and Brick Kiln Establishment (Control) Act of 2013,[56] the extension of its jurisdiction to offenses under the Forest Act of 1927, the Wildlife (Conservation and Safety) Act of 2012, the Bangladesh Biodiversity Conservation Act of 2017, etc., is yet to be accorded.

Comparative studies identify three main conditions for the effective functioning of Environment Courts: judicial expertise in environmental matters, accessible procedures, and institutional independence from the agencies being regulated.[57] However, Bangladesh's Environment Court does not fully meet these conditions. Its judges do not receive specialized training in environmental science and handle environmental cases alongside their general judicial responsibilities.[58] Access to the court also depends on the Department of Environment (DoE), while the institutional structure creates difficulties when action is required against govt. institutions.

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[51] The ECA of 2010, sec. 6.
[52] The ECA of 2010, sec. 12.
[53] Faruque (n 12) 474
[54] Md Khaled Miah, 'Effective Functioning of Environment Court' *The Daily Star* (25 August 2015) <https://www.thedailystar.net/law-our-rights/effective-functioning-environment-court-131956> accessed 2 December 2023.
[55] The ECA of 2010, sec. 2(c).
[56] Act No. 59 of 2013, sec 21.
[57] D Lie and M Alam, 'Legal Framework and Practical Challenges of Bangladesh Environmental Legislation: A Critical Examination of Climate Change Adaptation, Environmental Judiciary, and Enforcement' (2025) 37 *Environmental Claims Journal* 366 https://doi.org/10.1080/10406026.2025.2454662 accessed 22 September 2026.
[58] Farjana Afruj Khan Alin, 'The Effectiveness of Environment Courts' The Daily Star (Dhaka, 15 April 2019) https://www.thedailystar.net/law-our-rights/news/the-effectiveness-environment-courts-1730299 accessed 22 September 2026.

These limitations help explain why environmental grievances continued to reach the High Court Division through constitutional PIL. In practice, the two mechanisms operated more as alternative routes for environmental grievances than as complementary parts of the environmental justice system envisaged by the Environment Court Act.

b. Judicial Reinforcement of Environmental Governance through PIL

This is particularly evident in cases concerning ecologically critical areas, where judicial intervention was sought to address environmental degradation despite prior administrative recognition. In the case of *Bangladesh Environmental Lawyers Association (BELA) vs. Ministry of Land and others*, the petitioner sought judicial intervention to protect Sonadia Island, a designated Ecologically Critical Area (ECA).[59] Despite its protected status, influential actors allegedly cleared 9,000 acres of forest for shrimp farming and compromised the island's biodiversity and its role as a natural storm barrier.[60] The respondents were given instructions to investigate by the HCD and identify areas within the island involved in shrimp cultivation and forest clearing, list those responsible, estimate the economic loss of forest resources, and report within two months.[61] It is noteworthy that the petitioner invoked the principle of 'polluter pays' in this case, which reflects an evolving recognition of environmental liability and accountability.

c. Aligning Domestic Environmental Jurisprudence with International Standards

In 2003, BELA challenged the hazardous dumping of ship-breaking waste in Sitakunda, Chittagong.[62] The petitioners highlighted that no ship-breaking agencies possessed the mandatory environmental clearance required by the Environment Conservation Act, 1995. Upon hearing, the HCD issued a *Rule Nisi* on the matter. In another subsequent litigation, the HCD condemned the Ministry of Shipping for allowing the import of toxic materials without scrutiny and labelled it a blatant disregard for environmental and public health.[63] Furthermore, the court ruled that by signing the Basel Convention, Bangladesh is legally bound to its standards of integrating international waste management protocols as a precautionary means.[64]

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[59] Writ Petition No. 4286 of 2003
[60] 'BELA v. Secretary, MoEF & Others (WP ... of 2003) (Sonadia Island Case) (Original Petition)' (*Environmental Law Alliance Worldwide*) <https://www.elaw.org/content/bangladesh-bela-v-secretary-moef-others-wp-2003-sonadia-island-case-original-petition> accessed 3 December 2023.
[61] Hossain (n 1) 797
[62] Writ Petition No. 2911 of 2003
[63] Writ Petition No. 7260 of 2008
[64] Hossain (n 1) 796

Consequently, the court ordered the closure of unauthorized yards and mandated the creation of specific rules for hazardous waste management.[65]

d. Strengthening the Link between Environmental Protection and Fundamental Rights

The period also witnessed a continued strengthening of the relationship between environmental protection and fundamental rights, particularly the right to life. Through PIL, the judiciary reinforced the idea that environmental degradation directly impacts human health and well-being, thereby falling within the ambit of constitutional protection. For instance, in *Rabiya Bhuiyan MP vs. Ministry of LGRD and others*,[66] writ petition was filed in relation to the government failure to seal the arsenic-contaminated tube well. The Appellate Division recognized the positive relationship between environmental contamination and violation of the right to life, and the necessity to both enhance the natural and the artificial environment in order to preserve the right to life.[67]

e. Increased Judicial Activism

Courts increasingly intervened in cases to address systemic environmental risks. For instance, in another case of *BELA vs. Bangladesh and others*, the court examined the legality of the Modhumoti Model Town project, where Metro Makers and Developers Ltd. filled 550 acres of protected wetlands for a satellite township.[68] This action violated the Dhaka City Master Plan, which designated the area as a critical flood flow zone. BELA argued that unregulated earth-filling would cause intolerable waterlogging and permanent ecological degradation.[69] Concurring with the argument, the High Court Division found the project unauthorized, illegal, and contrary to the public interest and also instructed RAJUK to safeguard sub-flood flow zones from illicit earth-filling. In 2012, the Appellate Division affirmed the verdict. It emphasized that even in the absence of specific laws restricting the use of lowlands acting as reservoirs for flood and rainwater, affected individuals can compel authorities to undertake measures through judicial review to preserve health, environment, and ecology.[70]

In another writ petition filed by the Human Rights and Peace for Bangladesh (HRPB), the petitioner challenged systematic pollution, unauthorized encroachment, and landfilling of the

[65] Faruque (n 12) 484
[66] [2007] 59 DLR (AD) 176
[67] Hossain (n 1) 782
[68] Writ Petition No. 4604 of 2004
[69] Hossain (n 1) 786
[70] Ibid, 787

River Buriganga, Turag, Balu and Shitalakkha.[71] The petitioner sought the restoration of the rivers' original boundaries and the immediate removal of all permanent and temporary structures impeding their flow. The HCD in its judgment urged the government to take three steps: the creation of a National River Protection Commission, the initiation of short-term and long-term plans to develop all the rivers in the country on the basis of its recommendations, and implementing necessary and swift measures to restore the navigability of the four rivers.[72] Therefore, despite the establishment of specialized environmental courts, the period from 2000 to the pre–15th Amendment era demonstrates the continued centrality of PIL in advancing access to environmental justice in Bangladesh.

6. From the 15th Amendment to the Contemporary Scenario

Through the insertion of Article 18A to the fundamental principles of state policy, the Constitution formally acknowledged the obligation of the State to protect and improve the environment and conserve natural resources for present and future generations.[73] However, despite its normative significance, Article 18A remains non-justiciable and does not confer an enforceable individual right to a healthy environment. It predominantly serves a decorative role in the Constitution.[74] Consequently, the realization of environmental justice continues to depend largely on judicial interpretation and enforcement through PIL. This phase demonstrates that, even in the presence of constitutional recognition, PIL remains a central and dynamic mechanism for advancing access to environmental justice in Bangladesh.

a. Expansion of Judicial Engagement in Environmental Regulation

PIL in the contemporary phase continues to serve as an important mechanism for ensuring regulatory compliance and administrative accountability in environmental governance. Courts, through PIL, have actively intervened in cases where statutory provisions exist but are inadequately enforced. For instance, in a writ petition filed by BELA in the case of *BELA vs. Ministry of Environment, Forest and Climate Change and others*, the High Court Division issued a *Rule Nisi* demanding the Ministry explain its failure to enforce existing prohibitions on polythene and plastic bags, as well as its failure to regulate hazardous single-use plastics.[75]

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[71] Writ Petition No. 3503 of 2009
[72] Hossain (n 1) 786
[73] The Constitution (Fifteenth Amendment) Act, 2011 (Act No. XIV of 2011), sec. 12.
[74] Mahmudul Hasan and Deedarul Islam Bhuiyan, 'Public Interest Environmental Litigation and Enforcement of Right to Environment in Bangladesh: A Comparative Study from the Global Intersecting Approach' (2019) 3 International Journal of Law, Humanities & Social Science 15.
[75] Writ Petition No. 14941 of 2019

The Court issued immediate interim orders directing authorities to monitor markets and shut down factories manufacturing illegal polythene bags, imposing a total ban on single-use plastics in coastal areas and within the hospitality sector (hotels, motels, and restaurants), and setting a one-year deadline for these bans to be fully implemented, with a requirement for the Ministry to submit compliance reports directly to the court.[76] Such interventions demonstrate that PIL also functioned as a mechanism for activating dormant regulatory frameworks.

In another *BELA v. Ministry of Agriculture and others* case, the petitioner sought a judicial mandate to compel the government to strictly regulate pesticide use.[77] Specifically, the petition called for the suspension of licenses for glyphosate-based pesticides, the promotion of safer alternatives, and a formal investigation into pesticide-related deaths to provide compensation to affected families.

The High Court Division issued a *Rule Nisi* requiring the government to justify its regulatory inaction. Furthermore, the Court issued interim directives to notify the populace of the toxic impact of glyphosate-pesticides, along with preparing an action plan to phase them out and introduce safe alternatives.[78]

b. Enforcement through Continuing Mandamus and Monitoring

The contemporary phase also highlights the use of PIL as a tool for ensuring sustained enforcement of judicial decisions through mechanisms such as continuing mandamus and compliance monitoring. Unlike traditional litigation, where judicial involvement typically ends with the delivery of a judgment, PIL enables courts to retain jurisdiction and oversee the implementation of their directives over time. This is particularly evident in cases involving large-scale industrial pollution, such as the relocation of tanneries from Hazaribagh.

Upon a writ petition filed by BELA, the High Court directed tannery owners in June 2009 to relocate their tanneries from Hazaribagh to Savar.[79] Despite the deadline for relocation being extended to April 2011, the Secretary of the tannery industries further extended the time until 2017 without obtaining permission from the High Court. In a contempt petition filed by Advocate Manzill Murshid, the High Court directed the 155 tannery owners in April 2017 to

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[76] BELA v. Ministry of Environment, Forest and Climate Change and Others, Writ Petition No. 14941 of 2019 (20 January 2020)' (Environmental Law Alliance Worldwide) <https://elaw.org/plastic%5CBD_BELA_Plastic_20Jan20 > accessed 3 December 2023.

[77] Writ Petition No. 14614 of 2019

[78] 'BELA v. Ministry of Agriculture and Others, Writ Petition No. 14614 of 2019 (High Court Division of the Supreme Court) (5 January 2020)' (*Environmental Law Alliance Worldwide*) <https://www.elaw.org/BD_BELA_RoundUp_5Jan20> accessed 3 December 2023.

[79] 'SC Upholds Order to Close Hazaribagh Tanneries' *The Daily Star* (12 March 2017) <https://www.thedailystar.net/city/sc-upholds-order-close-hazaribagh-tanneries-1374694> accessed 3 December 2023.

pay BDT 50 thousand each per day for damaging the environment.[80] Subsequently, a petition was filed with the apex court requesting that the order of the HCD be stayed. The bench of the three-member Court led by Chief Justice Surendra Kumar Sinha affirmed the High Court's order to immediately shut down Hazaribagh tanneries, disconnect their utility services, and impose a BDT 50,000 fine each for environmental pollution to be paid within seven days.

c. Legal Personhood of Rivers and the Widening of the Right to Life

One of the most important developments after 2011 was the decision of the HCD in *Human Rights and Peace for Bangladesh vs. Government of Bangladesh and others*, which arose from a writ petition concerning encroachment on the Turag River.[81] Relying on the public trust doctrine and its *parens patriae* jurisdiction, the Court declared the Turag River, and consequently all rivers in Bangladesh, to be living entities and legal persons.[82] The Court also designated the National River Conservation Commission (NRCC) as the guardian of the rivers. The judgment issued seventeen directions. These included restrictions on bank loans and election candidacy for river encroachers, a requirement for a No Objection Certificate (NOC) from the NRCC for projects involving rivers, and measures to increase public awareness through school curricula.

The decision marked an important change in the development of environmental PIL in Bangladesh. Earlier cases mainly treated environmental harm as a violation of human rights. The Turag case went further by recognizing the river itself as a rights-holder. In this respect, Bangladesh joined a small number of jurisdictions that have recognized legal personality for natural features, including New Zealand's Whanganui River and, for a limited period, the Ganga and Yamuna rivers in India.

The decision was later considered by the Appellate Division in *Nishat Jute Mills Ltd vs. Human Rights and Peace for Bangladesh*.[83] The Appellate Division retained the finding that rivers have legal personhood but limited the effect of some of the seventeen directions.[84] In particular,

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[80] 'Full Text of Hazaribagh Tannery Eviction Verdict Released' *The Daily Star* (5 July 2017) <https://www.thedailystar.net/city/dhaka-hazaribagh-tannery-eviction-verdict-full-text-released-1428634> accessed 3 December 2023.

[81] *Human Rights and Peace for Bangladesh v Government of Bangladesh and others*, Writ Petition No 13989 of 2016 (HCD, 30 January 2019).

[82] 'Rivers Are Now "Legal Persons"' *The Daily Star* (Dhaka, 4 February 2019) https://www.thedailystar.net/law-our-rights/news/rivers-are-now-legal-persons-1697533 accessed 22 September 2026.

[83] *Nishat Jute Mills Ltd v Human Rights and Peace for Bangladesh*, Civil Petition for Leave to Appeal No 3039 of 2019 (Appellate Division, 17 February 2020) (also reported as (2021) 23 ALR (AD) 39).

[84] 'Appellate Division Upholds HC Order on Turag Land Recovery' *Dhaka Tribune* (Dhaka, 4 February 2020) https://www.dhakatribune.com/bangladesh/court/200531/appellate-division-upholds-hc-order-on-turag-land accessed 22 September 2026.

several directions requiring Parliament to enact new laws or imposing substantial penalties were treated as *obiter dicta* rather than binding orders.[85] Thus, while the principle of legal personhood remained, some of the measures intended to give practical effect to that principle were narrowed. The case therefore illustrates the difference between recognizing a legal principle and ensuring its implementation in practice. Concerns have also been raised about the NRCC's limited authority over other government agencies and its 2023 decision not to publish a survey that reportedly identified more than 37,000 illegal structures along riverbanks. These developments have raised questions about the practical enforcement of the Court's directions.[86]
Another important development came through the High Court Division's *suo motu* jurisdiction. In a rule issued in 2020 and finally decided in February 2025, the Court held that access to safe and potable water is a fundamental right under Article 32 of the Constitution as part of the right to life.[87] The Court directed the government to provide free drinking water at major public places within one year and to ensure affordable access to safe drinking water across the country within ten years, with annual reports on compliance. This decision builds on the right to life reasoning developed earlier in *Rabiya Bhuiyan MP vs. Ministry of LGRD and others*. However, the 2025 decision went further by expressly recognizing access to safe drinking water as a constitutional right and by setting specific timelines for government action.
Taken together, the judicial decisions during three different stages show an important change in the recent development of environmental PIL in Bangladesh. The focus has gradually moved beyond access to the courts and the expansion of standing. It now increasingly concerns the content of environmental rights and the practical implementation of judicial decisions.

7. Challenges Hindering the Realization of Environmental Justice through PIL

While PIL has played a transformative role in advancing access to environmental justice in Bangladesh, its effectiveness is not without limitations. The realization of environmental justice through PIL is constrained by a range of following interrelated challenges that operate across legal, institutional, and socio-political dimensions.

a. Trivial Environmental PILs

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[85] Galib Mahmud Pasha, 'Bangladeshi Rivers' Legal Personhood Meaningless Without Enforcement' (East Asia Forum, 17 August 2025) https://eastasiaforum.org/2025/08/16/bangladeshi-rivers-legal-personhood-meaningless-without-enforcement/ accessed 22 September 2026.
[86] ibid.
[87] *Suo Motu Rule No 9 of 2020* (HCD, 27 February 2025); 'Ensure Free Drinking Water at Public Places within a Year: HC' *The Daily Star* (Dhaka, 28 February 2025) https://thedailystar.net/news/bangladesh/news/ensure-free-drinking-water-public-places-within-year-hc-3835511 accessed 22 September 2026.

One of the emerging challenges in the operation of PIL is the increasing tendency to file unmeritorious petitions under the guise of environmental concern. It is often driven by personal motives such as seeking fame, financial gain, personal grievances, or political interests, and is frequently filed by individuals posing as environmentally concerned parties.[88]

The filing of such PILs has multiple adverse implications. First, it leads to an inefficient allocation of judicial time and resources and diverts attention from pressing environmental issues requiring urgent intervention. Second, repeated exposure to unsubstantiated claims may contribute to judicial fatigue and make courts more cautious and, at times, skeptical towards subsequent genuine petitions. For instance, in the *Syeda Rizwana Hasan vs. Bangladesh & others* case, the writ petition was rejected because the court found no grievance and was just filed out of over-enthusiasm.[89]

b. Power Dynamics and Political Economy Constraints

Environmental disputes often involve competing interests between economic development, political incentives, and ecological protection These make enforcement of judicial decisions particularly challenging. Even where courts issue clear directives, for instance, in cases involving eviction of illegal encroachments or protection of natural resources, the implementation of such orders frequently encounters resistance. Political authorities may be reluctant to enforce decisions that could adversely affect influential groups or electoral constituencies. As a result, enforcement measures are delayed, diluted, or selectively applied.

Moreover, administrative actors who attempt to implement environmentally protective measures may face institutional repercussions, such as transfers or removal from office. This was evident in the transfer order of the Chairman of Bangladesh Inland Water Transport Authority (BIWTA) when the government was on the rampage in its forceful eviction efforts to clear the rural settlements along the banks of the Buriganga and Karnaphuli rivers.[90] This may discourage proactive enforcement of environmental laws within the executive branch. The challenge becomes even more pronounced in situations where the alleged violator is a state agency itself. While PIL can secure judicial recognition of environmental rights, it cannot overcome entrenched political and institutional resistance to implementation on its own.

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[88] Fahim Mahmud, "Public Interest Environmental Litigation in Bangladesh: Effectiveness, Abuse and Solutions," Law Help BD, 25 February 2018, https://lawhelpbd.com/international-law/environmental law/public-interest-environmental-litigation-in-bangladesh/ (accessed 3 December 2023).

[89] [2012] 9 ADC 816

[90] Md Saidun Nabi, 'BIWTA Chairman Transferred amid Intense Eviction Drives' *Dhaka Tribune* (16 February 2019) <https://www.dhakatribune.com/bangladesh/nation/168926/biwta-chairman-transferred-amid-intense-eviction> accessed 4 December 2023.

c. Persistent Implementation Gap and Executive Non-Compliance

While courts frequently issue detailed directives aimed at addressing environmental harm, the responsibility for implementation lies with the executive branch. In many instances, government authorities and enforcement agencies delay or inadequately implement judicial decisions, often citing administrative or logistical constraints. In the FAP 20 instance, affected individuals received no compensation, leading BELA to initiate another writ petition to challenge other government authorities to determine the compensation due.[91] Despite the issuance of a *Rule Nisi* by the High Court, compensation for those affected by the project is still pending realization.[92] In another Hazaribagh tannery case, the relocation process to Savar spanned almost a decade. More recently, the High Court, in response to a writ petition by HRPB, ordered the cabinet secretary to instruct all deputy commissioners nationwide to halt illegal brick kiln operations and wood usage as fuel within seven days, also demanding compliance reports within two weeks.[93] This results in a situation where legal recognition of environmental rights does not translate into visible improvements on the ground.

d. Prolonged Judicial Processes and Delayed Outcomes

Another significant constraint is the time-intensive nature of PIL proceedings. Extended judicial oversight, frequent adjournments, and prolonged litigation timelines can delay the resolution of cases. These undermine the effectiveness of PIL as a timely remedy. Prolonged court oversight not only burdens the court's time but also promotes a reactive rather than proactive approach to governance.[94] This situation is becoming more prevalent in the context of Bangladesh.[95] Consequently, a petitioner seeking environmental justice has to endure a prolonged waiting period for the desired decision, and by the time it is obtained, the situation worsens. The delayed implementation further aggravates the issue.

e. Limited Prioritization of Small-Scale Environmental Harms

Finally, the effectiveness of PIL is also limited by its tendency to prioritize large-scale or high-profile environmental issues, often at the expense of smaller, localized harms. Given the heavy caseload of courts and the volume of PILs, relatively minor environmental concerns may either not be brought before the judiciary or may not receive timely attention.

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[91] Writ Petition No. 1691 of 2001

[92] Hossain (n 1) 800

[93] 'Stop Operations of All Illegal Brick Kilns in 7 Days: HC' *The Daily Star* (13 November 2022) <https://www.thedailystar.net/environment/news/stop-operations-all-illegal-brick-kilns-7-days-hc-3168266> accessed 6 December 2023.

[94] Lavanya Rajamani, 'Public Interest Environmental Litigation in India: Exploring Issues of Access, Participation, Equity, Effectiveness and Sustainability' (2007) 19 Journal of Environmental Law 293.

[95] Hossain (n 1) 802

8. Recommendations and Concluding Remarks

The evolution of Public Interest Litigation (PIL) in Bangladesh demonstrates its enduring significance as a mechanism for advancing access to environmental justice. From its emergence in the mid-1990s to the contemporary period, PIL has enabled the liberalization of standing, expansion of environmental rights within the ambit of fundamental rights, and the development of innovative judicial remedies. However, several structural and practical challenges continue to hinder its full potential.

To address the growing concern of frivolous environmental PILs, courts must adopt a more rigorous scrutiny to ensure that petitions are genuinely filed in the public interest and are not driven by ulterior motives such as personal gain, publicity, or political considerations.[96] Judges and legal practitioners bear a collective responsibility in preserving the credibility of PIL by ensuring its responsible and effective use.

Mitigating power play and persistent delays in the implementation of judicial decisions necessitate several strategic measures. Firstly, it is important to ensure transparency and accountability in the enforcement process. This can be done by an independent monitoring system that would monitor the court order execution. Compliance reports can also be submitted regularly, either jointly or separately, by the public functionary and the respective elected representative of the area. Additionally, it is imperative to consider the concerns of the affected individuals. During the eviction of illegal structures in the old channel of the Buriganga in Kamrangirchar, as mandated by a High Court order, locals, who had been consistently paying holding taxes, electricity, water bills, and other utilities, questioned the sudden designation of the land as illegal.[97] Hence, giving due regard to these concerns, and if substantiated, adopting well-defined rehabilitation and adjustment plans becomes imperative for the affected individuals and establishments.

A similar model can be found in India.[98] Indian courts have used continuing mandamus to establish monitoring bodies for long-running environmental cases. For example, the Central Empowered Committee was established in the *Godavarman* forest-conservation litigation. The

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[96] *Ashok Kumar Pandey vs The State of West Bengal*, Writ Petition (crl.) 199 of 2003.

[97] 'BIWTA Faces Resistance to Buriganga Eviction Drive' *New Age* (30 December 2021) <https://www.newagebd.net/article/158672/biwta-faces-resistance-to-buriganga-eviction-drive> accessed 4 December 2023.

[98] Domenico Amirante, 'Environmental Courts in Comparative Perspective: Preliminary Reflections on the National Green Tribunal of India' (2012) 29 Pace Environmental Law Review 441 <https://digitalcommons.pace.edu/pelr/vol29/iss2/3/> accessed 22 September 2026.

National Green Tribunal has also established monitoring committees from time to time to oversee compliance by state pollution-control authorities.

These bodies combine technical expertise with a duty to report directly to the court. Their reporting responsibility is therefore separate from the administrative agency whose actions are being monitored. A similar approach could be considered in Bangladesh. An inter-ministerial compliance body could be established to monitor implementation and submit reports to the High Court Division according to a fixed schedule. This would keep the monitoring function separate from the ordinary functions of the Department of Environment and address some of the concerns regarding institutional independence discussed earlier in this study.

Bangladesh's experience with the NRCC also shows why the structure of a monitoring body is important. The NRCC has faced concerns regarding its limited enforcement authority and its 2023 decision not to publish a survey concerning illegal riverbank structures. These concerns suggest that simply creating a monitoring body may not be sufficient. Its independence, authority, and direct reporting relationship with the court are also important for effective monitoring.

Addressing prolonged judicial processes and excessive oversight requires a more structural solution. The incorporation of environmental protection within the enforceable fundamental rights framework (Part III of the Constitution) could reduce overreliance on continuous judicial monitoring and strengthen the legal foundation of environmental claims. This recommendation is no longer purely aspirational. The Constitution Reform Commission's 2025 report proposed removing Article 18A from Part II and incorporating its substance into an enforceable right in vol. 1, chapter 2, para 11.[99] The Commission also noted in vol. 1, chapter 3, para 30 that courts in different countries, as well as in Bangladesh, have recognized the right to a healthy environment through broader interpretations of the right to life. On this basis, the Commission recommended that the Constitution guarantee the right of present and future generations to a safe, clean, healthy, balanced, and sustainable environment. It also recommended that economic policies should ensure the protection of land, rivers, forests, seas, and air so that they remain free from pollution and degradation. Until such a constitutional reform takes effect, PIL will remain an important means through which environmental harm can be brought before the courts.

[99] Constitution Reform Commission, Report of the Constitution Reform Commission (Government of the People's Republic of Bangladesh, February 2025) < https://objectstorage.ap-dcc-gazipur-1.oraclecloud15.com/n/axvjbnqprylg/b/V2Ministry/o/office-crc-legislativediv/2024/12/f4b3bc48222649ff9fdc3e40f235cb4a.pdf> accessed 22 September 2026.

Finally, efforts should be made to ensure that environmental justice is not limited to large-scale or high-profile cases. Amending the Environment Court Act is also essential for achieving a more inclusive system of environmental justice so that the two mechanisms can operate more as alternative routes for environmental grievances than as complementary parts of the environmental justice.

In conclusion, while Bangladesh did not initially provide a robust framework for environmental justice, the development of PIL over the past three decades has significantly transformed access to justice in this field. Despite the establishment of environmental courts and the constitutional recognition of environmental protection through Article 18A, PIL continues to play a central role due to persistent institutional limitations. However, its effectiveness is contingent upon addressing challenges such as implementation gaps and procedural delays. Ultimately, PIL should function as a complementary mechanism rather than a substitute for strong environmental laws and governance structures.[100] A comprehensive constitutional and institutional framework for environmental protection remains essential to ensure that the promise of environmental justice is not merely symbolic but meaningfully realized in practice.

[100] Sangeeta Ahuja, *People, Law, and Justice: Casebook on Public Interest Litigation*, vol 1 (Orient Longman 1997).