

An Analytical Study On The Attitude Of The Judiciary To Protect Environmental Pollution In River 'Ganga'

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1. Abstract

Rivers and civilisation are like twin sisters. Without each other will not exist. Where there is a river, nearby there ought to be a civilization. There is no doubt that rivers play a vital role in civilization, serving as lifelines for society, culture, and the environment. Among other rivers, Ganga is considered as the sacred most river by Sanatani religion followers. Even after treating Ganga as a Mother Ganga, this sacred river faces severe pollution from industrial, residential, and religious activities which has become a threat to both ecological balance and religious sentiments. Under this circumstance, it is material to analyse the role of judiciary which is the final arbiter of all disputes. Nevertheless, the judiciary cannot close its eyes from this issue but at the same time we need industry, so the role of judiciary should be neutral and bold enough to deal with the industrialists and maintain equilibrium between industry, religion and environment. This study critically examines the judiciary's attitude toward protecting the Ganga to find out that whether the attitude has been under influence of religion or due to the duty towards environment. Whereas in both the cases there are supporting and dissent viewpoints, but each judicial decision should be for the welfare of public at large. This study uses various doctrines, constitutional provisions and key judgments to analyse the judicial decision-making process. Using a qualitative approach, this research paper assesses the effectiveness of judicial interventions, identifies existing gaps, and suggests areas for policy and legal reform. The findings of this research paper indicate that there is a need for stronger implementation and innovative approaches to sustain river health and ensure the protection of both environmental and cultural values.

Keywords: Judicial decision-making process, Judicial interventions, Constitution, Pollution, Ganga.

2. INTRODUCTION

India is a religious country where religious is its strength and the source of cultural values. The spirit of India lies in the fact that most of the population in India are followers of Sanatani religion who believes that once they do 'pran pratistha' in any non-living thing, that become a living thing and an object of devotion and worship. This belief has been present since time immemorial. Rivers are not only viewed as a source of irrigation or drinking but are even worshipped. The Ganga River is the most sacred river among all the rivers and is worshipped as 'Ma Ganga' or 'Ganga Maaiya' by the Sanatani followers. The believers believe that 'Ma Ganga' is the authority whose blessing can help them to get rid of the circle of birth, death and re-birth. When it comes to the development of nation, it has been found that the collective consciousness of India has been nationalistic which overrides the religion. There is no doubt that due to industrialization, the 'Ganga' has been polluted but at the we need industries for our sustenance. There can be no development without obtaining the services from our ecosystem. The water bodies, land, trees, coal, etc. are all significantly serving as a material for the developmental projects. There is no doubt that developmental projects bring development into the economy. But at the same time the side effect of this growth and development is the growth of environmental pollution. Most of the time we can see that the air quality is showing poor in our laptops and mobile phones, which signifies that we are not safe and living in a hazard environment condition. Though we need developmental projects like industries or residential projects or otherwise, certainly that is not at the cost of our environment. The challenge is to balance developmental growth with restoring the good quality of water. At present the river Ganga is discharged with industrial waste, plastics, chemicals etc. Maybe due to these developmental projects there has been an increase in the GDP and the per capita income, but if the quality of water

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happens to be poor that it is not secure for taking a holy bath for the Sanatani religion followers then it seems that the Government is failure in restoring the quality of water of river Ganga.

3. LITERATURE REVIEWS

Environmental protection has been a growing concern in the whole world; the legal scholars and policymakers are emphasizing the crucial role the judiciary need to take up to safeguard the ecology system. The landmark work by Boyd (2012) highlights the increasing recognition of environmental rights as fundamental human rights, a principle that has been recognized widely around global while India too is not an exception.

Shyam Divan and Armin Rosencranz (2001), in their seminal book *Environmental Law and Policy in India*, provide a comprehensive overview on the various dimensions of environmental jurisprudence. They have documented judiciary's proactive stance especially on how the Supreme Court of India have used public interest litigation (PIL) in addressing environmental pollutions. Both the authors have noted the transformation of the Indian judiciary from a passive arbitrator to an active crusader against environment degradation, particularly after the 1980s.

The Ganga River, owing to its religious, economic, cultural and environmental significance, has been a point for interest for various research scholars. Alley (2002) explores the socio-cultural and religious aspects of the Ganga, underlining the need for conserving the very purity and constat flowing of river Ganga. Kumar and Rai (2016) have examined the policy of the government on Ganga and have found that there has been a tremendous policy failure. The authors have highlighted the various challenges in implementing the Ganga Action Plan. There are no proper and specific legislative measures and rules in protecting the pollution and running life of Ganga without which whatever the degree of effective judicial monitoring may be, the end result will be useless.

Other legal scholars, such as Lavanya Rajamani (2007), have discussed the Indian judiciary's interpretive role on constitutional provisions like Article 21 which is related to a dignified right to life and Articles 48A (State to protect and improve environment) and 51A(g) (fundamental duty on citizens to protect and improve environment). It has been found that the judiciary has interpreted expansively to include the right to a clean and healthy environment as a fundamental right. The judiciary's innovative application of doctrines such as the "*polluter pays principle*" and "*public trust doctrine*" in its various judgements has been well-analysed in the works of Jain and Sahu (2020) and Leelakrishnan (2019).

In the international academic arena Daly and May (2015) stated in their analytical work that judicial intervention in environmental protection matter is most effective when supported by a robust statutory framework including an active civil society which is committed to environmental upgradation. In India, however, Rosencranz and Jackson (2003) contended that judicial activism has often got ineffective due to the executive and legislative inaction, particularly in the context of river pollution when intersected with the religious beliefs.

More recent works, of Kumar, Mohanty, and Kanak (2021), exhibited the shortcomings of government programs like "Namami Gange" and highlighted the need of judicial oversight in ensuring compliance and accountability by the government machineries. Bharati and Jayaram (2022) also contented for the same need but added a suggestion to use science and technology in preserving the environment and prevent it from degradation, especially in complex cases where water pollution and river health is a serious issue.

Gadgil and Guha (1995) cautioned against over-dependence on judiciary for environmental governance rather recommended the importance of systemic reforms and civil society's activism, and an active sense of constitutional duty of citizens towards environment protection.

In summary, scholarly works broadly agree on the judiciary's active role yet there is a continuous threat identified on the degrading environment quality. The above literatures highlight the need for an integrated interdisciplinary approach combining technology, legal, public policy and principles of human right to address the pollution of Ganga and to preserve its sanctity.

4. ENVIRONMENTAL PROTECTION UNDER THE INDIAN CONSTITUTION (A Tri-First Nation (Chippewas of the Thames First Nation, Munsee-Delaware First Nation, Oneida Nation of the Thames) and Canadian Environmental Law Association Initiative, 2019)³

(People of India, 1949). At first instance, our constitution does not contain any provision related to environmental protection. The credit of the Stockholm Conference on environmental issues in the year 1972 is a noteworthy which make India to realize on the need of specific article on the environmental issues. The Government, as such, brought forty second amendments in the Constitution in the year 1976 to incorporate Article 48A in the Directive Principle of State Policy and 51A in the Fundamental Duties. Article 48A provides that the State should take suitable measures to protect the environment from pollution and to take steps to restore quality of the environment. Article 51A(g) casts duty on the citizens to protect the environment and to show compassion to living creatures.

4.1. Environmental pollution in the Ganga

The various reasons due to which the river Ganga is getting polluted are industrial effluence, construction of residential complexes, municipal sewage, throwing of unclaimed human dead bodies or animal carcasses in the river, idol immersion, performing of religious activities where there is compulsory requirement of water bodies, cattle wallowing, mass bathing, washing of clothes etc. Industries like pharmaceuticals companies, food technology companies, fertilizer companies, paper and textile manufacturing companies, oil refineries companies etc. channel their industrial effluence into the river Ganga which consists of many harmful materials like ammonium sulfide, bleaches and dyes, DDT, many synthetic chemicals, etc. The municipal waste sewerage system consists of a large part of organics discharged from the human body which are directly disposed of in the Ganga River.

The unclean water of the Ganga River has a profound impact on the followers of Sanatan religion. The effect is not limited to health issue but also extends on the religious sentiment of the Sanatanis'. Taking a dip bath in the Holy Ganga River is an important religious performance. While the quality of water will result into skin diseases, the Sanatanis will never compromise their religion against health. The Sanatanis believe that Ganga is their Mother Goddess, therefore they will take dip bath into the river Ganga under any consequences. The pollution in the river Ganga can have severe consequences if these are not checked. The Constitution of India has given freedom to all individuals to perform his choice of religion. The pollution in the riverbed of Ganga is restricting performing of religion freely and is an attack in their religious sentiment. The State is under duty to see that the good quality of water is restored. Alongside with the Government it is our duty also to not do religious performances on the river Ganga at her stake.

4.2. Role of Judiciary

(Ganga Pollution v. State of UP & Ors., 2021). The Allahabad High Court exhibited judicial activism by registering a suo moto public interest litigation (PIL) to restore the quality of river Ganga.

(The State of Uttarakhand & Ors. Vs. Mohd. Salim & Ors., 2017). The Supreme Court stayed the living status of Ganga by the Uttarakhand High Court (shanKariasacademy, n.d.).⁴ The Uttarakhand High Court granted the living status of river Ganga on the reason that it is faith of the Hindus and therefore must be protected. It is surprised to note that the stay order of the Supreme Court is a one-line unreasoned order stating, "Issue Notice. In the meantime, the operation of the impugned order shall remain stayed" (GST Press, n.d.).⁵ Whereas earlier the Supreme Court of India observed in CCT v. Shukla & Bros. (2010) 4 SCC 785 that reasons are the life of a judicial order, whereas in this case the apex sat on its own earlier observation by giving a one line of stay order assigning any reasons. The need of passing a reasoned judicial order ensures that the judge has put his judicial mind and merely did not pass orders as per convenience. The judicial orders must be reasoned even while granting a stay order to assess the mind of the court.

(M/S Geo Miller & Co. Pvt. Ltd. Thru. Director v. U.P. Jal Nigam, Lucknow Thru. General Manager & Ors., 2021). In this case the Allahabad High Court took note on the public policy of the Government on 'Namami Gange' to control the pollution and to restore the good quality of water of river Ganga and its

³ A Tri-First Nation (Chippewas of the Thames First Nation, Munsee-Delaware First Nation, Oneida Nation of the Thames) and Canadian Environmental Law Association Initiative. (2019). Legal and policy tools for source water protection in Indigenous communities. https://cela.ca/wp-content/uploads/2019/07/LEGAL-TOOLKIT-Source-Water-Protection-in-Indigenous-Communities_0.pdf.

⁴ shanKariasacademy. (n.d.). SC froze the rivers' status of "legal persons." <https://www.shankariasparliament.com/article/sc-froze-the-rivers-status-of-legal-persons>.

⁵ GST Press. (n.d.). https://gstpress.com/caselaw/ckbpu3liy2kb5087466vxxmx2t?from_page=362.

other tributaries. The Court concentrated on executing the implementation of the Namami Gange scheme in a speedily manner to revive the poor conditions of river Gomti.

(Purvanchal Nav Nirman Sansthan v. GNCTD, 2024).⁶ The Delhi High Court dismissed a PIL where the petitioner prayed to perform the rituals of Chath Puja after it was appraised by the State Government that pollution level in the river Yamuna is not good.

(Manoj Kumar Rai v.State of Uttar Pradesh, 2023). The National Green Tribunal, Principal Bench at New Delhi, pulls up the State on the rise in pollution of the mighty Ganga and has recorded its dissatisfaction on the State for not taking legal action against the offenders responsible for wasting public money.

(Ganga Pollution v. State of UP & Ors., 2021). The Allahabad High Court requested the Indian Institute of Technology, Kanpur and Indian Institute of Technology, Banaras Hindu University to assist the Court in assessing the samples from the water of Ganga and submit in a sealed cover. The Court also considered the cons of usage of plastic bags below 50 micron and directed the State to see that no plastic bag is sold or manufactured below the thickness of 50 micron.

(M.C. Mehta v. Union of India, 2019). The National Green Tribunal, Principal Bench at New Delhi took cognizance of the fact that river Ganga is heavily polluted and recorded its dissatisfaction that the State of Bihar, Jharkhand and West Bengal has not implemented of order of the top court even after 34 years of the order was passed and that which has been monitored by the top court of the country since 1985. The tribunal further directed these three States to deposit Rupees Twenty-Five Lakh each for the environmental damages.

4.3. Critical Comparative and Theoretical Analysis

Critical Analysis

While the Indian judiciary has played a significant role in environmental protection, particularly through invoking writ jurisdiction through public interest litigation and the wide interpretation of constitutional rights, its **effectiveness and consistency** have always been an opportunity for the opportunists. It can be easily contended that landmark judgments though progressive often suffer from **implementation** due to weak execution mechanism aside to lack of technical expertise of the judiciary. While it can be put into record that there is no follow-up mechanism for the court and is mainly depend on the wide discretionary power, courts are too reluctant on following up with implementing its order in environment pollution cases. Further the judiciary depends on the executive for implementation, which means that if there is a political reluctance, then the order becomes inoperative. (Rajamani, 2007; Gadgil & Guha, 1995).

For example, despite repeated Supreme Court directions in the *M.C. Mehta v. Union of India* and thereafter a series of cases, the actual water quality of the Ganga has evidenced limited improvement (Kumar et al., 2021). The judiciary's approach, while very active in imposing fines or summoning the executive for personal appearance, it sometime becomes more **reactive rather than preventive**, which definitively lacks effective futuristic plans to make the judicial order walks on its judicial feet and achieve compliance. (Jain & Sahu, 2020).

Comparative Analysis

A comparative perspective reveals that other jurisdictions have adopted various judicial approaches to protect their rivers:

- **New Zealand's Whanganui River:** This river was recognized as a juridical person through statutory legislation in 2017 and accordingly guardians were appointed to take decision on behalf of the Whanganui river's best interest. This judicial doctrine is however matched with the corporates or idols, but despite Ganga is considered as Mother by the Sanatanis but the Indian judiciary does not recognise Ganga as a juridical person which has resulted in facing constitutional dilemma between religious belief and judicial consistency (O'Donnell & Talbot-Jones, 2018).
- **United States:** Environmental enforcement often relies on a mix of robust statutory mandates (e.g., the Clean Water Act), courts have not seen to have played a supervisory role on the enforcement of the rules and regulations. This restrictive role of the US judiciary reflects more prone towards separation of power (Daly & May 2015).
- **China:** The courts in China have allowed many public interest litigations for the cause of environmental protection but consistently have relied heavily on the State machineries for enforcement the orders. The

⁶ 2024 LiveLaw (Del) 1204.

role of Chinese judiciary is highly inclined towards prioritizing the economic growth and development rather than on environmental protection (Wang, 2019).

Merely allowing public interest litigation may not always mean judicial activism while these above comparisons show that the judiciary is the very pillar of any country which can protect the environment from getting pollutions, if restrict itself the judicial orders become only a piece of paper. There is not doubt that **sustainable river management requires a coordination between judicial oversight, executive intention and community participation.**

THEORETICAL ANALYSIS

From a theoretical standpoint, several doctrines underpin the Indian judiciary's approach:

1. **Public Trust Doctrine:** As articulated in *M.C. Mehta v. Kamal Nath* (1997), the state is regarded as a trustee of natural resources which we are duty bound to use and preserve for our future generation. The judiciary has used this doctrine to compel state remember its role as a trustee of the peoples' trust.
2. **Polluter Pays Principle:** Courts have mandated that polluters should also be held responsible for compensating the environment for the pollution they have caused. This doctrine is indicative to both deterrent and to fund restoration of the environment quality (Divan & Rosencranz, 2001).
3. **Right to Life (Article 21):** Undeniably the right to life includes right to a clean and healthy environment. Article 21 forms the constitutional bedrock for judicial intervention into environmental protection (Rajamani, 2007).
4. **Doctrine of Juridical Person:** Unlike the corporates which have been granted juridical personhood in India, there is no such grant in respect to river Ganga. Religious belief of the Sanatani preaches to worship Ganga and there are many societies registered under the Indian Society Act, 1860 which take donations for conducting Ganga arti.

However, earlier also in this paper it has been underlined to avoid **overreliance on judicial intervention** because it often leads to dependency and undermining the constitutional duty that has been casted on the citizens under Article 51 A(g) of the Indian Constitution. Theoretical debates continue to raise its concerns on the right to practice religion and right to life because right to life includes both right to a dignified life and right to clean environment while dignified life is not possible without development and industrialisation.

5. JUDICIAL ATTITUDE TOWARDS THE GANGA AND ITS POLLUTION - A PEST ANALYSIS

The judicial attitude has been analyzed based on PEST Model. PEST stands for Political, Economic, Social and Technology.

5.1. Political

When we analyzed the cases related to Ganga, it was found that the judiciary has decided the same on the doctrine of 'Utilitarianism'. Though the river Ganga is significant to a particular religious group, the judiciary considers that clean drinking water is a fundamental right of every citizen. The judiciary is not showing any leniency to any of the State Governments be it the State of West Bengal or Uttar Pradesh regarding environmental issues. Whenever the judiciary has scope to pull the State on the ground of environmental pollution in Ganga, it did it without favoring any political ideology. This signifies how far the judiciary is concerned about the quality of water and restoring the quality of the river Ganga. When the orders of the Higher Judiciary or Tribunals have been studied, it has been found that the High Courts and Tribunals are passing reasoned orders, but the Supreme Court seems to stand over the 'rule of law' that it has not given a reasoned order and stayed the impugned order passed by the Allahabad High Court without hearing all the parties. Absence of a reasoned order is against the principle of 'Rule of Law'. This enables the judiciary to avoid the people studying its judicial mind which stayed a High Court order. Though the earlier crusades of the Supreme Court did not suggest commenting negatively on the standpoint of the Supreme Court on Ganga or environmental pollution and this alone instance which is in a premature stage is not sufficient to give a clear picture. Further it can be forecast that the Supreme Court may pass its final decision based on effect in the environmental pollution of river Ganga and may not on the ground of 'religion'.

Judicial intervention in cases related to river Ganga often reflects a commitment towards the constitutional mandates rather than party interests. For instance, in *M.C. Mehta v. Union of India*, the Supreme Court accounted the government for failing to curb pollution, regardless their political

affiliation. The government will remain crucial point for implementation of the environment protection schemes. Studies show that without executive commitment, even strong judicial mandates are supposed to face delays (Kumar et al., 2021). Thus, the judiciary's effectiveness is contingent on State's cooperation and its political manifesto whether to consider Ganga as mother or a mere river to protect it from pollution.

5.2. Economics

Needless to mention that the Industrial effluents are the main source of pollution in the Ganga River. Despite experiencing the degradation of the water quality in Ganga, the Sanatani are so tolerable that they have not shown any violent behavior to tackle the Industries or the Government on dumping of the industrial waste without treating it. Nationalism among the Sanatani followers has always prioritized the development of economy over religion and never staged any violence against functioning of the manufacturing units. The judicial attitude has always been focused on managing the pollution and restoring the good quality of river Ganga rather than shutting a unit. This policy of the judiciary has been found to be resembled with the 'Developmental School of Thought' which speaks that the industry will increase the income level of individuals along with growth in technology. This school of thought believes in balancing developmental projects and environmental pollution so that both sustain. Further we note that the scope of judiciary even extends to enforcing the doctrine of 'polluter pay principle' where the fine collected is spent in restoring the quality of water in Ganga. It has also been found that the judiciary has expressed its displeasure against the State of West Bengal, Bihar and Jharkhand for not implementing the environmental projects aside to earnestness request to the stakeholders to spend the public money in a more efficient and effective manner towards betterment of the water quality of river Ganga.

Judicial decisions reveal a consistent attempt to balance economic growth with environmental protection. For example, courts have seldom ordered blanket shutdowns of industries but have instead mandated the adoption of pollution control technologies and imposed fines under the "polluter pays principle" (*M.C. Mehta v. Union of India*, 1987). The untreated industrial discharge can result into financial loss. If the untreated industrial discharge gets its way towards the agriculture lands, then it will destroy the crops which the farmers will not be able to sell in the market. Further many farmers who obtain loan for doing crops harvesting will face financial pressure for the banks. The destroyed crops cannot be consumed which will again affect the public health.

5.3. Social

The Allahabad High Court took reference from Hindu text and scriptures to record the importance of Ganga (*Mohd. Salim v. State of Uttarakhand & others*, 2017) in declaring it a juridical entity, which has been stayed by the Supreme Court. Further the judiciary is conscious about the society that it did not allow to perform Chhat puja in river Ganga for the sake of environmental pollution. The judicial attitude has been more prone to society's welfare than passing any pleasing order for a religious group. The social consciousness of the judiciary has enabled it to register suo moto public interest litigation on the degrading of water quality of river Ganga. Judicial decisions have been made on the point of their impact on society rather than based on a particular religious group. The result shows that the Allahabad High Court is a bit religiously charged at present to the extent that it is more concerned about maintaining the sanctity of the Holy Ganga. But if we compare its history then we find that this Allahabad High Court has always been vocal on human rights. We have not forgotten how courageous this Court has been to declare the election invalid of the Congress Government in the year 1975. (*Mohd. Salim v. State of Uttarakhand & others*, 2017) A Judgement should be based on judicial decisions or on the principle of jurisprudence and not on the scriptures or text of a religious group. The jurisprudence of declaring a deity or idol as a juridical person cannot be in reference to the religious text or scriptures or its importance in the religious group. There are many religions in India any deviation from the jurisprudence will create problem and civil unrest.

Judicial decisions frequently address the environmental protection. In *Purvanchal Nav Nirman Sansthan v. GNCTD* (2024), the Delhi High Court prohibited Chhath Puja rituals in the Yamuna River due to high pollution levels, citing public health risks for the individuals using Yamuna water to perform the Chhath Puja rituals. Sociological studies (Alley, 2002) reveal that public awareness and community participation are critical for the success of river protection initiatives because community consists of various people who may consider Ganga as mother and people who consider Ganga as a mere river, and every individuals' perspective of duty towards Ganga is different. The time has come to call for environmental education

and mass mobilization, recognizing that societal attitudes toward pollution and protecting it often rooted in outlook and religious belief.

5.4. Technology

The judicial decisions pertaining to Ganga and environmental pollution are also based on scientific sample collection. (*Ganga Pollution v. State of UP & Ors.*, 2021) In this case where the Court was not satisfied with the report submitted by the Uttar Pradesh State Pollution Control Board, it requested assistance from the IIT Kanpur as well as IIT BHU. The samples of pollution have been important in deciding the cases. The judiciary has been maintaining confidentiality over the submission of reports so that there is not even an iota of the presence of chance of tampering of the report or otherwise. The standpoint of the judiciary of managing pollution through technology rather than shifting of a manufacturing unit must be appraised. Outsourcing experts other than the State's own machinery signifies to what extent the judiciary is serious in unveiling the truth. The findings unless supported by scientific evidence are unsustainable. The engagement of IIT will ensure that the report is not only trustworthy but is uninfluenced.

The judiciary's inclination on scientific expertise signifies an evolution of the environmental pollution cases adjudication. The courts have sought technical reports from IIT Kanpur and IIT Banaras to assess water quality and identify sources of pollution (*Ganga Pollution v. State of UP & Ors.*, 2021). Furthermore, the judiciary has mandated the use of effluent treatment plants (ETPs) and modern monitoring equipment for continuous surveillance of industrial discharges. Data from CPCB confirm that technology-driven enforcement enhances compliance and transparency. This judicial decision-making process cannot be undermined as empirical evidence and expert testimony always stand on a better foot than affidavits for deciding a case (Bharati & Jayaram, 2022). The rationale of judicial-making process is clear that technology always provides a platform to reach an informed decision thereby reducing dependence on administrative reports which have a high potential to get influenced and report biases.

6. CRITICAL PERSPECTIVE AND ACTIONABLE RECOMMENDATIONS

6.1. Specific Critiques

1. *Implementation Gaps in Judicial Orders*

- **Critique:** Despite there is a need for cleaning of river and preventing from further pollution, there is a significant gap between judicial directives and ground-level implementation. State pollution control boards and local agencies lacks both human resources and infrastructures to enforce the court orders.
- **Actionable Suggestion:** Establishing an independent committee comprising external individuals from legal background, scientists, and civil society to monitor the compliance of the judicial order can be fruitful. Further there should be mandatorily submission of periodic progress report to the Supreme Court or NGT to ensure continuity and accountability towards the environmental protection.

2. *Overreliance on Fines Without Addressing Root Causes*

- **Critique:** The judiciary frequently imposes fines on state governments and polluters. However, this approach does not address the systemic administrative failures. Moreover, fines on the State are often put on to shoulders of taxpayers rather than paid by the actual violators unless there is specific order in this regard.
- **Actionable Suggestion:** Introduction of mandatory environmental judicial order audits to identify the actual reason of non-compliance or non-execution of the legal compliance.

3. *Limited Stakeholder Engagement*

- **Critique:** Judicial interventions often operate in a top to down model which means judicial orders are always superior to administrative orders and it is the executives who execute the judicial order. If there is lack of resources in the hands of executive, the judicial order will sink down to a level which will make it a meaningless order. Further there is hardly involvement of local communities, NGOs, and affected populations in implementing judicial order. This limits the effectiveness and sustainability of pollution control mechanism.
- **Actionable Suggestion:** Institutionalizing participatory mechanisms, such as engaging community to implement the order and to see that rivers are not polluted again and the water quality is harmless for performing religious rituals. Courts should appoint legal guardians to see the best interest of the rivers if not granted judicial status.

4. *Insufficient Use of Scientific and Technological Tools*

- **Critique:** While recent judgments have sought technical input from experts (e.g., IITs), the routine operations and administrative work of pollution monitoring and enforcement mechanism still rely heavily on outdated methods.

- **Actionable Suggestion:** Judicial orders should mandate the adoption of state-of-the-art living like the pollution tracking system, such as real-time water quality sensors and GIS-based mapping. Courts should also direct the creation of open-access environmental data for the community involvement and getting feedback.

5. *Jurisdictional and Institutional Fragmentation*

- **Critique:** The overlapping of multiple agencies (central, state, and local) result into diversion of interpretation of environmental policies and dilute the accountability.

- **Actionable Suggestion:** Need for a centralized river management system under which only a single statutory authority will operate. The management system will be given power to address pollution and recommend for legislative reforms or publish notification.

7. CONCLUSION

In summary, while the Indian judiciary has played an important role in highlighting and addressing the pollution in river Ganga, its efficacy is constrained by structural, administrative, and community participatory deficiencies. Addressing these loopholes through targeted, actionable reforms based on community responsibility and accountability and technological integration, will enhance the effectiveness of the judicial order.

It is no doubt that Ganga has occupied an important place among the Sanatani followers. The role of judiciary crusade in the 'Ganga' and environment context suffers from some criticism. A judicial order should be based on reasons be it a stay order or otherwise. The duty on the Supreme Court is bigger in writing a reasoned order. There are many instances where the judiciary declined to stay an impugned order until it hears all the parties. Time and again the Supreme Court has stressed the importance of a reasoned order (V.Venkatesan, 2016).⁷ Practicing and preaching are two different aspects but writing a one line stay order denotes setting of convenience narratives in case of self-practicing. Further engaging a separate expert is a shift from the conventional practice of having reports. But this engagement of an outsourced expert should be interpreted of the State Pollution Control Board laboratories as a worthless to satisfy the judiciary. The public money spent on maintaining the State Pollution Control Board should not be undermined. The role of the State Government should be made more accountable.

This study shows that the Indian judiciary though has played a pivotal role in addressing environmental pollution in the river Ganga but is not sufficient. Through critical analysis of key judgments, constitutional provisions, and policy interventions, it is evident that judicial intervention has intended to conserve river but not specifically intended to preserve the sanctity of river Ganga. However, its effectiveness is frequently affected by gaps in implementation, divided State's responsibilities, and convenient based engagement of individuals.

The PEST analysis reveals that technologically, courts are increasingly relying on scientific expertise and advanced monitoring systems to inform their decisions and improve compliance. Judicial decisions making process is shaped by political, economic, social, and technology so that Courts can make an informed decision, but at the same time the study reflects that Courts have consistently upheld constitutional mandates for environmental protection but require robust political will and administrative cooperation for meaningful enforcement. Economically, the judiciary has attempted to reconcile the demands of development with ecological sustainability through application of the "polluter pays" principle. Socially, judicial interventions have prioritized public health and collective welfare over religious belief, which is a good stand because a democratic country cannot any religious scripture or book over Constitution.

These findings advocate for an urgent need for systemic reform to address the implementation gaps. This paper recommends for establishing of an independent committee in multi-stakeholder approach that extends beyond courtrooms and include government agencies, industries, scientific institutions, and local communities. Actionable reforms proposed here will not only strengthen the judicial implementation but also will ensure the long-term ecological and cultural sacredness of river Ganga. These will not only offer

⁷ V.Venkatesan. (2016, December 27). The importance of speaking orders/judgments. Law And Other Things. <https://lawandotherthings.com/importance-of-speaking-ordersjudgments/>.

a roadmap for the policymakers and environmental activists in India but will also provide a valuable lesson for other regions facing similar river pollution challenges.

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