

**A CONTEMPORARY ANALYSIS OF ECO-LABELLING IN THE CONTEXT OF
SUSTAINABLE DEVELOPMENT IN INDIAN JUDICIARY****Trusha G. Haribhakti**

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ABSTRACT

Eco-labeling has emerged as a significant instrument in promoting sustainable development by encouraging environmentally responsible production and consumption. In India, eco-labels offer a way to align industry practices with global environmental standards, while addressing key sustainability challenges. However, the regulatory framework surrounding eco-labeling remains fragmented, limiting its effectiveness. This article explores the role of eco-labels in sustainable development, the legal framework for eco-labelling in India, and the judiciary's role in enforcing environmental compliance. It also examines key judicial rulings related to environmental protection and suggests future reforms to strengthen eco-labeling through comprehensive legislation, increased consumer awareness, and public-private partnerships. By adopting robust legal and policy reforms, eco-labels can significantly enhance India's efforts toward achieving its sustainability goals, while contributing to global environmental initiatives.

Keywords: Eco-Labelling, Sustainable Development, Environmental Law, Indian Judiciary, Sustainability Policy, Legal Framework

1. Introduction:

Eco-labels are marks or certifications placed on products to signify that they meet certain environmental standards or criteria. They serve as a tool for consumers to make informed choices by identifying products that have a reduced impact on the environment. By highlighting the sustainability attributes of goods and services, eco-labels promote environmentally responsible production and consumption patterns. These labels address a wide range of environmental concerns, including resource conservation, pollution reduction, and biodiversity protection, making them a crucial part of the global movement toward sustainable development. There are various types of eco-labels, each with different levels of certification and focus areas. Type I eco-labels, governed by third-party organizations, are the most rigorous and reliable, as they require compliance with predefined standards based on life-cycle assessments. An example is the Eco mark label in India, which certifies products that meet environmental and quality criteria. Type II eco-labels are self-declared environmental claims made by manufacturers or service providers, while Type III eco-labels provide detailed quantitative information about a product's environmental impact, often verified by independent agencies.

Eco-labels contribute to sustainability by promoting eco-friendly practices throughout the supply chain. For manufacturers, earning an eco-label requires adhering to strict environmental standards, which often encourages the adoption of green technologies and resource-efficient methods. For consumers, eco-labels provide clarity and reassurance, enabling them to choose products that align with their values of environmental responsibility. By facilitating this link between production and consumption, eco-labels play a vital role in reducing the environmental footprint of consumer goods and services. In India, the adoption of eco-labels has gained momentum with growing awareness of environmental issues such as pollution, deforestation, and climate change. Eco-labeled products have started to capture attention in sectors like textiles, food, and electronics, where sustainability is increasingly becoming a selling point. However, the success of eco-labels depends not only on consumer awareness but also on regulatory enforcement and industry participation. India's eco-mark scheme, introduced in 1991, was an early effort to promote eco-friendly products, though its impact has been limited due to low consumer awareness and voluntary participation.

2. Eco-Labeling and Its Role in Sustainable Development:

Eco-labeling is a key instrument in the pursuit of sustainable development, as it directly addresses the environmental impact of goods and services across various sectors. By providing a clear and transparent system of certification, eco-labels help consumers identify products that meet established environmental criteria, thereby fostering more informed purchasing decisions. In essence, eco-labels serve as a bridge between environmental consciousness and market behavior, driving demand for products that are less harmful to the environment.

At its core, eco-labeling encourages sustainable production practices by rewarding companies that adopt environmentally friendly methods. These labels often consider a product's entire lifecycle—from raw material extraction, production, and distribution to disposal—ensuring that the environmental impact is minimized at every stage. For example, products bearing an eco-label might use renewable resources, produce less pollution, or generate less waste compared to non-labeled alternatives. This holistic approach ensures that both manufacturers and consumers are held accountable for their roles in supporting sustainability. In the context of sustainable development, eco-labeling contributes to three primary goals: environmental protection, economic growth, and social well-being. Environmentally, eco-labelled products help reduce pollution, conserve natural resources, and mitigate climate change by promoting practices like energy efficiency and waste reduction. Economically, eco-labels provide companies with a competitive advantage in an increasingly eco-conscious market, where consumers are willing to pay a premium for sustainable products. Socially, eco-labels raise awareness about environmental issues and empower consumers to take part in the global movement toward sustainability through their purchasing choices.

One significant role eco-labels play in sustainable development is influencing consumer behavior. As more consumers become environmentally conscious, they seek out products that align with their values. Eco-labels help guide these decisions by acting as a trustworthy marker of sustainability. This, in turn, encourages companies to meet eco-label standards, resulting in a ripple effect throughout the supply chain. By setting high benchmarks for environmental

performance, eco-labels incentivize innovation in sustainable technologies and practices, pushing industries toward greener alternatives. In India, eco-labels like Eco mark were introduced to promote sustainable development by certifying less environmental impact products. While the initiative has seen some success, it has been hampered by low consumer awareness and limited participation from manufacturers. Nevertheless, as India's environmental challenges grow—such as air and water pollution, deforestation, and climate change—eco-labeling can play a crucial role in encouraging industries to shift towards more sustainable practices. Furthermore, global market trends show a growing demand for eco-labeled products, making it increasingly important for Indian businesses to adapt to these evolving expectations.

3. Legal Framework for Eco-Labeling in India:

Eco-labeling in India operates within a regulatory and legal framework aimed at promoting environmental sustainability and guiding consumer behavior toward eco-friendly products. The Indian government has implemented several laws, policies, and programs to support the development and adoption of eco-labeling schemes. However, challenges related to enforcement, awareness, and participation remain significant hurdles in fully realizing the potential of eco-labeling.

3.1 Environmental Laws and Policies

India's environmental laws form the foundation for eco-labeling initiatives, linking the concept of sustainability with legal mandates to protect natural resources. The Environment Protection Act of 1986 is a key piece of legislation that grants the government broad powers to regulate activities that impact the environment. Under this act, the government can set environmental standards for products and services, which forms the basis for labeling schemes like Eco mark. The National Green Tribunal (NGT), established under the National Green Tribunal Act, of 2010, plays an important role in enforcing environmental laws and addressing violations that hinder sustainable development, potentially influencing the implementation of eco-labeling programs. The Eco Mark Scheme, introduced in 1991 by the Ministry of Environment, Forest and Climate Change (MoEFCC), was one of India's earliest eco-labeling initiatives. The scheme covers various product categories, including food, textiles, cosmetics, and electronics, and awards the Eco mark label to products that meet specific environmental and quality standards. The Eco mark label is granted based on the environmental impact of the product throughout its lifecycle, from raw material extraction to disposal. However, despite its promising intent, the scheme has struggled due to voluntary participation, lack of enforcement, and limited consumer awareness. Other key policies include the National Action Plan on Climate Change (NAPCC), which aims to promote sustainable development across sectors, encouraging industries to adopt green technologies and eco-friendly practices. Eco-labels are also supported by various state-level environmental regulations that promote the use of sustainable products, particularly in sectors such as construction, textiles, and energy.

3.2 International Agreements and India's Compliance

India's legal framework for eco-labeling is also influenced by its obligations under various international agreements. As a signatory to the Paris Agreement, India has committed to

reducing its carbon emissions and promoting sustainable practices across industries. Compliance with international standards, such as those outlined by the World Trade Organization (WTO) and the International Organization for Standardization (ISO), plays a significant role in shaping India's eco-labeling policies. ISO standards, particularly ISO 14024 (which outlines principles for eco-labeling), guide the creation of eco-labeling schemes in India. Additionally, eco-labeling in India is impacted by trade-related environmental regulations imposed by other countries. Export-oriented industries, especially in sectors like textiles, agriculture, and electronics, often need to comply with eco-label standards mandated by importing countries. This international dimension pushes Indian industries to adopt eco-label practices to remain competitive in global markets.

3.3 Challenges in Implementation

Despite the existence of a legal framework, the implementation of eco-labeling in India faces several challenges. One of the primary issues is the voluntary nature of eco-labeling schemes like Eco mark. Since participation is not mandatory, many manufacturers choose not to apply for eco-label certification, limiting the scheme's overall impact. In addition, a lack of consumer awareness about eco-labels reduces the demand for such products, diminishing the incentive for manufacturers to seek certification. Another challenge is the lack of strict enforcement of environmental standards. Although laws like the Environment Protection Act provide the necessary legal tools, there is a gap between policy and practice. Regulatory bodies often lack the resources and capacity to enforce eco-labeling standards across all industries. This has led to inconsistent application of eco-labels, with only a few sectors actively participating in these programs. Moreover, coordination between central and state agencies is often weak, which further complicates the implementation of eco-labeling initiatives. Environmental governance in India is spread across multiple jurisdictions, leading to overlaps and inefficiencies that hinder the widespread adoption of eco-labels. The absence of clear regulatory incentives or penalties for non-compliance also limits the reach and effectiveness of eco-labeling programs.

3.4 Recent Developments and the Way Forward

Recognizing the need for stronger regulatory support, the Indian government has begun exploring ways to revamp eco-labeling initiatives. For instance, the introduction of Green Building Certifications like GRIHA (Green Rating for Integrated Habitat Assessment) and LEED India (Leadership in Energy and Environmental Design) in the construction industry marks a growing acceptance of eco-labeling in specific sectors. Furthermore, efforts to align Indian eco-labeling standards with global best practices could help improve the credibility and marketability of eco-labeled products. To enhance the legal framework for eco-labeling, stronger collaboration between the judiciary, government bodies, and industries is essential. The judiciary, through its role in environmental protection and enforcement, can encourage stricter adherence to eco-label standards. The National Green Tribunal (NGT), in particular, can play a crucial role in ensuring that eco-labeling becomes a more integral part of India's sustainability agenda by addressing cases related to non-compliance and greenwashing.

4. Role of the Indian Judiciary in Promoting Eco-Labels:

The Indian judiciary plays a critical role in promoting eco-labels as part of the broader effort to safeguard the environment and support sustainable development. As environmental concerns have grown over the years, the judiciary has actively contributed to the enforcement of environmental laws, the interpretation of existing regulations, and the encouragement of eco-friendly practices across industries. In the context of eco-labels, the judiciary can serve as a powerful catalyst for ensuring that eco-labeling practices are adopted, enforced, and integrated into India's sustainability framework.

4.1 Judicial Activism and Environmental Protection

India's judiciary has a history of judicial activism in environmental matters, particularly through Public Interest Litigations (PILs) that allow citizens to directly approach the courts to seek legal remedies for environmental violations. Landmark rulings by the Supreme Court of India and the National Green Tribunal (NGT) have set important precedents in environmental law, strengthening the country's commitment to environmental sustainability. Through these rulings, the judiciary has emphasized the importance of sustainable development and the need for industries to adopt environmentally responsible practices. The judiciary's focus on enforcing environmental regulations creates an environment conducive to eco-labeling. By holding companies accountable for their environmental impact, courts indirectly promote eco-labeling as a way for businesses to demonstrate compliance with environmental standards. For instance, if a court mandates stricter pollution controls on certain industries, those companies may seek eco-label certification as part of their efforts to comply with the ruling and improve their environmental reputation.

4.2 National Green Tribunal (NGT) and Eco-Label Enforcement

The National Green Tribunal (NGT), established in 2010, plays a pivotal role in enforcing environmental laws and addressing violations that impact sustainable development. The NGT's judgments often emphasize the need for businesses to adopt eco-friendly practices, aligning with the objectives of eco-labeling. The tribunal has been instrumental in hearing cases related to environmental degradation, pollution, and resource exploitation, which are directly relevant to the industries that might benefit from eco-label certification. Through its rulings, the NGT has the potential to push industries toward adopting eco-labels by penalizing non-compliant practices and promoting sustainable alternatives. For example, if a particular sector is found to be responsible for significant environmental damage, the NGT can recommend the adoption of sustainable practices, including eco-labeling, as part of a broader effort to reduce environmental harm. Such interventions by the judiciary encourage industries to not only comply with legal requirements but also to voluntarily adopt eco-labeling as a way to demonstrate environmental responsibility.

4.3 Judicial Oversight of Regulatory Bodies

The judiciary also plays an important role in overseeing the performance of regulatory bodies responsible for implementing eco-labeling schemes, such as the Bureau of Indian Standards (BIS) and the Ministry of Environment, Forest and Climate Change (MoEFCC). These bodies are tasked with setting environmental standards, certifying eco-labels, and monitoring compliance with environmental laws. However, challenges related to enforcement and

accountability often arise, leading to inefficiencies in the implementation of eco-labeling initiatives like the Ecomark Scheme. Through judicial review, courts can hold regulatory bodies accountable for their role in promoting eco-labeling. If a regulatory agency fails to enforce eco-labeling standards or does not adequately monitor compliance, the judiciary can intervene to ensure that these bodies fulfill their legal obligations. In several cases, Indian courts have directed government agencies to strengthen environmental monitoring mechanisms, which can directly influence the effectiveness of eco-labeling schemes.

4.4 Combatting Greenwashing

Greenwashing—where companies falsely claim environmental benefits for their products—poses a significant challenge to the credibility of eco-labels. The judiciary has the authority to address cases of greenwashing by penalizing companies that make misleading or fraudulent claims about the environmental impact of their products. Through strict enforcement of consumer protection laws and environmental regulations, courts can help maintain the integrity of eco-labeling programs. For instance, the Consumer Protection Act, of 2019 empowers consumers to take legal action against deceptive environmental claims. The judiciary can use this legislation to protect consumers from being misled by false eco-labels or misleading advertising. By upholding the credibility of eco-labels, the judiciary ensures that eco-labeling remains a trustworthy tool for consumers seeking genuinely sustainable products.

4.5 Encouraging Industry Compliance Through Judicial Precedents

The judiciary's rulings often set important precedents that influence how industries operate. When courts emphasize environmental protection in their judgments, industries are encouraged to adopt eco-labeling as part of their compliance strategy. For example, in cases where courts have ordered industries to reduce emissions, companies may look to eco-labels as a way to demonstrate their commitment to sustainable practices. Moreover, judicial decisions that impose penalties on companies for failing to meet environmental standards create a strong incentive for businesses to adopt voluntary eco-label certifications. By pursuing eco-labels, companies can not only avoid legal penalties but also enhance their marketability as environmentally responsible organizations.

4.6 Role in Raising Public Awareness

The judiciary, through its landmark judgments, has played a vital role in raising public awareness about environmental issues. High-profile cases related to air pollution, deforestation, water contamination, and climate change have drawn significant attention from the media and the public. This awareness extends to the importance of eco-labels as a tool for promoting sustainable consumption. By highlighting the environmental impact of industries and products, the judiciary encourages consumers to become more discerning in their purchasing decisions. As awareness grows, the demand for eco-labeled products is likely to increase, further incentivizing companies to seek eco-label certification. The judiciary's role in promoting transparency and accountability in environmental matters thus has a direct impact on the success of eco-labeling initiatives in India.

5. Key Judicial Rulings on Environmental and Sustainable Development in India:

Over the years, the Indian judiciary has delivered several landmark rulings that have shaped the country's approach to environmental protection and sustainable development. These rulings not only established important legal principles but also highlighted the judiciary's proactive role in addressing environmental issues. By interpreting constitutional provisions, enforcing environmental laws, and promoting sustainable development, these judgments have laid the groundwork for fostering eco-labeling and eco-friendly practices.

5.1 M.C. Mehta v. Union of India (1986) – Ganga Water Pollution Case

One of the earliest and most influential cases in Indian environmental jurisprudence, the Ganga Water Pollution Case, saw the Supreme Court take a proactive stance in addressing industrial pollution in the Ganges River. In this case, environmental activist M.C. Mehta filed a petition against tanneries and industries discharging untreated effluents into the river. The Supreme Court, in its judgment, emphasized the polluter pays principle and mandated industries to adopt cleaner technologies and install effluent treatment plants. This case underlined the need for industries to be environmentally responsible, which directly relates to the importance of eco-labeling. By adopting eco-labels, industries can demonstrate their compliance with such judicial rulings and show their commitment to sustainability.

5.2 Vellore Citizens Welfare Forum v. Union of India (1996)

The Vellore Citizens Welfare Forum case is another significant ruling in which the Supreme Court expanded environmental jurisprudence in India by introducing the precautionary principle and the polluter pays principle into Indian law. The case was filed against tanneries in Tamil Nadu for polluting groundwater and nearby agricultural land with untreated effluents. In its landmark judgment, the Supreme Court recognized the concept of sustainable development, emphasizing that development must not occur at the expense of environmental degradation. The Court ruled that the right to a clean environment is part of the fundamental right to life under Article 21 of the Constitution of India. This judgment set the precedent for ensuring that economic development aligns with environmental protection, creating a conducive environment for eco-labels as part of sustainable business practices.

5.3 T.N. Godavarman Thirumulpad v. Union of India (1997) – Forest Conservation Case

In this case, the Supreme Court interpreted the Forest (Conservation) Act, of 1980, to protect India's forests from deforestation and encroachment. This case led to the ongoing monitoring of forest management and protection by the Supreme Court through continuous mandamus, where the Court continues to supervise the implementation of its orders. The Court issued several directives aimed at preserving forest cover, banning non-forest activities in forest areas, and ensuring the sustainable use of forest resources. This ruling highlighted the importance of eco-labeling in industries reliant on natural resources, such as timber and paper. By obtaining eco-label certifications, these industries can demonstrate that their products are sourced from sustainably managed forests, ensuring compliance with legal requirements and promoting environmentally responsible production.

5.4 M.C. Mehta v. Kamal Nath (1997) – Public Trust Doctrine

In this case, the Supreme Court applied the public trust doctrine to protect the environment. The case arose when a private company, owned by the family of then-minister Kamal Nath, diverted the course of the Beas River to benefit a resort, causing environmental damage. The Supreme Court ruled that natural resources like rivers, forests, and air are held in public trust by the government, which must protect them for the benefit of the public. The judgment underscored that the government cannot allow private or commercial interests to harm natural resources. This case reinforced the importance of sustainable business practices and highlighted how eco-labels could be a valuable tool for companies to demonstrate their compliance with environmental laws and their commitment to protecting public resources.

5.5 Indian Council for Enviro-Legal Action v. Union of India (1996)

This case involved industrial pollution in Bichhri village, Rajasthan, where chemical industries released hazardous waste into the environment, contaminating groundwater and affecting local communities. The Supreme Court held the industries liable under the polluter pays principle, directing them to compensate the affected communities and clean up the contaminated land. The ruling emphasized the responsibility of industries to prevent environmental harm and internalize the costs of pollution. Eco-labeling plays a crucial role in this context by allowing industries to demonstrate their adherence to environmental standards and practices that reduce pollution. This case set the foundation for industries to adopt eco-friendly technologies and obtain eco-labels as part of their compliance strategy.

5.6 S. Jagannath v. Union of India (1997) – Shrimp Farming Case

In the Shrimp Farming Case, the Supreme Court ruled against the large-scale, unsustainable shrimp farming practices along the coastlines of Tamil Nadu and Andhra Pradesh, which were causing severe environmental degradation. The Court ordered the closure of shrimp farms operating in ecologically sensitive coastal zones and emphasized the importance of environmentally sustainable aquaculture practices. The ruling is significant for eco-labeling, particularly in the agricultural and aquaculture sectors. By complying with eco-labeling standards, businesses can ensure that their farming practices are sustainable, environmentally responsible, and compliant with legal requirements. Eco-labeling can also help consumers make informed choices about products sourced from sustainable farming operations.

5.7 Narmada Bachao Andolan v. Union of India (2000)

This case involved the construction of the Sardar Sarovar Dam on the Narmada River, which led to the displacement of thousands of people and had significant environmental impacts. The Supreme Court, in a controversial judgment, allowed the dam's construction to continue but emphasized the need to balance development and environmental protection. The case highlighted the tension between large-scale development projects and environmental sustainability. While the judgment allowed the dam's construction, it reiterated the importance of adhering to sustainable development principles. Eco-labels, in this context, serve as a tool for businesses to demonstrate their commitment to minimizing environmental impact while pursuing economic growth, thereby aligning with the judiciary's emphasis on sustainable development.

5.8 M.C. Mehta v. Union of India (Vehicular Pollution Case, 1998)

This case addressed the growing issue of air pollution in Delhi caused by vehicular emissions. The Supreme Court ordered the conversion of all public transport in Delhi to Compressed Natural Gas (CNG) and mandated stringent emissions standards for vehicles. This ruling demonstrates the judiciary's commitment to improving air quality and reducing environmental harm. Eco-labeling of vehicles based on their emissions standards and fuel efficiency is a direct response to such judicial interventions. Eco-labels can help consumers identify vehicles that meet high environmental standards, promoting the use of cleaner technologies in the automotive industry.

6. Conclusion:

Eco-labels represent a powerful tool for advancing sustainable development in India by fostering environmentally responsible production, consumption, and trade practices. However, their true potential can only be realized through coordinated efforts across multiple fronts. A robust legal framework, clear and consistent regulations, and strong policy support are essential for promoting the widespread adoption of eco-labels across industries. Additionally, increasing consumer awareness, enhancing compliance mechanisms, and fostering public-private partnerships will be vital in driving demand for eco-labeled products and ensuring transparency in environmental claims. The role of the Indian judiciary, as a protector of environmental rights and enforcer of sustainable practices, is also crucial. By integrating eco-labeling into broader environmental regulations and encouraging corporate responsibility, the judiciary can help promote an eco-conscious culture in India. Looking ahead, aligning eco-labeling standards with national and international sustainability goals, incentivizing industries to adopt eco-friendly practices, and embracing innovation in green technologies will further strengthen India's commitment to sustainable development. With the right legal, regulatory, and policy reforms, eco-labels can significantly contribute to building a greener, more sustainable future for India, where economic growth is harmonized with environmental preservation.

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