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AN ANALYSIS ON THE EFFECTIVENESS OF THE POLLUTER PAYS PRINCIPLE IN PROMOTING SUSTAINABLE DEVELOPMENT

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I. ABSTRACT

The Polluter Pays Principle has become one of the important elements in both domestic and International Environmental Governance. The Polluter Pays Principle was first referred to by the members of the Organisation for Economic Co-operation and Development (OECD), which defines the Polluter Pays Principle as 'allocating costs of pollution prevention and control measures' in 1972, and it was also referred to in principle 16 of the Rio Declaration of 1992. Even though it was not explicitly mentioned in any legislation relating to Environmental law in India, they have been constantly recognised by the Indian Supreme Court, and one such landmark case is the Indian Council for Enviro-legal Action v Union of India². In this case, it has been held that the Polluter Pays principle establishes absolute liability of the Polluter not only to compensate the victim but also to bear the cost of restoration of environmental damages caused by him. So basically, the Polluter Pays Principle means that if any person causes pollution to the Environment, they are liable to pay damages and restore the environment. This paper examines the effectiveness of the Polluter Pays Principle in promoting sustainable development among individuals, corporations and the Government, and further assesses how the polluter pays principle acts as a regulatory tool in controlling environmental degradation and maintaining ecological balance through international instruments. This paper proposes that strong polluter liability, transparency in holding polluters liable for pollution, global cooperation, and industrial policy to regulate industries will help achieve sustainable development.

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² Indian Council for Enviro-legal Action v Union of India, AIR 1996 SC 1446 (India)

II. KEYWORDS

Pollution, Environment, Prevention, International Environmental Law, Polluter's liability.

III. INTRODUCTION

The polluter pays principle is one of the important sustainable development principles in environmental law, along with the precautionary principle and intergenerational equity. During the mid-19th century, due to industrialisation and urbanisation, India faced huge Environmental degradation. There arises a need for a balance between economic development and Environmental protection. To maintain a balance between economic development and Environmental protection, the concept of sustainable development was established worldwide. So, the doctrine of sustainable development balances between economic development and environmental protection.

The sustainable development has been explicitly mentioned in Stockholm declaration³ in the year 1972 and the declaration defines the sustainable development as 'Man has the fundamental right to freedom, equality and adequate condition of life in an environment of a quality that permits a life of dignity and well-being and he bears the sole responsibility to protect and improve the Environment for the present and future generation'.

The concept of sustainable development means the development that meets the needs of the present generation without compromising the ability to meet the needs of future generations. It imposes responsibility on the people to use the natural resources in such a way that they do not deprive future generations of their use. It was also mentioned in the Brundtland report in the title called "Our Common Future"⁴. Apart from this, the concept of sustainable development was also discussed in the Rio Declaration of 1992. The Indian judiciary also recognised this doctrine and applied it in deciding various environmental-related cases.

³ Declaration of the United Nations Conference on the Human Environment, UN Doc A/CONF.48/14/Rev 1 (16 June 1972)

⁴ Nawneet Vibhaw, *Environmental Law: An Introduction* 16-17 (1st ed 2016)

The Supreme Court of India has defined sustainable development in *N.D. Jayal vs Union of India*⁵, as sustainable development is essential for maintaining the balance between the right to the environment and economic development. So, the polluter-pays principle is one of the most fundamental principles of sustainable development, along with the precautionary principle and public trust doctrine. Polluter pays principle generally means that the one who caused the pollution has to pay for the compensation and he is also liable to restore the environment in its earlier form before the pollution has taken place as if the pollution has not been done to the natural resources.

Internationally, the polluter pays principle was considered to be an essential tool for reducing environmental pollution. The origin of the Polluter Pays Principle can be traced to the OECD⁶ Council, which formally adopted the principle on 26 May 1972 through its Recommendation on Guiding Principles Concerning International Economic Aspects of Environmental Policies. During that period, there was a constant demand from the public to the government and other institutions to lay down policies for environmental protection. As a result of such demand, the OECD has established the polluter pays principle.

The polluter pays principle was further included in the European Community Environmental policy under Article 130R (2). Under which it was provided that the polluter is the one who is responsible for repairing the damages caused to the environment. It was also mentioned in the Rio Declaration, 1992, under principle 16, which states that it is the duty of the national government to implement this international principle in their own country and hold the polluter responsible for their activities without causing any distortion to international trade and commerce.

One of the first international case in which the polluter pays principle was implicitly recognised in *Trail Smelter Arbitration case*⁷, which is between United States vs

⁵ *N.D. Jayal vs Union of India*, 4 SCC 356 (2002) (India)

⁶ Organisation for Economic Co-operation and Development, Recommendation of the Council on Guiding Principles Concerning International Economic Aspects of Environmental Policies, OECD Doc. C (72)128 (May 26, 1972)

⁷ *United States vs Canada*, Arbitral Trib. 3. U.N. (1941)

Canada in the year (1938-1941) where there is a dispute between the United States and Canada regarding the emission of sulphur dioxide by the Canadian company which was further spread to the Washington D.C of the United States. The United States filed a case against Canada with the Arbitral Tribunal. The Arbitral tribunal gave its interim Award in the year 1938 and final Award in the year 1941 by holding Canada liable for causing pollution to the United States and ordering it to pay compensation for the pollution caused. There are still measures that are being taken at an international level for controlling environmental pollution, like the Paris Agreement, Kyoto Protocol, etc.

During the mid-19th century, India underwent Industrialisation, which resulted in an increase in industries in India. So, they harm the environment because of the increase in labour pollution in the industrial cities. When the labour population increased, the slums were created, which caused huge water, air and land pollution. There was a constant demand from the public and other environmental groups to the government to establish certain principles for the protection of the environment. Later in the year 1950, the constitution of India came into force, which includes the right to live in a pollution-free environment as a fundamental right under Article 21 of the constitution and imposed a duty on the states to provide a pollution-free environment through the directive principles of state policy.

In order to protect the environment the government of India established water (prevention and control of pollution) Act⁸, in the year 1974, it contains provision relation to the pollution that are caused to the water bodies like river, lake, ocean etc, by the individual, government and other corporate and providing punishment to the polluter along with the compensation to the victim of such pollution. One such landmark case is Narmadha Bachao Andolan vs Union of India⁹. In this case, the court held that water is a basic requirement of human beings, and if anyone caused pollution to the water, they must be held liable because they violated the right to life under Article 21 of the Constitution.

⁸ water (prevention and control of pollution) Act, 1974. § 3

⁹ Narmadha Bachao Andolan vs Union of India 10 SCC 664 (2000) (India)

The Air (Prevention and control of pollution) Act¹⁰ was also established in the year 1981. It provides provisions related to the Air pollution caused by the release of gases like carbon monoxide, sulphur dioxide, nitrogen oxides, etc, that cause harm to the environment, like acid rain, ozone layer depletion, climate change, etc, in the case of Union Carbide Corporation vs Union of India¹¹, famously known as Bhopal gas case in which the leakage of Methyl Isocyanate gas has caused disease to several people and over 3000 people died instantly, the court had held the company liable for causing the tragedy to pay compensation of \$470 million to the victims and held the company absolutely liable for the damage caused by it. This is the instance where the court has recognised the polluter pays principle and held the polluter company liable for compensation and restoration of the environment without any exception.

In the case of M.C. Mehta vs Union of India (1987)¹², which is also called the oleum gas leakage case, the Shriram Foods and Fertilisers industry in Delhi has caused huge harm by the leakage of oleum gas to the public and workers, and even an advocate died. The court has held the company absolutely liable for the harm caused to the environment without any exception by explicitly applying the polluter pays principle in India.

Further in the case of Indian Council for Enviro-legal Action vs Union of India, the supreme court directly applied the polluter pays principle and even ordered to pay interest for the remedial amount that was due to the polluter and in the case of Sterlite Industries (India) Ltd vs Union of India¹³ is one of the landmark case in the protection of environment because during this case there was huge public protest for the closure of the Sterlite Industries. In this case, the Supreme Court directly applied the polluter pays principle by considering the magnitude of the pollution caused by the industry and ordered the industry to pay compensation of Rs. 100 crores for the lack of proper maintenance of the emission standards.

¹⁰ Air (Prevention and control of pollution) Act, 1981.

¹¹ Union Carbide Corporation vs Union of India 4 SCC 584 (1991) (India)

¹² M.C. Mehta vs Union of India 1 SCC 395 (1987) (India)

¹³ Sterlite Industries (India) Ltd vs Union of India 4 SCC 575 (2013) (India)

Later, the Environmental Protection Act, 1986,¹⁴ was established to control the overall pollution caused to the environment, and this act empowers the central government to issue directions to individuals and industries to conduct their business in conformity with the polluter pays principle and allows them to hold the polluter absolutely liable for the pollution caused to the environment. The Constitution of India, 1950, also provides provisions related to environmental protection, such as it gives the fundamental right to live in a healthy environment under Article 21¹⁵, and it also imposes a duty on the state to provide a pollution-free environment to the people under the Directive principles of State policy.

In the case of *Subhas Kumar vs. State of Bihar*, the court upheld the right to live in a pollution-free environment as a fundamental right, as interpreted under Article 21 of the Constitution. In the case of *M.C. Mehta vs Union of India*¹⁶, the court extended the scope of right to life under Article 21 of the Constitution to the right to live in a healthy environment. This case is famously known as the Taj Mahal Case, where the business surrounding the Taj Mahal has caused pollution to one of the most cherished monuments of India. In the case of *Vellore Citizen Welfare Forum vs Union of India*, it is considered one of the most important cases in which the polluter pays principle was directly applied by the Supreme Court.

In this case a writ was filled against the released of untreated effluent from the tanneries and industries of state of Tamil Nadu which caused several damages to the ability of water and soil near river palar so the court held the supreme court held the industries absolutely liable for the pollution caused by them in the interest of the public and order them to pay compensation along with the restoration cost of the natural resources and in the case of *A.P. Pollution Control Board vs M.V. Nayudu*¹⁷, the court held that the environmental-related problems that are brought to the court under Article 32 & 136 to the Supreme Court and Under Article 226 to the high court are treated equally to the Human rights concerns. In the 21st century, the Earth faced

¹⁴ The Environmental Protection Act, 1986.

¹⁵ India Const. Art. 21

¹⁶ *M.C. Mehta vs Union of India* 2 SCC 353 (1997) (India)

¹⁷ *A.P. Pollution Control Board vs M.V. Nayudu* AIR 420 (1991) (India)

several environmental challenges, like climate change, loss of biodiversity, an increase in greenhouse gas emissions, rapid industrial growth, etc.

To address these challenges, the environmental principles, like the polluter pays principle, played a crucial role in ensuring accountability. The polluter pays principle holds accountable not only the state but also individuals and industries that cause pollution, thereby shifting the responsibility to protect the environment to individuals and industries. At first, the polluter pays principles were recognised in the Stockholm declaration of 1972 and the Rio declaration of 1992¹⁸.

Later, it developed into a binding principle in many states, like as India, where the Indian courts apply the Polluter Pays Principle more strictly, especially in the public interest litigation filed related to environmental matters. The polluter pays principle acts as a tool to achieve environmental justice for the vulnerable community who suffer from such pollution by ensuring that the polluters are held accountable for the pollution caused by them, rather than burdening the taxpayers and the state. Even though it has been recognised internationally, the polluter pays principle is affected by factors such as weak implementation and monitoring, corruption, lack of scientific expertise, and a political environment that creates a need to assess the effectiveness of the polluter pays principle.

A. OBJECTIVES OF THE STUDY

1. To examine the international legal framework for the polluter pays principle¹⁹
2. To analyse the effectiveness of the polluter pays principle
3. To assess the mechanism for the implementation of the polluter pays principle
4. To identify challenges and limitations in the implementation mechanism
5. To examine how the polluter pays principle influences the environmental behaviour

¹⁸ Vaishnavi Deshpande. (2025). Polluter Pays Principle: An Evolving Perspective in India. *Indian Journal of Legal Review*, 5(1), 176-186.

¹⁹ Siddhant Nanodkar, polluter pays principles: Essential elements of Environmental law and policy, Vol no 1. *IJLMH* 1, 1-8(2018)

6. To recommend measures to overcome the challenges for the implementation of the polluter pays principle.

B. STATEMENT OF PROBLEM

The year-old approach to managing industrial pollution has burdened society at large rather than the polluting entity. The State bears the cleaning cost and health impacts to the public at large. So, in order to tackle this problem, the International environmental law has incorporated a principle called the polluter pays principle, which aims at internalisation of pollution costs and enhancement of environmental accountability internationally. This principle is based on the idea that the entity that polluted the environment is responsible for compensating for the pollution and should take remedial measures to restore the damages.

This principle is widely recognised and incorporated into the domestic law of many states, but environmental degradation continues to exist, showing the gap between the intention of the principle and its practical application. This affects the overall goal to achieve sustainable development. If the pollution costs are not borne by the polluting industries, it will result in a decline in economic incentive to invest in preventive measures, sustainable development practices and technological development.

So, a critical analysis is essential to determine the actual effect of the polluter pays principle by examining the current legal and regulatory framework. This research analyses the challenges that prevent the polluter pays principle from achieving its goal and provides measures that would help the principle to reach its goal, which ultimately results in sustainable development.

C. RESEARCH QUESTION

1. To what extent does the polluter pays principle help in promoting sustainable development at the international and domestic levels?
2. What is the legal status of the polluter pays principle under international instruments such as OECD, the Rio declaration, etc?

3. Whether the polluter pays principle help in effectively shifting the burden of pollution to the polluter from the state?
4. Does the polluter pays principle act as a preventive tool rather than merely compensatory in nature?
5. Whether the polluter pays principle actually help in rendering environmental justice and protecting the vulnerable communities of society?
6. What are the challenges involved in the implementation of the polluter pays principle at the national and international levels?
7. What are the policy measures that are required for the implementation of the polluter pays principle in achieving sustainable development?

D. HYPOTHESIS OF THE STUDY

1. The polluter pays principle plays a very important role in promoting sustainable development through environmental accountability and internalisation of pollution costs.
2. The polluter pays principle shifts the pollution costs from the state and society to the polluting party.
3. Polluter pays principle, when it is integrated with other environmental tools such as Environmental Impact Assessment and other regulatory mechanisms, enhances their effectiveness to attain sustainable development.
4. The polluter pays principle plays a very important role in protecting the rights of the affected parties due to pollution.
5. The polluter pays principle not only compensates for the damages but also helps to collect restoration costs.

E. REVIEW OF LITERATURE

1. Dr Ramesh Kumar Singh, Analytical approach to the polluter pays principle for the protection of the environment in environmental law, Vol. no 12.

IJERMT 99, 99-109(2025)²⁰. The principle polluter pays principle has been examined widely in the context of its origin from the OECD of 1970 and its recognition in the Rio Declaration on Environment and Development, 1992, where it was established as a core principle of international environmental law. The study recognises the polluter pays principle as it ensures that the environmental degradation cost is borne by the polluter, thereby preventing the shift of burden from the polluter to the state or public. The polluter pays principle has a dual function: one is to provide punitive punishment to the polluter who caused the environmental degradation, and another is to hold the polluter accountable rather than shifting the burden to the state. The study also found that there was a lack of awareness about the principle among the SMEs. Since the study places more emphasis on modern projects and their outcomes. It fails to critically assess the existing legal framework and implementation mechanism in environmental behaviour.

2. Siddhant Nanodkar, polluter pays principles, essential elements of Environmental law and policy, Vol no 1. IJLMH 1, 1-8(2018)²¹. This paper was based on the argument that the polluter pays principle emerged due to the inability of earlier environmental laws. It not only acts merely as a compensative principle but also as a punitive measure too. The polluter pays principle is considered an extension of the doctrine of absolute and strict liability when it is applied in the Indian context in cases such as M.C. Mehta vs Union of India. Even though the principle was widely in practice, but it was formally recognised by the OECD, and it was also considered as a customary international law based on the *opinio juris* and state practice. In this study, the market instruments such as taxes, bonds, and trade permits were assessed to analyse the effectiveness of the polluter pays principle and its impact on economic development. This paper was of the view that the principle may create a burden to the small, medium enterprises when

²⁰ Dr Ramesh Kumar Singh, Analytical approach to the polluter pays principle for the protection of the environment in environmental law, Vol. no 12. IJERMT 99, 99-109(2025)

²¹ Siddhant Nanodkar, polluter pays principles: Essential elements of Environmental law and policy, Vol no 1. IJLMH 1, 1-8(2018)

compared to the large enterprises in the competitive market, and the court finds it difficult to assess the quantum of environmental damages, fixing penalties and identifying the persons responsible for the pollution due to the large number of bodies of persons involved.

3. Ashmita Barthakur, polluter pays principle as the key element to Environmental law, Vol no 11. IJSRP 274, 274-277 (2021)²². This study links the polluter pays principle with the absolute liability by holding the polluter liable for the environmental degradation caused by him, despite due diligence and necessary care taken by him, especially in cases involving hazardous industries. The author used the polluter pays principle as a tool for correcting the failure of the regulatory authority, which failed to properly monitor the preventive measures taken by the industries. This study assesses the market instruments such as emission trading, pollution taxes and other implementation tools to check the effect of the polluter pays principle in environmental behaviour rather than laying more emphasis on judicial decisions. It was observed that small and medium enterprises may face economic burden when compared with larger firms. The author concludes the study based on the idea that the polluter pays principle works more efficiently when it is integrated with the preventive measures, such as Environmental Impact Assessment than using it as a tool to provide compensation after the damage is caused.

F. RESEARCH METHODOLOGY

The paper is based on the Doctrinal research where the secondary data, such as international statutes, treaties, declarations, cases, and National laws and cases, were assessed to determine the effectiveness of the polluter pays principle in achieving sustainable development.

²² Ashmita Barthakur, polluter pays principle as the key element to Environmental law, Vol no 11. IJSRP 274, 274-277 (2021)

IV. RESEARCH ANALYSIS

A. International Framework for Polluter Pays Principle

The polluter pays principle existed merely as an economic concept in the international sphere, but it gradually evolved as a guiding principle through the treaties and other international instruments, such as the OECD, in the year 1972, when it was introduced due to the constant pressure from international bodies to incorporate measures to combat environmental degradation. The guidelines aim to internalise environmental costs by making the polluter liable for the pollution caused by them rather than burdening the public. It mainly focuses on the prevention and control of environmental damage at the international level. This principle was subsequently reinforced implicitly in the Stockholm Declaration 1972 and the Rio Declaration, 1992. Principle 16 of the Rio declaration was of the view that states should adopt national policy to hold the polluter liable for environmental damages without adversely affecting international trade.

The environmental agreements and conventions, such as the United Nations Framework Convention on Climate Change, Kyoto Protocol, Paris Agreement, and conventions related to the management of hazardous waste and transboundary pollution, widely recognise the significance of the polluter pays principle. Further, the international judicial and arbitration cases, such as the Trail Smelter case, which is between the United States vs Canada in the year (1938-1941)²³, where there is a dispute between the United States and Canada regarding the emission of sulphur dioxide by the Canadian company, which was further spread to Washington D.C of the United States.

The United States filed a case against Canada with the Arbitral Tribunal. The Arbitral tribunal gave its interim Award in the year 1938 and final Award in the year 1941 by holding Canada liable for causing pollution to the United States and ordering it to pay compensation for the pollution caused and in the Pulp Mills Case, which is between the Argentina vs Uruguay, where the case was filed by Argentina against Uruguay in

²³ Trail Smelter Case (United States v Canada), 3 RIAA 1905 (1941)

the International Court of Justice For the violation of the statute that has been enacted by both the state in the year 1975 for the property use of the river Uruguay.

In this case, Argentina alleged that Uruguay has authorised the construction of a pulp mill which would pollute the river. It was found that Uruguay has breached its procedural duty by not consulting with Argentina before giving its authorisation, but the court did not find any evidence that the pulp Mill could cause pollution. The court reinforced the polluter pays principle while deciding this matter. The polluter pays principle, even though initially it was treated as customary international law, but later it was contemplated as a binding international principle through incorporation in treaties and conventions.

B. Effectiveness of the principle

The primary aim of the polluter pays principle is to internalise the environmental costs by imposing penalties on the activities that cause harm to the environment and making the person liable for the pollution caused to the environment by their activity, rather than shifting the burden to the public to protect the environment from pollution and to promote production techniques that reduce the environmental impact. It was considered as one of the significant tools to prevent, compensate and restore the damage caused to the environment by the legal framework and regulatory and implementary mechanisms all over the state.

The judicial application of this principle, especially in India it shows that the courts are linking this principle with the doctrine of absolute liability by holding the polluter absolutely liable without any exception and making them pay for compensation and restoration of the environment. The principle also encourages the industries to adopt techniques for production that have less impact on the environment to avail economic incentives and awards.

However, there is no uniformity in application of this principle by various states such as Indian uses legislative framework and regulatory authority such as incorporating the principle into the Constitution of Indian, Environmental Protection act, water (Prevention and Control of pollution) act, air (prevention and control of pollution) act etc and by establishing regulatory authorities like Central pollution Control Board,

State pollution control board, National Green Tribunal etc. the united state uses statutory measures such as Comprehensive Environmental Response, Compensation and liability Act, clean air act, clean water act etc and regulatory body such as Environmental protection Agency.

Whereas China relies on environmental taxation, fees for pollution discharge, mandatory restoration orders, etc, Uganda and other African countries have incorporated the polluter pays principle in their constitution and statute, but they largely suffer from weak institutional mechanisms to implement the principle efficiently. This dynamic approach of incorporation and implementation of principles by different countries results in dynamic results in attaining sustainable development.

C. Assessing the mechanism for implementation of the polluter pays principle

Mechanisms such as environmental taxes, emission trading, penalties, compensation, Environmental Impact Assessment, etc. It was found that environmental taxes and penalties for pollution have been considered to be the more practical tool for the implementation of the polluter pays principle by many developed and developing countries, while the judicial remedies, such as compensation and restoration order, are considered more efficient only in the cases of industrial disasters.²⁴

D. Challenges for the implementation of the principle

The implementation of principle is affected by various challenges such as difficulty in identifying the polluter when there is more bodies of persons involved in the pollution such as water pollution and air pollution from different sources, economic incapacity to take preventive measures especially by the small and medium enterprises, inadequate training for the officers of the regulatory authority, corruption of the regulatory authority, political influence of the governing bodies, absence of guideline to calculate the compensation and restoration costs weakens the enforcement.

²⁴ Dr Paramjit, Environmental law 143-145 (4th ed 2016)

V. FINDINGS²⁵

This study finds that the polluter pays principle has shift from mere guiding principle to legally enforceable constitutional and statutory right through various the judicial decision and incorporation into the domestic laws by various states thereby enhancing the protection of environment and natural resources by maintaining the balance between economic development and environmental protection that are essence of the sustainable development which the fundamental object of the international environmental law.

The countries where the judicial system links the polluter pays principle with the Doctrine of Absolute liability, such as India, have greatly shown the efficiency of the polluter pays principle compared with the countries that solely rely on the regulatory authority. It has been found that mere recognition of the polluter pays principle in international and domestic law alone does not guarantee its effectiveness, but the real effectiveness of this principle lies in the independence of the regulatory authorities, such as enforcement agencies, the judiciary, and monitoring the implementation.

The countries that use market instruments such as environmental taxes, emission trading and charges for pollution have shown significant results in the prevention of environmental damages, rather than the countries that rely only on post-damage compensation. The impact of the polluter pays principle seems to have an unequal impact on the different sizes of industries, which it has disproportionate compliance burden on the small and medium enterprises when they are compared with the large industries. Since there is no uniform method followed by the countries, it would lead to the calculation of inconsistent compensation to the victims belonging to different countries.

It was also found that the countries that have a public participative mechanism for the implementation of the polluter pays principle, such as public interest litigation, transparency in implementation, and accountability of the state party, have shown

²⁵ Siddhant Nanodkar, polluter pays principles: Essential elements of Environmental law and policy, Vol no 1. IJLMH 1, 1-8(2018)

more effective results in preventing the environmental damages that lead them towards attaining sustainable development.

VI. SUGGESTION

1. Effective implementation of environmental impact assessment
2. Strict and mandatory penalties
3. Creating awareness about the polluter pays principle among the general public
4. Including a brief about the polluter pays principle in both school and college-level education in all courses.
5. Formulating a suitable compliance policy for the SME's
6. Principles to clearly calculate the environmental costs and damages backed by scientific evidence
7. Enhancing the uniformity in the application of the polluter pays principle by various countries
8. Legal framework to address the accountability of the polluter in cases involving multiple sources of pollution
9. Providing expert training and funding to the regulatory authorities for the proper monitoring of the implementation of the polluter pays principle
10. Encouraging the economic development policies with the inclusion of the prevention of pollution.

VII. CONCLUSION

The polluter pays principle is an important tool in preventing environmental pollution by holding the polluter absolutely liable without any exception for the penalties and restoration. The polluter pays principle is the concern of both national and international law. Many countries apply these principles in a different way to hold the person liable for causing pollution.

Not only the individual but also the government and the corporation are held liable if their project caused damage to the environment. With tools like Environmental Impact Assessment, before approving a project, the business has to conduct an

Environmental Impact Assessment to check whether the project causes any harm to the environment. If it shows that the project will actually cause damage to the environment, then according to the polluter pays principle, the business has to either stop the project or pay compensation or restoration costs.

The principle also holds the industries that are liable for pollution and mandates them to pay clean-up costs for the activities such as oil spill, discharge of untreated effluent etc. further if many people become aware of the polluter pays principle they can enforce this principle through public interest litigation, writs and other judicial remedy if the activity of any individual, industry or government has affected the right to live in a healthy environment. Through this principle, India can achieve its net-zero percentage of greenhouse gas emissions by 2070 while it also achieves sustainable development, which is an essential principle of international environmental law.

The polluter pays principle acts as a significant tool to achieve sustainable development by bridging the gap between economic development and environmental protection by internalising environmental costs, thereby encouraging the environmental behaviour and cleaner techniques of production among industries. Even though the principle has been widely recognised internationally but its effectiveness lies in the proper implementation of the polluter pays principle.²⁶

VIII. REFERENCE

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