

Concept of Environmental Protection in the Indian Constitution

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ABSTRACT

The environment forms the foundation of human existence. The development of human life, culture, society, and economy is deeply interlinked with nature. In the modern era, industrialization, rapid urbanization, and scientific advancement have accelerated economic growth but simultaneously led to environmental degradation and imbalance. Recognizing this crisis, the framers of the Indian Constitution ensured that the responsibility for environmental protection lies with both the state and the citizens. Through the provisions of Fundamental Rights, Directive Principles of State Policy, Fundamental Duties, and an active judiciary, the Constitution provides a comprehensive framework for environmental protection. This research paper analyses the constitutional basis, evolution, judicial interpretation, and practical implementation of environmental protection in India.

Keywords: Environment, Constitution, Article 21, Fundamental Rights, Fundamental Duties, Judiciary, Sustainable Development.

INTRODUCTION:

“Earth is our mother, and we are her children” — this Vedic thought reflects India’s profound respect for nature. In ancient Indian culture, “worship of nature” was integral to life. Rivers, forests, animals, mountains, and the earth were all considered sacred. This spiritual outlook emphasized the interdependence between human life and nature. However, after independence, industrialization, population explosion, and urban expansion led to widespread environmental degradation. Rivers became polluted, forest areas shrank, and climate change emerged as a major concern. Consequently, environmental protection became an unavoidable constitutional necessity. The idea of environmental protection in India gradually evolved and is now firmly embedded within the framework of the Indian Constitution.

2. Background and Objectives of the Study

Background

When the Constitution of India was framed in 1950, environmental issues were not viewed as urgent concerns. Yet, the idea of a clean and safe environment was implicitly included within the broader right to life. By the 1970s, global awareness regarding environmental crises increased — particularly after the 1972 Stockholm Conference. Subsequently, India incorporated explicit provisions for environmental protection through the 42nd Constitutional Amendment (1976), introducing Articles 48-A and 51-A(g).

(b) Objectives

To analyze constitutional provisions related to environmental protection in India. To study the role of the judiciary in developing environmental jurisprudence. To evaluate the responsibilities of the state and citizens regarding environmental conservation. To understand the relationship between

environmental protection and sustainable development within the constitutional framework.

3. Environmental Ethics in Indian Tradition

In Indian philosophy, nature has always been regarded as a living entity. The Rigveda states: “Mata bhumi putro’ham prithivyah” — meaning, “Earth is our mother, and we are her children.” The Atharvaveda emphasizes the purity of air, water, and vegetation as essential for human life. Emperor Ashoka’s edicts, which prohibited animal slaughter and encouraged tree plantation, reflect early environmental consciousness. Thus, ecological sensitivity has always been a part of India’s cultural and social heritage.

4. The Constitutional Concept of Environmental Protection

Initially, the Indian Constitution did not directly mention “environmental protection,” but its spirit was inherently present. After the 42nd Amendment (1976), environmental protection became an explicit constitutional obligation. The Constitution safeguards the environment at three levels: Through Fundamental Rights (via judicial interpretation) Through Directive Principles of State Policy Through Fundamental Duties of citizens

5. Fundamental Rights and Environmental Protection

Article 21 – Right to Life “No person shall be deprived of his life or personal liberty except according to the procedure established by law.” The Supreme Court of India has interpreted “life” to mean a life of dignity in a clean and pollution-free environment.

Landmark Judgments

Subhash Kumar v. State of Bihar (1991): The Court held that the right to live in a pollution-free environment is part of the right to life under Article 21. M.C. Mehta v. Union of India (1986): In cases such as the Ganga Pollution and Gas Leak, the Court directed the State to enforce environmental standards strictly. Vellore Citizens’ Welfare Forum v. Union of India (1996): The Court recognized the principles of “Sustainable Development” and “Polluter Pays” as part of constitutional law. A.P. Pollution Control Board v. Prof. M.V. Nayudu (1999): The Court observed that economic growth cannot be achieved at the cost of environmental protection. Through these judgments, the judiciary has interpreted the right to a healthy environment as a constitutional fundamental right.

6. Directive Principles of State Policy

Article 48-A (added by the 42nd Amendment, 1976) states — “The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.” This imposes a positive obligation upon the State to formulate policies for the protection of natural resources and control industrial pollution. Other relevant articles include: Article 47: Duty of the State to improve public health. Article 39(b) & (c): Equitable distribution of resources and prevention of environmental exploitation.

7. Fundamental Duties

Article 51-A(g) provides that — “It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have

compassion for living creatures.” Thus, the Constitution assigns environmental responsibility not only to the State but also to individual citizens. Citizen Responsibility Environmental protection is not merely a matter of government policy but requires mass participation. Unless citizens are environmentally conscious, constitutional provisions will remain ineffective.

8. The Active Role of the Judiciary

The Indian judiciary has played a transformative role in environmental protection through Public Interest Litigations (PILs). It has broadened the scope of constitutional rights to ensure environmental justice.

Major Cases

Rural Litigation and Entitlement Kendra v. State of U.P. (1985): The Court ordered the closure of limestone quarries in Dehradun due to ecological damage. M.C. Mehta v. Delhi Administration (1988): The Court directed relocation of polluting industries from Delhi. T.N. Godavarman Thirumulpad v. Union of India (1997): Expanded the definition of “forest” and strengthened forest conservation. Narmada Bachao Andolan v. Union of India (2000): The Court emphasized balance between development and environmental protection, recognizing sustainable development as a constitutional principle. These cases established India’s judiciary as a global leader in environmental jurisprudence.

9. Legislative Measures

To operationalize the constitutional mandate, Parliament enacted several environmental laws: Environment (Protection) Act, 1986

Water (Prevention and Control of Pollution) Act, 1974 Air (Prevention and Control of Pollution) Act, 1981 Forest (Conservation) Act, 1980 Wildlife (Protection) Act, 1972 National Green Tribunal Act, 2010 These laws collectively ensure that environmental protection becomes a legally enforceable right.

10. International Obligations and the Constitution

India has reaffirmed its environmental commitment through participation in: Stockholm Conference (1972) Rio Earth Summit (1992) Paris Climate Agreement (2015) Under Article 253, India can enact laws to implement international treaties. Thus, international environmental norms have become an integral part of India’s constitutional and policy framework.

11. Environmental Justice and Sustainable Development

Sustainable Development means — “Meeting the needs of the present generation without compromising the ability of future generations to meet their own needs.” The Supreme Court has adopted this as a constitutional principle. It held that development and environmental protection are not conflicting goals but complementary to each other.

12. Challenges and the Way Forward

Major Challenges

Weak implementation of environmental laws. Population pressure and over-exploitation of resources. Lack of political will and accountability. Insufficient public awareness and education.

Suggested Measures

Make environmental education compulsory at

all levels. Empower local bodies for environmental decision-making. Promote renewable energy, afforestation, and organic agriculture. Encourage citizen participation and media advocacy for environmental protection.

13. Conclusion

The Indian Constitution is not merely a political document but a living philosophy rooted in the coexistence of humans and nature. Articles 21, 48-A, and 51-A(g) collectively establish that protecting the environment is both a constitutional right and duty. Through progressive judicial interpretation, environmental protection has become a part of India's fundamental rights regime. To ensure sustainable development and ecological balance, these constitutional values must translate from legal principles into everyday practice. A collaborative approach among the government, judiciary, and citizens is essential to build a "Green India" for future generations.

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