



CONSTITUTIONAL LAW AND SUSTAINABLE PROGRESS

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ABSTRACT:

Development, which is often linked with modernization, urbanization, and industrialization, means reaching high living standards and modern ways of using things. The concept of Sustainable Development gained recognition as early as 1972 in the Stockholm Declaration and took shape in a report by the World Commission on Environment, known as 'Our Common Future'. This definition emanates from Our Common Future, also known as the Brundtland Report of the World Commission on Environment and Development in 1987. Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs. The features of Sustainable Development in corporate in the Indian constitution in different articles and provisions. The Indian Constitution has specific provisions for the protection and improvement of environment. India also has credit to be the first country which made provisions for the improvement and protection of environment in its Constitution.

The following provisions are –

- 42nd amendment of the Indian Constitution.
- Article 51A (g) of the Indian constitution impose duty on the citizens for protection of environment.
- Fundamental Rights (art15(2)(b), art.21 and art.24)
- Directive Principles of State Policy (art. 39(b),39(f),47,48 and 49)
- Schedule VII containing the three lists clearly lays down various areas related to environment protection.

The first case on which the supreme court had applied the doctrine of Sustainable Development was Vellore Citizen Welfare Forum vs. Union of India. In this case The Hon'ble Court held that the remediation of the damaged environment is integral to the concept of 'Sustainable Development. This paper also states what the government is doing to keep the environment safe. It talks about the rights citizens have and what can be done if those rights are not respected. It also discusses how the government is responsible for ensuring a safe environment for. Additionally, the paper suggests that by putting sustainable development into action the right way, it can help the economy, making the country grow and expand.

Keywords:

sustainable development, Our Common Future, Brundtland Report, Indian Constitution, environment protection, Article 48-A, Article 51A(g), Schedule VII, Vellore Citizen Welfare Forum, government actions, citizen rights, responsibilities, economy.

Introduction-

Sustainable development is a strategic approach to maintaining a healthy and prosperous world. It is about making sure we grow and improve without harming the environment or the resources we need. We want today to be bright, but we must also make sure tomorrow is just as good.

People all over the world have adopted the idea of sustainable development because it promises better lives for everyone. We know that resources are limited, but our needs are endless. Sustainable development encourages us to use energy and resources wisely by changing the way we use technology. It's about finding a balance between making progress and taking care of the environment. This research paper explores how Indian laws and ethical principles play a crucial role in achieving this balance, ensuring a brighter future for both current and future generations.

In 1972, the Stockholm Conference on the Environment was held as part of a global movement to prevent environmental degradation. As a part of this movement, Indian legislative bodies took positive steps to include specific provisions in the Constitution. This paper is an attempt to analyze the constitutional values that have evolved in the last few decades in a positive response to the cause of arresting environmental degradation and promoting Sustainable Development.

Sustainable Development: meaning –

Sustainable Development means developing our society in a way that meets our current needs without harming the planet or the ability of future generations to meet their needs. It's like taking care of the Earth so that we have clean air, water, and soil for our children and grandchildren. This requires responsible management of our environment.

The main goal of sustainable development is to create a better world where we continue to grow and improve our lives without causing harm to our environment. It's about finding a balance between progress and protecting our planet, so that everyone can enjoy a healthy and prosperous future.

Indian constitution and sustainable development –

The constitution, as the supreme law of the land, holds binding authority over citizen and non-citizens, as well as the state. Within the Indian constitutional framework, the incorporation of fundamental rights, fundamental duties, and the principles of state policy underscores the nation's dedicated commitment to preserving and enhancing the environment. These constitutional provisions pertaining to the protection and improvement of the environment can be explicated through the following legal categories:

1. The constitution Forty second Amendment Act

In 1976 was passed and the provision relating to the protection of environment for the first time incorporated by adding a new provision Article 48 A in the directive principle of state policy. According to the Article 48(A) the state shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Further a new provisions Art.51(A) in the form firmest fundamental duties was also incorporated by the 42nd Amendment. The two provisions impose two-fold responsibilities. On one hand it gives directive to the state for protection and improvement of environment, and on the other hand it imposes duty on every citizen to help in the preservation of natural environment.

2. Fundamental Rights (Part-III) -

Article 15(2)(b) of the Constitution of India, prohibits discrimination on the grounds of religion, race, caste, sex, place of birth, or any of these factors in matters related to access to public wells, tanks, bathing ghats, roads, and places of public resort that are maintained wholly or partly out of State funds or dedicated to the use of the general public. This provision ensures equal access and non-discrimination in public facilities, which is vital for promoting social inclusion and equitable sustainable development.

Article 21 of the Constitution of India, which enshrines the fundamental right to life and personal liberty, has significant implications for sustainable development. It guarantees every person the right to live with dignity, and this includes the right to clean and healthy environment. Article 21 has been interpreted by Indian courts to encompass environmental protection as an integral part of the right to life. This implies that a clean and sustainable environment is not only a desirable goal but also a constitutionally recognized imperative. Article 21 serves as a legal foundation for environmental conservation and sustainable development, as it underscores the intrinsic link between a healthy environment and the quality of life for all citizens.

In the case of *M.C. Mehta v. Union of India* (AIR 1987 SC 1086), the Supreme Court of India set a significant legal precedent under Article 21 of the Constitution. The Hon'ble court held that the right to clean and healthy environment is an integral part of the fundamental right to life under Article 21. This landmark judgment established that environmental protection is a constitutional imperative and that any activity causing environmental degradation can infringe upon the right to life. This case reinforced the importance of Article 21 in environmental matters and provided a legal basis for environmental conservation and sustainable development, ensuring that individuals have the right to a pollution-free and ecologically balanced environment.

Article 24 prohibits child labor in factories, mines, and other hazardous occupations. This constitutional provision is instrumental in promoting sustainable development by safeguarding the well-being and future prospects of children. By prohibiting child labor in hazardous industries, Article 24 ensures that children have the opportunity to receive an education and grow into responsible, skilled, and productive members of society. This, in turn, contributes to long-term sustainable development by fostering a better-educated and healthier workforce, reducing intergenerational poverty, and creating a foundation for economic progress and social well-being.

Mc Mehta v. state of Tamil Nadu (1996): in this case, the supreme court of India addressed the issue of child labor in hazardous industries. The court ruled that child labor in any hazardous occupation is violating of article 24. It issued several directives to ensure the enforcement of child labor laws and protect children from exploitation in hazardous industries. This case underscores the significance of article 24 in safeguarding the rights and well-being of children by prohibiting their engagement in dangerous work.

3. Directive Principles of State Policy-

Article 39(b) underscores the state's responsibility to distribute the ownership and control of material resources to serve the common good. This emphasizes equitable resource allocation, a fundamental aspect of sustainable development, as it prevents the concentration of resources in the hands of a few, promoting social and economic justice.

Article 39(f) the economic system should function in a way that avoids the accumulation of wealth and the use of the means of production at the expense of the common well-being. It highlights the importance of economic policies that discourage excessive wealth accumulation, which can lead to social disparities and environmental degradation, thus supporting sustainable and inclusive economic growth.

Article 47 pertains to the duty of the state to raise the level of nutrition and the standard of living and to improve public health. This provision is crucial for sustainable development as it prioritizes public health and well-being, integral to a prosperous and sustainable society. Access to healthcare, proper nutrition, and improved living standards contribute to the well-being of the population.

Article 48 directs that the state to organize agriculture and animal husbandry on modern and scientific lines while also protecting and improving the environment. It recognizes the significance of sustainable agricultural practices and environmental conservation, in alignment with the principles of sustainable development.

Article 49 emphasizes the protection of historical and cultural heritage and the prevention of unauthorized excavation on protected sites. This provision is essential for sustainable development, acknowledging the

importance of preserving cultural and environmental heritage for the continuity of sustainable practices and the well-being of future generations.

4. The Seventh Schedule(VII)-

The Seventh Schedule of the Indian Constitution plays a crucial role in delineating legislative authority between the central government and state governments, with a specific focus on issues related to environmental conservation and sustainable development. The seventh schedule divides subjects into three lists: the Union List (List I), State List (List II), and Concurrent List (List III).

Under the Union List, the central government has exclusive authority to legislate on matters such as forests, wildlife protection, and environmental preservation. The State List, on the other hand, vests exclusive legislative powers in the state governments for subjects like the protection of flora, fauna, forests, wild animals, and fisheries. Additionally, the Concurrent List allows both central and state authorities to legislate on subjects related to environmental protection, including pollution control, wildlife preservation, and forests. This balanced distribution of legislative authority recognizes the diverse environmental needs and ecological challenges across different regions in India, ensuring that policies and regulations are tailored to local contexts. By doing so, the Seventh Schedule facilitates cooperative and harmonious efforts in addressing environmental concerns, ultimately promoting sustainable development across the nation.

Government initiative for sustainable development includes:

1. Pradhan Mantri Jan Dhan Yojana : Launched in 2014, this financial inclusion program provides accessible and affordable financial services to individuals aged 10 to 65, including bank accounts, remittances, credit, insurance, and pensions. Government initiative for sustainable development includes:
2. Swachh Bharat Mission : Initiated in 2014, this mission focuses on cleanliness, hygiene, and eliminating open defecation in rural areas to enhance the quality of life.
3. Beti Bachao, Beti Padhao: Launched in 2015, this mission aims to generate awareness and improve welfare services for girls in India, focusing on their well-being and education.
4. Pradhan Mantri Awas Yojana: With its first phase initiated in 2015, this initiative provides affordable housing for the urban poor, contributing to better living conditions and overall development.
5. Pradhan Mantri Ujjwala Yojana: Introduced in 2016, this scheme distributes LPG connections to women from Below Poverty Line families, improving access to clean cooking fuel.
6. Deen Dayal Upadhyaya Gram Jyoti Yojana: Launched in 2015, this scheme focuses on providing continuous power supply to rural India, with significant investments in rural electrification.
7. Namami Ganga Mission: This priority program, launched in 2014, focuses on achieving Sustainable Development Goal 6 by improving water quality and sanitation in the Ganges River, addressing industrial pollution, and conserving the river's ecosystem.
8. Smart City Mission: Initiated in 2015, this urban renewal program aims to create 100 smart cities across India, making them more citizen-friendly and sustainable through technological and infrastructural improvements.
9. National Clean Air Program (2019): Launched in 2019, this program addresses air pollution and its impact on health and economic growth through a time-bound strategy for controlling and reducing air pollution and expanding air quality monitoring across the nation.

Conclusion –

India is taking significant steps to create a better world by safeguarding the environment and ensuring a good quality of life for its people, both now and in the future. This commitment is reinforced by laws and regulations that aim to provide clean air, water, and a healthy environment for all citizens.

The Indian Constitution, serving as the nation's rule book, plays a central role in supporting these efforts. It enshrines fundamental rights, including the right to live in a clean environment. These constitutional provisions are pivotal in India's pursuit of sustainable development.

In addition to constitutional support, the Indian government has launched various programs such as the Swachh Bharat Mission, Beti Bachao, Beti Padhao, among others. These initiatives address the need for clean surroundings, equal opportunities for girls, and improved living conditions.

Furthermore, the research underscores the notion that sustainable development is intrinsically linked to human happiness and individual growth. Recognizing the urgency of the present, India has set an example for other nations. Constitutions in countries like Bhutan, South Africa, and Nigeria have also incorporated specific environmental provisions, acknowledging the importance of environmental protection and sustainable development.

In summary, India's dedication to environmental protection and sustainable development is a model for the world. Its constitutional provisions and government programs exemplify a commitment to creating a better and more prosperous future for all, aligning with global conventions and individual needs.

References :

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