

“The most significant achievement of modern law in India is the constitutionalization of environmental problems by the Supreme Court.” Discuss this statement with the help of relevant case laws.

(10 M, 150 words)

Introduction

The Supreme Court of India has played a pivotal role in addressing environmental challenges by embedding them within the framework of **constitutional rights and principles**. This approach has transformed environmental protection from a policy concern to a **constitutional mandate**.

Significance of Constitutionalization

1. **Article 21 – Right to Life:** The Supreme Court has interpreted the **"right to life" under Article 21** to include the right to a clean and healthy environment.
 - **Case Law:** *Subhash Kumar v. State of Bihar (1991)* - The Court held that the right to live includes the right to enjoy **pollution-free air and water**.
2. **Directive Principles of State Policy (DPSPs):**
 - Articles **47, 48A, and 51A(g)** guide the state to protect and improve the environment. The Court has used these provisions to uphold environmental principles.
 - **Case Law:** *Rural Litigation and Entitlement Kendra v. State of UP (1985)* - The Court banned **limestone mining in the Doon Valley** to protect the environment.
3. **Public Interest Litigation (PIL):** The Supreme Court's liberal stance on **PIL** has empowered citizens to bring environmental issues to its notice.
 - **Case Law:** *MC Mehta v. Union of India (1987)* (Ganga Pollution Case) - The Court issued directives to prevent **industrial pollution of the Ganga River**.
4. **Precautionary Principle and Polluter Pays Principle:** These **international environmental principles** have been adopted into Indian jurisprudence.
 - **Case Law:** *Vellore Citizens' Welfare Forum v. Union of India (1996)* - The Court recognized these principles while addressing **water pollution caused by tanneries**.
5. **Sustainable Development:** The Court has balanced **environmental protection** with **economic development**.
 - **Case Law:** *Narmada Bachao Andolan v. Union of India (2000)* - The Court emphasized **sustainable development** while allowing the construction of the Sardar Sarovar Dam with adequate safeguards.

Achievements

- **Judicial Activism:** The judiciary has been **proactive in addressing environmental issues**, often compensating for legislative or executive inaction.
- **Creation of Environmental Jurisprudence:** The Supreme Court's interventions have created a robust body of **environmental law**.
- **Protection of Vulnerable Communities:** Judicial decisions have safeguarded the rights of **marginalized communities** affected by environmental degradation.

Challenges and Criticisms

- **Implementation Challenges:** Despite strong judgments, effective implementation of environmental laws and regulations remains a challenge.
- **Judicial Overreach:** Some argue that the Court has overstepped its bounds in certain cases, encroaching upon the domain of the legislature and the executive.
- **Lack of Public Awareness:** While public awareness has increased, many citizens are still unaware of their environmental rights and the legal remedies available to them.

Conclusion

The **constitutionalization of environmental problems** by the Supreme Court has been a **landmark achievement in modern Indian law**. By interpreting the Constitution expansively and innovatively, the judiciary has laid the groundwork for an enduring framework to address environmental challenges. However, sustained efforts by all branches of government are essential to complement judicial interventions and achieve the goal of **sustainable development**.