Polity & Governance · GS - II

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.

EXAM YEAR	PAPER	SUBJECT
2022	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

The Supreme Court has transformed environmental protection from a policy concern into a constitutional obligation by interpreting Article 21 to include the right to a healthy environment, enforcing Articles 32 and 226, and applying principles such as sustainable development, the precautionary principle and the polluter-pays principle.

Model Answer

Introduction

The constitutionalisation of environmental problems means recognising environmental protection as an essential constitutional responsibility. The Supreme Court has strengthened this approach through progressive interpretation of fundamental rights and judicial review.

Body

1. Expansion of Article 21: In *Subhash Kumar v. State of Bihar* (1991), the Court recognised the right to enjoy pollution-free water and air as part of the right to life.

2. Polluter-Pays Principle: In *Indian Council for Enviro-Legal Action v. Union of India* (1996), the Court held polluting industries responsible for the cost of remedying environmental damage.

3. Precautionary Principle and Sustainable Development: In *Vellore Citizens' Welfare Forum v. Union of India* (1996), these principles were recognised as essential features of Indian environmental law.

4. Public Interest Litigation: Judicial activism has enabled citizens and organisations to approach constitutional courts against environmental degradation.

Limitations

Implementation remains difficult due to weak enforcement, inadequate monitoring, developmental pressures and delays in environmental litigation.

Conclusion

The Supreme Court has constitutionalised environmental protection by linking ecological security with fundamental rights and state accountability. However, effective outcomes require strong legislation, administrative capacity and public participation.

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