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ROLE OF THE CONSTITUTION IN THE PROMOTION OF SUSTAINABLE CITIES

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Abstract

The 21st century has been reckoning with urbanization and human habitation and people are mostly opting for urban areas as their residences. Cities as the entity for the growth of a nation, play a crucial role in; employment generation, wealth creation, and providing infrastructure and State-of-the-art services apart from being the centre of economic growth and innovation. Although cities are the hub for various advantages a nation gains, there is another side to cities where poverty and prosperity rub shoulders; where shanty dwellings and superstructure fight for a place; underdeveloped, haphazard, and mid-standard development has emerged as the order of the day; where the major population is deprived of its necessities and the quality services provided by the State are limited to the higher section of the society. With the increase in urbanization, cities proved to be the highest contributors of waste, say of any kind whether it is plastic, e-waste or medical waste. Cities also are the main contributors to global warming and energy consumers, consuming nearly 70% of the global energy and generating 75% of carbon footprints; cities are largely responsible for manmade disasters as well¹.

Keywords: Sustainable development, environment, Sustainable cities, Sustainable development, Environment.



¹ Satterthwaite D, 'Cities' Contribution to Global Warming: Notes on the Allocation of Greenhouse Gas Emissions, 20(2) *Environment and Urbanization* (539) (2008), <https://journals.sagepub.com/doi/pdf/10.1177/0956247808096127>.



I. Introduction

The United Nations has mandated the States to develop cities keeping in mind waste management, sustainability, and resource-efficient to promote global sustainability and to achieve the objectives enshrined in the Seventeen SDGs. The State machinery involved in planning cities mainly focuses on materialistic development rather than focusing much on the other aspects involved in planning a city like a priority for protecting, preserving, and promoting the environment, with the rise of the urban population reaching 600 million out of 1.4 billion in 2030², it becomes a challenge or the State machinery to balance the structural development with the protection of the environment and other natural resources which get affected due to urbanization. To check the balance between structural and sustainable development and safeguard the rights of people for a sustainable future, from time-to-time numerous provisions and various laws have been interested in the Indian Constitution by the Indian Parliament concerning the preservation of the environment and sustainable development. The Indian Constitution stands as an epitome for safeguarding the rights of the people and backing sustainable development and provides a plethora of provisions for the same, from *Article 14, 19(1) (g), 21, 26, 32, 47, to Article 48-A, 51 (A) (g), 226, 253³, of the Indian Constitution, are significant when it comes to the protection of the environment, provision of basic needs such as pure water, air, health, and a clean environment, education and sustainable development of cities and ultimately the whole nation*. The framers of the constitution and, till now jurists from time-to-time use their legal acumen in such a way that may safeguard the basic rights of the people of the country by the amendments and including provisions in the Constitution.

² Adesuwa Vanessa Agbedahin, 'Sustainable Development, Education for Sustainable Development, and the 2030 Agenda for Sustainable Development: Emergence, Efficacy, Eminence, and Future', 27(4) Sustainable Development, (669-680) (2019).

³ INDIA CONST. art. 14, art. 19(1) (g), art. 21, art. 26, art. 32, art. 47, art. 48-A, art. 51 (A) (g), art. 226, and art. 253.

II. SDG, UNEP, and the World

United Nation environmental program (UNEP) aid States and allies to reach applicable Sustainable development Goal for cities including SDG -11 with a particular focus on access to housing and fundamental facilities, per capita environmental effect of cities and plans towards climate change, and calamity, risk reduction.⁴ There are various areas in which there is a need for work on sustainable cities some of them like sustainable utilization and manufacturing roadmap for metropolis concluding all the sectors. Also, to lessen and control pollution and waste production, there is a need for interference by higher authorities, through policy and technology. The cities of Asia pacific largely contributes towards the release of greenhouse gases. Asia pacific cities suffer drastically due to climate change witnessing, flooding, landslide, heat wave and drought and these disasters affect the State's income rigorously.⁵

III. Smart Cities and Sustainable Cities: The Understandable Approach

Understanding sustainability is the foremost easy task when the definition of a smart city is clear. Smart cities in simply focused on transportation such as highways, policing, security, and handling of underpinning. Sustainable cities are a city that embraced the dual goal of environmental preservation and the standard of life of inhabitants. The endless benefit of the value of the term at the next level. Pointing out the basic reduction in pollution to better health, the benefit of a sustainable city is endless. According to recent reports from a famous magazine, Copenhagen is rated the most energy-efficient and sustainable city in the world.⁶

⁴ United Nations, 'Translating the 2030 Agenda for Sustainable Development into Local Circumstances: Principles Trade-Offs', Sustainable Development Goals (June 16, 2023, 9:00 PM), <https://sdgs.un.org/2030agenda>.

⁵ Azza Aishath, 'Climate Change in Asia and the Pacific. What's at Stake?', Asia and the Pacific ,(June 16, 2023, 9:15 PM), <https://www.undp.org/asia-pacific/news/climate-change-asia-and-pacific-whats-stake?>

⁶ Jaime Ramos, 'What Has Made Copenhagen the Green Capital of the World? Tomorrow city', (June 15, 2023, 8:00 PM), <https://tomorrow.city/a/what-has-made-copenhagen-the-green-capital-of-the-world>.

IV. Sustainable Development and Constitution of India

Most of the countries of the South-East Asian region are in their developing stages which makes the concept of sustainability vigorous⁷. The first step towards the development of industrialization but nowadays it is the face behind the humiliation of ecology. For the betterment of society, experts globally now come up with a doctrine called sustainability. Development is a process but development with does not have to forget the environment is art, that rare combination is known as sustainable development.^{42nd} Amendment Act 1976 in the Constitution involves the fundamental duties (art 4A) which ensure the duty of every citizen of India to secure and upgrade nature together with forests, reservoirs and fauna and have a fellow feeling for biological creatures. There are certain fundamental rights for the citizen of India provided in Articles 14, 19, and 21. Article 21 of the constitution provides the rights to life and personal liberty which include the right to sustain the environment a fundamental right. For being in the category of an advanced nation they first and foremost need pure water. Air, health and a clean environment. The Constitution of India with the spirit of national commitment to protect a clean and well environment covenants the right to life and personal liberty. The longest and most written Constitution in the world the Indian Constitution deals with every possible outcome and has principles relating to environmental protection & sustainable development.

Apex court, in the *Vellore citizen welfare forum v. Union of India*⁸, held that “Remediation of the damaged environment is a part of the process of sustainable development and such pollutive is liable to pay the cost to the individual suffers as well as the cost of reversing the damaged ecology.” Also, in the case of *Rajiv Ranjan Singh*

*v. State of Bihar & Ors.*⁹, it was held by the Patna High court that non- fulfilment to protect the residents of the locality from the poisonous and highly injurious effects of the tree effluents and exhalation mounted tournament of the inhabitant’s rights granted under article 14 and 21 in this case the court held that the company shall have to carry all the Charge of treatment and suitable compensation to be awarded to the citizen. In *MC Mehta v. Union of India*¹⁰ popularly known as (the oleum gas leak case), the Supreme court once again implied that the right to live in a pollution-free environment is a fundamental right, under article 21 of the Indian Constitution i.e., the right to life.

V. PIL, DPSP and Environment protection

Most ecological cases come before the court through PIL (Public Interest Litigation) either under Article 32 or Article 226 of the Constitution. PIL is a chief aid in the hand of the people to approach the high court or supreme court for their rights and played a predominant role in developing and providing environmental jurisprudence with the mankind approach. In *Tarun Bhagat Sangh, Alwar v. Union of India*¹¹, the apex court said that the State of Rajasthan failed to make laws concerned with the environment or for the protection of the environment and the mining work must be stopped in the forest area. The Directive Principle of State Policies is the instructions to the Central and State government of India, to be kept in mind while framing laws and policies. Part IV of the Indian Constitution contains the Directive Principle of State Policies which extends from Article 36 to Article 51 (both inclusive). In the Landmark case of *MC Mehta v. Union of India*¹², also known as the CNG case, the apex court said that it is the duty of the State to secure the health of the people and protect and improve the environment referring to the Article 39(e)¹³, Article 47, and Article 48A.

⁷ Gregg Huff, ‘Growth and Globalization Phases in South East Asian Development’, Cambridge University Press (June 3, 2021, 10:03 AM), <https://www.cambridge.org/core/books/abs/cambridge-economic-history-of-the-modern-world/growth-and-globalization-phases-in-south-east-asian-development/6B59974972068FAA13CAAACD5786BF4A>.

⁸ Vellore citizen welfare forum v. Union of India (1996) AIR 2715, SCC 647.

⁹ Rajiv Ranjan Singh v. State of Bihar& Ors. 1996, C.W.J.C. no. 3126 of 1996.

¹⁰ MC Mehta v. Union of India. 1987, AIR 1086 SCC (1) 395.

¹¹ Tarun Bhagat Sangh, Alwar v. Union of India, (1993) SCR (3) 21.

¹² MC Mehta v. Union of India, (2001) Writ Petition (C). no13029 of 1985.

¹³ INDIA CONS. art. 39(e).



VI. Conclusion

Sustainable development is the first step towards sustainable cities. Sustainable development is a pathway for all citizens, it is the foundation to generate economic uplift, reach social fairness and exercise ecological handling and built-up governance. Urbanisation is a term which directly affects the cities, the way of urban construction directly affects nature, the environment and residents' quality of life. Cities are adopting an indefinite urbanization model, that is they tend to occupy an increasing area and exclude certain activities from the edge of cities, resulting in their need for more energy and material corruption, which make them less sustainable, less healthy, and ultimately unsustainable. From the local, regional, national, and international levels the law on sustainable development is gaining strength but it is possible by the maximum contribution of the citizen in the country. With the latest technologies and management, people can transform the nation and the future is in the hand of people. Each country must attain the 17 goals set by 2030 or they lose their life to economic disparities, pollution and from other hazardous substances. For the protection and conservation of forests and human life from any kind of pollution or harmful substance, our Indian constitution played a vital role in sustainable development and has various provisions for this involved in the constitution. The constitutional makers had very cleverly put provisions like Article 51A (j) (g) in the fundamental duties as fundamental duties are nothing but the long-term goals which the makers had in their mind for the country to achieve in the future. Several duties are given in the constitution for the protection of the forest. The motive of lawmakers to add fundamental duties in the Constitution was to engage and aware the citizens of their duties towards the nation to bring a positive change in society. Public Interest Litigation is one such tool which encourages citizens to take a stand for their rights and more actively participate in the betterment of society, by questioning the

government or checking if there seem any lacunas in the working of the government authorities or in case there are any infringements of rights of the citizens. The various article and other tools provided by the constitution denote the fact that we as a nation have a plethora of laws to drive our society towards sustainable development the only aspect, we lack is the proper implementation of the tools provided in the constitution and the lack of awareness among the citizens towards sustainable development of cities. The present laws must be implemented with some stricter penalties and it needs an hour that government should start handling matters related to sustainable development more seriously and the citizens must also be made aware. The development of any country starts from the very basic unit of society, cities are the roots that need to be watered and timely provided with required minerals and nutrition for the quality growth of the plant i.e., India. The ground-level approach is needed which starts from the cities with every member of the society actively participating in the process. The citizens are provided with numerous rights which highlights the fact that the citizens can knock on the doors of the judiciary in case there is any infringement of rights. India is actively working towards the sustainable development of cities and the proper implementation of constitutional provisions and active participation of citizens can drive India way long on the path of sustainable development and can lead to its highest growth and change the picture of the country in the next decade.

VII. Reference

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3. Narendra Kumar, Constitutional Law of India (10th edition -2021) Pg. 346.
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