ABSTRACT

ENVIRO-TRIANGLE IN CONSTITUTION

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Man is made up of nature and it nurtures and survives through nature and it thus should not forget that development without nature amount to nothing but its own extinction. The paper attempted to describe nexus between environment and constitution, initially by finding the very reason of enactment of environmental laws. After a series of alarming environmental incidences what came as international stand for protection of nature is Stockholm Conference in 1972. The Conference functioned as base for environmental enactments and 42nd amendment in Constitution of India. What has been named as ‘enviro-triangle’ is outcome of this amendment and judicial craftsmanship, which enlarged the scope of Right to Life in light of Article 48A and 51A(g). Mrs. Indira Gandhi while sensing the need of the time inserted environmental provisions in Directive Principles and Fundamental Rights. While judiciary working through its activism enlarged the scope of Art 21 through Subhash Kumar case, including right to wholesome environment within its folds. This Paper tried to put light on expanded scope of the three respective Articles in green legislation and its usefulness in conservation of environment. By using deductive method of research and analytical aspect the research look through various case laws and principles to expand the environmental scope of Constitution, and the necessity and usefulness of such expansion. It also evaluated the impact of the Constitutional provisions on the various environmental statutes. With the aim to evaluate the environmental constitutional aspect it project the question whether the ‘enviro-triangle is complimentary to other green statue. Whether the 90’s era of green legislation would have been possible without such activism? Whether ‘enviro-triangle’ converted the environment from group right as individual right with power in hands of every person to be more than a mere spectator of degradation?