

CONSTITUTIONAL APPROACH FOR SUSTAINABLE DEVELOPMENT AND THE ROLE OF HUMAN RIGHTS DEFENDERS

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ABSTRACT

This research paper explains how the sustainable development evolved in developing India since the inception of its constitution. The constitution envisages the philosophy of sustainable development along with several provisions starting from the preamble itself, the fundamental rights, Directive Principles of State Policy, the Fundamental Duties, V & VI Schedules, etc. which deal with the sustainable development. The human rights activists, social activists, judges, lawyers, etc. have contributed for the socio economic justice.

The human rights defenders sacrificed everything including their lives for protecting environment, to prohibit exploitation of natural resources. Planting trees, preventing deforestation, excavation, fight against sand mafia, running various movements like, *Narmada bachav Andolan*, *Chipko Movement*, *Aapiko movement*, *Hasdev Jungle Bachav andolan* are some of the instances where the Human Rights defenders used constitutional philosophy and played their role for sustainable development. Many human rights activists were jailed and many of them faced brutalities for protecting environment after realizing that the environment protection is very important for the sustainable development. The role of Human Rights Defenders

is remarkable for the sustainable development that has changed the government policies with the help of Public Interest Litigation.

Key words: *Sustainable development, Constitutional Philosophy, Human Rights Defenders, environment, movements.*

1) INTRODUCTION: “*Man by birth is a selfish animal*”. (Hobbes, 1615). Man is extracting the material resources in such a way that very soon time will come, where the world will face scarcity of oxygen, water, and food which are basic needs for survival of every human being. “*If everyone used energy and resources the same way we do in the western world, we would need three more earths at least, and we have only one*” (Bayley, 2008).

A) Concept & Meaning of Sustainable Development: the term sustainable development was for the first time used at the Cocoyoc declaration. Thereafter it received further impetus through the Stockholm Declaration where it was held that the world has just one environment and the man is both the creator and moulders of the environment. Further, in the Brundtland report the definition of sustainable development was given according to which it is the optimum utilization of resources for both the present and future generations. (Asthana, 2019) “***Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs***” (Brundtland, 1987). Sustainable development is the need of hour. Extracting natural resources such as deforestation, mining, animal slaughtering, etc. destroying natural wealth by pollution will lead to ecological imbalance. Therefore the founding fathers of our constitution have enumerated various provisions for the purpose of protecting environment and to secure sustainable development in the country.

B) Literature Review: Researcher has reviewed the following literature in order to have best understanding of the subject: The constitutional approach towards sustainable development is reflected in our constitution itself the preamble to the constitution, lists of Fundamental Rights, Fundamental Duties, Fifth schedule, and Directive Principles of state policy envisages provisions for justice, right to environment, right to health, which are covered under right to life. Indian judiciary has enormously interpreted the constitutional provisions and included the right to health, right to free

and fair environment, right to clean environment in various celebrated cases like Doon valley (AIR 1985), Oleum Gas leakage Case (court, 1987), Charan Lal Sahu Etc, Etc, V/s Union of India, 1987, (Hon'ble J Mukharji, 1989), Tamil Nadu Tanneries Case (India, 1996). The global community also later on recognized the importance of sustainable development in Stockholm Conference (United Nations Conference on United Nations, 1992), Rio Declaration, (Rio Declaration on Environment and Development , 1992), Brundtland Report (Brundtland, 1987), etc. Indian Environment Protection journey has experienced the public participation headed by the environment protectors. There have been various public agitations like Chipko Movement, Appiko Movement, Narmada Bachao Andolan, Hasdev Jungle Bachao Andolan, etc. Indian Government in response to these agitations and international legal mandate has enacted various legislations including the Environment Protection Act, 1986, Wild Life Protection Act, 1972, Air (Prevention and Control of Pollution Act) 1981, Water (Prevention and control of Pollution) Act , 1974, etc.

C) Importance of research topic: Nowadays rights to environment and sustainable development have become the Human Rights. Therefore emergence of Human Rights defenders is an obvious mechanism but the problem which Human Rights Defenders are facing is that the Human Rights of the Defenders are at the stake. There are various instances where human rights activists, specially environment activists, students, protesters, journalists, lawyers, authors, teachers, social media influencers etc. have become victims of their own human rights violations. Despite the fact that, there are constitutional safeguards, and measures available under international legal framework in favor of the Human Rights Defenders.

D) Objectives of research: the researcher aims to study the constitutional provisions enacted for the preservation of environment and their importance in human life along with the role of Human Rights Defenders in protecting basic Human Rights of the human being dependent on the environment.

2) Constitutional approach & framework for sustainable Development: the constituent assembly has drafted the Indian Constitution keeping in mind the importance of the overall development of the human race.

Preamble: at the outset, preamble of the constitution itself mentions that 'WE THE PEOPLE OF INDIA RESOLVED TO CONSTITUTE INDIA' in to a socialist

(Bakshi, 2011), however it was added by the 42nd amendment in 1976 the philosophy of socialist nature was reflected in our constitution primarily in the Directive Principles of state policy. For instance article 39 (b) which enshrined the principle of socialism it states that, the ownership and control of the material resources of the community are so distributed as best to sub serve the common good (Bakshi, 2011). Similarly article 51A (g) was also added which casts a fundamental duty on the every citizen of India it reads as; ‘it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. (Bakshi, 2011). Human rights defenders, activists are endangering their own life to preserve and protect the constitutional philosophy so that they can protect the environment and hand in hand the constitutional philosophy. The word justice secures freedom of the people which includes environmental justice too. The words democratic and republic casts a duty upon the state to comply with the provisions of the constitution. (Asthana, 2019).

- i) **Fundamental Rights:** constitution of India provides vast range of fundamental rights favoring environment protection and overall development of the country as a whole and individuals. Such as Article-14 equality before the law and equal protection of the Laws, Article-15 Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth, Article-19 protection of certain rights regarding freedom of speech etc., Article-21 Right to life, and Article-32 Right to constitutional remedies. (Bakshi, 2011).
- ii) **Directive Principles of state policy:** the provisions of Directive Principles of State Policy underscore the state obligation to prioritize sustainable development, distribution of material resources, and environmental conservation. Article- 39 (b) mandates the state to own, control and distribute material resources of the country in such a manner to sub serve the common good, Article-47 imposes a duty on state to improve health it states that, the state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as amongst its primary duties (Bakshi, 2011). Article-48 directs the state to organize agriculture and animal husbandry in such a way so that it will preserve and improve the breeds and prohibit cow slaughter and calves etc. (Bakshi, 2011). Article-48A introduced by the 42nd amendment Act of 1976 specifically addresses environmental

concerns: the state shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country (Sharma, 2025).

- iii) **Fundamental Duties:** the fundamental duties are collective responsibilities of the individuals in protecting environment, it highlights that the ecological well-being is a shared endeavor between the state and its citizens. Article-51A (g) which is also introduced by 42nd amendment articulates, *“It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures”* (Sharma, 2025).

3) **Role of Human Rights Defenders:** Who are Human Rights Defenders? *Human Rights Defenders are those individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms. They seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights* (Broumana, 2018-2019). There is no uniform definition of Human Rights defenders the above given definition is the most common definition used in the Human Rights arena. Hence it covers the social activists, human rights activists, journalists, Advocates, writers, whistle Blower, RTI activists, members of Non-Governmental Organizations, etc.

a) **Protectors of planet at the cost of their own life:** Land and environment defenders are playing a crucial role in protecting the planet specially the indigenous leaders, farmers, conservationists, and community activists, risk their lives opposing the destructive exploitation of natural resources. The Human Rights defenders are helping the Government Institutions in order to implement the constitutional provisions and are fighting against the government with the help of the constitutional rights. Human Rights defenders in connection with the environment are the people who take a stand against the unjust discriminatory, corrupt, or damaging exploitation of natural resources or the environment. Human Rights defenders, play they role in protesting, documenting and litigating against illegal logging, mining, and pollution frequently grave at personal risks. (Loki, 2025).

b) **Violence against environmental Defenders:** Since 2014, by the inception of Bharatiya Janata Party in power, it is alleged that the BJP is a party which is favoring the capitalists therefore India has become one of the most dangerous countries for environmental defenders, with more than 50 murders between 2015 and 2021. The majority of these killings are in connection with the struggles against illegal mining,

land acquisition, and forest exploitation. Environmental defenders in India, particularly those who speak out against government policies or corporate interests, are often targeted by powerful political and corporate networks. Activists like *Poipynhun Majaw, Vira Savaliya, Balwani, Shashidhar Mishra, and Satyajit Mohanty* have all been victims of suspicious or violent deaths after challenging mining mafias, corrupt power-sector practices, or land encroachments. The targeting of activists, often in collusion with local law enforcement, has created a climate of fear and silence around environmental and tribal rights issues. Despite the grave threats they face, many activists continue to fight for their cause, but the lack of legal protections and the complicity of the state in these killings have severely hindered their efforts. (James, 2025).

- 4) Case Studies: 1) Coal Activists Murder case:** On 8th November 2018 anti-coal activist Agnes Kharshing and Anita Sangma were assaulted with stones and sticks, allegedly by coal mafia, under broad daylight when their car was blocked by a mob of 30-40 people while returning to Shillong after a meeting with police officials in the coal town of Lad Rymbai in the East Jaintia Hills Region of Meghalaya. (Alier, 2019).

2) Delhi Air Pollution Case: On 24 November 2025 a peaceful protest against Delhi's escalating air-Pollution crisis at India Gate turned violent after intervention of police. The protestor's predominantly environmental activists were demanding immediate action to tackle the city's toxic air quality which has reached alarming level (James, 2025). By the end of the night, Delhi police had arrested between 15 and 22 protestors and filed charges that included obstruction, assault, and criminal conspiracy.

5) Conclusion: India is one of the most dangerous countries for the Human Rights defenders despite of the fact that the constitution of India envisages the salutary provisions like Fundamental Rights and Directive Principles of state policy. Save Aarey, save the Sundarbans, Climate action strike, right to breathe, Aaravali, etc. these ongoing protests are some of the examples which clarifies that Human Rights defenders are bound to fight for the protection of Human Rights of the Individuals. Generally at present the victims of Environmental degradation are the Adivasis, dalit's, tribals and other dependent people who are brutally suppressed by the Land Mafia, Coal-Mafia, etc. The Adivasis are fighting for their rights to save Jal, Jungle,

and Jamin (water, Forest, and Land). The Human Rights Defenders became their voice and are fighting along with the victims of Human Rights. Several Human Rights Defenders, protestors have been jailed, brutally assaulted and sexually harassed by the police, and individuals responsible for the Environment degradation. Hence it can be concluded that in order to implement the constitutional provisions favoring the environment, Government has to underline the importance of Environment and must consider the role of Human Rights Defenders who are fighting in order to save the Human Rights of individuals as well as the Environment.

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Journal of Multi-Disciplinary
Legal Research