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# Article 48A of the Constitution

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# Article 48A of the Constitution

In the dry grasslands of Rajasthan and Gujarat lives a tall, heavy bird called the Great Indian Bustard. Only a few are left. Many die when they fly into high-voltage power lines. In 2024, a case about this bird led the Supreme Court to say something new about our Constitution. The road to that ruling begins with one short Article, 48A. What does it say, and how did it grow so strong?

> **Article 48A** Protect the environment
> **Part IV** Directive Principle
> **1976** 42nd Amendment inserted it
> **51A(g)** The matching citizen duty

## 1 What Does Article 48A Say?

- The Article is one sentence. The State shall endeavour to protect and improve the environment. It shall also safeguard the forests and wildlife of the country.
- Look at the word **endeavour**. It means “try hard.” It is a gentle word. It tells you this is a goal and not a command that a court can force.
- Article 48A sits in **Part IV**, among the Directive Principles. Under Article 37, no court can enforce these principles directly.
- So can you sue the State just because it breaks Article 48A? On its own, no. But the story of this Article shows how judges found a way to give it real force.
- Notice the two parts of the sentence. One part is about the environment as a whole, such as air, water and land. The other is about forests and wildlife in particular.

**Remember:** Article 48A: a Directive Principle that asks the State to protect the environment, forests and wildlife.

> **Quick check 1.** Article 48A can be enforced in court on its own, like a Fundamental Right. *(True or False?)* See answer ↓

> **Quick check 2.** Article 48A was inserted into the Constitution by the 44th Amendment. *(True or False?)* See answer ↓

## 2 Why Was Article 48A Added in 1976?

- The original Constitution of 1950 did not mention the environment at all. Nobody then spoke of pollution or climate as we do today.
- Things changed in the 1970s. In **1972**, the world met in Stockholm for the first big United Nations conference on the human environment. Countries began to put nature on their law books.
- At home, India worried about cut forests, dirty rivers and vanishing animals.
- In **1976**, Parliament passed the 42nd Amendment. It was the biggest single change ever made to the Constitution, and it came during the Emergency.
- Among its many changes, this Amendment added Article 48A to the Directive Principles. It also added a matching duty for citizens, Article **51A(g)**.
- The same Amendment moved two subjects, forests and the protection of wild animals and birds, into the Concurrent List. This lets both Parliament and the States make laws on them.

## 3 How Did Article 48A Get Its Teeth?

- Here is the key idea. Courts connect 48A with **Article 21**, the right to life. A person cannot live fully with poisoned air or water. So a clean environment became part of the right to life.
- The story starts in the hills of Doon Valley, in what is now Uttarakhand. Limestone quarries were cutting the hillsides, and the damage was clear to see.
- A group called Rural Litigation and Entitlement Kendra wrote to the Supreme Court. The case was decided on **12 March 1985**.
- The Court faced a hard choice. The quarries gave people jobs. But they were also destroying forests and water sources.
- The Court ordered the closure of many of the quarries. It said that people must be protected from damage to the environment, even if the mines had valid leases. This is widely seen as India's first major environmental public interest case.
- A few years later, in 1991, the Court said that the right to life includes the right to enjoy pollution-free water and air. That case was *Subhash*

*Kumar v. State of Bihar*.

- Then came *Vellore Citizens Welfare Forum* in **1996**. Tanneries had polluted a river in Tamil Nadu. The Court accepted two ideas as part of Indian law: the precautionary principle and the polluter pays principle.
- The precautionary principle means: if a project may badly harm nature, do not wait for full proof before acting. The polluter pays principle means: the one who pollutes must pay for the cleanup.

## 4 What Happened in the Great Indian Bustard Case?

- Now we return to the bird. The Great Indian Bustard lives mainly in Rajasthan and Gujarat. Over the years its numbers fell sharply.
- A conservationist, M. K. Ranjitsinh, went to the Supreme Court. Birds were dying after hitting overhead power lines in the places where they live.
- The Court first passed protective orders. But it then saw a clash. India also needs more solar and wind power to fight climate change. How can the nation protect both the bird and clean energy?
- On **21 March 2024**, a bench led by Chief Justice D. Y. Chandrachud gave its judgment. It set up an expert committee to find a balance.
- More importantly, the Court said something new. People have a right to be free from the adverse effects of climate change. It drew this right from Articles 21 and 14.
- Article 14 matters here because the poor and vulnerable are often hurt most by climate harm. Equality is therefore at stake.
- This is how a short Directive Principle, over decades, became part of a major constitutional right.

**Remember:** 48A + Article 21 = environmental rights. Key cases: Doon Valley (1985), Vellore (1996), Ranjitsinh (2024).

## 5 How Do Article 48A and Article 51A(g) Match?

- The 42nd Amendment gave two sides of one promise. The State has a duty in Article 48A. Citizens have a duty in Article 51A(g).
- Article 51A(g) asks every citizen to protect and improve the natural environment. This includes forests, lakes, rivers and wildlife. It also asks citizens to have compassion for living creatures.
- Think of it as teamwork. The State makes policy and laws. Citizens look after the places they live in.
- Be careful with the labels. Article 48A is in Part IV, and it is a Directive Principle. Article 51A(g) is in Part IVA, and it is a Fundamental Duty.

## 6 What Should You Remember for Exams?

### Must Know

- Article 48A is a Directive Principle.
- It was inserted by the 42nd Amendment, 1976.
- It is not directly enforceable.
- Its matching duty is Article 51A(g).

### Good to Know

- Courts read 48A with Article 21.
- Doon Valley (1985) is a first major environmental case.
- Vellore (1996) accepted the precautionary and polluter pays principles.

### Great to Know

- 48A is for the State, 51A(g) is for citizens **(Trap)**.
- The 44th Amendment did not insert 48A **(Trap)**.
- The 2024 climate right came from Articles 21 and 14, not 48A alone **(Trap)**.

## 7 How Has This Been Asked in Exams?

## Practice MCQs

**1. What does Article 48A direct the State to do?**

**A.** Promote cottage industries in rural areas

**B.** Provide free legal aid to the poor

**C.** Establish a uniform civil code

**D.** Protect and improve the environment, and safeguard forests and wildlife

See answer ↓

**2. Which constitutional amendment inserted Article 48A?**

**A.** The 44th Amendment, 1978

**B.** The 42nd Amendment, 1976

**C.** The 73rd Amendment, 1992

**D.** The 86th Amendment, 2002

See answer ↓

**3. Can Article 48A be directly enforced in a court of law?**

**A.** Only the Supreme Court, not High Courts, can enforce it

**B.** No, Directive Principles like Article 48A are not enforceable under Article 37

**C.** Yes, any citizen can sue the State under Article 48A alone

**D.** Only during a national Emergency

See answer ↓

**4. Which case, citing Article 48A, is widely regarded as India's first major environmental public interest litigation?**

**A.** Vellore Citizens Welfare Forum v. Union of India

**B.** M.C. Mehta v. Union of India

**C.** Rural Litigation and Entitlement Kendra v. State of UP

**D.** Subhash Kumar v. State of Bihar

See answer ↓

**5. What new constitutional right did the Supreme Court recognise in the 2024 Great Indian Bustard case (M.K. Ranjitsinh v. Union of India)?**

**A.** The right to a minimum wage

**B.** The right against the adverse effects of climate change

**C.** The right to clean drinking water alone

**D.** The right to form environmental cooperatives

See answer ↓

# Answer Key

1. **D.** Article 48A directs the State to protect and improve the environment, and to safeguard the country's forests and wildlife. ↑ Q1
2. **B.** The 42nd Amendment Act, 1976, inserted Article 48A into the Constitution. ↑ Q2
3. **B.** Article 48A is a Directive Principle, and Article 37 makes Directive Principles non-justiciable on their own. ↑ Q3
4. **C.** Rural Litigation and Entitlement Kendra v. State of UP (1985), the Doon Valley mining case, is widely regarded as India's first major environmental PIL, and it cited Article 48A directly. ↑ Q4
5. **B.** In M.K. Ranjitsinh v. Union of India (2024), the Court recognised a new constitutional right against the adverse effects of climate change. ↑ Q5

## Quick-check answers

1. **False.** ↑ 1
2. **False.** ↑ 2

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