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# **EFFECT OF RAPID URBANIZATION, DEMOGRAPHIC GROWTH ON THE CONSTITUTIONAL COMMITMENT TO RIGHT TO HEALTH AND ENVIRONMENT UNDER ARTICLE 21 OF THE INDIAN CONSTITUTION**

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## **ABSTRACT**

While rapid urbanization, industrialization and other such developmental goals look attractive at the first blush, its impact on the environment and public health is quite alarming. Health in a way can be said to be the core of existence of any human being which again influences the overall development and growth of a given nation. And a healthy lifestyle or for that matter good health requires a clean and healthy environment to live in. Pollution standing in today's time is one of the greatest concern where half of India, specially the metropolitan cities are breathing absolute impure air and hence their life expectancy is also decreasing gradually. All such factors like that of the urbanization, pollution, demographic growth, deforestation, soil erosion, rapid industrialization cater to being the barrier to the Constitution's commitment to provide a clean and healthy environment with adequate healthcare facilities at large. The Indian judiciary by progressively interpreting Article 21 of the Indian Constitution has now broadened the scope and nature of the article to not just mean the right to life and personal liberty but to mean the right to live with dignity in a clean and healthy environment with the adequate healthcare facilities and nutrition. But still there remains a gap between that of the judicial pronouncements and the ground level implementation of the same by the administration and the citizens at large. Thus, the present research paper analyzes the impact of rapid urbanization, environmental degradation, demographic growth on environment and public health at large infringing Article 21 of the Indian Constitution. It also assesses the loophole in the administration and governance and also the statutory provisions that fails to curb the environmental degradation and pollution which is increasing at an alarming rate.

**Keywords:** Urbanization, industrialization, demographic growth, deforestation, judicial pronouncement, loophole

## INTRODUCTION

The right to a clean and healthy environment as well as the right to health has emerged as the most pivotal aspects of the constitutional evolution in India's environmental jurisprudence. The aspect regarding the clean and healthy environment and public health being basic rights of the citizens of the nation has not been explicitly mentioned in that of the Constitution but it has been a result of the progressive judicial pronouncements that are tailored to the need and demands of the current scenario. In today's time these rights are considered to be a part of our basic fundamental right for that matter of fact. It is said that environmental sanity cannot be separated from the notion of human dignity and right to life because the quality of the environment also equates to one's basic lifestyle.<sup>1</sup>

Health in a way can be said to be the core of existence of any human being which again influences the overall development and growth of a given nation. The World Health Organization (WHO) has given the definition of health which says "health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."<sup>2</sup> The right to health not only encompasses within its ambit the timely healthcare services and facilities or that of the adequate nutrition and housing but today when we are to talk about health then it also includes the safe working condition and clean and healthy environment as well. Thereafter when we are talking about right to clean and healthy environment, the right to health cannot be ignored but rather both the concepts may be equated.

The Constitution of India expressly mentions the right to life and personal liberty,<sup>3</sup> which says that "no person shall be deprived of his right or personal liberty except in accordance with the procedure established by law". This article in the initial stage was interpreted narrowly as to mean the right to live as a mere existence with certain right under the ambit of personal liberty. But over the years the judiciary who has the authority and power of interpretation of such laws made by the legislatures has dramatically expanded the scope of the provision which now includes an array of right within its ambit. For the purpose of the research we shall focus on the judiciary interpreting this article to include the right to health and clean and healthy

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<sup>1</sup> Right to a Healthy Environment in India: Constitutional Principles Explained, *available at*: Right to a Healthy Environment in India: Constitutional Protections Explained • Environmental Studies (EVS) Institute (last visited on Jan 18, 2026)

<sup>2</sup> Prof. Dr. V.K. Shrama, "Right to Health: A Constitutional and Human Right Perspective in India", Volume 29, IOSR-JHSS, 101-103 (March, 2024)

<sup>3</sup> Constitution of India, arts. 21

environment.

Initially the framers of the Constitution in India had a vision of a welfare state in which the state shall have the responsibility to ensure social and economic justice to the citizens of the country. This was the only objective to frame what we know as the Grundnorm of today's India. With progressive judicial pronouncements and landmark constitutional amendments, today the Constitution includes within its ambit the right clean and healthy environment as well as the basic right to health and healthcare. Furthermore, to Article 21, there are Directive Principle of State Policy (DPSPs) <sup>4</sup>contained in Part IV of the Indian Constitution that highlights the obligation of the state to work upon healthcare, adequate living conditions, human working condition and to protect and preserve the environment at large. There have been numerous landmark Supreme Court judgements that has affirmed that health and environment are part of right to life.

In the context of India, it has gone through a lot of events of environmental degradation because of varied reasons like that of the industrialization, urbanization and the uncontrolled demographic growth. Environmental degradation poses a threat to the natural resources and creates an ecological imbalance in the society thus creating an issue in maintaining public health and aiming for economic growth of the country.<sup>5</sup>

Industrial growth and urban development have increased air pollution, mainly because of the industrial transmissions and residue gas that is released by it. There are numerous pollutants released in the atmosphere because of such industrial work that too on a daily basis like that of the sulfur dioxide, nitrogen dioxides, particulate matters etc. All such pollutants are thereby harming the health of the public at large as these pollutants degrade the quality of air that we are breathing and also causes smog, acid rain posing risk to urban lives.<sup>6</sup> Also alongside this when there is an increase in the demographic growth in the country the need for space is also the need of the hour. Thereafter all the free spaces and recreational zones are now degraded and demolished to create space for urbanization and industry. There is not much option left for the people to live a healthy lifestyle utilizing such free space and recreational zones for that

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<sup>4</sup> Constitution of India, arts 38, 39(e), 41, 42, 47

<sup>5</sup> Adnan Khan, Environmental Legislation in India: Challenges and Pathways, *available at*: Environmental Legislation in India: Challenges and Pathways, (last visited on Jan 18, 2026)

<sup>6</sup> Meghan Hodges, "Urbanization and Industry: Environmental Impacts of Rapid Development", *available at*: Urbanization And Industry: Environmental Impacts Of Rapid Development | ShunWaste (last visited on Jan 18, 2026)

matter. Thereafter this research further analyses the issues regarding the gap between the constitutional commitment to clean and healthy environment and what the reality truly is.

## **RIGHT TO CLEAN ENVIRONMENT AND PUBLIC HEALTH**

Clean environment and public health these rights are now major essentials of the constitutional jurisprudence at large. Now, both these right have not been explicitly mentioned in the Constitution but they have been a result of the interpretation made by the judiciary and the judgements related to that of the environment and public health. Without the proper enjoyment of the clean environment and rights regarding the public health the works right to “life” cannot be fully enjoyed by the citizens. With this clean environment it also includes the creation of recreational zones wherein it will give the opportunity to the public to lead a healthy lifestyle where they can use such free spaces for their own rejuvenation and take care of their mental wellbeing.

The judiciary has by and by interpreted Article 21 that is right to life to include not just mere living of an individual but also to live life with adequate healthcare facilities, nutrition, good working condition and clean environment where any individual can at least inhale fresh air and drink clean water. Right to health has been considered as an “inherent and inescapable” part of dignifies life.<sup>7</sup> But sadly, it has been seen that this constitutional commitment to mankind had been facing sever challenges and barriers in the context of contemporary India wherein the situation of both the environment and that of the health of the public at large is at stake.

The case of **Virender Gaur vs. State of Haryana**<sup>8</sup> highlights the importance of the right to clean and healthy environment under Article 21 of the Indian Constitution. It says that right to life can never be merely the right to exist but to have this right with the enjoyment of right to clean environment at large. Living with dignity also means to live in a protected environment where the quality of environment is maintained and preserved. Without a clean environment right to life shall not retain its true essence and meaning.

Hygienic, humane and healthy environment is core to Article 21 of the Constitution. In this case the court has also highlighted the duty of the State to take actions and measures to create an ecological balance and to ensure hygienic environment. The case also highlights the issue

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<sup>7</sup> Francis Coralie Mullin vs. The Administrator, Union Territory of Delhi, 1981 AIR 746

<sup>8</sup> (1995) 2 SCC 577

of environmental pollution and degradation wherein the court is of the view that such pollution in the environment are direct threat to right live life with dignity and hence the constitutional commitment put forth by Article 21 is challenged.

### **IMPACT OF URBANIZATION AND DEMOGRAPHIC GROWTH IN INDIA**

In the context of the contemporary India the word urbanization plays a significant role in the development of the nation at large. Urbanization to simply define is basically the migration of the rural people from their base to urban cities mostly in search of job opportunities to build a life on their own. Opportunities in rural areas, as we are aware, are very less because of lack of education, lack of infrastructure, lack of industries therein etc. Thereafter the people living in the rural areas tend to move to the cities in lieu of job opportunities to create a standard of living for themselves and their family.<sup>9</sup>

In a very recent survey carried by that of the United Nations it has been noted and observed by them that by the year 2050, above 68% of the total global population shall shift their bases from rural areas to the urban area and that shall also lead to that of the habitat loss in areas concerning such mass movement at large. Even regarding this the World Bank has also carried a study and has come up with the conclusion that beyond 75% of the Earth's land shall be covered by that of the urban area and its population and it shall thus replace even the wildlife and the ecology present in those areas per se.<sup>10</sup>

Because of such mass migration the effect on the temperature and climate in the urban areas remain a question. It is quite hotter in the urban areas than in the rural areas. Tall buildings, other developments, pitch concrete roads, all of such cater and contribute to that of the solar heat emission than what our natural landscapes in the villages can emit. Rural areas are still left with trees whereas urban areas these days trees are a luxury to keep because of the over burdening of the population in the urban areas because of urbanization.

The natural trees and water bodies help in the process of the evaporation of the heat cumulated in the surface of the planet but that hardly is possible in the urban areas because again of the tall buildings and the asphalt and the concrete buildings. Even in the context of the urban areas

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<sup>9</sup> National Geographic, Urbanization, *available at*: Urbanization, (last visited on March 12 2026)

<sup>10</sup> Dr. Emily Greenfield, Effects of Urbanization on the Environment, *available at*: Effects Of Urbanization On The Environment - Sigma Earth, (last visited on March 16 2026)

and rising temperature there is a phenomenon called the heat trap where specially in the urban area because it has a lot of tall buildings and lack of free spaces for that matter, they tend to trap the heat in the surrounding and that heat is not released in the air and the wind gets blocked too. And of course, the ever-increasing vehicles on road and the pollution caused by it adds to the phenomenon.<sup>11</sup>

Urbanization at large affects the environment in many facets concerning the air water, soil and also in regards with that of the ecology and biodiversity and climate of a particular area. Urbanization at large leads to the conversion of green landscapes to concrete tall building with zero free space left. This destroys the ecosystem of the area whereby it declines the ecology and biodiversity of the area. It increases to environmental degradation manifold as it instigates the process of deforestation to create space for migrants.<sup>12</sup>

The conversion of wetlands and other natural landscapes into residential spaces or for that matter commercial spaces and even spaces for the factories and the industries at large. All such development is of course necessary for the growth of a given country in hand but that does not mean to do all such activities at the cost of the environment of that particular area. This habitat loss is direct threat to the ecology and the biodiversity which eliminates the natural species from the region and becomes vulnerable for the wildlife of that particular region for that matter of fact. It becomes so vulnerable because of urbanization that most of the species are now considered to be extinct because of this very reason.<sup>13</sup>

Now urbanization not only creates an ecological imbalance or biodiversity loss in the region but also contributes to major environmental concerns as well. Urbanization means the building of infrastructure and creating industries and factories for that matter. And for that use they need natural resources like wood, cement, steel, concrete etc. For this very reason it shall instigate the process of deforestation to get those natural resources in hand. This entire thing then creates and generates a large number of wastes which is extremely harmful for the environment. If proper waste management is not done then such wastes shall create environmental concerns

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<sup>11</sup> ScienceInsights, what is Urbanization? Causes, Effects and Impacts, *available at*: What Is Urbanization? Causes, Effects, and Impacts - ScienceInsights, (last visited on March 16 2026)

<sup>12</sup> Dr. Emily Greenfield, Effects of Urbanization on the Environment, *available at*: Effects Of Urbanization On The Environment - Sigma Earth, (last visited on March 16 2026)

<sup>13</sup> How Does Urbanization Affect the Environment, *available at*: How Does Urbanisation Affect the Environment? - The Institute for Environmental Research and Education, (last visited on March 16 2026)

and create hazards in the health of the public at large.

Urbanization as discussed earlier that because of those tall building and lack of free spaces in the areas it creates a heat trap kind of a situation where the heat gets trapped because of lack of space for it to move. The wind does not pass freely too which creates another problem added to that of the hat trap issue. Thereafter the urban areas experience higher temperatures in comparison to that of the rural areas. <sup>14</sup>Thus, it leads to use of air conditioner and refrigerators more and more which requires the use of energy resources and as we all are aware of the fact that energy consumptions and the use of the air conditioner and refrigerators lead to climatic changes and emission of the CFC's. It has thus destroyed the Earth's natural resistance layer from that of the UV rays emitted from the sun.

Now, as we talk about urbanization being one of the main reasons being the barrier to right health and environment in the context of contemporary India, what needs to be highlighted in this context is the aspect of the demographic growth in India. India has now in the recent times being the most populated nation in the world even leaving behind the former most populated country that was China. With over a 1.4 billion population presently India stands tall in numbers of the demographic growth in the globe. This number has been achieved not just through the birth in the country but through migration from different other countries as well.

This demographic growth also enhances the scarcity of food as the demand for food supply increases because of the increase in the population. Even if the food is made available but proper nutrition is not guaranteed to all and this acts as a severe challenge to the constitutional commitment to that of the right to public health at large. Even during the times of emergency patients need to run from hospital to that of the other in search of beds and accommodation. Population is increasing at a fast pace but the infrastructure regarding medical assistance is not enhanced properly hence creating barrier in providing adequate healthcare facilities to the public at large.

The demographic growth also tends to increase the level of pollution. This happens because of the multiplier effect. When the population grows at an increasing rate then in such a case even the earth's carrying capacity goes on a toss wherein it fails to produce that much natural resources that is needed to cater to the population and also the capacity of absorption of waste

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<sup>14</sup> Ibid 7

also then reduces. Not to forget about the greenhouse gas emissions because of excess use of energy resources etc.

## CONCLUSION

This research paper proposes that the main problem lies in the gap between that of the judicial pronouncements and the ground level implementation of the same. But then again this is the most challenging part to bridge the gap between that of the judicial pronouncements and the ground level implementation. But if that is not done then the Constitution's commitment to provide for the right to health and clean and healthy environment shall only be a commitment written in words and shall hold no true meaning and implementation of the same. The judiciary has obviously been quite successful in the interpretation and introduction of newer rights under the umbrella of Article 21 of the Indian Constitution but then again, the real deal comes when the discussion is about the actual implementation of such rights for that matter.

Thereafter, one of the most important suggestion in this regard or a proposal is that of the coordination between the organs or the branches of the government whereby there should be a common point of thinking and implementing between that of the judiciary, the legislature and the executive. The judiciary has by and by given many principles and policies in regards with not just the protection and preservation of the environment but in many other instances as well. But the thing is without proper backing of the legislature with their laws these principles shall be just mere words spoken by the judiciary the implementation of the same shall be distant dream in that case. Therefore, it is thus proposed that there should be proper effective mechanisms to convert these said policies and principles by the Indian judiciary to transform them into proper well formatted laws or inserted through amendments for that matter. Thus, the legislature the judiciary and the executive have to all come together to make such things work having clear principles and programmes actionable in nature.

Another pivotal proposal in this regard to bridge the gap between that of the judicial pronouncements and the ground level implementation is the accountability and the transparency of the government's administration and the authorities at large. It has been by and by seen that by abusing one's power many instances have shown that those people in the capacity of the administrative level have granted permissions to industries and factories to carry on with projects that otherwise harms the environment at large thus becoming barrier to the protection and preservation of environment and public health at large.

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