



ANTROPOCENE CONSTITUTIONALISM: REVIEWING ARTICLE 21 FOR BIODIVERSITY LOSS IN THE PROCESS OF URBANISATION

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ABSTRACT

India's rapidly growing urbanisation and concretisation have an immense effect on the environment as a whole. Anthropocene constitutionalism reframes unchecked and arbitrary urban concretisation as a breach or violation of Article 21's Right to Life and Liberty, while protecting the rights of biodiversity. Current National Green Tribunal, High Courts and Supreme Court have time and again treated this issue as more of a temporary band-aid to the solution rather than providing a permanent one. Delhi's Yamuna floodplains, the encroachment and destruction in Bengaluru lakes, and Mumbai's Forest clearances breach planetary boundaries and silence the rights of nature. This paper proposes certain solutions to the current issues faced through measures such as Biodiversity Assessments, legal representation of natural resources and Intergenerational Restoration Writs that transform the public interest litigations from temporary injunctions to a permanent solution. Judicial innovation in such matters is imperative, and breach of Article 21 is equivalent to constitutional theft. The current framework is in dire need of a change to ensure that future generations do not suffer the consequences of the current activities by humans.

Keywords: Anthropocene Constitutionalism, Article 21, Urban Concretisation, Judicial environmentalism.

INTRODUCTION

The term "Anthropocene" was coined by celebrated chemist Paul Crutzen as a human-dominated geological epoch, supplementing the Holocene¹. The term "Anthropos" is a Greek word meaning human, and "Cene" means new or recent epoch. It is widely used in the era

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¹ Paul Crutzén, 'Geology of Mankind' (2002) 415 Nature 23 <https://doi.org/10.1038/415023a>

where humans are the core force changing the dynamics of the earth, when compared to other natural forces or calamities. Focusing solely on India, there have been several reports that statistically prove that there has been a significant increase in urbanisation and land use land cover (LULC) change, which leads to a crucial question regarding how Article 21 silently permits concretisation by harming biodiversity, yet the spotlight does not shift beyond the pollution principles and factory hazards.²

India's large - scale urbanisation had to pay the price of major biodiversity destruction. As per the India State of Forest Report 2023³, major cities have seen a massive environmental degradation and violation of statutory norms. The country's capital has lost 25% of its green cover for the expansion of the metro project, the Western Ghats Eco-sensitive area has reduced by 58.22 km² since 2013, and India has surrendered a total area of 24,651 km² of dense forest since 2023. Official news reports suggest that India has lost approximately 18% of its forests, and the core cause is activities such as mining, construction of roads and large projects.

Environmental law was introduced as a part of the Constitution as a Directive Principle of State Policy (DPSP) in the 42nd Amendment, 1976, as Article 48A. Currently, issues about the environment are dealt with under Article 21 of the Indian Constitution⁴ – The Fundamental Right to protection of life and personal liberty via landmark interpretations and judicial review. Currently, the National Green Tribunal provides a specialised adjudication under the National Green Tribunal Act, 2010. However, there is a wide, unaddressed gap regarding the impact of humans on the environment in more ways than a few select ones. We are crossing planetary boundaries as we cause a state shift in Earth's biosphere as we enter the Anthropocene, which is an altogether more unpredictable and unstable geological epoch.⁵

The current legislation about environmental laws has evolved through landmark judgements such as Subhash Kumar v. State of Bihar,⁶ which recognised clean air and water as fundamental rights under Article 21, followed by Vellore Citizens Welfare Forum v. Union of

² T Basu and A Das, 'Systematic Review of How Eco-environmental Transformation Due to Urbanization Can Be Investigated in the Sustainable Development of Indian Cities' (2021) 4 Environmental Challenges 100099 <<https://doi.org/10.1016/j.envc.2021.100099>>

³ *Forest Survey of India, India State of Forest Report 2023* (Ministry of Environment, Forest and Climate Change, Government of India 2023).

⁴ Constitution of India 1950, art 21

⁵ Domenico Amirante and Silvia Bagni (eds), *Environmental Constitutionalism in the Anthropocene: Values, Principles and Actions* (Routledge 2022) <<https://doi.org/10.4324/9781003175308>>.

⁶ Subhash Kumar v State of Bihar (1991) 1 SCC 598

India⁷, which held that the principles of sustainable development, polluter pays, and precautionary principle, which were initially customary international law, were binding on India. Other notable precedents include the famous M.C Mehta cases, which institutionalised urban ecological safeguards, CNG vehicles in Delhi (1998), pollution controls in vehicles (2002) and advocated for heritage environment linkages. (1996). The case of T.N. Godavarman Thirumulpad⁸ had turned forest conservation through the idea of continuous mandamus. The recent case of M.K. Ranjitsingh v. Union of India⁹ emphasises the need for a balance between the Great Indian Bustard habitat protection and the rights of interspecifics with respect to Article 21 rights.

Despite several awareness campaigns and Public Interest Litigations, the anthropocentric blind spot continues to prevail in the courts. Legislative decisions in certain cases, such as Bombay Environmental Action Group v. State of Maharashtra¹⁰, had ordered to halt tree felling but had not mandated restoration. Similarly, the Yamuna Biodiversity PIL protected the floodplain wetlands temporarily, but post-stay, there was no impact, and concretisation continued. Another example is the judgment of Save Monnet Harbour v. NGT¹¹, wherein the National Green Tribunal had fined the party for coral reef destruction, yet permitted the competition of the port, which led to further biodiversity damage.

RESEARCH GAP

This paper argues that Anthropocene constitutionalism demands recognition of Article 21 explicitly for biodiversity loss as a fundamental right violation in the process of urban expansion litigation. Despite several laws and doctrines, grey areas such as Anthropocenic bias among species extinction and human beings, Remedial inadequacy and the disconnect in urban planning with constitutional imperatives are some of the gaps in the current scenario that have to be worked upon.

FRAMEWORK OF ANTHROPOCENE CONSTITUTIONALISM

Anthropocene constitutionalism restructures fundamental rights within humanity's geological dominance, where urban concretisation is rivalling natural forces. India is in the race of the

⁷ Vellore Citizens Welfare Forum v Union of India AIR 1996 SC 2715

⁸ T N Godavarman Thirumulpad v Union of India (1997) 2 SCC 267 (SC).

⁹ M K Ranjitsinh and Others v Union of India and Others 2024 INSC 280, Writ Petition (Civil) No 838 of 2019

¹⁰ *Bombay Environmental Action Group v State of Maharashtra* 2019 SCC OnLine Bom 2632

¹¹ Save Mon Region Federation v Union of India (2013) 3 SCC 409

sixth extinction. Multi-level polycentric efficient governance of vulnerable climatic anomalies can ameliorate and delay the effect of the great acceleration. Efficient policy makers, basin and other line managers, political leaders, economists, and teachers should stress effective adaptation and management, which can provide better results to address the uncertainty and complexity of the epoch.¹²

The process of urbanisation has had a considerable amount of impact on the environment of the country. The unplanned urbanisation and excessive usage of natural resources have made deflative influence upon the available resources in the form of pollution of land, air and water. Planning commission report (2014) reveals that 377 million people residing in urban areas generate 62 million tons of MSW per annum currently, and it is projected that by 2031, these urban centres will generate 165 million tons of waste annually and by 2050, it could reach 436 million tonnes¹³. Increase in population has adversely affected the green cover in urban India – Chennai and Mumbai have a meagre 0.46 m². Increase in population has adversely affected the green space per capita, respectively, as compared to the UN recommended standard of 9 m² of green space per capita.¹⁴ This biospheric collapse and lack of balance demand the recalibration of Article 21. The fundamental right to life and liberty cannot protect human health while permitting the destruction of ecological spaces.

Anthropocene constitutionalism's framework includes three doctrinal pillars that transform the jurisprudence of Article 21. First, is the inclusion of planetary boundaries as explained by Rockstrom's nine Earth system thresholds: Climate change, Novel entities, Stratospheric ozone depletion, Atmospheric aerosol loading, Ocean acidification, Modification of biogeochemical flows, Freshwater change, Land system change and Biosphere integrity. The planetary boundaries framework highlights the rising risk from human pressure on nine critical global processes that regulate the stability and resilience of the Earth. Planetary boundaries are interdependent.¹⁵ The long- term scale stability of the past, which allowed human societies to develop and thrive, comes from the complex interactions of biophysical processes within the

¹² Siba Prasad Mishra, 'The Apocalyptic Anthropocene Epoch and Its Management in India' (2017) 5(3) International Journal of Advanced Research 645 <<https://doi.org/10.21474/IJAR01/3555>>

¹³ Dhanya John, K M Francis and Sabu Johny, 'Urbanization and Environmental Issues in India: An Intertemporal and Spatial Analysis' (2019) 6(2) International Journal of Research and Analytical Reviews <https://www.researchgate.net/publication/342802182_URBANIZATION_AND_ENVIRONMENTAL_ISSUE_S_IN_INDIA-An_intertemporal_and_spatial_analysis>

¹⁴ 7. Aabshar U K Imam and Uttam Kumar Banerjee, 'Urbanisation and Greening of Indian Cities: Problems, Practices, and Policies' (2016) 45(4) Ambio 442 <<https://doi.org/10.1007/s13280-015-0763-4>>

¹⁵ Rockström, J., Steffen, W., Noone, K., Persson, Å. et al. 2009. A safe operating space for humanity. *Nature* 461: 472-475 DOI 10.1038/461472a

Earth system.

Earth system governance recognises non- human legal agency, while granting forests, water bodies such as rivers and lakes, wetlands the same constitutional status as a human being. This necessity arises following cases such as the Aarey Tree Felling, which was carried on despite the honourable Supreme Court's directive prohibiting tree felling in Mumbai's Aarey Colony without explicit permission,¹⁶ the Yamuna's wetland crisis, the Vizhinjam port pulverisation,¹⁷ and the coral issue are some of the many problems faced during the course of industrialisation and urban development.

Intergenerational Equity is another ideology that can be added to the framework of Anthropocene constitutionalism to enhance the concept. Intergenerational equity reimagines Article 21 and extends the protection of the right to life and personal liberty to unborn citizens and preserves ecological inheritance against the present-day environmental depredation. This concept originates from the precautionary principle and public trust doctrine, which has been established through precedents such as *Rural Litigation and Entitlement Kendra v. State of UP*¹⁸, which held that natural resources like forests, rivers and biodiversity hotspots constitute a finite endowment owed to future generations, not disposable assets for immediate exploitation. In another landmark judgement, *M.K. Ranjithsinh v Union of India*, the honourable Supreme Court has clarified this by prioritising the Great Indian Bustard habitat over solar projects and mandating Biodiversity Impact Assessments that quantify the transgenerational harms that can be caused due to the same. The entitlement of Article 21 has to extend to the issuing of writs and Public Interest Litigations, which shifts development from short-term gain to long-term stewardship. As we integrate these concepts into a structural framework, they form a better legal acumen for the upcoming and present generations.

EVOLUTION OF ARTICLE 21 IN THE ENVIRONMENTAL CONTEXT

Environmental protection has emerged as one of the most significant constitutional developments in India. Judicial interpretations have been interpreted to include the right to a

¹⁶ UrbanAcres Editorial, 'Over 2,000 Trees Felled in Aarey Since 2022 Despite Supreme Court Ban' Urban Acres (13 January 2025) <<https://urbanacres.in/over-2000-trees-felled-in-aarey-since-2022-despite-supreme-court-ban/>>

¹⁷ Vizhinjam Port Turning into an Eco Disaster' The New Indian Express (28 July 2021)

¹⁸ *Rural Litigation & Entitlement Kendra v State of Uttar Pradesh* AIR 1985 SC 652

clean and healthy environment as a part of Article 21.¹⁹ The current legislation that exists has roots in various landmark precedents, international laws and other conventions and presently has become central to balance the economic growth of the country with ecological preservation. The first link of Article 21 to environmental protection can be traced back to the case of *Subhash Kumar v State of Bihar*²⁰, wherein the court held that access to unpolluted water is a fundamental right, thereby laying the foundation of judicial environmentalism, this was further accelerated through precedents like *Vellore Citizens Welfare Forum v Union of India*, which incorporated the concept of precautionary and polluter pays principles into the Fundamental Right to life and liberty. However, it took a long time for the apex court to pronounce explicitly that the Right to life under Article 21 of the Constitution contains a right to have a healthy environment. More often than not, courts had to decide on the conflicts of rights between citizens. The freedom of expression under Article 19(1)(g), freedom of religion under Article 25, and above all the Right to equality under Article 14 are the areas where these conflicts arise in contradistinction with the Right to a healthy environment under Article 21.²¹ One such example is the case of the *Ivory Traders and Manufacturers Association v Union of India*²² wherein the full division bench at the Delhi High Court examined whether the banning of the import of ivory as per the wildlife law would infringe the Rights under Article 14, right to carry business under Article 19(1)(g), and the Right to property under Article 300A of the Constitution.

The Indian judiciary has emerged as a proactive protector of environmental rights primarily through the mechanism of Public Interest Litigations (PILs) and an expansive interpretation of constitutional provisions. PILs have empowered concerned citizens and groups to approach the courts on behalf of those unable to seek justice themselves, such as marginalised communities or future generations. According to the court in the *T. Damodhar Rao* case, the Common Law is inadequate to meet the urgent task of protecting our ecology and environment. In another case of *Sierra Club v. Morton*²³, Justice Douglas stated that Inanimate objects are sometimes parties in litigation, so it should be as respect's valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swamp lands or even air. The voices of inanimate objects

¹⁹ The Legal Quorum, 'Environmental Jurisprudence: Expanding the Scope of Article 21 and Sustainable Development' (18 October 2024) <<https://thelegalquorum.com/environmental-jurisprudence-expanding-the-scope-of-article-21-and-sustainable-development-2/>>

²⁰ *Subhash Kumar v State of Bihar* (1991) 1 SCC 598

²¹ P Leelakrishnan, *Environmental Law Case Book* 2nd ed (LexisNexis 2006) <<https://store.lexisnexis.com/en-in/products/environmental-law-case-book-insku9788180381324.html>>

²² *Ivory Traders & Manufacturers Association v Union of India* AIR 1997 Del 267

²³ *Sierra Club v Morton* 405 US 727 (1972) <<https://supreme.justia.com/cases/federal/us/405/727/>>

should not be stilled. Before those priceless bits are forever lost or so transformed as to be reduced to the eventful rubble of the urban environment, the voice of the existing beneficiaries of these environmental wonders should be heard. Courts have time and again given clarity that protection of the environment is not only the duty of the citizen, but also the obligation of the state and all other state organs, including the courts.

Other notable cases, such as *State of Tamil Nadu v K Balu*²⁴, addressed the issue of illegal sand mining in the state of Tamil Nadu, which had a significant impact on the environment. The ruling emphasised that environmental law is intrinsically related to the fundamental right to life under Article 21 of the Indian Constitution. Another landmark judgment is the case of *Narmada Bachao Andolan v Union of India*.²⁵ This case revolved around the Sardar Sarivar Dam project and the environmental and social concerns associated with its construction. The Supreme Court revisited the issue of the displacement of indigenous communities and the environmental impact of the dam. The honourable court reaffirmed that development projects must balance economic growth with environmental sustainability and human rights. The judgment emphasised that the right to a sustainable environment under Article 21 should be a guiding principle in assessing the environmental cost of development projects. Other turning points in the history of environmental law are the case of the *Environmental Protection Foundation v. Union of India*²⁶, wherein the Supreme Court dealt with the issue of illegal mining in eco-sensitive zones, where mining activities were endangering the local ecology and biodiversity. The court ruled that mining activities in such areas violate not only environmental regulations but also the right to a sustainable environment under Article 21. The Court directed the government to ensure that all mining operations comply with environmental standards and the principle of sustainable development, highlighting the importance of integrating environmental rights into constitutional law to protect both human and ecological health.

Anthropocene constitutionalism demands that Article 21 must evolve from episodic mitigation of environmental crisis to better biospheric trust, which recognises violations across the planet, non-human agency and intergenerational equity. The current jurisprudence, which exists, treats concretisation as more of a regulatory lapse. The present scenario requires better permanent restoration mandates.

²⁴ *State of Tamil Nadu v K Balu* 2016 SCC OnLine SC 1083

²⁵ *Narmada Bachao Andolan v Union of India* (2000) 10 SCC 664

²⁶ *Environmental Protection Foundation v Union of India* (2017) 5 SCC 326

URBAN APPLICATIONS: CASE STUDIES DELHI

RIDGE FOREST CASE

Delhi Ridge Forest is an important natural ecosystem of the city. However, there has been an increase in the population of Delhi by 21.20 % between 2001 and 2011.²⁷ The forest of Delhi Ridge is under multiple pressures that include rapid urbanisation, biological invasion by invasive species, conversion of forests into parks and introduction of non- native ornamental species, building of infrastructure- roads, metro rail line, etc., dumping of construction water, illegal encroachments, etc. ²⁸Several changes have been observed in all four areas, with the maximum percentage change observed in the area being observed in Central Ridge.²⁹

It is interesting to note that the air quality in Delhi has simultaneously degraded in the same time period. While this might not be directly an effect of the Delhi Ridge degradation, the protection of the Ridge is certainly a prerequisite³⁰. The demolition of Delhi Ridge Forest breaches planetary boundaries. The safety limit for the heat island amplification violates the urban threshold. Further, despite flood regulation services, the Earth system Governance was absent. Even today, only a small fragment of the forest is under the supervision of the Forest Department of Delhi.³¹ Ensuring that the entire forest is under the control of the Forest Department to protect the forest cover. The conservation of the Delhi Ridge is critical to the sustainability of the urban growth of Delhi. There is thus a need to put efforts towards the preservation and protection of the same.

YAMUNA FLOODPLAINS

The New Delhi's Yamuna floodplains are a representation of the violation of Article 21. As per the official report, Yamuna floodplains span across 9,700 hectares, and 75% of the same is encroached by housing, slums, dairies, etc, despite the NGT orders since 2012, ³²and the Delhi

²⁷ Government of NCT of Delhi, Economic Survey of Delhi 2018–2019 (Government of NCT of Delhi 2019)

²⁸ Bhuvan Chopra, Bhavna Singh and Y S C Khuman, 'Spatio-temporal Analysis of Land Use/Land Cover Changes in Urban Forest Ecosystem: A Case Study of Delhi Ridge Forest' (2022) 10(3) International Review for Spatial Planning and Sustainable Development 128 <https://doi.org/10.14246/irspsd.10.3_128>

²⁹ *ibid*

³⁰ P Singh, A Gupta and A Sharma, 'Delhi Ridge Forest and Its Role in Maintaining Air Quality and Ecological Balance' (2016) Delhi Greens <<https://delhigreens.org/wp-content/uploads/2019/04/singh-et-al2016.pdf>>

³¹ Bhuvan Chopra, Bhavna Singh and Y S C Khuman, 'Spatio-temporal Analysis of Land Use/Land Cover Changes in Urban Forest Ecosystem: A Case Study of Delhi Ridge Forest' (2022) 10(3) International Review for Spatial Planning and Sustainable Development 128 https://doi.org/10.14246/irspsd.10.3_128.

³² *Manoj Misra v Union of India* OA No 6 of 2012, judgment of 13 January 2015, National Green Tribunal (Principal Bench, New Delhi)

High Court has given similar orders, but they have not been implemented. The area of settlements that accounted for only 2.6% of the total floodplain in the study area has increased by 186% to 2023 ha in 2002 (a threefold increase to about 7.7% of the total geographical area). According to the Central Pollution Control Board (CPCB), the water quality of the Yamuna River falls under the category “E”, which makes it fit only for recreation and industrial cooling, completely ruling out the possibility for underwater life, leading to a biodiversity collapse³³. Sludges that contain inorganic, organic and other toxic matters usually get deposited at the upstream of the barrages, and their sudden release in the downstream of the river water increases the pollution level so high that led to the mass death of fish, especially in Delhi and eutrophic segments frequently. Despite the Delhi High Court restraining the DMRC operations post March 31 2026, the Asita East “riverfront” project is embedding concrete pathways, which greenwash the floodplain destruction. The current framework has to be restructured to include much stricter actions to ensure that the river, which is almost on the verge of dying, is saved through the legal framework.

BENGALURU’S LAKE ENCROACHMENT

Karnataka is the fifth largest metropolitan city in India and has emerged and is growing as the IT Hub of India, also known as the Silicon Valley of India. However, the growing infrastructural development and urbanisation have also led to a massive depletion of natural vegetation and water bodies across the city. Some of the lakes, like Bellandur Lake and Varthur Lake, show a constant decline in area due to illegal encroachment and insufficient monitoring.³⁴ There has been a breach of the biodiversity threshold, and the concretisation exceeds the 15% safe limit. In the heart of the city and extensions, the encroachment of tanks by individuals and public agencies has made the tanks not only very small but also reduced the storage levels. These encroached bodies have been used by public and private agencies for easy dumping of urban solid wastes, debris, domestic sewage, industrial effluents and immersion of Ganesha Idols. This has contributed to the deteriorating water quality, making it unfit for human consumption.³⁵ Many studies on the quality of lake water in the city have found that water in the lakes contains high levels of phosphate, sulphate, calcium and alkalis, which make the water

³³ A K Mishra, ‘A River about to Die: Yamuna’ (2010) 30(8) Indian Journal of Environmental Protection 655

³⁴ R Kumar, S Sharma and P Verma, ‘Urban Environmental Degradation and Sustainable Planning in India’ (2025) 6(4) International Journal of Research Publication and Reviews
<<https://ijrpr.com/uploads/V6ISSUE4/IJRPR43560.pdf>>

³⁵ M Nair and D Bhowmik, ‘Rejuvenation of Lakes in Indian Cities: A Case Study for the Betterment of Wetlands in Bangalore’ (2020) 9(8) International Journal of Innovative Technology and Exploring Engineering 2278

very hard. Existing lakes have lost food-absorbing capacity, leading to the new phenomenon of Urban floods.³⁶ The current situation needs to be studied and can only be resolved if the laws applicable are more stringent and have a better effect, especially on illegal activities such as encroachments, leading to better ecosystem development.

These are very few cases out of thousands of existing cases which violate Article 21, the thresholds, illegal encroachments, pollution, biodiversity loss and many more safety precautions that are breached in the name of urbanisation, infrastructural development and growth. The current scenario forces the judicial system and the legislation to look beyond Public Interest Litigation cases and NGT decisions. The dire need to change the framework, which is inclusive of the Anthropocene constitutionalism, is important for the survival of the upcoming and present generations.

JUDICIAL REMEDIES

The judicial system in India plays a role beyond the legislation as an activist that has transformed environmental governance in India. Environmental governance in India has developed gradually. Post-independence, the government has introduced various legislations to promote environmental development. Although the major shift in the government's approach came after the Stockholm Conference of 1972 on Human Environment, which made it apparent to most countries to adopt a comprehensive legislation that addresses various important matters such as health, safety and issues about flora and fauna. On the recommendation of the Tiwari Committee, a separate department was created in the central government in 1980, which was further converted into the Ministry of Environment and Forests in 1985. Various legislations such as the Wildlife Protection Act 1972³⁷, the Water (Prevention and Control of Pollution) Act 1974³⁸, and the Forest Conservation Act 1980³⁹. After the Bhopal Gas Tragedy in 1984, the Environmental Protection Act of 1986⁴⁰ was passed to promote coordination between the central and state governments and address existing environmental issues.

Further, invoking Article 32⁴¹ and Article 226⁴² were liberally interpreted by the Supreme

³⁶ H A Muniraja, 'Impact of Vanished and Encroached Lakes: A Case Study of Bangalore Metropolitan Region' (2018) 7(1) Geo-Eye 1 <<https://doi.org/10.53989/bu.ge.v7i1.1>>

³⁷ Wildlife (Protection) Act 1972.

³⁸ Water (Prevention and Control of Pollution) Act 1974.

³⁹ Forest (Conservation) Act 1980.

⁴⁰ Environment (Protection) Act 1986.

⁴¹ Constitution of India, art 32.

⁴² Constitution of India, art 226.

Court and High Courts for environmental activism. Later, the introduction of National Green Tribunals specifically for environmental issues and the inclusion of environmental issues as a part of Article 21, the Right to Life and Liberty,⁴³ was another turning point in the judicial perspective of the Indian environment. However, the present legal framework ignores the bigger problem. Current decisions by the NGT and various courts focus on fines and other monetary compensation remedies, which do not have a serious effect on individuals damaging the environment. There is a need to realise that Courts require stronger tools to protect planetary boundaries, nature's rights, and the ecosystem for future generations.

Some ways in which the judiciary can change its approach are to begin with the ordering of the Biodiversity Impact Assessments. These Assessments work beyond the normal clearances and measure the impact of each project and the breach of Earth's safe limits. This would be necessary in certain projects, such as the Yamuna Floodplains, within which 75% encroachment had destroyed flood protection and disturbed the wetland species. Approval of the project by the specific officers- in-charge has to be done only after processing through the Bio Diversity Assessments.

Another solution would be to give forests, lakes, and wetlands legal standing just like rivers. The legal identity given to these bio diversities would be impactful as it lets nature speak through representatives rather than just humans. Further solution can be the issuing of Intergenerational.

Restoration Writs. Intergenerational Restoration Writs are the permanent court orders given to the party to restore the damage that has been done through them to the environment. Restoring what we have already lost solves a major chunk of the current environmental problems. Rigorous checking by officials and government authorities consistently can help gain back we have lost. This helps in creating a system of sustainable development for the upcoming generations.

Further, focusing solely on issues such as pollution or ordering temporary stays and cleanups does not create a permanent solution to the ongoing problem. The judiciary has to realise the importance of the effect of biodiversity loss and ensure that infrastructural development, urbanisation, and concretisation all go hand in hand with ecological growth and ensure that biodiversity is not harmed irreversibly. Violations and breaches have to trigger stricter reviews

⁴³ Constitution of India, art 21.

and bigger penalties, which set a precedent for any individual committing a crime.

To put in simple words, the current remedies focus on temporary solutions rather than a permanent fix to the problems. Before the ongoing situation worsens and the harm is permanent, the court has to make evolutionary changes to Article 21. Some solutions, such as biodiversity assessments, legal representation powers and other measures, can prevent greater harm for the upcoming generations.

CONCLUSION

Urbanisation is closely linked to modernisation, industrialisation, and rapid growth and transformation of social roots on a global scale, wherein rural culture is replaced by the urban one. India's growing urbanisation has a regional and worldwide impact.⁴⁴ Although there are a lot of positives associated with the same, there are also a large number of negative impacts on the nation through this process. One of the main adverse effects is on the environment and biodiversity of the nation. India is blessed with a large variety of flora and fauna, and its various water bodies and underwater ecosystems. However, certain human activities have created an imbalance in the same affecting humans and other species alike. Recent studies also revealed that a large number of people have been suffering from respiratory diseases, allergies and cough. It has doubled since the 1990s. Further, it has been noticed that 23 Indian Cities have crossed the dangerous limits because of auto exhaust and industrial emissions.

Urban concretisation in major cities constitutes a composite violation of Article 21 and other safety measures and regulatory breaches, thereby snatching the ecological inheritance of future generations and destroying the environment. It is critical, therefore, to build safe, healthy and resilient cities with energy-efficient and sustainable urban infrastructure systems. Aluru and Kolkata have become engines of economic development, but also hotspots of environmental stress. Unregulated urban sprawl, industrial proliferation, and vehicular congestion have contributed to declining air quality, groundwater depletion, and degradation of river systems such as the Ganges and Yamuna. Despite various policy implementations and judicial decisions, environmental sustainability remains a critical concern in India. Current NGT, High Court and Supreme Court remedies treat them as mere regulatory lapses rather than constitutional theft.

⁴⁴ M G Deshpande, 'Urbanization in India: An Impact Assessment' (2023) 4(2) ShodhKosh: Journal of Visual and Performing Arts 1927 <<https://doi.org/10.29121/shodhkosh.v4.i2.2023.3155>>

In this regard, an evaluation can be performed to determine whether the ongoing urban development is sustainable and eco-friendly or not. The perception of the local people becomes the key element in this case. It can identify the drawbacks in urban planning and help to develop more livable cities. Perception analysis can reveal the environmental need through the direct involvement of the stakeholders. In this way, it can facilitate a bottom-up approach wherein environmental aspects can be considered in the development process following the demand of residents⁴⁵

Anthropocene constitutionalism delivers the remedy to these issues. Intergenerational Restoration, Writs mandates, assessments, stringent policies, and legal representation are all measures to begin with. It is the simple truth that unguarded urbanisation and concretisation steal breathable air for the future generation. The judiciary has to work hand in hand with the legislature and executive to evolve laws that are inclusive of Anthropocene constitutionalism. Judicial innovation has to begin now to ensure that the nation does not collapse tomorrow.

⁴⁵ T Basu and A Das, 'Systematic Review of How Eco-environmental Transformation Due to Urbanization Can Be Investigated in the Sustainable Development of Indian Cities' (2021) 4 Environmental Challenges 100099 <<https://doi.org/10.1016/j.envc.2021.100099>>