



## CLIMATE CHANGE AND HUMAN RIGHTS - GS III MAINS

Q. change” expands constitutional protections, strengthens environmental justice, influences policy discourse, and sets a crucial legal precedent. Elucidate (15 marks, 250 words)

**News:** *How Supreme Court’s verdict on climate change can push climate litigation in India*

### What's in the news?

- The Supreme Court of India recently acknowledged the right to protection from the impacts of climate change as part of the fundamental rights to life (Article 21) and equality (Article 19) enshrined in the Indian Constitution.
- This landmark ruling was made during a case concerning the conservation of the Great Indian Bustard and the Lesser Florican.
- The Court emphasized that the intersection of climate change and human rights has become increasingly prominent in recent years, highlighting the urgent need for effective measures to address climate change and protect the rights of vulnerable communities and species in India.

### International Precedents:

#### 1. Paris Agreement of 2015:

- The link between climate change and human rights has grown stronger since the Paris Agreement of 2015.
- The preamble of the Agreement had references to human rights.

#### 2. Various International Reports and Stand of UN Bodies:

- Various reports have highlighted that there was a growing convergence between the fields of international human rights law (IHRL) and climate change.
- Several reports of UN human rights bodies and Human Rights Council resolutions are now drawing a link between rights and climate change.
- Scholars also argue that the framing of climate change as affecting future generations and endangering their right to a liveable planet follows from the link to human rights.

### Intersection of Climate Change and Human Rights:

#### 1. Right to Life and Property:

- Climate change can directly affect people’s right to life through extreme weather events like hurricanes or floods, resulting in loss of life and property.
- For instance, rising sea levels in low-lying coastal areas due to climate change can threaten homes and livelihoods, compelling communities to relocate.

#### 2. Right to Clean Water and Sanitation:



- Climate change can influence water sources, causing water scarcity or contamination, thereby impacting people's right to clean water and sanitation.
- In areas experiencing more frequent droughts due to climate change, communities may face challenges in accessing safe drinking water, leading to health problems.

### 3. Health and Well-being:

- Climate change can worsen health issues, particularly among vulnerable populations.
- Increased heat waves can result in heat-related illnesses and deaths, affecting the right to health.
- Changes in weather patterns can also influence food security and nutrition, impacting people's overall well-being.

### 4. Migration and Displacement:

- Climate change-induced events like sea-level rise, extreme weather events, or desertification can compel people to migrate or be displaced, intersecting with human rights, especially the right to residence and the right to seek asylum.
- For instance, communities in coastal areas may need to relocate due to rising sea levels, leading to challenges related to resettlement and rights protection.

### 5. Rights of Indigenous Peoples:

- Climate change can disproportionately impact indigenous communities that depend heavily on natural resources for their livelihoods and cultural practices.
- Changes in ecosystems due to climate change can jeopardize traditional livelihoods like farming or fishing, affecting indigenous peoples' rights to land, resources, and cultural heritage.

## Supreme Court's Interpretation of Constitutional Provisions Related to Climate Change:

### 1. Constitutional Provisions:

- Article 48A: Emphasizes environmental protection.
- Article 51A(g): Advocates for wildlife conservation.
- Article 21: Acknowledges the right to life and personal liberty.
- Article 14: Guarantees equality before the law and equal protection of laws.
- These constitutional articles are fundamental to the right to a clean environment and protection from the detrimental effects of climate change.

### 2. Judicial Pronouncements:

- In the MC Mehta vs Kamal Nath Case (2000), the Supreme Court affirmed that the right to a clean environment is an integral part of the right to life.

### 3. Recent Ruling Implications:

- This verdict bolsters the legal framework for environmental protection initiatives in India and establishes a basis for legal actions against climate change negligence.



- It aligns with the increasing global acknowledgment of the human rights aspects of climate change, as articulated by the UN Environment Programme and the UN Special Rapporteur on Human Rights and the Environment.

## Challenges in Harmonizing Climate Change Mitigation with Human Rights Safeguarding:

### 1. Trade-offs:

- Certain climate mitigation actions, such as land use constraints for conservation projects or displacement due to renewable energy infrastructure development, might clash with human rights.
- Finding a middle ground to mitigate negative impacts while maximizing benefits is a nuanced challenge.

### 2. Access to Resources:

- Climate initiatives, like the shift to renewable energy or the introduction of carbon pricing, can affect the accessibility of vital resources like energy, water, and food, particularly for marginalized groups.

### 3. Environmental Migration:

- Climate-triggered migration can stress social systems and result in disputes over resources and rights in recipient communities.
- Efficiently managing migration patterns while respecting the rights of both migrants and host communities presents a multifaceted challenge.

### 4. Adaptation vs. Mitigation:

- Juggling efforts to cut greenhouse gas emissions (mitigation) with investments in adapting to climate impacts is complex.
- Choosing one over the other can have human rights implications, especially for communities already vulnerable to climate-related risks.

### 5. International Cooperation:

- Addressing climate change necessitates global collaboration.
- Striking a balance between national climate objectives and global duties and ensuring climate actions uphold the rights of vulnerable communities globally is a complicated endeavor.

## Implications of the Judgment for Environmental Jurisprudence:

### 1. Strengthening Environmental and Climate Justice:

- The judgment emphasizes bolstering environmental and climate justice by recognizing the multifaceted impacts of climate change on various communities.

### 2. Expansion of Article 14 and Right to Life:



- The judgment expands the scope of Article 14 of the Constitution, which guarantees equality before the law, to encompass environmental concerns.

### 3. Influence on Public Discourse and Government Policies:

- The judgment is expected to influence public discourse on environmental issues, shaping perceptions and priorities regarding environmental protection.

### 4. Establishment of Legal Precedent:

- By acknowledging the “right against adverse effects of climate change,” the judgment establishes a significant legal precedent.

### 5. Actualizing New Rights:

- Despite the recognition of these new rights, citizens often face challenges in exercising them, particularly in cases concerning environmental issues like clean air.

The Supreme Court’s recognition of citizens’ “right to be free from adverse effects of climate change” expands constitutional protections, strengthens environmental justice, influences policy discourse, and sets a crucial legal precedent.

### Go back to basics:

#### Climate Change:

- Climate change refers to long-term shifts in temperatures and weather patterns.
- Such shifts can be natural, due to changes in the sun’s activity or large volcanic eruptions.
- But since the 1800s, human activities have been the main driver of climate change, primarily due to the burning of fossil fuels like coal, oil and gas.

#### Climate Jurisprudence:

- Climate jurisprudence is a rights-based approach that frames climate change as a matter of justice.
- It demands that policies and measures to address climate change also protect and promote human rights.