



## EARTH'S 'RIGHT TO GOOD HEALTH' - GS III MAINS

**Q.** Discuss the implications of recent judicial decisions on climate change in India and Switzerland, highlighting the judiciary's role in addressing the climate crisis as a human rights issue. (15 marks, 250 words)

**News:** *Restoring earth's right to 'good health'*

### What's in the news?

- The European Court of Human Rights holds Switzerland accountable for inadequate climate action, signalling a new era where climate change intersects with human rights.
- Similar recognition emerges in India, emphasizing the right to be free from climate change impacts.

### Key takeaways:

- Recent judicial pronouncements and observations that attempt to bring the impacts of climate change within the purview of constitutional fundamental rights pave the way for legal accountability of climate action.

### Legal Recognition of Climate Change as a Human Rights Issue:

- **Guilty:** European Court of Human Rights finds Switzerland guilty of violating women's rights due to inadequate climate action.
- **Recognition in India:** Supreme Court of India recognizes the right to be free from adverse climate impacts under constitutional provisions.
- **Urgency to address climate change:** World Meteorological Organization's report highlights 2023 as the hottest year on record, underscoring the urgency of addressing climate change as a human rights crisis.

### Challenges Faced by India:

#### 1. Rising Temperatures and Natural Disasters:

- More than 80% of its population lives in districts that are at risk of climate-induced disasters.
- They are majorly affecting livelihoods, food security, and exacerbating existing socio-economic inequalities.

#### 2. Agri-dependent Population:

- With a 1.2 billion growing population and its high dependence on agriculture, India probably will be severely impacted by continuing climate change.

#### 3. Melting of Himalayan Glaciers:

- Global observations of melting glaciers suggest that climate change is well underway in the region, with glaciers receding at an average rate of 10–15 meters per year.



#### 4. Forest Wealth on Decrease:

- India's forests are already changing because of socioeconomic pressures; virgin forest areas are less dense and monocultures and plantations are preferred to native species. These conditions will be greatly exacerbated by climate change.

#### 5. Forest Fires:

- As per State of the Forest Report 2019, over 36% of India's forest cover is prone to fires, recently being the Nilgiri Forest Fires.

### Efforts made by the Indian Government:

#### 1. Worked on Decoupling Emissions:

India has achieved two of its Nationally Determined Contribution (NDC) targets:

- By reducing the emissions intensity of its GDP by 45% from the 2005 level.
- By achieving 50% cumulative electric power installed capacity from non-fossil fuel sources, well ahead of the target year of 2030.

#### 2. Sustainable Development Goals:

- India's localization model for the SDGs, has successfully integrated into local-level planning through multi-tiered and multi-stakeholder processes.
- For example, in programs like poverty alleviation, food security, access to clean water and sanitation, and gender equality.

#### 3. Judicial Intervention:

- Looking at the impacts of climate change from a rights perspective, affecting humanity's right to health, life, and liberty, the Supreme Court has brought them within the purview of Constitutional Fundamental Rights.

#### 4. One Health initiative:

- It has brought together 13 Ministries and departments in the domains of health, environment, science and technology for disease control, research, and pandemic preparedness.

### Measures Needs to be Taken:

#### 1. Adoption of an Overreaching Regulation:

- It would provide a consolidated and coherent framework for addressing various aspects of climate action, including mitigation, adaptation, finance, and capacity-building.
- By codifying climate-related objectives, targets, and strategies into law, an overarching regulation can provide legal certainty and stability, guiding long-term planning and investment decisions.

#### 2. Lessons from Global Climate Framework Laws:



- A study by the London School of Economics and Political Science analysed climate change framework laws across 60 countries, highlighting their role in establishing the strategic direction for national climate policies.
- Countries such as Germany, Ireland, New Zealand, Finland, South Korea, South Africa, and the Philippines have enacted comprehensive climate laws that go beyond meeting international commitments and conventions.
- These laws have facilitated the mobilisation of public sector resources, increased capacity for climate action, and promoted cross-sectoral collaboration.

### 3. Holistic Approach to Climate Policies:

- India's climate policies should adopt a holistic approach that integrates climate considerations into broader development planning and decision-making processes.
- It entails mainstreaming climate adaptation and mitigation measures across sectors, such as agriculture, water resources, energy, transportation, and urban planning, to ensure a coordinated and synergistic response to climate change.

### 4. Localised Approaches and Inter-sectoral Collaboration:

- Localised approaches to climate action, coupled with inter-sectoral collaboration, are essential for addressing the diverse and context-specific challenges posed by climate change.
- By engaging stakeholders at the local level and fostering collaboration across sectors, governments can develop targeted and effective strategies to build resilience, reduce vulnerabilities, and promote sustainable development.

### 5. Integration of Sustainable Development Goals (SDGs):

- Localised approaches to climate action often intersect with broader SDGs, such as poverty alleviation, food security, access to clean water and sanitation, and gender equality.
- By integrating climate considerations into local-level planning and implementation of the SDGs, governments can promote synergies and co-benefits across sectors, maximise resource efficiency, and enhance the overall resilience and sustainability of communities.

### 6. Empowering Civil Society:

- Civil society plays a critical role in advocating for climate action, promoting environmental justice, and holding governments and corporations accountable for their actions.
- Empowering civil society organizations (CSOs) and promoting rights-based dialogue on climate change are essential for promoting inclusive decision-making processes, ensuring transparency, and advancing environmental and social justice.

### 7. Ensuring Inclusivity and Representation:

- Promoting inclusivity and diversity within civil society is crucial for ensuring that the voices and perspectives of marginalised and vulnerable communities are heard and integrated into climate policies and programs.



- CSOs should strive to represent the interests of diverse stakeholders, including women, indigenous peoples, youth, persons with disabilities, and other marginalised groups, in climate decision-making processes.

## 8. Promoting Rights-Based Dialogue:

- A rights-based approach to climate action recognises that climate change disproportionately impacts vulnerable and marginalised communities.
- It violates their fundamental human rights, including the rights to life, health, food, water, and livelihoods.
- By framing climate change as a human rights issue, CSOs can advocate for policies and initiatives that prioritise the needs and interests of affected communities and promote environmental justice.

The convergence of legal decisions, scientific evidence, and policy imperatives underscores the urgent need to address climate change as a human rights crisis. By recognising the interdependence of environmental sustainability and human well-being, nations can chart a path towards climate resilience and justice.

