



NEW ERA AGRICULTURE MAGAZINE

EMPOWERING ENVIRONMENTAL RIGHTS: INDIA'S LEGAL MILESTONE IN CLIMATE JUSTICE

Dr. Neha Joshi

Introduction:

India stands at a crossroad in its battle against the pernicious effects of climate change. Over the past few years, the threats by climate change are very evident. The signs of environmental deterioration are easily apparent, ranging from temperature increases to unpredictable patterns of precipitation. A number of visible phenomena such as increasing sea levels, rising temperatures and extreme weather events like storms, droughts and cyclones are indicators of climate change. These changes directly impact human populations and their means of sustenance. The Intergovernmental Panel on Climate Change (IPCC) released a Climate Change Report in February 2022 revealed that sea levels increased more quickly in the 1900s than they did in any previous century, while CO2 emissions in 2019 exceeded levels not seen in the previous two million years. Furthermore, the effects of global warming have progressed to the point of irreversibility, leading to permanent changes in ice sheets, ocean conditions and sea levels worldwide.

However, beyond the ecological harm, there exists a more insidious threat—one that undermines the core principles of human rights and social justice. As global temperatures continue to rise and extreme weather events become more frequent, the nation finds itself grappling with a multifaceted crisis that not only threatens its environment but also jeopardizes the very fabric of society by impacting socio-economic development of India.

Climate change has caused significant harm and the extent of future damage remains uncertain, with potentially catastrophic consequences for humankind. Since climate change affects core rights including the right to life, the right to food, clean water and adequate housing, it is imperative now to acknowledge it as a critical human rights issue. The manifestations of climate change phenomena have direct impacts on human populations and their means of livelihood. Thus, it is evident that climate change is not just an environmental crisis; it has become a human rights crisis.

Dr. Neha Joshi

Assistant Professor

Department of Human Development & Family Studies

The Maharaja Sayajirao University of Baroda, Vadodara

Despite the government's acknowledgment of the adverse effects of climate change and its efforts to mitigate them, there is a notable absence of comprehensive legislation specifically addressing these issues. This legislative gap leaves the right to life compromised in the absence of a clean and stable environment. Additionally, the right to health, as delineated in Article 21, is adversely affected by various factors stemming from climate change, including air pollution, shifts in disease patterns, rising temperatures, droughts, food shortages due to crop failures, storms, and flooding. Furthermore, climate change and environmental degradation exacerbate existing inequalities, particularly impacting vulnerable and marginalized sections of the communities. These groups include impoverished communities, forest dwellers and tribal and indigenous populations. They are not only at risk of losing their homes but also face the threat of losing their cultural heritage, which is deeply intertwined with the places they inhabit and the resources derived from those areas.

In its first, the Supreme Court through its judgment dated March 21, 2024 recognized the right to be free from the adverse effects of climate change as a distinct fundamental right. In its latest judgment, the Supreme Court underscored that this right against climate change is intertwined with the right to life

(Article 21) and the right to equality (Article 14) enshrined in the Indian Constitution. With this ground-breaking decision, a new era in climate change jurisprudence and climate justice has begun in India. This landmark ruling marks a significant milestone in India's legal framework and underscores the urgent need to address the complex challenges posed by climate change. It is clearly evident that the adverse effects of climate change have not only posed environmental threats but also impose a heavy economic burden on India. Our country witnessed a loss of 8% GDP in 2022 alone amounting to a staggering \$270 billion fueled by climate-related disasters such as floods, droughts, and extreme weather events. This data underscores the urgency of mitigating climate change impacts. The supreme court's judgment emphasized on the need to address climate impacts through the lens of rights and states need to ensure for necessary capacity building of all individuals to adapt to the climate crisis. The need to articulate this right has become more important than ever as the impact of climate change worsens over time. It is crucial to recognize that people have a right to be protected from the adverse effects of climate change and that this right is interconnected with the right to a clean environment.

Violations of the right to a healthy environment can impact various other rights,

including the right to life, personal integrity and health as well as procedural rights such as access to information, freedom of expression, association, and participation. The Supreme Court acknowledged that climate change is a global concern and stakeholders should recognize, uphold and fulfill their respective obligations related to human rights, including the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities, and those in vulnerable situations. Additionally, actions taken to address climate change should also consider the right to development, gender equality, women's empowerment, and intergenerational equity.

Hence, the recognition of protection from climate change as a fundamental right represents a significant stride forward for India. However, translating this recognition into tangible action requires concerted efforts from policymakers, civil society, and the private sector. By prioritizing environmental protection, promoting sustainable development and ensuring equitable access to resources, India can pave the way for a more resilient and sustainable future for all its citizens. As we navigate the challenges posed by climate change, let us remain committed to fostering a world where environmental justice is not just a legal principle but a lived reality for all.