

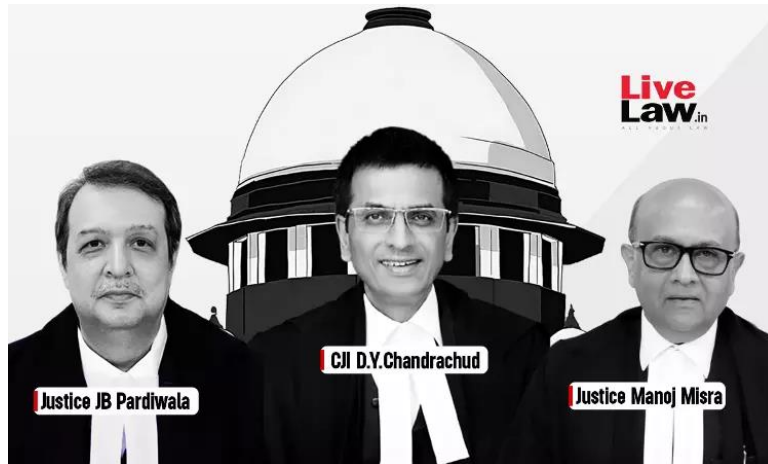
Right To Be Free From Adverse Effects Of Climate Change

Why In News

- In its first, the **Supreme Court**, through its judgment dated March 21, has recognized a right to be free from the adverse effects of climate change as a distinct right. The Court said that **Articles 14** (equality before law and the equal protection of laws) and 21 (right to life and personal liberty) of the Indian Constitution are important sources of this right.



- The judgment by a **three-judge Bench of Chief Justice of India (CJI) D Y Chandrachud and Justices J B Pardiwala and Manoj Misra**, was delivered on March 21 in a case relating to the conservation of the critically endangered Great Indian Bustard (GIB). The judgment was made public on Saturday.
- The Bench noted that the intersection of climate change and human rights has been put into sharp focus in recent years, underscoring the imperative for states to address climate impacts through the lens of rights.



What Was The Case

- The apex court's ruling came in a writ petition filed by retired government official and **conservationist M K Ranjitsinh**, seeking protection for the GIB and the Lesser Florican, which are on the verge of extinction.



- The plea sought, among other things, the framing and implementation of an emergency response plan for the **protection and recovery of the GIB** — including directions for installation of bird diverters, an embargo on the sanction of new projects and renewal of leases of existing projects, and dismantling power lines, wind turbines, and solar panels in and around critical habitats.
- **The apex court** was considering an appeal for the modification of its April 19, 2021 order, which imposed restrictions on the setting up of overhead transmission lines in a territory of about 99,000 sq km in the GIB habitat in Rajasthan and Gujarat.



- **Ministry of Power, the Ministry of Environment, Forest and Climate Change, and the Ministry of New and Renewable Energy** had filed the application to modify the 2021 order on grounds that it had adverse implications for India's power sector, and that undergrounding power lines was not possible.
- The **three ministries** also cited India's commitments on transition to non-fossil fuel energy sources vis-à-vis the Paris climate treaty as one of the key grounds for seeking a modification of the 2021 order.



- **In the 1980s, the SC** read the right to a clean environment as part of Article 21. A bundle of rights — including the right to education, the right to shelter (in the context of slum dwellers), the right to clean air, the right to livelihood (in the context of hawkers), and the right to medical care — have all been included under the **umbrella of Article 21**.
- However, these **“new” rights cannot** be immediately materialised or exercised by a citizen. Despite the plethora of environmental rights cases, clean air is still a pressing concern.



- Such rights are actualised only when policies are framed and legislation enacted. **While dwelling on India’s international commitments** to mitigate the impact of greenhouse gas emissions, the apex court also noted that despite many regulations and policies to address the adverse effects of climate change, there was no single legislation relating to climate change and attendant concerns.
- However, the absence of such legislation, the Bench said, did not mean that Indians do not have a **“right against adverse effects of climate change”**.



- **Environmental lawyer Ritwick Dutta** said that the apex court’s judgment puts the focus on strengthening environmental and climate justice by elucidating the multiple impacts of climate change on a range of communities.



- “A significant aspect of the judgment is the **expansion of Article 14**. Over the last few decades, the right to life has been expanded by the apex court to include a right to clean environment. The judgment not only looks to curb environmental pollution, but also proactively outlines environmental and climate justice issues, keeping our international commitments in mind,” Dutta said.



- The **Supreme Court** has on several occasions in the past few decades relied on the Constitution to uphold human rights pertaining to environmental issues. This includes rights such as the right to live in a healthy environment, to enjoy pollution-free water and air, to live in a pollution-free environment, etc. Typically, such recognitions signify issues of broader public interest where existing laws and policies are inadequate.
- The acknowledgment of the **“right against adverse effects of climate change”** by the highest court establishes a significant legal precedent,” Sinha said.