Environment and Climate Rights in India

Why in news?

In its recent judgment in M.K. Ranjitsinh and Ors. vs Union of India & Ors., the Supreme Court of India has made a significant impact on the developing field of climate change law in the country.

What encompasses environment and climate rights?

- **Environment & Climate rights** - It encompass the ***legal and ethical responsibilities*** related to climate change and environmental protection.
- **Objective** – It aims to ensure that individuals and communities have the *right to a healthy environment* and that the government and corporations are held accountable for environmental degradation and climate impacts.
- **Facets of climate rights**
  - Right to life
  - Right to livelihood
  - Right to access clean water and sanitation
  - Right to health and well being
  - Right of migrated and displaced people
  - Right of indigenous people rights

What are measures taken by India in providing environment and climate rights?

Constitutional Measures	Legal Measures
• Article 21 of Fundamnetal Rights • Artcile 48A of DPSP • Artcile 51A(g) of Fundamental Duty	• Environment Protection Act 1986 • Water Act, 1971 • Air Act, 1981 • Forest Conservation Act, 1980

- **Constitutional provisions** – Environment and climate rights are enshrined in the fundamental rights and directive principles of state policies (DPSP) and in fundamental duties.
- **Fundamental rights** – ***Article 21*** guarantees the fundamental right to life, which has been expanded to include the right to a clean and pollution-free environment.
- **DPSP** - ***Article 48A*** directs the State to protect and improve the environment and safeguard the forests and wildlife.
- **Fundamental duties** - ***Article 51 A (g)*** imposes a fundamental duty on citizens to protect and improve the natural environment, including forests, lakes, rivers, and wildlife.

- **Legal measures** – In pursuant to the Constitutional mandate, government have framed many statutory acts in this regard.
- **The Environment Protection Act, 1986** – It provides the framework for the protection and improvement of the environment and the prevention of hazards to human beings, other living creatures, plants, and property.
- **Air (Prevention and Control of Pollution) Act, 1981** – It regulates air pollution and sets standards for air quality.
- **Water (Prevention and Control of Pollution) Act, 1974** – It regulates water pollution and aims to maintain or restore the wholesomeness of water.
- **Forest Conservation Act, 1980** – It provides for the conservation of forests and regulates deforestation.
- **Policy initiatives** – Central government have adopted ***National Environment Policy 2006*** whose characteristics are as follows
    - The conservation of critical environmental resources
    - Intra- and inter-generational equity
    - The integration of environmental concerns in developmental policymaking
    - Efficient resource utilisation and good governance.
- **Judicial measures** – Through various judgements, Indian judiciary have introduced various principles that were integral to Indian environmental policy.
- The Supreme Court (SC) in the ***Oleum Gas Leak case*** evolved the *"absolute liability" principle,* which makes an enterprise engaged in hazardous or inherently dangerous activity accountable and absolutely liable for compensation, despite all reasonable care.
- **Regulatory bodies** – Several bodies administer and enforce environmental laws in India
    - *Ministry of Environment*, Forest and Climate Change (MoEFCC)
    - Central *Pollution Control Board* (CPCB)
    - State Pollution Control Boards (SPCBs) of each state
- There are also *special regulators* for biodiversity, clean development mechanism, coastal zone management and forest preservation.
- **Quasi-judicial bodies** – A *special tribunal*, ***the National Green Tribunal (NGT)***, was established in 2010 to speedily dispose of cases relating to environment protection, conservation, and granting relief in environmental matters.
- It has taken a rather strict approach towards ensuring compliance with environmental law.

What are the Landmark Judgments in India regarding environment rights?

Judicial Cases	Climate Rights
Rural litigation and Entitlement Kendra vs. Uttar Pradesh (1985)	Right to decent environment
MC Mehta v. Union of India (1987)	Absolute liability for hazardous activities,
Subhash Kumar v. State of Bihar (1991)	Right to pollution-free water and air under Article 21.

Vellore Citizens' Welfare Forum v. Union of India (1996)	'Precautionary Principle' and 'Polluter Pays Principle'
T. N. Godavarman Thirumulpad v. Union of India (1996)	Forest conservation and judicial oversight
M.C. Mehta v. Kamal Nath (1997)	Public trust doctrine
S. Jagannath v. Union of India (1997)	Environment Impact assessments (EIA)
Narmada Bachao Andolan v. Union of India (2000)	Displacement people's rights
Indian Council for Enviro-Legal Action v. Union of India (1996)	Enforced the 'Polluter Pays Principle'
M.K. Ranjitsinh and Ors. vs Union of India & Ors. (2021)	Right to be free from the adverse effects of climate change

> ***Article 14*** *of Indian Constitution establishes equality before law and provides equal protection of law to all.*

Discuss about various peoples movement in India for environment protection?

- **Chipko movement (1970s)** - Villagers *hugged trees* to prevent deforestation in *Uttarakhand*, sparking global environmental activism.
- **Narmada Bachao Andolan (1985)** - Protested against large dams on the Narmada River, highlighting *issues of displacement and environmental impact*.
- **Jal Satyagraha** - Farmers in *Madhya Pradesh* protested the *Narmada Dam's* effects on displacement, pushing for better rehabilitation.
- **Save the Western Ghats movement** - Campaigned to protect the Western Ghats from industrial threats, advocating for stricter environmental measures.
- **Climate Strike and Fridays for Future** - Indian youth joined global climate strikes to demand stronger climate action and policy changes.
- **Adivasi movements** – Indigenous communities defend their lands and forests from exploitation, emphasizing traditional knowledge and rights.
- **Ganga Bachao Andolan** - Focuses on *cleaning and conserving the Ganges River,* involving local communities.
- **Green Thumb Movement** - Promotes *urban gardening* and tree planting, encouraging local action for climate resilience and sustainability.

References

1. The Hindu| Right to be Free from Climate Change Impacts
2. ICGL| Climate Change Laws and Regulations in India



SHANKAR
IAS PARLIAMENT
Information is Empowering