Right Against Climate Change

Why in news?

Recently the Supreme Court has ruled that people have a "right to be free from the adverse effects of climate change", which should be recognised by Article 14 and Article 21 of the Constitution.

What was the case before Supreme Court?

- A writ petition was filed for the protection of critically endangered *Great Indian Bustard (GIB) and Lesser Florican*.
- The plea included measures like bird diverters, halting new projects, and dismantling harmful structures in critical habitats and also referred to India's commitment to transition to non-fossil fuel energy sources in *Paris climate treaty*.
- In 2021, the Supreme Court had restricted the setup of overhead transmission lines and proposed conversion of existing overhead low and high voltage lines into underground power lines across a vast area of GIB habitats in Rajasthan and Gujarat.
- The government has sought to modify the order due to its impact on India's power sector and the challenges of undergrounding power lines.
- Recently the court revised its previous order to allow for the assessment of underground power lines in specific areas, considering various factors like population density and infrastructure requirements.

What are the key highlights of recent Supreme Court ruling?

- **Fundamental right**- The court connects the fight against climate change to the constitutional right to life and equality asserting that these cannot be fully realized without a clean and stable environment.

  The court noted that environmental aspects of the Directive Principles should be interpreted in conjunction with the right to life and personal liberty under Article 21.

- **Right to health-** The judgement recognised that the right to health is compromised by environmental issues like air pollution and climate change, disproportionately affecting underserved communities.
- **Human rights**- The court emphasized the interplay between climate change and various human rights, including health, indigenous rights, gender equality, and development.

A healthy environment, free from the adverse effects of climate change, is deemed a fundamental human right.

- **Huge impact-** Environmental rights violations have wide-reaching impacts across multiple rights domains, including life, health, water, housing, and procedural rights.
- **Gendered impact of energy access**- The judgment noted that unequal energy access affects women and girls more due to traditional gender roles.
- **Role of solar power**- The court highlighted solar power as a key solution in combating the adverse effects of climate change.

Need of solar energy

- **Growth of energy demand**- India's expected contribution to global energy demand growth is substantial, and solar power can provide energy security and environmental benefits.
- **Air pollution**- The need for cleaner energy sources is underscored by severe air pollution, and solar power offers a pollution free alternative.
- **Water conservation**- With falling groundwater levels and rainfall, solar power presents an advantage as it does not deplete water resources.
- Thus the court has highlighted solar power as a critical solution for India's energy future.

- **Environmental preservation**- Articles 48A and 51A(g) of the Indian Constitution emphasizes the State's and every citizen's responsibility towards environmental conservation, although these provisions are not enforceable in a court of law, they signify the constitutional recognition of the importance of protecting the natural world.
- **Expert committee-** The court proposed to constitute 9 member expert committee to examine the problem faced by the bird species whose natural habitat and flight routes collide with power transmission lines in Gujarat and Rajasthan.
- **Renewable energy goals-** The court recognized India's goals to achieve 175 GW of renewable energy capacity by 2022 and 450 GW by 2030, emphasizing the importance of clean energy for environmental preservation.
- **Inclusive growth**- The promotion of renewable energy sources plays a crucial role in promoting social equity by ensuring access to clean and affordable energy for all segments of society, especially in rural and underserved areas.
- **Energy security**- It is essential to harness power from sources of renewable energy in Rajasthan and Gujarat to meet the rising power demand in the country in an expeditious and sustainable manner.
- **Technical complexities**- Underground power transmission cables are only available in 400 KV with lengths of 250 meters, necessitating more joints, which could lead to leaks.
- **Transmission loss-** There is a significant transmission loss in these cables, about five times higher than overhead cables, as they are less efficient in transmitting AC power.
- **Land acquisition**-The *Electricity Act* does not account for land acquisition for laying

underground cables, unlike overhead transmission lines, which only require the right of way.

- **Environmental concerns**- The bench also noted potential environmental issues, such as the impact on vulnerable species and the risk of forest fires.

Supreme Court's interpretation of Article 21
• Article 21 has been interpreted expansively by the court to encompass various rights that are essential for dignified human existence. • The court emphasized that the right to life is more than mere survival or animal existence, it includes the right to live with human dignity. • In 1987, *right to a clean environment* was recognised as part of life under Article 21 was a significant step in recognizing environmental preservation as integral to human well-being. • Over the years, the Supreme Court has included a range of rights under Article 21, such as right to education, shelter, clean air, livelihood and medical care which are seen as essential components of a dignified life.

What lies ahead?

- The Supreme Court affirms that Indian citizens have a right against the adverse effects of climate change, despite the lack of specific legislation on the issue.
- The Supreme Court has, from time to time, expanded the fundamental rights chapter to include various facets of a dignified existence. However, this is the first time that it has included the "right against the adverse effects of climate change"

Quick facts

Great Indian Bustard
• **Scientific name –** Ardeotis nigric • It is the ***State bird of Rajasthan***. • **Habitat** – Dry grasslands and scrublands on the Indian subcontinent. • Its largest populations are found in *Rajasthan* in the arid grasslands of Thar Desert National Park and Pokhran Field Firing Range. • They are *omnivores* and considered as an indicator of the health of grassland ecosystem. • **Reproduction** – They are a slow-reproducing species and lay few eggs and have almost a year-long parental care of chicks. • **Threat** – Habitat loss, Hunting and poaching. • **Conservation Efforts** – In 2012, Project Bustard, a national conservation program was launched to protect the GIB along with Bengal florican (Critically endangered) and lesser florican (Critically endangered). • GIB has also been identified as one of the species for the recovery programme under the Integrated Development of Wildlife Habitats of Ministry of Environment, Forests and Climate Change.

References

1. Indian Express- Citizen’s climate rights
2. The Hindu- Right against climate change
3. Indian Express- Right against adverse effects of climate change

