



Right Against Adverse Effects of Climate Change Part of Rights to Life, and Equality: SC | Rajasthan | 09 Apr 2024

Why in News?

In a significant ruling, the **Supreme Court (SC)** has expanded the scope of [Articles 14 and 21](#) to include the “**right against the adverse effects of climate change**”.

Key Points

- The bench was hearing a plea to protect the [Great Indian Bustard \(GIB\)](#) from losing its habitat due to power transmission lines.
 - The April 2021 order of the SC imposed restrictions on setting up of overhead transmission lines in certain areas of Rajasthan for conservation of GIB.
- **Article 21** recognises the right to life and personal liberty while **Article 14** indicates that all persons shall have **equality before law and the equal protection of laws**.
 - These Articles are **important sources of the right to a clean environment** and the right against the adverse effects of climate change.
- Despite governmental policy and rules and regulations recognising the adverse effects of [climate change](#) and seeking to combat it, there is no single or umbrella legislation in India which relates to climate change and the attendant concerns.
- Important SC Judgements of Constitutionalising Environmental Problems:
 - [MC Mehta v. Kamal Nath, 1996](#): The Supreme Court made it clear that any disturbance of basic environmental elements namely air, water and soil which are necessary for life would be hazardous to life and can't be polluted.
 - [Virendra Gaur vs State Haryana \(1995\)](#): The Supreme Court emphasized that Article 21 protects the right to life, extending it to sanitation for the enjoyment of life with dignity.

Great Indian Bustard (GIB)

- The Great Indian Bustard (*Ardeotis nigriceps*), the State bird of Rajasthan, is **considered India's most critically endangered bird**.
- It is **considered the flagship grassland species**, representing the health of the grassland ecology.
- Its **population is confined mostly to Rajasthan and Gujarat**. Small populations occur in Maharashtra, Karnataka and Andhra Pradesh.
 - The bird is **under constant threats due to** collision/electrocution with power transmission lines, hunting (still prevalent in Pakistan), habitat loss and alteration as a result of widespread agricultural expansion, etc.
- **Protection Status:**
 - [IUCN red List](#): Critically Endangered
 - [Convention on International Trade in Endangered Species of Wild Fauna and Flora \(CITES\)](#): Appendix I
 - [Convention on Migratory Species \(CMS\)](#): Appendix I
 - [Wildlife \(Protection\) Act, 1972](#): Schedule I

Constitutional Provisions Related to Environment

- **Article 48A** of the Constitution provides that the State shall endeavor to protect and improve the

environment and to safeguard the forests and wildlife of the country.

- **Clause (g) of Article 51A** stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.

PDF Referenece URL: <https://www.drishtiias.com/statepcs/14-04-2024/rajasthan/print>

