



Right to Protection from Climate Change Impacts

For Prelims: Right to Protection from Climate Change Impacts, [Supreme Court of India](#), [Rights to life](#), [Great Indian Bustard](#), Lesser Florican, Climate Change and Human Rights, [Article 51A\(g\)](#), MC Mehta vs Kamal Nath (2000), [UN Environment Programme](#)

For Mains: Interrelated Nature of Issues Related to Climate Change and Human Rights

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Why in News?

Recently, the [Supreme Court of India](#) acknowledged the **right to protection from climate change impacts** as part of **the fundamental rights to life** (Article 21) and **equality** (Article 14) enshrined in the Indian Constitution.

- This ruling came during a case concerning the conservation of the [Great Indian Bustard](#) and the [Lesser Florican](#).
- SC noted that the intersection of climate change and human rights has been put into sharp focus in recent years.

Where Climate Change and Human Rights Intersect?

- **Right to Life and Livelihood:** Climate change can directly affect people's right to life by causing extreme weather events like [hurricanes or floods](#), which can lead to loss of life and property.
 - For example, in low-lying coastal areas, **rising sea levels due to climate change** can threaten people's homes and livelihoods, forcing them to relocate.
- **Access to Clean Water and Sanitation:** Climate change can impact water sources, leading to [water scarcity or contamination](#).
 - This affects people's right to clean water and sanitation.
 - In regions where droughts are becoming more frequent due to climate change, communities may struggle to access safe drinking water, leading to health issues.
- **Health and Well-being:** Climate change can exacerbate health problems, especially for vulnerable populations.
 - For instance, **increased heat waves can lead to heat-related illnesses** and deaths, affecting the right to health.
 - Similarly, changes in weather patterns can also impact food security and nutrition, affecting people's overall well-being.
- **Migration and Displacement:** Climate change-induced events such as sea-level rise, extreme weather events, or desertification can force people to **migrate or be displaced from their homes**. This intersects with human rights, particularly the **right to residence and the right to seek asylum**.
 - For example, communities living in coastal areas may have to relocate due to sea-level rise, leading to issues related to resettlement and rights protection.
- **Indigenous Peoples' Rights:** Climate change can disproportionately affect indigenous

communities that rely heavily on natural resources for their livelihoods and cultural practices.

- For instance, changes in ecosystems due to climate change can threaten traditional livelihoods like **farming or fishing**, impacting indigenous peoples' rights to land, resources, and cultural heritage.

How does the Supreme Court Interpret Constitutional Provisions Concerning Climate Change?

▪ Constitutional Provisions:

- **Article 48A** which mandates environmental protection and [Article 51A\(g\)](#) which promotes wildlife conservation, implicitly **guarantee a right to be safeguarded from climate change**.
- **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**.
 - In *MC Mehta vs Kamal Nath Case, 2000*, the Supreme Court stated that the **right to a clean environment is an extension of the right to life**.

▪ Implications of Recent Ruling:

- This decision has significant implications. It strengthens the legal basis for environmental protection efforts in India and **provides a framework for legal challenges against inaction on climate change**.
 - It aligns with the growing international recognition of the human rights dimensions of climate change, as outlined by the [UN Environment Programme](#) and the **UN Special Rapporteur on Human Rights and the Environment**.

What are the Challenges in Balancing Climate Change Mitigation with Human Rights Protection?

- **Trade-offs:** Some climate mitigation measures may conflict with human rights, such as **restrictions on land use for conservation projects** or displacement due to renewable energy infrastructure development.
 - Finding solutions that minimise negative impacts while maximising benefits is challenging.
- **Access to Resources:** Climate actions like transitioning to renewable energy or implementing carbon pricing can **impact access to essential resources like energy, water, and food**, especially for marginalised communities.
- **Environmental Migration:** Climate-induced migration can strain social systems and lead to conflicts over resources and rights in host communities.
 - Managing migration flows in a way that respects the rights of both migrants and host populations is a multifaceted challenge.
- **Adaptation vs. Mitigation:** Balancing efforts to reduce greenhouse gas emissions (mitigation) with investments in adaptation to climate impacts can be challenging.
 - Prioritising one over the other can have implications for human rights, particularly **for communities already facing climate-related risks**.
- **International Cooperation:** Climate change is a global issue requiring international cooperation.
 - **Balancing national climate goals with global responsibilities** and ensuring that climate actions do not undermine the rights of vulnerable communities across borders is a complex task.

Way Forward

- **Human Rights-Based Carbon Pricing:** Implementing a [carbon tax](#) with progressive rebates or dividends. Rebates can be **larger for low-income households**, offsetting the impact of higher energy costs and ensuring a just transition.
 - **Revenue from the carbon tax could be directed towards clean energy initiatives**, social safety nets for vulnerable populations, and supporting developing countries in their climate mitigation and adaptation efforts.
- **Green Technology Transfer and Capacity Building:** Facilitating the transfer of green

technologies to developing countries at affordable rates. This could involve relaxing intellectual property restrictions or creating technology sharing partnerships.

- This would allow developing countries to pursue low-carbon development pathways without compromising their right to development.

▪ **Human Rights Impact Assessments:** Conduct thorough human rights impact assessments before implementing any climate change mitigation or adaptation strategies.

- This would help **identify potential risks** and ensure that solutions are designed in a way that respects and protects human rights.

Drishti Mains Question

Q. Evaluate the effectiveness of legal frameworks and international agreements in ensuring the protection of human rights in the context of climate change.

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UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims:

Q. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/ reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties

Select the correct answer using the code given below:

- (a)** 1 and 2 only
- (b)** 2 only
- (c)** 1 and 3 only
- (d)** 1, 2 and 3

Ans: (d)

Q. With reference to 'Global Climate Change Alliance', which of the following statements is/are correct? (2017)

1. It is an initiative of the European Union.
2. It provides technical and financial support to targeted developing countries to integrate climate change into their development policies and budgets.
3. It is coordinated by World Resources Institute (WRI) and World Business Council for Sustainable Development (WBCSD).

Select the correct answer using the code given below:

- (a)** 1 and 2 only
- (b)** 3 only
- (c)** 2 and 3 only
- (d)** 1, 2 and 3

Ans: (a)

Mains:

Q.1 Describe the major outcomes of the 26th session of the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC). What are the commitments made by India in this conference? **(2021)**

Q.2 'Climate Change' is a global problem. How will India be affected by climate change? How Himalayan and coastal states of India will be affected by climate change? **(2017)**

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