

Right against climate change linked to Articles 14, 21: SC

It says rights to life and equality cannot not be fully realised without clean, stable environment; underscores the important role solar power would play in arresting the ills of climate change

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The Supreme Court has recognised a much-felt, but less articulated right against the adverse effects of climate change as a distinct fundamental right in the Constitution.

"It is yet to be articulated that the people have a right against the adverse effects of climate change. This is perhaps because this right and the right to a clean environment are two sides of the same coin. As the havoc caused by climate change increases year-by-year, it becomes necessary to articulate this as a distinct right. It is recognised by Articles 14 (right to equality) and 21 (right to life)," the Supreme Court observed in a judgment released on April 6.

The judgment came in a case connected with the survival of the endangered Great Indian Bustard species.

An order was pronounced in open court on March 21, constituting an expert committee to examine the problem faced by the bird species whose natural habitat and flight



The judgment noted that the right to a healthy environment, safe from the ill-effects of climate change, was a human right.

routes collide with power transmission lines in Gujarat and Rajasthan.

The case had been posted for further hearing in August. However, the court, unannounced, uploaded a judgment during the weekend. The text of the judgment mainly focuses several paragraphs on climate change and its adversities.

Linking the right against climate change to Articles 21 and 14, Chief Justice Chandrachud said the rights to life and equality could not be fully realised without a clean, stable environment.

"The right to health (which is a part of the right to life under Article 21) is impacted due to factors

such as air pollution, shifts in vector-borne diseases, rising temperatures, droughts, shortages in food supplies due to crop failure, storms, and flooding. The inability of underserved communities to adapt to climate change or cope with its effects violates the right to life as well as the right to equality... If climate change and environmental degradation lead to acute food and water shortages in a particular area, poorer communities will suffer more than richer ones," the judgment said.

The court also highlighted the interconnection between climate change and various human rights, including the right to health,

indigenous rights, gender equality, and the right to development.

The judgment noted that the right to a healthy environment, safe from the ill-effects of climate change, was a "fundamental human right".

India's solar potential

The court underscored the important role solar power would play in arresting the ills of climate change.

India needed to shift to solar power due to three issues – One, the country is likely to account for 25% of global energy demand growth over the next two decades; Two, rampant air pollution emphasises the need for cleaner energy sources; Three declining groundwater levels and decreasing annual rainfall.

By shifting towards renewable energy sources, India enhances its energy security, reducing reliance on volatile fossil fuel markets and mitigating the risks associated with energy scarcity. Additionally, the adoption of renewable energy technologies helps in curbing air pollution, thereby improving public health and reducing healthcare costs

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