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**DAILY EDITORIAL
ANALYSIS**

TOPIC

**A Law Around Low-
Carbon Climate Resilient
Development**

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A LAW AROUND LOW-CARBON CLIMATE RESILIENT DEVELOPMENT

Context

- Recently, the Supreme Court of India, in **M.K. Ranjitsinh and Others vs Union of India**, recognised a right to be 'free from the adverse impacts of climate change' — sourcing it from the **right to life and the right to equality**.

Evolution of India's Climate Policy

- India's climate change policies have primarily focused on supporting synergies between development and climate outcomes, and it has always been clear, consistent, and coordinated.
- After the Rio Summit of 1992, the Divisions of Climate Change and Biodiversity in India's then Ministry of Environment and Forests came to life slowly and steadily.
 - ◆ The **Rio Summit of 1992** saw the emergence of the **UNFCCC** and the Convention on Biological Diversity (**CBD**) and **Forest Principles**.
- India has been a consistently strong voice of the Global South: the **CBDR-RC** (Common But Differentiated Responsibilities and Respective Capabilities) principle was developed largely through Indian interventions at the Rio Summit, 1992.

Need for Climate Legislation in India

- **Climate Resilience as an Essential Element:** Any climate law must prioritise climate resilience. It should integrate climate considerations into routine decision-making across all levels of development.
 - ◆ Vulnerable communities are disproportionately affected by climate change, emphasising the need for a just energy transition grounded in social justice.
- **Beyond Emissions Targets:** Climate law should move beyond merely setting and achieving emissions targets. Instead, it should guide developmental choices by considering their long-term synergies and trade-offs with low-carbon and climate-resilient futures.
- **Framework Climate Laws:** Many countries have experimented with 'framework climate laws'. These umbrella laws define government-wide goals and establish processes and accountability measures.
 - ◆ India's approach should align with its unique context and governance capacity.
- **Enabling Law for Low-Carbon Growth:** Rather than narrowly focusing on carbon emissions regulation, India requires an '**enabling law**' that stimulates development decisions across various sectors.
 - ◆ It should systematically evaluate whether each decision contributes to low-carbon growth and climate resilience. Sectors such as **urban development, agriculture, water management, and energy** need to align with these objectives.

Major Determinants of India's Climate Policy

- **Geography:** The Indian landmass has an area of 3.28 million sq km, accounting for 2.4% of the world's geographical land surface area and 4% of the world's freshwater resources.
 - ◆ India is the seventh largest country in the world, and its 1.4 billion people account for almost one-sixth of humanity.
- It is one of the **17 mega-biodiverse countries**, having four biodiversity hotspots, **10 biogeographic zones**, and **22 agro-biodiversity hotspots**.
 - ◆ It is home to 7-8% of the world's recorded species, with more than 45,500 species of plants and 91,000 species of animals documented so far.
- The human to land ratio is very low in India at 0.0021 sq km, and is continuing to recede.

Consumption by Developed Countries

- The US accounts for 27% of the world's excess material use, followed by the EU (25%). Other rich countries such as Australia, Canada, Japan, and Saudi Arabia were collectively responsible for 22%.
 - ◆ High-income countries with only 16% of the world's population are responsible for 74% of excess resource use over their fair share.
- China has also overshoot its sustainability limit by 15% of resource overuse.

- Over the same period, 58 countries representing 3.6 billion people — including **India**, Indonesia, Pakistan, Nigeria, and Bangladesh — stayed within their sustainability limits.
- While **India is within the limits of its sustainability**, the high-income countries must reduce resource use by about 70% from existing levels to reach the sustainability range.

Role of Supreme Court in Climate Policy

- The Supreme Court of India has **recognized the links** between ecology, human dignity, and climate change and made important connections between human rights and global warming mitigation.
- It stated, 'Without a clean environment which is unimpacted by the vagaries of climate change, the right to life is not fully realised'.
- It noted that the right to a healthy environment, safe from the ill-effects of climate change, was a **'fundamental human right'**.
- The court linked the right against climate change to **Articles 21 (right to life)** and **14 (right to equality)**, stating that the rights to life and equality could not be fully realised without a clean, stable environment.
- It highlighted the interconnection between climate change and various human rights, including the right to health, indigenous rights, gender equality, and the right to development.

What Need To Be Done?

- **Internalising Climate Objectives:** An Indian climate law must set a framework for coherent national action while empowering States and local governments. It should provide information and finance to enable effective climate action at all levels.
 - ♦ Moreover, the law's enabling role should extend beyond government, involving civil society and private actors.
- **Governance Capacity:** Framework climate laws, often referred to as **'umbrella laws'**, define government-wide goals and processes to address climate change. These laws build governance capacity by strategizing, prioritising, troubleshooting, and evaluating policies behind the scenes.
 - ♦ India can learn from the experiences of other countries that have experimented with such laws.
- **Social Equity:** Any energy transition initiative must embrace social equity. Those who emit greenhouse gases should pay the social and environmental costs, while compensation mechanisms should exist for those harmed by climate change.
 - ♦ Balancing development with low-carbon objectives requires a just transition.

Conclusion and Way Forward

- Climate change affects vulnerable communities disproportionately, making it imperative to reorient development toward low-carbon and climate-resilient futures.
- However, addressing climate change goes beyond limiting emissions; it requires a holistic approach that considers each developmental choice's long-term synergies and trade-offs with low-carbon objectives.
- India's climate jurisprudence must be rooted in the principles of justice, equity, and sustainability. By internalising climate objectives, enhancing governance capacity, and prioritising social equity, we can pave the way for a climate-resilient future.
- India's climate legislation should be forward-looking, context-specific, and grounded in the imperatives of climate justice. By reorienting development toward low-carbon and climate-resilient pathways, we can protect our environment, enhance social equity, and build a sustainable future.

Mains Practice Question

[Q] How can well-designed, clear, coherent, and flexible legislation support green, low-emission, and climate-resilient development in India?

