



Climate change and health in legal perspective

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Abstract

The earth's environment is the mother of all living things. Natural catastrophes are changing rainfall patterns, which are essential for agriculture, as a result of human activity. In particular, this has an impact on physical and mental illnesses including depression and communicable infections. Health is a fundamental necessity that every person must have in order to live a happy life and is one of the key factors used to calculate a nation's human development index. It has taken nearly 35 years since our nation's independence to formulate its health strategy. Therefore, compared to other nations, health is far less of a priority in our nation. It is essential to preserve the balance between humans and nature. Many protocols, principles, and agreements have been acknowledged on a national and international level to protect the planet earth for future generations. These actions are insufficient to achieve sustainable development. In order to protect the environment and endangered species, these accords must be legally enforceable and have human rights at their core. The right to a clean, healthy, and sustainable environment as well as climate justice must be advanced in order to minimize climate change. Discrimination should not exist when giving healthcare to the public. Despite the fact that health is on the state list, the federal government should focus on providing health facilities by favoring nationalization over privatization. The state government is accountable to ensure that everyone has access to high-quality, sufficient health services. This article examines how climate change is affecting human health and what can be done to mitigate its consequences as part of the right to life. Our constitution does not make a specific mention of health; instead, it is covered under Article 21.

Keywords: Health, environment, climate change, Article 21, sustainable development, human rights.

Introduction:

Estimating the issues that lead to climate change is crucial for the world to reduce risk factors. Human health, including mental health, is at peril due to climate change. Everybody has encountered the problem of climate change at some point in their lives. Pregnant women, children, persons with medical conditions, and older people are some of the groups who are most vulnerable to the effects of climate change.

According to the Intergovernmental Panel on Climate Change (IPCC), "climate change" refers to any change in climate over time, whether as a result of natural variability or human activity. "Climate change" refers to a change in climate that can be directly or indirectly linked to human activities and that goes beyond the natural climate variability that has been documented across comparable time periods."

As was evident in the 1992 Rio Declaration, also known as the Rio Declaration, which placed emphasis on the right to develop in a healthy environment. Earth's temperature has increased, and this has almost immediately affected coastal regions, small islands, food security, health, and other factors.

Climate change issues:

The earth's environment is the mother of all living things. Natural catastrophes are changing rainfall patterns, which are essential for agriculture, as a result of human activity. One of the biggest risks to the environment is climate change. The World Health Organization has identified climate change as the greatest threat to human health in the twenty-first century. It has an impact on physical and mental health in a variety of ways, including: directly through increased frequency and intensity of extreme weather events (such as heat waves, floods, and bushfires); indirectly through deteriorating air quality, changes in the spread of infectious diseases, risks to food and water, and effects on mental health. Actions were connected to one another.

There are more health issues as a result of climate change. Climate is the weather that we choose to live in, and the problem with climate change in general is that we cannot live happily in unbalanced weather. Pollution, greenhouse gas emissions, global warming, energy production, and industrial releases are the main contributors of climate change. Protection of the environment and human rights are related. For the exercise of human rights, a sanitary and healthy environment is essential. For full development, it is essential that all individuals exercise and enjoy their human rights.

All persons cannot use their human rights to the fullest extent if the environment is compromised. On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights,

which is seen as a turning point in the advancement of human rights. Since the proclamation is not legally enforceable, there are still human rights violations.

At the COP21 meeting in Paris on December 12, 2015, nations adopted the PARIS agreement to combat climate change. In the agreement, all nations committed to reducing global temperature rise to far below 2 degrees Celsius and aiming for 1.5 degrees Celsius given the serious hazards. The Paris Agreement must be put into practice if the Sustainable Development Goals are to be met, and it offers a guide for taking climate action that will cut emissions and increase climate resilience. The Paris Agreement became effective on November 4, 2016. Although it may appear that the main factors affecting our personal health are common sense conduct, inheritance, occupation, local environmental exposures, and access to health care, sustained population health depends on the biosphere's "services" for life. All animal populations depend on the availability of food and water, the absence of excessive infectious disease, and the physical security and comfort that a stable climate provides. This life support is fundamentally dependent on the global climate system. All these situations are expected to be impacted by a changing climate, which will have a significant effect on human health and wellbeing.

Environment and human relations:

India is a nation with a rich culture and a wealth of information. The Vedas, which are considered to be the words of God, are the best source of knowledge. According to the Vedas, the five elements that make up the human body—earth, water, fire, ether, and air—also known as the panchabhutas—are an integral part of who we are. The Vedas demonstrate that environmental degradation is caused by both natural and human influences, and a great number of hymns have been sung in support of environmental protection. The Vedas contain a notion known as karma, which states that every action taken against nature will result in an identical reaction, either now or in the future.

Hindus are reminded by mantras in the Atharvana Veda to treat "Mother Earth" with respect by taking care that their own actions don't harm her health, physical structure, or attractiveness. By doing yajnas, we can learn from the Yajur Veda how to purify the air. The Rig Veda explains how to protect the earth's surface from too much sunshine by offering pooja prayers to the Ashvin deities, also known as the ozone layer today.

The first Hindu Declaration on Climate Change was adopted by the Convocation of Hindu Spiritual Leaders in 2009 at the Parliament of the World Religions. It was later reintroduced in the run-up to the Paris

Climate Conference in 2015 and received support from numerous Hindu organizations and activists around the world. "Sky is the father, earth is like the mother, and all living things between them make up a family. The entire system would be disturbed if any one of them is disturbed.

Findings:

The worst problem, which poses a threat to social justice, peace, prosperity, and even life itself, is climate change. If we don't work together to find solutions, humanity will suffer irreversible harm. Climate change is a threat multiplier, increasing the possibility of conflict, insecure migration of people, and all forms of poverty and misery. The fundamental necessity for happiness that every person must have is health, although part III of our constitution does not explicitly mention this right. Despite the fact that health is one of the key factors in determining a country's human development index, it has been neglected for many years since that country gained independence because of the industrial revolution and the fact that human activity causes global warming, which in turn causes natural disasters. Climate change is caused by human activities and the industrial revolution. By preserving balance between nature and people, we can combat climate change. Every person has a responsibility to preserve. International equity and intergenerational equity are recognized at both the national and international level for the planet earth for future generations for this public trust theory.

Human rights are the fundamental entitlements that each and every member of society is entitled to. Among those, food, water, shelter, and security are necessities. All of these are influenced by the climate in some way. One of the biggest issues the world is currently experiencing is climate change. It puts both human and animal lives in peril. It affects people's lives in many ways, such as how secure their access to food and water is. Climate change is defined as "a change in climate that is attributed directly or indirectly to human activity, that modifies the composition of the global atmosphere, and that is in addition to natural climate variability observed over comparable time periods" in Article 1(2) of UNFCCC (1992).

India is a country with diverse in culturally religiously, geographically, and climatically.

Yes, it is necessary to produce and maintain industrial infrastructure, but it is also necessary to have food grains for people to eat. Therefore, if for development safe the climate degradation is going on like this, it is a question mark to grow even one grain and to have food on the planet. Agriculture is neglected by the world by it is the only source to have food without which on the earth.

Right to shelter and right to have healthy environment Right to have clean and safe drinking water is essential to the human being as we know the 70% of human body is made up of water. Due to the industrial revolution, many well-established industries are discharging contaminants and chemicals into the atmosphere, causing air pollution, as well as discharging waste into rivers and the land, polluting both the land and water. Up to 2008, there was no particular legislation in India addressing climate change. In 2008, the National Action Plan on Climate Change (NAPCC) was created with the aim of

Numerous health disorders are becoming more prevalent every day as a result of climate change. In general, the earth summit was the first worldwide agreement made for the preservation of the planet for future generations. Climate is the weather that we experience, and if that weather is disturbed, we cannot generally exist in that disturbed weather. Due to shifting rainfall patterns, certain areas experience dry spells or a lack of precipitation, and ice is melting in some Himalayan Mountain ranges. which causes flooding on agricultural land as a result of climate change harsh weather unhealthy air quality Global warming can cause heat strokes, heat weariness, dehydration, scorching cramps, and sometimes death. Children, pregnant women, and persons with various medical issues are more vulnerable to these effects. Older people from this issue we have to set up cooling centers plant trees and lower urban temperatures to educate people on how to protect the environment and themselves from this warm temperature flooding another cause for this climate change if the temperature rises across the globe the air quality changing so many health issues will come out like asthma respiratory problems which may lead to death also for this we have to educate the public. Infections like starvation, diarrhoea, cholera and bacterial diseases will damage the health if the water is contaminated and the quality of the water is decreased. The Sustainable Development Goals (SDGs) were first announced during the 2012 United Nations Conference on Sustainable Development in Rio de Janeiro. The SDGs lay out some universal goals to address the pressing environmental, political, and economic challenges that the world is currently facing.

Since sustainability is an eternal and unending concept, our aims must be sustained in order for this to occur. The third of these 17 goals, which is excellent health and well-being and is related to human health, and goal number 13—which is addressing climate change—are interconnected and dependent on one another.

Climate change Legislations in India:

In India, there is no specific legislation to combat the climate change issue. Hence, the most crucial legislation that come to mitigate the problems of climate change the Parliament passed the water (Prevention and Control of Pollution) Act 1974. The Water Act provides for the prevention and control of water pollution. then Air (Prevention and Control of Pollution) Act 1981¹ enacted by the Parliament under Article 253 of Indian Constitution². afterwards the parliament enacted the Environment (Protection) Act, 1986 to fill in the gaps of environmental law. The objective of the Environment Protection Act is to provide the protection and improvement of the environment³. The Government can also lay down emission standards, which are to be found in the Schedules appended to the Environment (Protection) Rules, 1986⁴

The Supreme Court in the Kedia Leather & Liquor Ltd⁵ case held that, “environmental, ecological, air and water pollution amount to violation of the right to life assured by Article 21 of the Constitution. The Court while awarding damages also enforces the ‘Polluter Pays Principle’, which is widely accepted as a means of paying for the cost of pollution and control

A global agreement known as the United Nations Framework Convention on Climate Change (UNFCCC) was ratified by 197 nations in 1992. This treaty's primary goal is to address and mitigate the effects of global warming. The Kyoto Protocol was the first international accord that required nations to cut their greenhouse gas emissions. The Kyoto Protocol was initially endorsed by nations in 1997, and it went into effect on 16 February 2005.

At the 2009 U.N. Climate Change Conference in Copenhagen, world leaders reached a political agreement that called for explicit emission pledges from all major economies, including China and other significant developing nations. However, it did not lay out a clear path toward a treaty with binding commitments, which is one of its main criticisms. Then the Paris Agreement was ratified. "The Paris Agreement's central aim is to

¹The Air (Prevention and Control of Pollution) Act 1981.

² The Constitution of India, art 253. -“Legislation for giving effect to international agreements Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.”

³ The Environment (Protection) Act, 1986

⁴ The Environment (Protection) Rules, 1986, rule 3.

⁵ State of M.P. v. Kedia Leather & Liquor Ltd., (2003) 7 SCC 389.

strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius," reads the agreement's mission statement.

The accord also intends to improve nations' capacity to deal with the effects of climate change. A new technological framework, improved capacity building framework, and appropriate financial flows will all be implemented in order to achieve these lofty goals, supporting the action of developing nations and the most vulnerable nations in line with their respective national aspirations. Through a stronger transparency framework, the Agreement also calls for increased action to encourage transparency.

The American people continue to disapprove of President Trump's decision, though at lower percentages than in 2016, according to a survey done shortly after the announcement. However, in 2017, America withdrew from this pact.

To address climate change challenges, it is necessary to develop the polluter pays concept, the precautionary principle, and binding legislation. Since global warming is already a hazard, adaption measures must be taken in conjunction with mitigation measures. Reduced negative effects of climate change on health can be achieved by effective adaptation methods.

