

CLIMATE JUSTICE IN RURAL INDIA FOR BRIDGING ENVIRONMENTAL SUSTAINABILITY WITH SOCIO-LEGAL PROTECTIONS

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Climate justice has become an important socio-legal paradigm that promotes equitable environmental governance through redressing unequal climate effects on the vulnerable population. Rural India is characterised by infrastructural deficiency, natural reliance, and socio-economic susceptibility, which, as a result, is affected by the harsh impacts of climate change in the form of floods, droughts, displacement, and loss of livelihood. This review paper takes the Indian rural situation on climate justice and how the ideals of environmental sustainability can be integrated with the law using the constitutional requirements, judicial activism, legislation on the environment and policy efforts. It is a necessity to establish environmental rights as Human Rights for achieving climate justice in Rural India and also establishing participatory & inclusive systems that will help to enable rural communities.

Introduction

Climate change has harmful effects on the environment, economy and human rights. Climate change is more severely affecting rural communities in India, except for farmers, tribal groups, women, and the landless workers, because of the high reliance on natural resources and a lack of institutional backup, coupled with social-economic marginalisation¹. Climate justice focuses on equity, fairness and protection of the most vulnerable to climate change², especially those who contribute least to the emissions. It is also based on human rights and enhanced inclusive, sustainable development³.

Right to a clean environment was recognised by the Constitution of India in the landmark judgements like *Subhas Kumar v. State of Bihar*⁴, and *M. C. Mehta v Union of India*⁵, and also laws like the Environment Protection Act 1986⁶, which also provides a strong foundation on climate justice. But these protections must be effectively

extended to rural India through effective governance, participation in policy-making and socio-legal reform⁷.

Climate Vulnerability in Rural India

The challenges that rural communities are experiencing due to climate change include erratic monsoons, groundwater shortages, harvest failure, soil erosion, cyclones and the frequency of droughts⁸. Approximately 65-70 percent of the Indian population are rural residents who depend on farming and other related industries that make them disproportionately exposed to the effects of climatic stressors¹.

Gender inequalities in land, water, and spaces of making decisions harm more women and tribal communities². These populations tend to have no official claim of land, no access to climate resilient technologies, and no understanding of the law, thus posing a lack of justice gap¹.

Sustainable Environment and Rural Development

Environmental sustainability is concerned with long-

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term ecological stability by conservation of natural resources, advocacy of clean energy, minimising pollution, and conservation of biodiversity⁹. Sustainability in rural India encompasses having a sustainable agriculture practice, watershed management, use of renewable energy and conservation programs that are community-based⁷. Ecological restoration is included in schemes such as the National Rural Employment Guarantee Act (NREGA)¹⁰, which involve the creation of livelihoods. Examples of community-based models that can be enlarged are watershed management in Ralegan Siddhi and the traditional irrigation methods in Meghalaya⁹.

Socio-Legal Framework for Climate Change in India

Constitutional and Legal Protection: Environmental justice in the Indian Constitution has a solid ground. Article 21, being interpreted under the judicial activism framework, enlarges the right to Life to encompass the right to a clean, pollution-free, and healthy environment⁵. Article 48-A requires the State to protect and improve the environment, and Article 51-A(g) is a fundamental responsibility of the citizen to protect natural resources¹¹.

There are a number of important legislations which form the legislative framework within the environmental regulation, such as the Environment (Protection) Act, 1986; Forest Conservation Act, 1980; and the Biological Diversity Act, 2002⁶. These legislations have provided some legal framework on the environmental regulation, but the challenge has been on the effective enforcement of these legislations in the rural areas, as there is an administrative loophole, a weak law enforcement tool and a lack of local awareness.

Judicial Activism and Climate Justice: The role of judicial interventions has contributed to the development of climate justice in India. The courts have also added to the body of environmental jurisprudence, through Public Interest Litigations (PILs), with the judiciary focusing on the principle of the polluter pays, and the precautionary principle, in cases like *M.C. Mehta v. Union of India*⁵. The establishment of the National Green Tribunal, which is an adjudication body on environmental matters, in 2010 has enhanced the resolution of the dispute on environmental matters by providing fast and specialised adjudication of the environmental issues¹².

Challenges in Achieving Climate Justice in Rural India: Climate justice in rural India is still undermined by various socio-economic and institutional issues despite the

presence of robust legal and policy frameworks. One of the greatest challenges is the absence of environmental and legal literacy, whereby the rural communities are unable to comprehend and use their rights in line with the laws stipulated by the environmental laws and in the Constitution⁸.

Institutional constraints such as poor enforcement, fractured governance, and the lack of decentralised climate governance tools contribute further to the ineffectiveness of climate justice initiatives by ensuring that rural economies, which rely heavily on climate-sensitive sectors such as agriculture, forestry and livestock, are extremely sensitive to climate-related shocks, degradation of resources and loss of income³.

In addition, displacement under the influence of climate is on the rise because of floods, droughts, and erosion of the land, but Indian law does not acknowledge climate refugees and offer guided rehabilitation systems. Intersectional vulnerabilities are also here to stay with women, Scheduled Castes (SC), and Scheduled Tribes (ST) having a disproportionately high risk of climate change because of limited land ownership, unequal access to resources, and socio-cultural marginalisation².

Results and Discussion for Climate Justice

The current conditions in rural India would be achieved by climate justice that is integrated and inclusive, and rights-based to face socio-economic vulnerabilities and legal inequities. One of the measures should be to legalise climate-induced displacement, as the current situation in India means that women are more vulnerable to climate crises because of socio-economic marginalisation, but are also critical in conserving natural resources and promoting climate justice. The introduction of sustainable technologies, including solar irrigation, climate-smart agriculture, and decentralised renewable energy systems, should also be considered and strengthened to increase resilience and promote rural development.

Conclusion

Climate justice in rural India is not a social, legal or developmental demand but an environmental problem. The intervention between environmental sustainability and socio-legal safeguards can empower people living in rural areas to be climate resilient, and equitable and inclusive growth will be achieved. The vulnerable groups should be given priority in sustainable development through the combination of local knowledge, legal protection, climate

technologies, and participatory governance. This provision of climate justice will ultimately confirm the constitutional promises of equality, justice and conserving the environment as defined by India. □

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