

Bill No. LXII of 2024

THE CONSTITUTION (AMENDMENT) BILL, 2024

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India
as follows:—

1.

(1) This Act may be called the Constitution (Amendment) Act, 2024.

(2) It shall come into force on such date as the Central Government may, by
notification in the Official Gazette, appoint.
2.

In Part III of the Constitution, after article 21A, the following new article
shall be inserted, namely:—

“21B. (1) The State shall endeavour to protect, preserve and restore the right
to a safe, healthy and sustainable climate of all citizens, in such manner as
the State may, by law, determine.

Short title and
commencement.

Insertion of new
article 21B.

Right to safe,
healthy and
sustainable
climate.

(2) The State shall take all appropriate measures to mitigate and adapt to climate change and provide relief and rehabilitation to those adversely affected by climate change for the realisation of the right guaranteed under clause (1).”.

Amendment of
the Seventh
Schedule.

3. In the Seventh Schedule to the Constitution, in List III – Concurrent List, 5
after entry 17B, the following new entry shall be inserted, namely:—
“**17C.** Climate change mitigation and adaptation.”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to address the urgent need for a constitutional guarantee recognizing the right to a safe, healthy and sustainable climate in India. The concept of the "right to compensation" in the context of climate change and environmental degradation is increasingly recognized across the world as a critical aspect of right to safe, healthy and sustainable climate. This right, guaranteed by the Constitution of India under its Part III, is relevant considering the adverse effects of climate change on individuals and communities, especially those who are vulnerable. Thus, the background of this amendment is rooted in the emerging climate crisis, increasing recognition of the human rights implications of climate change, as highlighted by various international agreements and judicial observations. The key principles upon which the Bill is structured are as follows:

1. Emerging Climate Crisis: Climate change is an important issue being dealt with by countries and communities over the past few decades. This issue of Climate Change is rapidly turning to a climate crisis. Climate induced disasters such as cyclones, floods, droughts, forest fires, landslides and coastal erosion are all visiting humanity with increasing frequency and intensity. Climate change also causes slow onset challenges such as shifting agriculture, new diseases, rising sea level and climate induced migration. These are causing loss and damages to property, environment and human lives. India with its large landscape, range of ecosystems, large population and high economic vulnerability is highly exposed to the dangers of this emerging crisis.

2. Human Rights and Climate Change: The UN Guiding Principles on Business and Human Rights emphasize that both States and businesses have responsibilities to uphold human rights in relation to environmental impacts. This includes accountability for negative consequences arising from their activities and a shared responsibility to remedy these impacts.

3. Global Agreements: The Paris Agreement, established during COP21, represents a significant commitment by countries to work collaboratively to reduce greenhouse gas emissions and limit global temperature rise. It acknowledges the connection between climate change and human rights, particularly the need to protect vulnerable populations and ensure a sustainable future for coming generations.

4. Judicial Recognition: The Hon'ble Supreme Court of India, in the case of *Ranjithsinh and Others v. Union of India*, recognized that violations of the right to a healthy environment can affect various rights, including the right to life and health. The Hon'ble Supreme Court noted the absence of comprehensive legislation addressing climate change in India, despite existing policies acknowledging its adverse effects. It highlighted the necessity to articulate a distinct right against the adverse effects of climate change, linking it to the right to a clean environment as enshrined in Articles 14 (right to equality) and 21 (right to life) of the Indian Constitution.

5. Loss and Damages from Climate Change: Climate change is causing massive economic losses in addition to loss of property, environment and human life. The Conference of Parties of the UN Framework Convention on Climate Change, which met for its 27th Conference of Parties in Sharm al Sheikh, agreed to set up a global fund for supporting countries affected by these impacts with a loss and damages fund.

6. Need for Legislative Action: As the impact of climate change become increasingly severe, there is a pressing need for legislative measures that explicitly protect the right to a safe, healthy and sustainable climate. This will ensure that the country will be able to take proactive measures to minimise climate change, deal with the challenges caused by climate change and benefit from the global financing mechanisms for damages and losses resulting from climate change.

The proposed amendment aims to empower the State to take proactive steps in preserving and restoring a healthy climate, as well as providing relief and rehabilitation for those adversely affected by climate change.

Thus, the background of the amendment is characterized by a growing recognition of the intersection between human rights and environmental sustainability, the need for legal frameworks to address these issues, and the imperative for immediate action to protect vulnerable populations from the impacts of climate change.

The Bill seeks to achieve the above-said objectives.

A. A. RAHIM

RAJYA SABHA

A

BILL

further to amend the Constitution of India.

(Shri A. A. Rahim, M.P.)