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Climate Change and the Falling world

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Every person's life has been significantly touched by climate change, more or less. The shift in atmospheric properties, a well-known effect of global warming, has led to a disturbing pattern of rainfall, floods, earthquakes, etc. India, one of the world's developing countries, is currently experiencing the devastating effects of this change in the form of natural disasters. Although the required actions have been taken to reduce its impact, efforts are currently being made to find a suitable solution to this problem. The average temperature on the surface of the earth has increased about 1% and is expected to go further up to 1.5%. This paper highlights the suggestions that we can adopt to fight climate change from destroying our planet and it also discusses the various laws and regulations recognized by different nations for the betterment of our mother nature. The landmark case laws and the Australian Bushfire case study help us to realize how seriously we should look at climate change and work as a unit to battle it.

Keywords: *climate change, global warming, atmospheric properties.*

INTRODUCTION

Climate change is a tendentious topic in the world nowadays. Some aren't certain whether or not it's happening however some are sure that global climate change is real and is a threat to the world. Even if one doesn't intend to believe that the world is warming up, one ought to at least worry about the carbon footprints that are being left by us and how all our waste and pollution is a pain to the environment. However, the problem has been so politicized that if

somebody on one side says he believes in climate change and wants to assist in stopping it, somebody on the other side will fight against him due to the political divide. This is often unfortunate for a straightforward reason: global climate change is a serious issue in our world today. It's a speedily worsening issue and there aren't enough people trying to fight this problem from getting out of our hands. In this paper, I'd wish to highlight some key facts concerning the problem and the way we can help the environment improve instead of letting it rot away. "Global warming has consequently increased and average temperatures around the world were 1°C higher than pre-industrial levels in 2017 (Connors et al., 2019). With rapid, formidable, and well-targeted mitigation action, it's going to be possible to hold the average global temperature increase to 1.5°C at the end of the century."

RESEARCH METHODOLOGY

Comprehensive analytical, foundational, and conceptual research was carried out with a primary focus on secondary sources, such as books, magazines, blogs, and various governmental and non-governmental websites. This research paper dives deep into the effects of climate change on our surroundings and helps us understand the various laws stipulated all around the world by looking at real life cases.

WHAT IS CLIMATE CHANGE?

As per NASA, "Climate change is a change in the usual weather found in a place. This could be a change in how much rain a place usually gets in a year. Or it could be a change in a place's usual temperature for a month or season." ²

As per United Nations, "Climate change refers to long-term shifts in temperatures and weather patterns. These shifts may be natural, such as through variations in the solar cycle. But since the 1800s, human activities have been the main driver of climate change, primarily due to burning fossil fuels like coal, oil, and gas."

HOW DO SPECIALISTS RECOGNIZE THAT HUMAN ACTIVITY IS A MAJOR CONTRIBUTOR TO THE CURRENT CLIMATE CHANGE?

From a basic physics theory, comparing observations to models, and identifying the intricate patterns of climate change due to numerous natural and human forces, scientists understand

that the current global climate change is primarily caused by human activity. Carbon dioxide has been recognized by scientists as one of the primary greenhouse gases responsible for preserving Earth's energy balance since the mid-1800s. Measurements of carbon dioxide in the atmosphere and air encased in ice reveal an increase in atmospheric CO₂ of more than 40% from 1800 to 2019. Measurements of several forms of carbon show that human activity is to blame for this rise. The patterns of surface warming, temperature changes in the atmosphere, increased regional wetness, rising sea levels, and accelerated melting of land and sea ice are also consistent with those that scientists anticipate would be observed as a result of human activity. These climatic shifts are a result of how greenhouse gases attract heat, which we now understand. These two physics hypotheses demonstrate that the recent observed changes in climate cannot be explained by natural sources alone. The Sun's output and Earth's orbit around it fluctuate, volcanoes erupt, and internal climate system oscillations like El Nino and La Nina are examples of natural causes. Climate models are used in calculations to predict what the global temperature would be if only natural processes affected the climate. The temperature only varies by predicted changes when models with human impacts are used.

CLIMATE CHANGE PREVENTION MEASURES

1. **Emission reduction:** When possible, avoid driving and opt for more environmentally friendly modes of transportation like bicycles or frequent use of public transportation. Trains are more environmentally friendly than airplanes for long-distance transport, although they contribute significantly to the atmosphere's carbon dioxide emissions.
2. **Save energy:** Look at the labels on your appliances, and turn them off when not in use. Every time, adjust the temperature for heating and cooling. We can conserve energy and, of course, cut down on our utility costs by using household appliances carefully.
3. **Practice the 3 pillars of sustainability:**
 - **Reuse:** use of second-hand markets to give things you no longer use a new life or to acquire something you need that someone else has discarded.
 - **Reduce:** use resources more wisely and cut down the consumption.

- **Recycle:** packaging, electronic trash, and so forth. Did you know that recycling part of the waste rubbish at home can help you save over 730 kilos of greenhouse gas emissions annually?

4. Take action to stop the destruction of forests

- Choose wood with a certificate of sustainable origin if you want to shop for it.

- Grow trees! Up to a metric tonne of CO₂ will be absorbed during its lifetime.

A WORLDWIDE LEGISLATIVE FRAMEWORK FOR CLIMATE CHANGE

There has been a 20-fold increase in the range of global climate laws since 1997. The UK Parliament passed the Climate Change Act 2008 (c 27). To prevent disastrous climate change, this act requires the Secretary of State to ensure that Britain's net carbon emissions for each of the six Kyoto-related greenhouse gases be at least 100% lower by the year 2050 than they were in 1990. The Act gives ministers the authority to propose the measures required to meet a variety of greenhouse emission reduction targets to transform the United Kingdom into a low-carbon economy. The goal of New Zealand is to have no carbon emissions at all by the year 2050, joining a select group of countries that have introduced emissions-target legislation. The new rule will assist the 4.9 million-person nation in achieving net-zero carbon emissions by 2050. Additionally, it included legislation for a 24 to 47 percent reduction in methane emissions throughout the same period.

The purpose of the Canadian Environmental Protection Act, 1999 (CEPA, 1999), an act of the Canadian Parliament, is to protect the environment and human health from the dangers of dangerous substances while also promoting sustainable development. It works to address any pollution issues that are not covered by other federal statutes.

ENVIRONMENT AND THE THE CONSTITUTION OF INDIA

One of the few constitutions in the world with specific environmental clauses in the Indian Constitution. The chapters on fundamental duties and the directive principles of state policy fully articulate the nation's commitment to protect and improve the environment.

Three constitutional clauses specifically address environmental issues.

First, Article 21¹ establishes: "No person shall be deprived of his life or personal liberty except according to procedure established by law. " In *Subhash Kumar v In the state of Bihar*² and *Virendra Gaur v the State of Haryana*,³ the right to a healthy environment is one of the liberties listed in Article 21 that was recognized by the Supreme Court. The Supreme Court set the example, and almost all State High courts now acknowledge that Article 21 has an environmental component.

Next, Article 48A enables "Protection and improvement of environment and safeguarding of forests and wildlife The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country"

Lastly, Article 51A states "it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife and to have compassion for living creatures."¹¹

ROLE OF JUDICIARY

The majority of the guiding ideas that Indian environmental law presently operates upon were developed over the previous more than three decades. The Supreme Court and the High Courts' meticulous deliberation led to the development of the vast majority of the current environmental law. Whether it be air, water, solid waste, or venturesome waste, the Supreme Court's directives and decisions encompass a wide range of topics. The area that is covered is quite broad and includes things like illicit mining, forest degradation, industrial pollution, river pollution, and pollution from transportation. The list goes on forever. It is important to note a few of the judgments wherein various environmental law principles were upheld by the courts:

In the Indian Council for *Enviro-Legal Action v Union of India (CRZ Notification case)*⁴, the Hon. Supreme Court ruled that the Principle of Sustainable Development would be broken if the industry had a significant negative ecological impact. Judges determined after considering

¹ Constitution of India, 1950, art.21

² *Subhash Kumar v State of Bihar and Ors.*, (1991), AIR 420

³ *Virendra Gaur and Ors. v State Of Haryana and Ors.*, (1994) Appeal (Civil) No. 9151/1994

⁴ *Indian Council For Enviro-Legal v Union of India and Ors.*, (1996), AIR 1446

all the circumstances and facts that the “*industry must deposit the amount as directed by this Court vide order dated April 11, 1997, with compound interest.*” The cost of causing environmental harm and endangering the lives of villagers by failing to properly treat the hazardous slurries from their plants led to the court implementing the “polluter pay concept” for the first time as a result.

Ganesh Wood Products v State of Himachal Pradesh⁵, – This decision expanded the definition of “forest” to include everything in the dictionary, imposed a ban on all non-forest activities on forest land without prior Central Government approval, and provided instructions for the formation of a High Power Committee to deal with forests as well as expert committees in each State to identify forests and oversee the movement and disposal of timber. “It was held by the court that the present generation has no right to delete all the existing forests and leave nothing for the next and future generations. Hence, the court highlighted the principle of intergenerational equity in its judgment. The court highlighted the need to conserve the resources to maintain their survival for future generations as well.”

MC Mehta v Kamal Nath⁶ is an instance when an effort was made to divert the flow of a stream to construct hotel facilities. By establishing the Public Trust theory and order that the State and its citizens, as trustees, had a duty to maintain and preserve natural resources like rivers, lakes, forests, open areas, and various common property resources, the Supreme Court created obstacles.

The Doctrine of Public Trust according to the Supreme Court is a part of the law of the land. In the case of *Maharaj Singh v Indian Oil Corporation*⁷ and further

M. I. Builders v Radhey Shyam Sahu⁸ this doctrine's applicability to Indian law was further reaffirmed. Resources, as the case was carried on for around 15 years, long after the Court's final decision and for all these years the applicants were forced to carry on the case. Taking into account the total facts and findings of the case, regarding both the interlocutory applications, the court ordered the respondent industries to pay a sum of Rs.10,00,000 INR as

⁵ *Ganesh Wood Products v State of Himachal Pradesh* (1996), AIR 149

⁶ *MC Mehta v Kamal Nath* (1996) 1 SCC 38

⁷ *Maharaj Singh v Indian Oil Corporation* (1999), AIR 81

⁸ *M. I. Builders v Radhey Shyam Sahu* (1999), AIR 2468

costs. This sum of money would also be used, under the direction of the respective authorities, for taking mandatory actions around the Bichhri village and neighboring regions within the Udaipur district, Rajasthan.

*M.C. Mehta v Union of India*⁹- Taj Trapezium Case, The Taj Mahal is the best exhibit of the Mughal design existing in our country. However, it stood in a dreadful state, as the marble turned yellow and deteriorated due to the chemical pollutants from the industries nearby. The Court recognized the requirement for the protection of the Taj Mahal and located the industries which were guilty of it. The Court relied on the preventive principle and held that environmental measures should “anticipate, prevent and attack the causes of environmental degradation”. It additionally placed the onus of proof on industries to point out that they operate in an environmentally sustainable manner.¹⁰This case, therefore, broadened the definition of the right to live and was capable of limiting industrial practices which were harmful to shielding the right of people to exist in a safe environment

CASE STUDY - AUSTRALIAN BUSHFIRES 2020

The Northern region of Australia experiences a wildfire season from April to September. This is frequently caused by the hot summer months' high temperatures as well as their low humidity levels. Australia's 2019–20 bushfire season has turned out to be the most destructive in recorded history. Bushfires are a common occurrence in many regions of the world and are an integral part of the environment there. The major fires that have recently occurred on such large scales have demonstrated that humans have influenced this occurrence. The different climate changes that have occurred around the world and altered the cycle of various natural phenomena, such as bushfires, are evidence of this human influence. There is currently no indication that the present wildfire situation will end soon. According to numerous accounts, if the bushfires are not put out by the time summer arrives in the coming months, they will come full circle.

The Australian government announced a total fire ban and advised caution when tossing items like lighted or partially burning cigarettes and matches in the trash. In a trial to

⁹ *M.C. Mehta v Union of India* (1986), AIR 1086

¹⁰ *Ibid*

determine who was responsible for escalating the bushfires, the authorities charged about 183 additional individuals on accounts of negligence and fire-related offenses in addition to the 27 people who were found guilty of intentionally starting fires in several locations throughout the state of New South Wales. Despite constant government efforts to contain the fires, Australia is currently seeing the worst case of bushfires in its history. This is because the fires are so large and difficult to control. The extra assistance and precautions taken by the authorities are intended to prevent further damage and rebuild the destroyed structures. Everything points to the effects of global climate change and the need for the entire human race to change its ways and adopt more sustainable lifestyles to save the planet, including an increase in the number of wildfires worldwide, declining air quality, polluted oceans, melting glaciers, rising temperatures, and many other changes on the planet.

WOULD THE CLIMATE CHANGE BACK TO WHAT IT WAS 200 YEARS AGO IF GREENHOUSE GAS EMISSIONS WERE REDUCED?

No, The Earth's surface temperature would take thousands of years to cool down and return to levels seen in the pre-industrial era, even if production of greenhouse gases abruptly ceased. Due to previous and present emissions, surface temperatures would remain elevated for at least a thousand years, resulting in a long-term commitment to a hotter world. Even after the temperature started to rise less, the sea level would continue to rise for several centuries²⁵. In a human time frame, the warming of the Earth caused by CO₂ cannot be stopped.

CRITICAL ANALYSIS OF CLIMATE CHANGE

With every passing day, the threat of global climate change has become a crucial concern. Scientists believe this will continue to destroy mother Earth if something is not done at the earliest. Every major organization is coming together in making rules for the betterment of climate change for our future generations. WHO and NASA have brought about several regulations to solve this problem. Even though people commonly think that climate change brought on by human activity will occur in the future, it is already happening.

The effects of global warming on different facets of civilization are interconnected. Both food production and human health will be harmed by drought. Flooding has the potential to spread disease and damage infrastructure and ecosystems. Human health issues can raise mortality rates and reduce worker productivity. It doesn't seem inevitable that the future will be affected by climate change. We now have a better understanding of some of the problems, and ongoing research keeps producing new ones. Experts believe that by bringing emissions as close to zero as possible, it is still possible to prevent the worst possible results. This necessitates investments in new infrastructure and technology, which could spur job development. Additionally, reducing emissions will have a positive influence on health, saving countless lives and billions of dollars in medical costs. Despite the economic slowdown brought on by the coronavirus pandemic, levels of the two most prominent anthropogenic greenhouse gases, CO₂ and methane, continued to grow in 2020.

CONCLUSION

According to the research, the threats posed by the climate emergency are genuine and can offer a bleak picture of what the future holds for humankind's next generation as well as all other earth's inhabitants. Unquestionable impacts are already apparent throughout the planet. However, there is still time to make things right. We must participate and make an effort to halt climate change's additional repercussions as well as global warming. Future increases in the earth's temperature would cause all life on the planet to become extinct owing to the extreme conditions. This planet would be a safer place to live if everyone took a position and tried to stop most of the climate changes that are taking today.