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Impact of Climate Change on Street Vendors, Ragpickers and Farmers

DIKSHA SRIVASTAVA¹ AND DR. VIVEK NEMANE²

ABSTRACT

It is pretty evident that climate change has surpassed human capacity to regulate, as demonstrated by the unprecedented intensity of storms and heat waves. The human population has gained knowledge regarding the necessity of reducing greenhouse gas emissions, as evidenced by phenomena such as the melting of polar ice caps and the detrimental effects of smog. However, ultimately, the majority of individuals tend to overlook or disregard this matter. The underlying rationale is straightforward: individuals possess the advantage of being able to exercise this privilege. However, it is important to acknowledge that across the globe, there exist individuals who endure ongoing hardships as a result of the persistent alterations in climatic conditions. One disheartening aspect is that these individuals make minimal contributions to the emission of Carbon Dioxide (CO₂) into the environment, yet they bear the brunt of its consequences. Conversely, individuals who possess comprehensive literacy skills and enjoy socio-economic advantages often exhibit a disregard for their role in perpetuating the hardships experienced by marginalized populations. This study aims to establish a clear distinction between the two concepts and examine the diverse international frameworks pertaining to climate change. It demonstrates that these frameworks primarily prioritize long-term objectives, while exhibiting hesitancy in implementing immediate measures to safeguard individuals who are particularly susceptible to the impacts of shifting climate conditions. The primary objective is to attain environmental justice while also ensuring equality and comprehending the exploitation of the environment by the purportedly privileged class, which subsequently contributes to climate change, thereby significantly affecting the livelihoods of street vendors, rag pickers, and farmers. This paper will address the daily challenges encountered by individuals in question and propose potential resolutions to these issues.

Keywords: Climate change, Exploitation, Greenhouse effect, Vulnerable category.

I. INTRODUCTION

Human beings are the most intelligent beings on this planet. They are the ones who love exploiting and destroying it in order to survive and fulfill their needs. One of the biggest

¹ Author is a LL.M. Student at Symbiosis Law School, Pune, India.

² Author is an Assistant Professor at Symbiosis Law School, Pune, India.

problem the world is currently experiencing, due to the increasing greed, is that of climate change. A lot of negative effects related to climate change are linked with food production, health and biodiversity and it is already making poverty worse. The world bank says that—“climate change will push up to 130 million people into poverty over the next 10 years—unravelling hard-won development gains—and could cause over 200 million people to migrate within their own countries by 2050.”³ It is also contested that the richest half of the world are responsible for 86% of the greenhouse emission and the poorest half for just 14%. But people who fall under the highly vulnerable category such as street vendors, rag pickers and farmers are already the ones to be worse effected by the climate change caused by these emissions. The most common example is that of heat wave, wherein the sun directly beats down on such people. Globally, two billion people are employed in professions classified as "informal labour," including street selling, agriculture, and collecting and recycling plastic waste. And they are the ones classified as “highly vulnerable to climate change”. Many people work on a daily basis just to earn enough for a day’s food and don't have access to savings, healthcare, or other forms of social security. As a result, such individuals cannot afford to stop working even if faced with situations like COVID-19 or any other health issues. The main aim of this paper is to understand how the people of the privileged class are exploiting the natural resources the most and consequentially it is the “vulnerable” category people who are paying a higher price due to the changing weather conditions. It is in the scope of natural justice and in the concept of equality to understand the problems faced by such people and to provide them with adequate solutions. The United Nations Framework Convention on Climate Change (UNFCCC) states that it is the duty of the States, especially the developed countries have the burden of reducing their emissions levels and capacity, first as they are considered to be sources of past and present greenhouse gases concentration. The Constitution of India also affirms that it is the duty of the State to protect the environment⁴. There are three frameworks: the hazard-based, vulnerability-based, and urban resilience frameworks, are used to drive adaptation planning. It is essential for legislatures and policy makers to investigate how these frameworks influence the suggested adaptation activities so as to advocate the appropriate method for adaptation planning. One of the reasons for injustice for the ragpickers, street vendors and farmers is due to the fact it is complicated matter as the burden of proof is obscure. The overall reason, the evidentiary value, the burden of proof for the implication’s climate change is difficult to determine. The most

³AKIHIKO NISHIO, *When poverty meets climate change: A critical challenge that demands cross-cutting solutions*, world bank blogs, (Nov. 05,2021).

⁴The Constitution of India, art. 48A

obvious way to establish a compliance, explicitly if corporations refuse to accept responsibility for climate change, is through legislative action.

(A) Review of literature:

1. United Nations, “*Emissions Gap Report, 2021*”, ISBN 978-92-807-3890-2

This study evaluates the discrepancy between projected future global greenhouse gas (GHG) emissions and the degree of emissions through lower financial alternatives that are consistent with meeting the Paris Agreement's temperature goals. The researcher analyses the number of aggregating functions that were suggested as being suited for reducing and maintain the current situation of the effects of climate change in discussions and statistical studies by experts on the possible approaches to choosing the optimal future policies, initiatives, legislation, etc. The researcher also interprets the information given in the report on the examination of different areas that are imperative in bridging the gap between implementation and effectiveness of recovery measures.

2. Sixth Assessment Report of the Intergovernmental Panel on Climate Change 2022: “*Impacts, Adaption and Vulnerability by the Working Group II*”

This report was released in 2022, has a strong emphasis on equity and justice. The impacts of climate change, as well as vulnerability and adaptation, are the main topics of the report. The paper gives copious evidence in support of a regional and sectoral focus on justice. It reflects the fast-growing interest in climate justice, both in advocacy circles and in public discourse, in addition to the fast development in the volume of information available on the issue.

3. Robert Mizo, “*India, China and Climate Cooperation*”, India Quarterly, Vol. 72 No. 4, pp. 375-394

This article's main aim is to investigate how and to what degree India and China have built cooperative engagement on climate change at the bilateral and global levels. Additionally, the article will attempt to analyse the obstacles to this shared goal.

4. “*The Paris Climate Change Agreement: China and India*”, 6 CLIMATE L. (2016) 171-181

The researcher interprets to the comparison of the author in relation to the approach of China and India towards climate before and after the Paris Agreement on climate change in reference to the current reports of climate change. The researcher interprets the comparison between India and China it the approach taken by the author in which it is argued that the patterns of exploitation are repeated in different fields. Before developing countries are obliged to decrease

their emissions, the UNFCCC mandates that developed nations do so first. Despite the fact that developed nations fulfil their end of the agreement, many fail to do so. However, China and India have agreed to a target-setting deal that calls for significant energy sacrifices as a result in advances in the water industry. Both nations have committed to curbing the increase of their emissions, and they have good prospects for climate investments that are unlikely to be met.

5. *“Climate Change and Its Impact on India”* By M Balasubramanian and V Dhulasi
Birundha

The author has reviewed a number of aspects and fields in the Indian society and has tried to understand the impact of climate change in those spheres. Particularly the authors area of research is non doctrinal, in which he has collected data relating to greenhouse gases emission in India, and how that emission is affecting the forests and water resources. In his opinion, India being an agriculture-based country, is the most vulnerable to climate change. The author also addresses the issue of lack of proper economic data with respect to the impacts of climate change. The author also asserts the need of policies for poverty mitigation in India.

(B) Research Questions:

1. Have we attained the stage of environmental justice?
2. Who is the worst affected party by the climate change?
3. Are the international frameworks on climate change sufficient to address the human rights issues, especially for ragpickers, street vendors and farmers?
4. How has India differed in reducing the emission levels, through policies, initiatives, etc. in comparison with China?

(C) Research Hypothesis:

People of the privileged class are the ones, exploiting the planet to its maximum. This in turn is causing climate change which is having the worst impact on the street vendors, rag pickers, farmers and homeless people.

II. IMPACTS OF CLIMATE CHANGE

Climate change denotes the long-term change in the global temperature and weather conditions. These changes can be natural, but since the beginning of the eighteen-century human intervention has become the main cause of climate change. Burning of fossil fuels in large quantity causes greenhouse gas emission, and a blanket-like effect is caused by the rising greenhouse gases which traps the sun's heat and causes temperatures to rise. Carbon dioxide

and methane are two major examples of greenhouse gas emissions that are contributing to climate change.

Climate change has been defined as "a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods."⁵ Widespread increases in the standard of living of many people throughout the world have been accompanied with the rising demands on natural resources. The globe is trying to keep up as the average global temperature rises and extreme weather events become more frequent, along with the changing ecosystems and endangering plant and animal species. Rain fall has become less frequent, there are more fires, and forests are drying up. The glaciers at the North and South Poles are also melting at a high pace.

The average global temperature rose by 1.98°F (1.1°C) between 1901 and 2020⁶, but climate change is more complex than just a rise in temperature. It also includes the rising sea level, changes to weather patterns like drought and flooding, and several other factors. Climate change is having an impact on sectors that we value and rely on, including water, energy, wildlife, agriculture, ecosystems, and human health. It is commonly stated that climate change affects all irrespective of their class, caste, creed or ethnicity. But is it true? Is a person, who is working in an air-conditioned office or staying in a luxurious home, effected in the same manner as a person who is working directly under the sun or sleeping without a roof? The answer is 'NO', as a report on climate change from the United Nations noted that at least 3.3 billion people are "highly vulnerable" to climate change and these people are the ones who are mostly homeless and spending their lives on the streets. When particularly talking about India, it has approximately a rural population of 700 million, whose lives are dependent directly on the climate-sensitive sectors and natural resources such as water, forests, grasslands, biodiversity and coastal zones for their survival and livelihood.

III. IMPACT OF GLOBALIZATION ON CLIMATE CHANGE

Globalization has both positive and negative impacts throughout the world, but its effect on the climate is primarily negative. The phrase "environmental justice" is used frequently to describe

⁵ Alexander Gillespie, *Small Island States in the Face of Climate Change: The End of the Line in International Environmental Responsibility*, 22 UCLA J. ENVTL. L. & POL'Y 107, 108 (2003/2004).

⁶ IPCC, 2021: Summary for Policymakers. In: *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* Masson-Delmotte, V., P. Zhai, A. Pirani, S.L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M.I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T.K. Maycock, T. Waterfield, O. Yelekçi, R. Yu, and B. Zhou (eds.]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, pp. 3–32, doi:10.1017/9781009157896.001.

unfair exposure of poor and marginalized communities to harms associated with the exploitations done by the people in power. At the international level, these discrepancies also exist between established and developing nations as well as between the North and the South. Within these divisions, abstract concepts like "environmental racism," "radioactive genocide," and "ecocide" are applied to complicated concerns of economics, environmental integrity, and human rights. According to Dobson – “the primary environmental issue on this planet is inequity.” It can be said that increase in globalization has increased the gap between rich and the poor. The rich keeps exploiting and the poor keeps paying the price for it. Same as the developed countries such as USA and Europe exploit and the developing and the poor countries suffer.

One of the major impacts that globalisation has is that of flourishing of trade. Things have gone global. More are the consumers; more will be the profit is the new way of lifestyle. This has in turn made the rich richer, thereby increasing their desires. Thus, entering into the vicious cycle of more money, more desires, more the exploitation of the environment. This exploitation of the environment results into climate change. People such as street vendors, rag pickers and farmers are not much effected by the globalization in their work space, since their scope of work is limited to their area only. But they are the ones who are indirectly being affected by globalization in a negative manner. Due to greater amount of fossil fuel burning and more greenhouse gas emission, the overall temperature of the earth has risen.

It is plausible to reduce emissions and increase resilience, but doing so calls for significant, social, technological and economic transformations. Due to the urgency and size of the problem, nations must collaborate fast, adjust to their unique situations, and be courageous in putting policies into place that will bend the emissions curve and enhance living conditions. Even though priorities for climate action differ significantly across countries and across sectors, there is an urgency for adaptation. The problem for developing nations is that they no longer have the option to first develop in a way that is highly carbon-intensive before cleaning up and decarbonizing. They require assistance now in order to make investments that will reduce the pace of climate change and help billions of people enjoy lives that are safer, more well-off, organic, and balanced. The policies nations put in place for low-carbon, resilient growth may also aid them in addressing poverty and inequality if they are carefully designed and carried out.⁷

⁷ The world bank, IBRD, overview on Climate Change, Apr. 08, 2022 <https://www.worldbank.org/en/topic/climate-change/overview>

IV. SUFFERINGS OF STREET VENDORS, RAG PICKERS AND FARMERS

Approximately, around the world, two billion people fall under the category of informal workers, working as street vendors, agriculture worker or collecting and recycling plastic waste. People like them live in utmost uncertainty, that is to say - just one natural disaster away from losing everything. Poor people, that is to say people with very less income already face a very high risk of suffering from climate related shock such as spike in food prices after extreme weather conditions, crop failures due to reduced rainfall, and increased occurrences of diseases after floods and heat waves. In today's world, poor people, homeless people and indigent persons are the principal victims of climate change. Particularly in Africa and South Asia, more than 100 million people, above the existing underprivileged, may live in poverty by 2030 if prompt, inclusive, climate-smart growth and emission lessening measures are not realized.⁸ Some of the problems faced by a few of them can be discussed under the following heads-

(A) Street vendors:

These abrupt changes in the weather have a big effect on people's everyday lives and jobs, especially for the neighborhood street sellers. Street vendors according to the law insider dictionary means "individual merchants who offer products for sale in stands, booths or other non-permanent structures usually located on the sidewalk and designed to attract passing pedestrians."⁹ In India, there are reportedly between 50 and 60 lakh street vendors, with Delhi, Mumbai, Kolkata, and Ahmedabad having the highest numbers. Most of them are immigrants who, on average, work 10 to 12 hours every day. Thus, facing the following problems-

1. Continuous exposure to extreme heat and ultraviolet rays makes them more prone to skin related issues.
2. The cost of the fruit will be high if it is in its season but not being produced at the regular pace due to global warming. This is significant because the cost of fruit determines how much money our street vendors can make. Not to mention that the fluctuating temperatures will raise concerns about the fruit's freshness.
3. Sometimes due to extreme heat and sometimes due to rain, fewer people are venturing outside, which results in lower sales for street vendors.
4. Their stalls get thrown away in extreme windy conditions
5. Smog and dust pollution causes eye irritation, etc

⁸ Shock waves, Managing the impacts of Climate Change on Poverty, World Bank Group, June 05, 2022

⁹ Available <https://www.lawinsider.com/dictionary/street-vendors>, accessed on 07.10.2022

When it rains heavily, Gopal, a 45-year-old street seller in Pune, sees a significant decrease in business since the markets close to informal settlements regularly become flooded. Not only do his sales fall, but he also suffers losses because the perishable veggies are sold for less money or are thrown away.

(B) Rag pickers:

*“Reducing, reusing, and recycling municipal waste is one of the easiest and most effective means of reducing greenhouse gas emissions. It also provides gainful employment to millions of people in the developing world, mostly in the informal sector (‘waste pickers’).”*¹⁰ Rag pickers sift through human-generated hazardous rubbish to find specific recyclable things while working in a filthy and unsafe environment. There are several places where garbage may be collected, including hospitals, open landfills, railroad stations, and roadside areas. Most of the trash dumps are very contaminated with germs. Germs may grow and thrive in the rotting trash. Rag pickers remove all types of trash from garbage dumps using just their bare hands and no protective gear. Occasionally, however, they come into touch with hazardous materials such as rags that are poisonous, caustic, combustible, explosive, etc. Bio-medical waste, such as needles, outdated medications, and dirty bandages, etc. pose a serious risk to rag-pickers because they can spread deadly respiratory, skin, and other illnesses. Few problems faced by them due to changing weather conditions are as follows-

1. Due to lack of proper hygiene and dwelling space, these people face various health problems such as Malaria and diarrhea.
2. It was observed in data collected by the Department of Human Development & Family Studies, School for Home Sciences, Babasaheb Bhimrao Ambedkar University, that rag-pickers most commonly suffer with respiratory diseases, that is about 19%; eye related problems, that is about 40%; skin related issues, that is 22%; and various forms of injuries that contribute about 60.5%.¹¹
3. Their hand made houses get destructed during thunder storms or cyclones, or sometimes even get thrown away due to high speed of the wind.

(C) Farmers:

The climate issue is more severe in rural areas where the economy is reliant on natural resources.

¹⁰Neil Tangri, *Respect for Recyclers: Protecting the Climate through Zero Waste*, Global Alliance for Incinerator Alternatives, Oct. 2010

¹¹ Santoshi Kumari, U.V. Kiran, *Human Factors in Healthcare, Prevalence of health problems of rag pickers due to various hazards at Lucknow city*, Department of Human Development & Family Studies, School for Home Sciences, Babasaheb Bhimrao Ambedkar University (A central university), Lucknow, oct. 02, 2016

Pests, droughts, and rising temperatures all contribute to poverty by making farming extremely difficult and limiting people's access to food and clean water. It is a well-known fact that Agriculture is highly sensitive to climate change, as higher temperatures sometimes may reduce the yield of desirable crops while encouraging weed and pest propagation. Some other problems are as follows:

1. Disturbed rain cycle: In places like Sierra Leone, climate change is destroying livelihoods of over six percent of their population, which is of farmers. As it rains when it shouldn't, and doesn't when it should. This results into failure of crops,
2. Flooding of the farms due to heavy rainfall,
3. Drying of the crops due to extreme heat waves,
4. Due to sudden drought conditions agriculture has become a gamble in certain areas,
5. Crops dying due to polluted river water,
6. Impacts the price of goods, etc.

A few problems faced by the street vendors, rag pickers and farmers have been mentioned. The purpose is to illustrate that how these people are the ones to be affected at the forefront due to the changing climatic conditions.

V. RESPONSIBILITY OF THE PRIVILEGED CLASS

The topic of inequality has consistently come up in debates related to climate change. The concept of inequality has generally been discussed in relation to the "climate justice" issue, which is itself a specific instance of the "environmental justice" issue. The gap between the rich and the poor has been one of the major issues. Within this issue comes a greater issue that how the rich is contributing to the increasing greenhouse effect. Deforestation, excessive use of chemical fertilizers, industrial livestock production, using fossil fuels for power, heat, transportation, industry, and industry all contribute to the atmosphere's greenhouse gas concentration, which is what causes global warming. The quantity of greenhouse gases that people emit into the atmosphere directly influences future temperatures and the overall trajectory of climate change. Halina Szeinwald Brown, a professor of environmental science and policy at Clark University, USA, states that- "Wealthy people set the tone on consumption to which everybody aspires. That's where the toxic effects are." A typical transatlantic round-trip flight produces around 1.6 tons of CO₂. This amounts to approximately one person's average annual emissions in India. US citizens generate roughly 10 tons of CO₂ annually just from flying. Because they travel so frequently, celebrities like Paris Hilton, Jennifer Lopez,

Emma Watson, and Bill Gates have been dubbed "super emitters" for having such high carbon footprints. The leader in this ranking is Bill Gates, whose private plane generated 1,600 tons of CO₂ in 2017.¹² Similarly, other common people of the privileged class also contribute on a daily basis by using fuel based vehicles, air conditioners, refrigerator etc.

VI. INTERNATIONAL FRAMEWORK ON CLIMATE CHANGE FOR RAGPICKERS, STREET VENDORS AND FARMERS

“homines hac lege sunt generati qui tuerentur ilium globum quem in hoc templo medium vides quae terra dicitur”

- Cicero Somnium, Scipionis

The world is speaking about protecting the Earth, but are actions are still destructive. When we talk about raising an issue, there are three main international communities that addresses climate change, that is *United Nations Framework Convention on Climate Change, the Kyoto Protocol* until 2020 and the *Paris Agreement* which was entered into on November, 2020. According to the International Human Rights law, it is the state's obligation to guarantee a victim's right to reparation. The Sixth IPCC Assessment Report by the Working Group II has stated that for effective and sustainable adaption to be long-term development there is a great need for inclusive governance¹³. The *International Covenant on Civil and Political Rights* has the most extensive treaty provisions on remedies. The first constraint relates to the role of regional and International Human Rights bodies in sponsoring access to justice for Human rights infringement related to climate change. One of the broadest parts of the Inter-American Convention on Human Rights' is under Article 63(1) of the mandate.

Referring to the Resolution adopted by the General Assembly on 19th July, 2022, which recognises the right to clean, healthy and sustainable environment. It is expressly given that the States are to protect and foster human rights, along with the alternate approaches for the improvement of human rights enjoyment and fundamental freedoms¹⁴, it can be incurred that it is the States responsibility to ensure that climate change is not impacting the lifestyle, health and availability of natural and technological resources. Communication between developing and developed nations is established as a significant method for advancing environmental preservation and sustainable development.

¹² Available at: <https://data.worldbank.org/indicator/EN.ATM.CO2E.PC>, accessed on 06.10.2022

¹³ Summary for Policy Makers, Sixth Assessment Report of the Intergovernmental Panel on Climate Change 2022: Impacts, Adaption and Vulnerability, available at https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf, accessed on 09.10.2022

¹⁴ Resolution A/RES/76/300, United Nations General Assembly, Seventy-sixth Session, Agenda item 74(b)

VII. RIGHTS GIVEN UNDER INTERNATIONAL AND NATIONAL LEGISLATION

The Human Rights Council's resolution 41/21 and the *Intergovernmental Panel on Climate Change* illustrate the influences of climate on a broad range of cultural rights as well as the *rights to life, self-determination, development, health, food, water, and sanitation, and adequate housing*.¹⁵ The negative effects and its violation of human rights is increasingly gaining recognition and international organisations have been taking a more human rights approach. In fact, as per international conventions, it is on the State to direct public as well as political awareness to the repercussions changing weather and climate conditions which are to be implemented for the benefit of the vulnerable groups. States should ensure that everyone has the right to enjoy the best possible level of bodily and mental health¹⁶.

More specifically in India, the ragpickers, street vendors and farmers, whose livelihood have them face the deteriorating climate and harsh weather conditions of extreme heat. Indian Supreme Court recognised the *right to a healthy environment* as one of the liberties guaranteed by Article 21 of the Constitution of India.¹⁷ The Supreme Court set the example, and almost all State High courts now acknowledge that Article 21 has an environmental component. As stated previously, due to the harsh weather conditions faced by the ragpickers, street vendors and farmers in addition to the declining environment around them means that they do not have access to the basic essentials.

One of the main effects of climate change is the increasing number of internally displaced communities. Internal displacement consecutively results in the increase number of homeless in the country. Entire communities are faced with extreme weather environments as well as no accessibility to the essentials such as adequate housing¹⁸, food, water, sanitation which eventually leads to death. *Human right to health* is in jeopardy because of climate change. The health of people globally is threatened due to the spread of infectious illnesses as a result of climate change.

Environmental protection and development are interrelated. Right to development was introduced at a much later stage in comparison of the other rights mentioned. In a globalising world development happens primarily in the technological and industrial domains. On one hand, the 'privileged' groups have access and the financially weaker sections have none, hence for

¹⁵ Frequently Asked Questions on Human Rights and Climate Change, United Nations Human Rights Office of the High Commissioner, Fact Sheet No. 38, available at https://www.ohchr.org/sites/default/files/2021-09/FSheet38_FAQ_HR_CC_EN_0.pdf, accessed on 05.10.2022

¹⁶ The International Covenant on Economic, Social and Cultural Rights, art.12(1)

¹⁷ Subhash Kumar v. State of Bihar, A.I.R. 1991 SC 420, Virendra Gaur v. State of Haryana 1995 SCC 577

¹⁸ The United Nations Declaration of Human Rights, art. 25(1)

such sections, the ragpickers, street vendors and farmers, there is no technological advancement and no access to any development step taken by the corporations or governmental agencies. For instance, ragpickers and street vendors will be in a farmers will benefit greatly from solar panels.

VIII. COMPARISON BETWEEN INDIA AND CHINA

There are evidently numerous policies and initiatives throughout the years for reducing and restraining the furtherance on account climate change consequences. India has a guiding national strategy adopted in 2008 as the 'National Action Plan on Climate Change' that specifically addresses the developmental concerns, mitigation issues and adaptative limitations and has eight subsidiary missions till date. The latest national strategy mission observes that there is a requirement of adopting calculated plans for formulation, implementation, evaluation and monitoring of policy-driven action plans that work simultaneously with economic growth¹⁹. Drawing a "*Red Line*" for *Ecological Protection to Mitigate and Adaption*, a proposal given by China has been chosen by the UN as one of the world's 15 greatest nature-based solutions²⁰. The reoccurring themes that India and China demonstrated during the 2009 Copenhagen Summit have declined since then. These two nations currently hold contrary viewpoints on a range of issues related to the climate agreement. This was made abundantly clear by the outcomes of discussions between Chinese President Xi Jinping and Indian Prime Minister Narendra Modi, which took place during US President Barack Obama's trips to China and India. A historic climate accord was reached during the meeting with President Xi in late 2014, in which China committed to peaking its emissions by 2030 and increasing the proportion of non-fossil fuels in its main energy consumption. India according to the nationally determined contribution, is focused on reduction of the emission intensity down to 45 percent from 2005 levels by 2030 and achieving around 50 percent of installed *non-fossil fuel-based energy capacity by that time*.²¹

Both China and India appear to be moving in the direction of actively interacting with the rest of the world community in order to possibly reach an agreement at the Paris Summit, their views and strategies differ. Even though it proceeds to oppose many of the ideas advanced by industrialised nations, China is more willing to discuss targets and timeframes as a component of the climate regime. India, on the other hand, is in reactionary mode and intends to alter the

¹⁹ Available at <http://www.nicra-icar.in/nicrarevised/images/Mission%20Documents/National-Action-Plan-on-Climate-Change.pdf>, accessed on 08.10.2022

²⁰ XINHUA HEADLINES: CHINA ISSUES FIRST WHITE PAPER ON BIODIVERSITY, EYEING GLOBAL COOPERATION, available at http://www.news.cn/english/2021-10/09/c_1310232964.htm, accessed on 09.10.2022

²¹ Available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1847812>, accessed on 10.10.2022

very premise on which the negotiations are conducted, if not entirely, then at least some of its tenets in order to make it fairer and more equitable, in its opinion.²² In December of 2015, *China submitted 'Enhanced Actions on Climate Change: China's Intended Nationally Determined Contributions'*.²³ Hence, policies and initiatives on climate change have seemingly been taken by China to cooperate with all nations to improve the domestic levels of emissions. But as per recent reports such levels have not reduced²⁴ and India and China still are great contributors to the rising level of greenhouse gas concentrations.

IX. CONCLUSION AND SUGGESTIONS

It can be safely concluded that the people who work on the streets or sleep without a roof above their head are the ones to be affected the most due to climate change. And, so far we are still in the stage of progression with respect to protecting the climate, but with respect to the protection of the vulnerable people from the devastating effect of climate change, no progress has been made. We are far away from the goal of environmental justice even at the global level. Even the international instruments are yet insufficiently working for the protection of these people.

The major role player in safeguarding the basic rights of these people, who fall under the vulnerable category, is the court, as there is a clear lacking of proper legislation for their protection. The Indian courts have developed various principles such as polluter pays, precautionary principle, public trust doctrine and the concept of intergenerational equity. Even though these principles have been developed and reimbursements are made but still there is no such solid legal framework, either at international level nor at national level, to prevent the harm in the 1st place and to provide protection to the people falling under the vulnerable category. Justice and equitable concerns further exacerbate the legal challenges brought on by the inconsistency of local and international environmental legislation.

There are Two major ways suggested, which if followed, can reduce the problems caused due to climate change to the street vendors, rag pickers ad farmers, as well as reduce the long-term problem of climate change. First, at an individual level, the most forward step that can be taken is to spread awareness to those who are unaware of the rights that are being violated. Once they have the realisation that they right's which are being violated, they will have further awareness that there are legal remedies available to them, such as those provided under environmental laws and insurance laws, which in turn will improve their working and living conditions. A few

²² Sean Walsh, Huifang Tian, John Whalley, Manmohan Agarwal, *China and India's Participation in Global Climate Change Negotiations*, International Environmental Agreements: POL. L. & Econs. 261 (2011)

²³ Available at http://www.china.org.cn/environment/2015-06/30/content_35950951.htm, accessed on 09.10.2022

²⁴ United Nations, Emissions Gap Report, 2021, ISBN 978-92-807-3890-2

things that can be done by common people are as follows:

1. Reduce the amount of electricity consumption
2. Try to build a sustainable economy that supports everyone without hurting the environment by using renewable resources and inculcating immaterialist behavioral habits.
3. Reduce water wastage,
4. Reduce paper wastage,
5. Try car pool, or use public transport,
6. Refrain from using too much air- conditioner and refrigerator, etc.

Second, is the role of the policy makers:

Referring to *the principle of in dubio pro libertate et dignitate*, which states that when a treaty provision's meaning is ambiguous, protection of human rights is foremost, could be used. If this principle is used, court or quasi-judicial entities may be able to rule in favour of a victim where there is uncertainty between the cause of the victim's harm and the actions of the state. Burden of proving causation is upon the government concerning human rights while referring to climate change, but only when the complainant has established a preliminary. The global community, nations, and judiciary accepts that the burden of proof such lawsuits is high for parties make the statement that the state's intervention, or in contrast, negligence, mitigation and adaptation of such has infringed or compromised their right to health. Therefore, it should be the responsibility of the government to justify itself, instead of depending on the aggrieved parties to establish a link between health effects and climate change. Government's have the means for obtaining and gathering as well as analysing evidence and comprehending the long-term effects of climate change, while simultaneously attempting to reverse the burden of proof in these cases as reasonable. The decision of *European Court of Human Rights* wherein the applicant was exempted from the burden of proof and as per the court order had no need for the demonstration of certainty of a risk. In this case, European court held that it is upon State, rather than the individual, was in an advantageous position to present evidence indicating a no causation and demonstrating the obligations had been fulfilled.²⁵

Contrasting to the role of the individuals, the authority that has the most capability to make a change in the declining conditions of ragpickers, street vendors and farmers due to climate change is the policy makers. There are inadequacies of laws, particularly in the effectiveness

²⁵ *Affaire Tatar v. Roumanie*, 67021/01, ECtHR

and implementation of legislations. Even though there are policies and initiatives of corporations and governments, is holding entities responsible for contributions towards climate change. There is a great need to bridge the gap between formulation of policies, initiatives and actions and their implementation. Taking for example the increase in the homelessness in California, while anticipating *the effects of climate change*, countering the reportedly increasing number of heat-related deaths amongst the homeless, it is necessary to adopt a climate-conscious homeless bill of rights²⁶. There is also the requirement of improving the regulations of the private entities to ensure that there is mitigation of their contributions to reduction of climate and guarantee their respect for human rights. More data is required to fully comprehend how climate change is affecting the world's informal laborer's and to provide them with safety nets and proper health care. However, it is clearly evident that these workers have a pressing need for basic amenities like electricity, water, and sanitary facilities, as well as improved access to social protection and more political recognition. Till date there is no policy in India regulating the working conditions of rag pickers, there are no proper guidelines for street vending, and the farmers are left to deal with their own problems. Since informal laborer's are typically excluded from climate policies, policymakers must broaden their attention to include all of the hazards these people face. For example, managing workplace heat or using renewable energy are answers that decision-makers should prioritize. These solutions should be developed in close cooperation with the workforce, including women, immigrants, persons with disabilities, and other disadvantaged groups.

The problems and their solutions are well known by the people and the policy makers, the only lacunae is regarding legislation and its adaptation.

²⁶ Gabriel Grief, *Establishing a Climate-Conscious Bill of Rights of California's Homeless*, 39 UCLA Journal of Environmental Law (2021), pgs. 251 - 282

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