



[1]
RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

सत्यमेव जयते

IN RE:

SAVE THE PLANET EARTH AND THE FUTURE GENERATION OF THIS UNIVERSE

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

ORDER

30/05/2024

REPORTABLE

By the Court:

1. Earth is the only known planet having life in this Universe. Earth is the only planet which can sustain life on it. We do not have a planet-B which we can move onto. Earth is the home of million species including living and non-living.

2. Our planet is definitely a priceless gift from God. It is the principal saver of all essential nutrients for all living things on the planet. Earth provides everything we need, including the food we eat, the clothes we wear, the homes we live in. Earth is known as 'Mother Earth' because like our mother, she is always nursing us and providing for all of our needs.

3. On Earth, there are humans, animals, plants, water bodies, land, mountains, dirt and so no. Our planet is the only place on the globe where living things can survive. As a result, it becomes increasingly critical and crucial to save our planet.

4. Mother Earth is clearly urging a call to action. Nature is suffering. Extreme heat now-a-days crossing the temperature more than 50 Degree Celsius have affected millions of people of





the State of Rajasthan and across the nation. Climate change, man-made change to nature as well as crimes that disrupt biodiversity, such as deforestation, cutting of trees, land use changes, destroying natural water bodies, etc. can accelerate the speed of destruction of the planet. Rapid cutting of trees has caused disaster climate change.



5. So we should respect and maintain everything we get from our mother Earth. We should save the mother Earth so that our future generations can live in a safe environment. This makes it all the more serious to save the Earth and save our lives. If we do not take strict action now, we will lose the chance of seeing our future generations flourish forever. Everyone must come together for the same cause, as we are inhabitants of this planet firstly and then anything else.

6. As all human activities are impacting the lives of other organisms, humans only need to take steps to protect the Earth and its resources. A little effort of each individual human being will go a long way on everyone's end. Each action will make a difference. We will only succeed only if everyone plays a part. Let's take a step to provide harmony with nature and the Earth. Let each and every individual start a movement now to restore our old rich world.

7. We all should respect and maintain everything we get from our mother Earth. We should save the mother Earth so that our future generations can live a safe environment. We can save the Earth by saving the trees, natural vegetation, water natural



resources. We should strictly follow all possible measures to control the environment pollution and global warming. Everyone should plant more trees in the surrounding areas to curb the pollution and reduce the efforts of global warming.

8. Every small contribution we make to preserve the Earth and its ecology would certainly make a difference. A little effort will go a long way on everyone's end. Each action will make a difference.

9. The Government and individuals must come together to save the Earth. Let the people make aware of the consequences of not saving the Earth. They can be taught ways as to how they can contribute to saving the Earth. If all this collective effort starts happening, we can surely save our planet Earth and make brighter Earth for our future generations.

10. Save the Earth and save the future is a crucial responsibility that arises from a combination of moral, realistic and long-term survival concerns.

11. There is no purity in environment, be it air and water. Almost all food eatables are found to be adulterated. Chemicals and insecticides are used in eatables of daily life. Almost all dairy products, milk, ghee, grains, fruits, vegetables, etc. are developed with chemicals which is seriously affecting the life of public at large, causing serious life threatening disease like cancer, etc. Few persons are creating all these illegal unwarranted deeds for making easy money at the cost of life of all living beings.

12. Due to extreme weather conditions in the form of heatwave, hundreds of people have lost their lives in this month. Every year





one Nation faces extreme weather conditions in the form of heatwave, rains and cold wave in which many people, particularly the poor ones lose their lives. The news items published in various newspapers and the news board casted on electric media reflect that in the heatwave of this year death toll has crossed thousands in number. The more lethal heatwave in the globe was the one that crippled Europe in 2003 killing 71,310 people. In the list of top ten deadliest disaster, Indian heatwaves figure four-five times in 1998, 2002, 2003, 2015 and this year-2004. Unsurprisingly, six of the top ten heatwaves, in terms of deaths, have occurred in the 21st Century, which has also recorded eight of the ten warmest years ever since records of global temperatures were started being kept. Unfortunately the poor who are poorly fed and have no option but to work in the scorching heat and chilling cold to get two square meals are vulnerable to these extreme weather conditions and lose their lives. The death tolls from heatwaves are very difficult to estimate since excess heat is typically not listed as the primary cause of death in the cases where the victim has a pre-existing condition such as heart or lung disease.

13. Looking to large number of death due to extreme heat and cold waves across the country, that National Disaster Management Authority (for short "the NDMA") started working on it. There is need to declare heatwave and coldwave as National Calamity. A detailed study was conducted to find out the ways in the form of prevention methods, access to portable drinking water and cooling space, etc. are required to prevent deaths due to heatwave and availability to *rain baseras*, woolens, medicines and food for the





poorest of the poor may prevent death during these heatwaves and chilling winters. This is the basic minimum which is required to be done for the poorest of the poor in a welfare State.

14. In order to seek some solution to avoid and overcome the above situation, a Bill i.e. "The Prevention of Deaths Due to Heat and Cold Waves Bill, 2015" (for short "the Bill of 2015") was introduced in the Rajya Sabha on 18th December, 2015 to provide for the prevention of human deaths caused by heat stroke during summer and chilling cold during winter seasons by declaring heatwave and coldwave as national calamity and for making provisions for advance preparedness to face these natural calamities immediately on predictions of meteorological department making provision for providing woolens, setting up night shelters, community bonfires etc. during winters and for drinking water, ORS packets, Mango panna, cooling space and shades at conspicuous places, free ration and other needs for the poor homeless workers and daily wage earners during summer and for payment of compensation to the kins of those losing lives in heat or cold wave, as the case may be, by the Central and the State Governments and for matters connected therewith and incidental thereto.

15. Several provisions were inserted in the above Bill of 2015 such as on receipt of the prediction of the Meteorological Centre, the appropriate Government shall alert its Ministries or Departments dealing with agriculture, drinking water, social justice, food and others, as it may deem necessary, to be ready with their action plans to face the natural calamity and disaster,





which may likely to be caused by such natural calamity. Several beneficial provisions were made in the benefit of the affected persons, but for the reasons best known to the Central Government, in spite of passing of more than 8-9 years, till date the said Bill has not been passed in the Houses of Parliament to get it in the shape of a statutory Act, which can be enforced by its implementation. The said Bill of 2015 is still lying in cold storage and has not seen the light of day in spite of passing of almost a decade. A downloaded copy of the Bill of 2015 is attached herewith and marked as Annexure C/1.



16. A Heat Action Plan (for short "HAP") was developed in the State of Rajasthan with the advise and leadership of the Disaster Management and Relief Department (for short "the DMRD") and the Rajasthan State Pollution Control Board (for short "the RSPCB"). This 'HAP' was guided and supported by the experts of the fields of weather, climate and health and related disciplines. This HAP was supposed to be India's first rural climate resilience heat action plan for rural settings. Roles and Responsibilities of various Departments were fixed. Categories of Yellow, Orange and Red Alerts i.e. Hot Day Advisory (41-43°C), Heat Alert Day (43-44.9°C) and Extreme Heat Alert Day (45°C and above) were prescribed to meet every situation of the climate. Various duties of Nodal Officers at various levels of various Departments were fixed including the duties of Media, Press and Communication Officers. But for practical purposes and in reality, the Rajasthan Climate Change Project bringing Heat Action Plan has not given its correct effect in true letter and spirit. A downloaded copy of the Rajasthan



Climate Change Project bringing Heat Action Plan is attached herewith and marked as Annexure C/2.

17. Thereafter, the Ministry of Health and Family Welfare (for short "MOHFW"), Government of India brought a scheme on 18.04.2013 i.e. "Strengthening Health Systems Preparedness for Heat Related Illness (HRI) in India" for Community Health Centre (CHC) and District Hospitals (DH). This includes planning for Pre-Heat Season, During Heat Season and Post Heat Season. Similarly, provisions are meant for emergency management and cooling for severe heat related illness and construction of heatstroke room for emergency management of severe heat related illnesses. But in practicality, the Government has miserably failed to implement this scheme and provisions meant for benefiting the heatstroke patients. A downloaded copy of the scheme of Strengthening Health Systems Preparedness for Heat Related Illness (HRI) in India is attached herewith and marked as Annexure C/3.

18. Last year the Delhi Disaster Management Authority prepared a Delhi Heat Wave Action Plan-2023 to meet out with every situation arising out of heatwaves. Various strategies, roles and responsibilities of the official staff and officers of various departments were identified and fixed during pre & post and after Heatwave Seasons to face all kinds of unwarranted situations in the interest of public at large. A downloaded copy of the Delhi Heat Wave Action Plan-2023 is attached herewith and marked as Annexure C/4. The State of Rajasthan and Central Government





are also supposed to prepare such Heat Wave Action Plans and take all possible, sincere and serious steps in this regard.

19. Recently, the National Centre for Disease Control, Directorate Health Services, Ministry of Health and Family Welfare, New Delhi has issued advisory for State Health Department on Heat Wave Season-2024 by which 'Standard Operating Procedures' (for short "SOP") has been prepared and issued to reduce the health impacts of extreme heat and the health departments have been directed to ensure preparedness and timely response to meet out every situation arising out of the extreme heatwaves. A downloaded copy of the advisory issued for State Health Department on Heat Wave Season-2024 is attached herewith and marked as Annexure C/5.

20. This Court has noticed that in spite of making drafts of such action plans, the effective steps are not taken by the welfare State in the benefit of the public at large to save them from such extreme heatwave situation, which they are facing now-a-days.

21. Climate change is one of the more serious threat which our planet is facing now-a-days. Temperatures have been steadily increasing leading to heatwaves, which have affected mass people and causing many unwanted untimely casualties.

22. Taking serious note of the situation, a suo-moto cognizance is taken to find out speedy solution to save the citizens of the State from drastic situation of climatic changes. Let this be treated as a petition and registered as :



SUO MOTO : IN RE : "Save the Planet Earth and the Future Generations of this Universe"

Versus

1. Union of India through Ministry of Home Affairs, New Delhi.
2. Ministry of Environment, Forest and Climate Change, Government of India, New Delhi.
3. Ministry of Indian Meteorological Department, Government of India, New Delhi.
4. Ministry of Health and Family Welfare, National Centre for Disease Control, Directorate of Health Sciences, 22, Shyam Nath Marg, Civil Lines, New Delhi.
5. National Disaster Management Authority of India, New Delhi.
6. Department of Labour and Industries, New Delhi.
7. Department of Social Welfare, New Delhi.
8. Department of Food and Civil Supplies, New Delhi.
9. State of Rajasthan through Chief Secretary, Government Secretariat, Jaipur.
10. Secretary, Department of Meteorology, Government of Rajasthan, Jaipur.
11. Additional Chief Secretary, Department of Home, Government Secretariat, Jaipur.
12. Disaster Management and Relief Department, Government of Rajasthan, Jaipur.
13. Additional Chief Secretary, Department of Public Works & Health Engineering, Jaipur.
14. Additional Chief Secretary, Department of Forest, Jaipur.
15. Additional Chief Secretary, Department of Horticulture and Public Works Department, Jaipur.
16. Additional Chief Secretary, Department of Air, Work Pollution Control, Jaipur.
17. Chairperson, Rajasthan State Pollution Control Board, Jaipur.





23. The Chief Secretary of the State of Rajasthan and Under Secretary of Ministry of Home and Health are directed to constitute Committees of various Departments under the Chairmanship of the Additional Chief Secretary or Principal Secretary of each Department to look into the matter and take immediate and appropriate steps for effective implementation of Heat Action Plan prepared under the Rajasthan Climate Change Project and various schemes prepared for Strengthening Health Systems Preparedness for Heat Related Illnesses and for plantation of trees, conservation of water, forest and electricity, etc.

24. Looking to the fact that large number of persons have lost their lives due to extreme heatwaves and heat strokes during summers and chilling cold during winters, it is high time for the Governments to bring appropriate legislation and enact the statutory Act arising out of the Prevention of Deaths Due to Heat and Cold Waves Bill, 2015. This Court directs the Registry that a copy of this order be forwarded to the Ministry of Law and Justice, Union of India, New Delhi as well as to the Principal Secretary, Department of Law and Legal Affairs, Government of Rajasthan, Jaipur for such an action as they may deem fit to take in this behalf on the issues involved in this matter.

25. A year before last, the citizens of the State have witnessed that there was huge rainfall during rainy and monsoon season and the Government authorities were not having sufficient places, dams, etc. for storage of rainy water. Due to such inaction on the part of the State authorities, billions gallons of water was wasted.





26. It is expected from the Government authorities to take immediate steps for construction of water bodies near the dams, etc. to save the rainy water in future and make all sincere endeavours to take all possible steps for maximum plantation across the State.

27. By an interim measure, looking to current emergent situation, this Court issues the following directions to the respondents:-

(i) To implement the "Heat Action Plan" prepared under the Rajasthan Climate Change Project with immediate effect in its true letter and spirit and do effective implementation of the scheme 'Strengthening Health Systems Preparedness for Heat Related Illnesses' and the Advisory issued for the State Health Department on Heat Wave Season-2024 with immediate effect in the interest of public at large.

(ii) To sprinkle water on the roads where huge movement of public at large is there.

(iii) To provide cooling spaces, shades on the traffic signals, spots, etc. near the roads and highways where the Government may deem necessary for the benefit of general public at large, daily wage earners, rickshaw or cart pullers and porters, birds and animals with facility of drinking water, ORS packets, mango *panna*, etc. in such a manner for their benefit to save them from heat stroke.





(iv) The Department of Health is directed to provide all possible facilities at all the Health Centers for treatment of heat wave patients.

(v) The Government is directed to issue advisory for all the workers who work in open including the porters, cart and rickshaw pullers, etc. to allow them to rest between 12 Noon and 3 PM during extreme heatwave in summer season.

(vi) The Government is further directed to issue alerts in the form of Short Message Service (SMS), FM, Radio, Television, Mobile apps, Print and Electronic Media, Newspapers, etc. to alert the people about the extreme heatwave conditions.

(vii) The Government is further directed to pay appropriate & suitable amount of compensation to the dependents of the victims of heatwave, who lost his/her life due to heat stroke.

(viii) The Government is directed to bring suitable legislation to save human and living beings from the pollution and consumption of adulterated food items. This is the right time and high time for taking appropriate steps to save the future generations from all kinds of life threatening diseases occurring due to climate changes and adulteration in eatable items.

28. Certain more appropriate directions would be issued on the next date of hearing.





29. The Senior Advocates Mr.R.N.Mathur, Mr.A.K.Sharma, Mr.Kamlakar Sharma, Mr.R.K.Agarwal, Mr.A.K.Bhandari, Mr.S.K.Gupta, Mr.Ashok Mehta, Mr.R.P.Singh, Mr.Vivek Bajwa, the Chairman/Vice-Chairman of the Bar Council and the President of the Bar Associations are requested to assist this Court for taking appropriate steps and issuing suitable directions for this pious public cause.



30. The Advocate General Mr.Rajendra Prasad, Mr.Bharat Vyas, Additional Advocate General and the Additional Solicitor General Mr.R.D.Rastogi are also requested to assist this Court on behalf of the State and Central Government respectively. The Registry is directed to immediately register this matter as a Suo-Moto Public Interest Litigation, in the name and style mentioned above.

31. Issue notice to the respondents. A copy of this order along with annexures be supplied today itself in the office of the Advocate General and the Additional Solicitor General, for necessary compliance. Similarly, a copy may be supplied in the office of all the respective Senior Advocates, named above.

32. The Registry is further directed to list this matter before the appropriate Division Bench having roster of 'Public Interest Litigation' on 01.07.2024.

(ANOOP KUMAR DHAND),J