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## THE LEGAL FRAMEWORK SUPPORTING INDIA'S TRANSITION TO A GREEN ECONOMY: A STUDY

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### ABSTRACT

In India, the transition towards a green economy is upheld by a far-reaching legitimate framework pointed toward advancing reasonable turn of events and environmental conservation. This framework envelops a scope of regulations and regulations, including environmental protection acts, sustainable power strategies, and drives tending to climate change mitigation and adaptation. Key regulative instruments like the Environment (Protection) Act, the National Green Court Act, and the National Action Plan on Climate Change give the foundation to encouraging green practices across different areas of the economy. Additionally, India's obligation to international arrangements, for example, the Paris Understanding further supports its legitimate framework for transitioning towards a greener and more economical economy, guaranteeing arrangement with worldwide endeavors to battle climate change. Green economy is encouraged for the well-being of both humans and the environment which helps in achieving sustainable development. The article talks about legal frameworks mentioned in conventions, the acts and the initiatives taken by the government of India to tackle the problem of environment and climate change. It shows the importance of green economy in our country and steps to be taken to implement the laws by analyzing the challenges involved in the process of transition.

**Keywords:** Green Economy, Legal Framework, Green Jobs, Transition, India, International conventions.

## 1. Introduction

The concept of green economy is initiated to protect the environment and human well-being in the world from the harmful reactions that affect the greenery of the world. To achieve this concept green jobs plays a major role. The jobs which are concerned towards the environment and socially responsible [1]. The government of India has also undertaken certain initiatives to transit the India into green economy. Further various conventions and legal framework which promotes and regulate the India's transition towards green economy is also discussed in this study. The opportunities and challenges faced during the transition is also discussed in this study.

### 1.1. Green growth

An economic theory and program known as "green growth" aims to stimulate ecologically sustainable economic growth [2]. It seeks to separate resource consumption and harmful environmental effects from economic growth. Proponents contend that well executed green initiatives may generate jobs.



**Figure 1:** Green growth

in the fields of sustainable forestry, green agriculture, and renewable energy. A number of nations and global institutions, including as the United Nations, World Bank, and OECD, have created policies for green growth [3]. Detractors claim that the changes in economic systems that are necessary to address the climate and biodiversity challenges are not adequately taken into consideration by green growth methods.

## 1.2.Green economy issues

To encourage energy saving and replace fossil fuels, green economies must switch to renewable energy sources. The market's ability to respond to the requirements of environmental protection may be hampered by high external costs as well as initial R&D and marketing expenses. To encourage businesses to invest in environmentally friendly goods and services, government subsidies could be required [4]. While many Europeans support renewable energy, nuclear power has been a contentious alternative. Businesses are predicted to see a 30% positive impact and a 30% negative impact from the transition to cleaner energy and climate legislation.

- Shifting towards renewable energy sources
- Resource efficiency and waste management
- Balancing economic development with environmental protection
- Financing the green transition
- Ensuring social equity in the green transition

These are but a few of the countless problems that surround the green economy. India's legal system will play a crucial role in resolving these issues and ensuring a seamless transition to a more acceptable future as it moves forward [5].

## 2. Literature Review

**Pourkarimi. E, Hojjat. Y (2019)** had conducted a study on the topic “A Review of International Green Economy and Green Tax Policies”. His valuable conclusions on this issue are that the regulations should be implemented relating to the green economy [6]. The author has also mentioned about various international policies and green tax framework.

**Suaad Hadi Hassan Al-Taai (2021)** had conducted a study on the topic “Green economy and sustainable development”. His valuable conclusion and findings is that the investment in green economy will lead to the sustainable development of environment [7]. The author also stated the positive impact of green economy on business, climatic change and economic development which leads to the sustainable development

**Pilar Martinez-Jimenez and Alberto Jesús Perea Moreno (2022)** had conducted a study on the topic “Green Jobs—A Literature Review”. His valuable findings in this article is related to analysing different views and approaches to the concept of green jobs and connects it with sustainable development [8]. The main aim is to use green jobs and not negatively impact on the environment.

**Oren Perez (2016)** has conducted research on the topic “The Green Economy Paradox: A Critical Inquiry into Sustainability Indexes “. In this article, the author talks about the idea of green economy and shared value where Sustainable development and economic development concept is included [9]. Taking this current political-economic condition, it really takes courage to implement regulations regarding the sustainability grown.

**Carmen Nadia Ciocoiu (2022)** had conducted research on “Green Economy—Green Jobs in the Context of Sustainable Development” His valuable conclusions is that there are 2 ways to develop green economy [10]. One is through green jobs i.e. creating employment opportunities and other is to improve the green growth. The author talks about the change of focus from economic growth to economic development. The main aim is to protect the environment and improve our quality of life.

**Nur Putri Hidayah (2024)** conducted a study on the topic “Looking at the Possibility of Implementing Green Economy Policies Through the Legal Framework of Corporate Social Responsibility”. His valuable conclusions are that the welfare of a nation can be achieved without sacrificing the sustainable development by following green economy policies [11].

### **3. Role Of Green Jobs in Green Economy**

The creation of green jobs is essential to the growth of the green economy. The idea of "green jobs" was linked to employment that generates goods and services with environmental protection as a primary goal [12]. These jobs create a social responsibility among the people. These jobs prevent the emission of carbon, enhances the efficiency of resources, preserves the nature and prevents the environment from danger. The green jobs also create positive impact on the climatic change in an environment.

Green positions are depicted as "positions in agribusiness, producing, Research and development, regulatory, and administration exercises focused on significantly safeguarding or

reestablishing environmental quality" by the United Nations Environment Program (UNEP). Green business are plentiful across a few ventures. Some of the green jobs are oceanographer, Eco engineer, conservation scientist and sustainable farmer.

### **3.1. Importance Of Green Economy**

- 1) Green Economy helps in improving the purity of natural resources that helps to keep our surroundings and environment green. Natural resources can be efficiently used in a way of promoting renewable energy and careful and equal consumption of these resources. This results in reduced waste generation and decreased pollution level.
- 2) To promote green jobs by providing employment opportunities to everyone, especially younger generations. By way of creating job opportunities, it leads to reduction in poverty and helps in increasing economic growth of a country.
- 3) Keeping the environment green means breathing fresh air and consuming fresh water. This helps in avoiding major diseases suffered by the people because of air and water, example asthma, cholera, skin diseases / infection etc. Better health can be experienced by people.
- 4) It helps in achieving the targets of climate change. Going green helps in reducing emissions of carbon dioxide and greenhouse gas which changes the negative impact of climate change.
- 5) Helps in achieving the target of 2030 agenda of sustainable development that was launched by the UN summit during September 2015. It aimed to end the poverty, protecting the planet, and tackling inequalities.

### **3.2. Challenges**

Though the concept of green economy has many opportunities and benefits towards the environment, it has many challenges especially in the case of implementation. The regulatory framework is the major challenge among those because there has been no proper laws or rules in India to govern the regulations that can actually achieve the targets green transition and there are also problems in the financial investment in the process of transition [13].

Human power also plays a major role but it is very less in this field and the adaptation of this concept among the people is also a big issue because during the transition the people's economic growth, life style, and employment patterns has major difference in their ordinary life due to which GDP of India is also affected.

In a country where the focus is towards advancing the technology and developing the nation through various other ways, it is very difficult to concentrate on greening a country and sustainable development.

#### **4. International Conventions**

International conventions on green economy allude to arrangements and frameworks laid out among nations to advance practical economic improvement while limiting environmental degradation. These conventions expect to cultivate a transition towards a greener economy by empowering the adoption of environmentally friendly power sources, maintainable asset the executives rehearses, and the reduction of carbon emissions. Key international arrangements, for example, the Paris Understanding and the United Nations Framework Convention on Climate Change (UNFCCC) assume pivotal parts in molding strategies and drives connected with the green economy. Through these conventions, nations focus on carrying out measures that focus on environmental protection and social value alongside economic development, cultivating a stronger and feasible worldwide economy for people in the future.

##### **4.1. International Labour Organisation**

The objective of the 2017 international work conference, "Work in an Evolving Climate: The Green Drive," was to make occupations that contribute to the green transition and relieve climate change, the two of which are fundamental for economical turn of events.

##### **The Green Initiative focuses on three areas of critical importance**

1. Expand knowledge and research on the opportunities and problems that a green transition presents for the workplace.
2. To guarantee decent employment and social justice for all, shape policy responses from the working world across all industries.

3. Establish strategic alliances on a global, regional, and national scale.

Green centenary initiative was adopted in November 2015. It provided few guidelines to on key policy areas and institutional arrangements to achieve sustainable development.

The ILO have had partnership with various organisations to implement its ideas and for a green transition of the world. The ILO mainly concentrates on job creation without affecting the environment in the field of agriculture, energy, forestry, building and transport sectors by implementing green commercial projects and by using green job skills. This also talks about the factors that impact climate change and various initiatives and frameworks that helps in achieving the targets of climate change. Agriculture is a important sector which actually impacts climate change and helps in achieving green job creation, earning income and in greening the environment. Note the fact that India has most organic producers according to the survey taken in 2014 by International Federation of Organic Agriculture Movements (IFOAM).

#### **4.2. UNEP (United Nation Environmental Protection)**

The concept of green economy initiative has been started in the year of 2008 in UN Environment Framework. Its main aim is to analyse the policies that invest in the eco-friendly sectors towards the environment. It also covers the finance needed and the training required to fulfil the needs of a green economy.

According to UNEP the green economy consists of three major activities:

- Production of the green economy report and guidance on the policies that increase the investment based on analysing the macroeconomic, sustainability, and reduction of poverty.
- It produces advisory opinion to some countries on the ways of achieving green economy.
- It also connects with NGOs, business and UN partners for implementing the policies of green economy.

#### **4.3. UNFCCC (United Nation Framework Convention on Climate Change)**

A global agreement known as UNFCCC was ratified by nations to combat the hazardous

human-climate change connection. According to Article 2 of the Convention, "The ultimate goal of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, in accordance with the relevant provisions of the Convention." Achieving this level should happen in a time period that permits ecosystems to adjust to climate change naturally, guarantees that food supply is not jeopardized, and permits sustainable economic development.”<sup>1</sup>

International climate discussions, which resulted in historic accords like the Paris Agreement and the Kyoto Protocol (1997), have their roots in the UNFCCC. (2015).

Kyoto protocol is the enhancement of UNFCCC. Kyoto protocol has been adopted in the year 1997 and enforced in 2005 and has 84 signatories. This protocol aims to reduce the emission of greenhouse gas. This protocol is bindable by the developed countries. Doha amendment was enforced in the year of 2013 for the second commitment. Then further the last amendment is made in the year 2020.

The Kyoto protocol also aims to reduce the greenhouse gases cost efficiently and this also has the advantage of promoting the investment in the green economy of a nation.

Recently, cop28 was held in Dubai, UAE where the main aim of UNFCCC is to fulfil the targets of Paris agreement which is to limit global warming below 2 degrees Celsius. For that, emissions should be reduced as soon as possible. The first global stocktake was discussed in this conference. It is a process to check and assess whether the targets have been achieved that is provided in Paris agreement, to find the loopholes, address them and solve it.

#### **4.4. UNCSD (United Nations Conference on Sustainable Development)**

This conference mainly focuses on development of a country on one hand and concerns regarding environment on the other hand which can be termed a sustainable development. The member states must know their rights to contribute for a n advanced green economy. It also provides various guidelines that needs to be followed that is concerned with green policies. Additionally, the member nations introduced a number of sustainable development goals

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<sup>1</sup> ARTICLE 2, UNFCCC, 1992

(SDGs). The principles of participation, accountability, non-discrimination, empowerment, and the rule of law are all part of the human-rights-based approach to attaining the goals of the green economy. It also aims to contribute to the economy in a sustainable manner while upholding the just and equal application of all human rights. It also discusses women's rights in sustainable development. In order to achieve a green economy, this conference will cover a variety of rights, such as the right to development, food, water, sanitation, education, and health, as well as the right to suitable housing, participation in public affairs, and so on. It has to do with Article 21 of the Indian Constitution, which states that these rights are a part of the right to life.

## **5. Initiatives Of Government of India**

PM KUSUM focuses to increase the solar energy by encouraging the farmers to make use of their land to generate electricity via solar power plants. GOBARdhan scheme is started to help the villages in managing the cattle waste, organic waste and agricultural waste in safest way. Vehicle scrapping policy is introduced to vanish the old passenger and commercial vehicles and reduce air pollution [14]. PM PRANAM aims to reduce the production and excessive use of chemical pesticides and fertilizers in agriculture.

The MISHTI and Amrit Dharohar is initiated to make the wetlands useful for the generation of employment by enhancing the biodiversity and eco-tourism spots. The Green Credits Programme gives incentives as green credits for the voluntary actions that promotes the environment. Green hydrogen mission aims to expand the production, export and usage of green hydrogen which is a clean energy source.

### **5.1. Budget**

The government has set aside money for the numerous initiatives that the national government has made to advance the green economy. The National Green Hydrogen Mission, which cost ₹19,700 crores, was just introduced. The Ministry of Petroleum & Natural Gas would use ₹35,000 crore of the budget for priority capital projects related to energy security, net zero goals, and energy transformation. The construction of the inter-state transmission line for the evacuation and grid integration of 13 GW of renewable energy from Ladakh would require an expenditure of ₹20,700 crore, which includes ₹8,300 crore for government support. This represents a 50% increase over the previous year's budget. \$644.15 million is the budgetary

allotment for solar energy. Over \$4.2 billion will be the greatest amount allotted for energy transition projects in 2023–2024.

## **5.2. Suggestions**

In India, there are few acts and regulations that talk about green policies and there are many organisations in national level and various treaties have been signed in international level to combat actions that affects the environment and also to concentrate on sustainable development. Transition of green economy cannot be done in a day. It is a slow process and every citizen should contribute and show interest in involvement of this process. Acts can be created but the implementation part should be taken care of. There are few acts that needs to be discussed and followed by the people of the country that helps in slowly changing the country into shades of green.

Chapter IV(section 19-31) of the Air (prevention and control of pollution) act, 1981 talks about prevention and control of air pollution. And chapter VI talks about the punishments and penalties given for violating these laws. For example, this act talks about controlling emissions of air pollutants from an industry and restrictions and use of industrial plants etc. if the industry people follow these laws properly, we can change our country slowly.

The prevention and control of water pollution is covered in Chapter V of the Water (prevention and control of pollution) Act, 1974. Chapter VII talks about the punishments and penalties given for violation of these laws. This act provides laws concerned with discharge of sewage and prohibition on using well or stream for disposal of polluting matter etc.

The main aim of all these acts is to preserve natural resources, like water, air and overall environment. The provisions given under this law must be properly followed by the people to even see a slightest change in our economy. Following these laws will help us to achieve green transition. If not followed, punishment must be imposed severely. This process is team work of our nation. And awareness programs must be conducted to show the importance of all these acts and benefits of following them in changing the economy having a positive impact. Not only business people or industry people but also common layman should know the importance of preserving the nature which in turn impacts climate change.

One more important aspect is to know the importance of agricultural sector. If agricultural

sector improves making farmers one of the richest profession in India, we can automatically achieve green transition. Organic food producers are more in India, if we are able to improve this sector, it helps in contributing to our nation which also helps in sustainable development. Agriculture sector is pride of our nation and it should be stable in our country at least for the purpose of green economy.

## **6. Conclusion**

The enhancement of the concept of green economy will make a drastic change in the environment all over the world. The enactment of this concept is not an easy task in this technological world due to excessive use of resources for the survival but it can be achieved through an effective regulatory framework for the implementation [15]. Various laws can be included or amendments can be made in water, air and environment related acts for welfare of the people and for achieving the concept of green economy. But also participation of public as a whole is important. Just creating laws is not enough but it should be followed by people everywhere. Where there is right, there is duty. Laws must be more stringent. In all this way, we can slowly process in achieving transition of green economy.

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