
CLIMATE JUSTICE AS HUMAN RIGHTS: COMPARATIVE LEGAL PERSPECTIVES FROM INDIA AND INTERNATIONAL ENVIRONMENTAL LAW

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ABSTRACT

Climate change has transformed from a purely environmental concern into a profound human rights issue affecting life, health, livelihood, equality, food security, water access, housing, and intergenerational justice. The increasing frequency of floods, droughts, heatwaves, displacement, and ecological degradation disproportionately impacts vulnerable communities, particularly in developing countries such as India. Against this backdrop, the concept of climate justice has emerged as a normative framework that integrates environmental protection with constitutionalism, human dignity, equity, and international human rights obligations. This article critically examines climate justice through the lens of human rights by comparatively analyzing the legal framework in India and the evolving principles of international environmental law. It explores the constitutional foundations of environmental rights under Articles 14, 19, 21, 32, and 48A of the Constitution of India alongside judicial innovations developed by the Supreme Court and the National Green Tribunal. The study further evaluates international legal instruments including the United Nations Framework Convention on Climate Change, Kyoto Protocol, Paris Agreement, Stockholm Declaration, Rio Declaration, and recent developments before the International Court of Justice and international tribunals. The article comparatively analyses landmark judicial decisions from India and foreign jurisdictions to understand how courts are increasingly recognizing climate protection as intrinsic to fundamental human rights. It argues that climate justice requires stronger legal accountability, equitable burden-sharing, recognition of climate vulnerabilities, and enforceable obligations on States and corporations. The article concludes by proposing legal and policy reforms necessary for strengthening climate-responsive human rights governance in India and globally.

Keywords: Climate Justice, Human Rights, Climate Litigation, Sustainable Development, Environmental Constitutionalism.

I. Introduction

Climate change has emerged as one of the greatest legal, political, and humanitarian challenges of the twenty-first century. Earlier, environmental degradation was largely viewed as a scientific or ecological concern confined to pollution control and natural resource management. However, with the increasing frequency of floods, heatwaves, droughts, sea-level rise, desertification, food insecurity, and displacement of populations across the world, climate change is now increasingly recognized as a direct threat to human existence and human dignity itself. The consequences of climate change are no longer limited to environmental damage alone; rather, they affect the enjoyment of basic human rights including the right to life, health, food, water, housing, livelihood, and development. Vulnerable populations such as indigenous communities, children, women, coastal inhabitants, farmers, and economically weaker sections suffer disproportionately despite contributing least to global greenhouse gas emissions. This unequal distribution of climate burdens has contributed to the emergence of the concept of “climate justice,” which seeks to connect environmental protection with principles of fairness, equity, accountability, and human rights.¹

The idea of climate justice developed from broader principles of environmental justice and sustainable development. Environmental justice originally focused upon unequal exposure of marginalized communities to pollution and ecological harms. Over time, this framework expanded into the climate discourse where developing countries argued that industrialized nations bear greater historical responsibility for global warming because of centuries of industrial emissions. Consequently, the principle of “Common but Differentiated Responsibilities” (CBDR) became one of the foundational principles of international environmental law.² Climate justice therefore emphasizes not only the protection of the environment but also equitable sharing of climate responsibilities, recognition of historical emissions, and safeguarding the rights of present and future generations. It further recognizes that climate change cannot be addressed merely through technical or economic measures without considering social justice and human rights implications.

International environmental law has progressively acknowledged this relationship between climate change and human rights. The Stockholm Declaration of 1972 declared that human

¹ Mary Robinson Foundation–Climate Justice, *Principles of Climate Justice* (2015).

² United Nations Framework Convention on Climate Change, 1771 U.N.T.S. 107, art. 3, May 9, 1992.

beings have a fundamental right to “an environment of a quality that permits a life of dignity and well-being.”³ Subsequently, the Rio Declaration on Environment and Development, 1992 emphasized sustainable development, public participation, precautionary measures, and intergenerational equity as guiding principles for environmental governance.⁴ The United Nations Framework Convention on Climate Change (UNFCCC), 1992 recognized climate change as a “common concern of humankind” and established a framework for international cooperation in reducing greenhouse gas emissions.⁵ Later instruments such as the Kyoto Protocol, 1997 and the Paris Agreement, 2015 further strengthened international climate governance mechanisms. Notably, the preamble to the Paris Agreement expressly recognizes the importance of respecting human rights while addressing climate change.⁶ This marked a significant shift from viewing climate obligations solely as environmental commitments toward understanding them within a broader human rights framework.

The human rights dimensions of climate change have also received recognition from international human rights bodies and judicial institutions. The United Nations Human Rights Council has repeatedly affirmed that climate change poses an immediate and far-reaching threat to people and communities around the world.⁷ In 2022, the United Nations General Assembly adopted a historic resolution recognizing access to a clean, healthy, and sustainable environment as a universal human right.⁸ International judicial and quasi-judicial institutions are also increasingly engaging with climate-related claims. Advisory proceedings before the International Court of Justice concerning obligations of States in relation to climate change, along with the advisory opinion delivered by the International Tribunal for the Law of the Sea concerning climate obligations under marine environmental law, indicate the growing judicialization of climate governance at the international level.⁹

In India, climate justice has acquired constitutional significance through judicial interpretation of Article 21 of the Constitution, which guarantees the right to life and personal liberty. Indian

³ Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), princ. 1, June 16, 1972, 11 I.L.M. 1416.

⁴ Rio Declaration on Environment and Development, June 14, 1992, 31 I.L.M. 874.

⁵ Supra note 2.

⁶ Paris Agreement, Dec. 12, 2015, T.I.A.S. No. 16-1104.

⁷ Human Rights Council Res. 47/24, Human Rights and Climate Change, U.N. Doc. A/HRC/RES/47/24 (July 26, 2021).

⁸ G.A. Res. 76/300, The Human Right to a Clean, Healthy and Sustainable Environment, U.N. Doc. A/RES/76/300 (July 28, 2022).

⁹ Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, ITLOS Case No. 31 (May 21, 2024).

courts have consistently expanded the scope of Article 21 to include the right to a wholesome and pollution-free environment.¹⁰ Through public interest litigation, the Supreme Court of India has developed several environmental law principles such as the Polluter Pays Principle, Precautionary Principle, Sustainable Development, Absolute Liability, and Public Trust Doctrine.¹¹ Although India does not yet possess a dedicated climate change legislation, constitutional jurisprudence and environmental statutes such as the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974, and National Green Tribunal Act, 2010 collectively form the legal basis for environmental and climate governance in the country.

The growing phenomenon of climate litigation further demonstrates the transition from environmental protection toward climate rights adjudication. Indian courts have increasingly been called upon to examine issues concerning renewable energy transitions, forest conservation, ecological balance, biodiversity protection, and obligations toward future generations. Cases such as *Ridhima Pandey v. Union of India* and *M.K. Ranjitsinh v. Union of India* reflect the judiciary's willingness to engage with climate-related constitutional claims.¹² Similar developments can be observed globally through decisions such as *Urgenda Foundation v. State of the Netherlands*, *Leghari v. Federation of Pakistan*, and the German Constitutional Court climate judgment of 2021, where courts recognized governmental obligations to protect citizens against climate harms.¹³ These judicial trends indicate the emergence of climate constitutionalism and rights-based climate governance across jurisdictions.

Despite these developments, several legal and institutional challenges continue to hinder effective realization of climate justice. International climate agreements largely depend upon voluntary commitments and lack strict enforcement mechanisms. Developing countries often face economic and technological constraints in implementing climate obligations while simultaneously pursuing developmental objectives. In India, rapid industrialization, urbanization, energy demands, and infrastructure expansion frequently create conflicts between environmental protection and economic growth. Moreover, vulnerable populations

¹⁰ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

¹¹ *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647; *Supra* note 37.

¹² *Ridhima Pandey v. Union of India*, Original Application No. 187 of 2017 (NGT); *M.K. Ranjitsinh v. Union of India*, (2024) SCC OnLine SC 286.

¹³ *Urgenda Foundation v. State of the Netherlands*, HR 20 December 2019, ECLI:NL:HR:2019:2007; *Ashgar Leghari v. Federation of Pakistan*, W.P. No. 25501/2015 (Lahore High Court); *Neubauer v. Germany*, BVerfG, 1 BvR 2656/18, Mar. 24, 2021.

continue to face displacement, pollution, ecological destruction, and climate-induced livelihood insecurity without adequate legal remedies. These realities raise important questions regarding the adequacy of existing legal frameworks in addressing climate injustice and ensuring equitable climate governance.

This article therefore seeks to critically examine climate justice as a human rights issue through a comparative analysis of Indian constitutional jurisprudence and international environmental law. It aims to evaluate the extent to which legal systems recognize climate protection as an enforceable human right and whether existing international and domestic mechanisms adequately address climate vulnerabilities. The article further analyzes judicial developments, statutory frameworks, international conventions, and emerging climate litigation trends to understand how human rights principles are increasingly shaping climate governance. Through comparative legal analysis, the article argues that climate justice must be treated not merely as an environmental policy objective but as an essential component of human dignity, constitutional governance, and global human rights protection.

II. Conceptual Foundations of Climate Justice and Human Rights

Climate justice is based on the idea that climate change is not only an environmental problem but also a problem of justice, equality, and human rights. The effects of climate change are not experienced equally by all people and nations. Some countries have historically contributed more to greenhouse gas emissions through industrialization and large-scale use of fossil fuels, while many developing countries contribute much less but suffer more severe consequences. Rising temperatures, floods, droughts, cyclones, sea-level rise, melting glaciers, and water scarcity affect millions of people across the world, especially poor and vulnerable communities. Farmers lose crops due to irregular rainfall, coastal populations face displacement because of rising sea levels, and economically weaker groups often lack resources to adapt to climate disasters. Climate justice therefore focuses on fairness in climate governance and seeks to ensure that the burden of climate change does not fall unfairly upon those who are least responsible for causing it.¹⁴

The concept of climate justice developed from the broader idea of environmental justice, which emerged mainly in response to unequal environmental burdens faced by marginalized

¹⁴ Henry Shue, *Climate Justice: Vulnerability and Protection*, in *Climate Ethics: Essential Readings* 15 (Stephen Gardiner et al. eds., 2010).

communities. Environmental justice emphasized that poor communities, indigenous groups, and minority populations were often exposed to higher levels of pollution and environmental risks. Over time, this discussion expanded globally into climate governance. Developing countries argued that industrialized nations have a greater responsibility to reduce emissions because they have historically benefited from economic growth based upon fossil fuel consumption. This led to the recognition of the principle of “Common but Differentiated Responsibilities” under international environmental law.¹⁵ The principle accepts that all States share responsibility for protecting the environment, but developed countries should bear a greater burden because of their historical emissions and greater financial and technological capacity.

Climate justice is closely connected with human rights because climate change directly affects the enjoyment of basic rights necessary for human survival and dignity. The right to life, recognized under Article 21 of the Constitution of India and under international human rights instruments, becomes meaningless if people are unable to live safely because of extreme environmental conditions. Heatwaves, floods, cyclones, and pollution-related diseases threaten human health and survival on a large scale. Similarly, climate change affects the right to food because agricultural production depends heavily on stable climatic conditions. Water scarcity caused by changing rainfall patterns threatens access to clean drinking water. Coastal erosion and environmental disasters displace people from their homes and livelihoods, thereby affecting the right to shelter and work.¹⁶ Thus, climate change has a direct relationship with civil, political, economic, social, and cultural rights.

The human rights approach to climate justice also recognizes the special vulnerability of certain groups. Women, children, elderly persons, persons with disabilities, tribal communities, and economically weaker populations often suffer the most during climate-related disasters. In many regions, women are responsible for collecting water and fuel resources, and environmental degradation increases their burden significantly. Indigenous communities who depend upon forests and natural ecosystems for survival face displacement and cultural loss because of deforestation and ecological destruction. Climate justice therefore requires protection not only of the environment but also of vulnerable human communities whose rights

¹⁵ Supra note 2.

¹⁶ Office of the United Nations High Commissioner for Human Rights, *Understanding Human Rights and Climate Change* (2015).

are threatened by environmental harm.¹⁷

Another important feature of climate justice is the idea of intergenerational equity. This principle means that the present generation must use natural resources in a manner that does not destroy the ability of future generations to meet their own needs. The idea was strongly recognized in the Brundtland Report of 1987, which defined sustainable development as development that meets present needs without compromising the ability of future generations to meet their own needs.¹⁸ Climate change raises serious concerns for future generations because environmental destruction occurring today may create irreversible damage in the future. Rising global temperatures, biodiversity loss, and depletion of natural resources may permanently affect the quality of life of future populations. Courts in several countries, including India, Germany, and Colombia, have increasingly recognized the rights of future generations in climate-related cases.

International environmental law has also contributed significantly to the development of climate justice principles. The Stockholm Declaration of 1972 first recognized the relationship between human well-being and environmental protection.¹⁹ Later, the Rio Declaration of 1992 emphasized sustainable development, public participation, precautionary measures, and environmental impact assessment.²⁰ Principles such as the Polluter Pays Principle and Precautionary Principle have become central to environmental governance worldwide. The Polluter Pays Principle requires industries and polluting entities to bear the cost of environmental damage caused by them. The Precautionary Principle states that lack of complete scientific certainty should not be used as a reason for delaying measures to prevent environmental harm. Indian courts have repeatedly applied these principles while deciding environmental disputes.²¹

Climate justice also has an important connection with the Sustainable Development Goals (SDGs) adopted by the United Nations in 2015. SDG 13 specifically calls for urgent action to combat climate change and its impacts. However, climate action is also linked with other goals such as poverty reduction, clean water and sanitation, sustainable cities, affordable clean

¹⁷ United Nations Development Programme, *Human Development Report 2007–08: Fighting Climate Change—Human Solidarity in a Divided World* (2007).

¹⁸ World Commission on Environment and Development, *Our Common Future* 43 (1987).

¹⁹ Supra note 3.

²⁰ Supra note 4.

²¹ Supra note 11.

energy, and protection of ecosystems.²² This demonstrates that climate justice is not limited to environmental protection alone but forms part of a broader framework of social and economic justice.

In recent years, courts and international institutions have increasingly treated climate protection as part of human rights obligations. Climate litigation across different countries shows that citizens are now demanding accountability from governments and corporations for failing to address climate change effectively. Judicial decisions from India, the Netherlands, Germany, Pakistan, and Colombia indicate a growing recognition that environmental protection is essential for protecting constitutional rights and human dignity. Climate justice therefore represents a shift from viewing climate change merely as an environmental concern toward understanding it as an issue of legal responsibility, social equality, and protection of fundamental human rights.

III. International Environmental Law and Climate Justice Framework

International environmental law plays a major role in shaping global climate governance and the idea of climate justice. Climate change is a transboundary problem because greenhouse gas emissions released in one country affect the entire world. No State can deal with climate change alone, and therefore international cooperation has become necessary for environmental protection and sustainable development. Over the last five decades, international environmental law has gradually developed from general environmental protection principles to more detailed climate-specific obligations. During this process, human rights concerns, equity principles, and climate justice ideas have also become important parts of global environmental governance.

The modern framework of international environmental law began with the United Nations Conference on the Human Environment held at Stockholm in 1972. The Stockholm Declaration recognized for the first time that human beings have a fundamental right to live in an environment of quality that permits a life of dignity and well-being.²³ The Declaration also emphasized the responsibility of States to protect and improve the environment for present and future generations. Although the Stockholm Declaration was not legally binding, it became the

²² G.A. Res. 70/1, Transforming Our World: The 2030 Agenda for Sustainable Development, U.N. Doc. A/RES/70/1 (Oct. 21, 2015).

²³ Supra note 3.

foundation of modern environmental law and influenced constitutional and legislative developments across many countries, including India.

Another important development came through the World Commission on Environment and Development, popularly known as the Brundtland Commission. Its report titled *Our Common Future* introduced the concept of sustainable development, which later became a central principle of environmental governance.²⁴ Sustainable development seeks to balance economic growth with environmental protection and social welfare. It recognizes that development should not take place at the cost of ecological destruction or future generations. This principle became especially important for developing countries like India, where environmental concerns often intersect with poverty, industrialization, and economic development.

The Rio Declaration on Environment and Development, adopted during the Earth Summit in 1992, further strengthened international environmental principles.²⁵ The Declaration recognized several important principles such as sustainable development, precautionary principle, public participation, environmental impact assessment, and the Polluter Pays Principle. Principle 10 of the Rio Declaration emphasized access to environmental information, public participation in decision-making, and access to justice in environmental matters. These principles later influenced environmental jurisprudence in many countries and became essential parts of climate governance discussions.

One of the most important principles developed under international climate law is the principle of “Common but Differentiated Responsibilities” (CBDR). This principle recognizes that while all States are responsible for environmental protection, developed countries bear greater responsibility because they have historically contributed more to greenhouse gas emissions through industrialization.²⁶ Developing countries argued that industrialized nations achieved economic growth through heavy use of fossil fuels and therefore should take greater responsibility for emission reduction and climate finance. CBDR became a foundational principle under the United Nations Framework Convention on Climate Change (UNFCCC), 1992.

The UNFCCC is the primary international treaty dealing with climate change. It was adopted

²⁴ World Commission on Environment and Development, *Our Common Future* 43 (1987).

²⁵ Supra note 4.

²⁶ Supra note 2.

during the Rio Earth Summit in 1992 and entered into force in 1994.²⁷ The Convention recognizes climate change as a “common concern of humankind” and aims to stabilize greenhouse gas concentrations at a level that prevents dangerous human interference with the climate system. The Convention imposed general obligations upon States to develop climate policies, cooperate in research, promote sustainable management, and periodically report climate-related information. It also differentiated obligations between developed and developing countries by requiring developed States to take the lead in reducing emissions.

The Kyoto Protocol of 1997 was adopted under the UNFCCC framework and introduced legally binding emission reduction targets for developed countries.²⁸ It established mechanisms such as Emissions Trading, Joint Implementation, and the Clean Development Mechanism (CDM). The CDM was particularly important for developing countries like India because it allowed investment in environmentally sustainable projects while generating carbon credits. However, the Kyoto Protocol faced criticism because some major emitters either did not participate effectively or withdrew from commitments, limiting its overall effectiveness.

A major development in international climate governance occurred through the Paris Agreement adopted in 2015.²⁹ Unlike the Kyoto Protocol, which imposed obligations mainly on developed nations, the Paris Agreement requires all countries to submit Nationally Determined Contributions (NDCs) outlining their climate actions and emission reduction targets. The Agreement aims to limit global temperature rise to well below 2°C above pre-industrial levels and pursue efforts to limit warming to 1.5°C. The Paris Agreement also recognizes adaptation, climate finance, technology transfer, and loss-and-damage mechanisms as important components of climate governance.

One significant feature of the Paris Agreement is its recognition of human rights concerns within climate governance. The preamble of the Agreement states that parties should respect, promote, and consider their obligations relating to human rights, the right to health, rights of indigenous peoples, local communities, migrants, children, persons with disabilities, and future generations while taking climate action.³⁰ This reflects the growing acceptance that climate

²⁷ Id.

²⁸ Kyoto Protocol to the United Nations Framework Convention on Climate Change, Dec. 11, 1997, 2303 U.N.T.S. 162.

²⁹ Paris Agreement, Dec. 12, 2015, T.I.A.S. No. 16-1104.

³⁰ Id.

change is not merely an environmental issue but also a human rights issue affecting vulnerable populations globally.

International human rights institutions have also increasingly linked climate change with human rights protection. The United Nations Human Rights Council has repeatedly acknowledged that climate change threatens the enjoyment of human rights.³¹ In 2022, the United Nations General Assembly officially recognized the right to a clean, healthy, and sustainable environment as a universal human right.³² Although the resolution is not legally binding, it carries significant moral and political value and strengthens the human rights basis of climate justice.

International courts and tribunals are also contributing to the development of climate justice jurisprudence. In May 2024, the International Tribunal for the Law of the Sea (ITLOS) issued an advisory opinion recognizing that greenhouse gas emissions can constitute marine pollution under the United Nations Convention on the Law of the Sea (UNCLOS).³³ The Tribunal clarified that States have obligations to take measures to prevent, reduce, and control climate-related marine pollution. Similarly, advisory proceedings before the International Court of Justice (ICJ) concerning State obligations in relation to climate change demonstrate increasing international judicial attention toward climate accountability.³⁴ These developments indicate that international law is gradually moving toward stronger recognition of climate obligations as part of global legal responsibility.

Despite these developments, international climate law still faces major challenges. Most climate agreements depend heavily on voluntary commitments and lack strict enforcement mechanisms. Many developing countries continue to face financial and technological difficulties in implementing climate obligations. Climate finance commitments made by developed countries have often remained insufficient, creating distrust between developed and developing nations. Moreover, rising global emissions and increasing climate disasters show that existing international mechanisms are still inadequate to fully address the climate crisis. Nevertheless, international environmental law continues to provide the basic legal framework

³¹ Human Rights Council Res. 47/24, Human Rights and Climate Change, U.N. Doc. A/HRC/RES/47/24 (July 26, 2021).

³² *Supra* note 8.

³³ Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, ITLOS Case No. 31 (May 21, 2024).

³⁴ Obligations of States in Respect of Climate Change, Request for Advisory Opinion, General Assembly Res. 77/276, U.N. Doc. A/RES/77/276 (Mar. 29, 2023).

through which climate justice, environmental protection, and human rights are increasingly connected at the global level.

IV. Constitutional and Statutory Framework of Climate Justice in India

India does not presently have a single comprehensive legislation specifically dealing with climate change. However, climate justice and environmental protection in India are governed through a combination of constitutional provisions, environmental statutes, executive policies, judicial decisions, and institutional mechanisms. Over the years, the Indian judiciary has played a very important role in expanding environmental rights and connecting them with the protection of human dignity and fundamental rights. Through judicial interpretation, environmental protection has become an essential part of constitutional governance in India, especially under Article 21 of the Constitution.

The Constitution of India does not originally contain any explicit provision referring directly to climate change. Nevertheless, several constitutional provisions provide the legal basis for environmental protection and climate-related governance. Among these, Article 21 has become the most significant constitutional provision in environmental jurisprudence. Article 21 guarantees that no person shall be deprived of his life or personal liberty except according to procedure established by law.³⁵ The Supreme Court of India has interpreted the term “life” in a broad and progressive manner to include the right to live with human dignity, the right to health, and the right to a clean and healthy environment. Through this interpretation, environmental protection became closely connected with human rights and constitutional justice.

One of the earliest and most important decisions in this regard was *Subhash Kumar v. State of Bihar*, where the Supreme Court held that the right to life under Article 21 includes the right to enjoy pollution-free water and air for full enjoyment of life.³⁶ This judgment significantly expanded the scope of constitutional environmental rights in India. Similarly, in the *M.C. Mehta* series of cases, the Supreme Court repeatedly emphasized the responsibility of the State to prevent environmental degradation and protect public health.³⁷ These judgments established

³⁵ INDIA CONST. art. 21.

³⁶ *Supra* note 10.

³⁷ *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

environmental protection as a constitutional obligation rather than merely a policy objective.

Article 14 of the Constitution, which guarantees equality before law and equal protection of laws, also has relevance in climate justice discussions. Climate change disproportionately affects vulnerable populations such as poor communities, tribal groups, coastal inhabitants, and farmers. Unequal exposure to environmental harms can therefore raise concerns relating to substantive equality and social justice. Article 19(1)(g), which guarantees freedom to practice any profession or carry on trade or business, is also relevant because industries and businesses may be subjected to reasonable restrictions in the interest of environmental protection. Courts have repeatedly held that economic development cannot take place at the cost of public health and ecological balance.³⁸

Apart from Fundamental Rights, the Directive Principles of State Policy and Fundamental Duties also strengthen the constitutional framework of environmental protection. Article 48A, inserted through the Forty-Second Constitutional Amendment in 1976, directs the State to protect and improve the environment and safeguard forests and wildlife.³⁹ Similarly, Article 51A(g) imposes a fundamental duty upon every citizen to protect and improve the natural environment including forests, lakes, rivers, and wildlife.⁴⁰ Although Directive Principles and Fundamental Duties are generally non-justiciable, courts have frequently relied upon them while interpreting environmental obligations under Article 21.

India's statutory environmental framework developed mainly after the Stockholm Conference of 1972, which significantly influenced environmental policymaking in India. One of the most important legislations is the Water (Prevention and Control of Pollution) Act, 1974, enacted to prevent and control water pollution and maintain the quality of water resources.⁴¹ The Act established Central and State Pollution Control Boards responsible for monitoring and controlling pollution. Similarly, the Air (Prevention and Control of Pollution) Act, 1981 was enacted to prevent, control, and reduce air pollution.⁴² Air pollution has become a major environmental and public health issue in India, especially in urban areas, and is closely connected with climate concerns because greenhouse gas emissions and industrial pollutants

³⁸ Supra note 11.

³⁹ INDIA CONST. art. 48A.

⁴⁰ INDIA CONST. art. 51A(g).

⁴¹ The Water (Prevention and Control of Pollution) Act, No. 6 of 1974, INDIA CODE (1974).

⁴² The Air (Prevention and Control of Pollution) Act, No. 14 of 1981, INDIA CODE (1981).

contribute both to environmental degradation and climate change.

The Environment (Protection) Act, 1986 is considered the umbrella legislation for environmental governance in India.⁴³ It was enacted after the Bhopal Gas Tragedy of 1984 and provides wide powers to the Central Government to take measures for environmental protection and pollution control. The Act empowers authorities to regulate industrial activities, prescribe environmental standards, and issue directions for preventing environmental damage. Many important rules relating to hazardous waste management, environmental impact assessment, coastal regulation, plastic waste, biomedical waste, and environmental clearances have been framed under this legislation.

The Forest (Conservation) Act, 1980 and the Biological Diversity Act, 2002 also play important roles in climate governance because forests and biodiversity are essential for carbon absorption and ecological balance.⁴⁴ Deforestation and biodiversity loss increase climate vulnerability and environmental degradation. India's climate commitments therefore require strong conservation mechanisms for forests and natural ecosystems.

An important institutional development occurred through the enactment of the National Green Tribunal Act, 2010, which established the National Green Tribunal (NGT) for effective and expeditious disposal of environmental cases.⁴⁵ The NGT has jurisdiction over substantial environmental disputes arising under major environmental statutes. It applies principles such as sustainable development, precautionary principle, and Polluter Pays Principle while deciding cases. The establishment of the NGT strengthened environmental adjudication in India by creating a specialized environmental forum.

India has also developed several climate-related policies and executive measures. The National Action Plan on Climate Change (NAPCC), launched in 2008, forms the central policy framework for climate governance in India.⁴⁶ It consists of eight national missions focusing on solar energy, energy efficiency, sustainable habitat, water conservation, Himalayan ecosystems, sustainable agriculture, green India, and strategic knowledge for climate change.

⁴³ The Environment (Protection) Act, No. 29 of 1986, INDIA CODE (1986).

⁴⁴ The Forest (Conservation) Act, No. 69 of 1980, INDIA CODE (1980); The Biological Diversity Act, No. 18 of 2003, INDIA CODE (2003).

⁴⁵ The National Green Tribunal Act, No. 19 of 2010, INDIA CODE (2010).

⁴⁶ Government of India, Prime Minister's Council on Climate Change, *National Action Plan on Climate Change* (2008).

In addition, State Action Plans on Climate Change have been prepared by various States to address region-specific climate challenges.

India is also a party to major international climate agreements including the UNFCCC, Kyoto Protocol, and Paris Agreement. Under the Paris Agreement, India submitted its Nationally Determined Contributions (NDCs) committing toward reduction in emission intensity, expansion of renewable energy, and enhancement of forest cover.⁴⁷ India has increasingly focused on renewable energy development, especially solar energy, through initiatives such as the International Solar Alliance.

Despite these legal and policy developments, several challenges continue to affect climate governance in India. Environmental laws often suffer from weak implementation, administrative delays, lack of institutional coordination, and inadequate enforcement. Rapid urbanization, industrial growth, infrastructure expansion, and dependence on fossil fuels create tensions between environmental protection and developmental priorities. Environmental clearances are sometimes criticized for inadequate ecological assessment, while vulnerable communities continue to face displacement and environmental harms. In addition, the absence of a dedicated climate change legislation creates uncertainty regarding climate accountability and enforcement mechanisms.

Nevertheless, India's constitutional framework, judicial activism, environmental statutes, and international commitments collectively provide an important legal foundation for climate justice. The judiciary's progressive interpretation of environmental rights under Article 21 has transformed environmental protection into an essential component of constitutional governance and human rights protection in India.

V. Judicial Approach Toward Climate Justice in India

The Indian judiciary has played a transformative role in the development of environmental jurisprudence and climate justice in the country. In the absence of a dedicated climate change legislation, courts have relied upon constitutional principles, environmental statutes, and international environmental norms to protect ecological balance and human rights. Through judicial activism and public interest litigation, the Supreme Court and various High Courts

⁴⁷ India's Intended Nationally Determined Contribution: Working Towards Climate Justice (2015), available at <https://unfccc.int> (last visited May 8, 2026).

have expanded the meaning of environmental protection under Article 21 of the Constitution and established several principles that now form the foundation of climate governance in India. Indian courts have increasingly recognized that environmental degradation directly affects human life, public health, livelihood, and dignity, thereby making environmental protection an essential part of constitutional justice.

One of the most important contributions of the judiciary has been the expansion of Article 21 of the Constitution. Initially, the right to life was interpreted narrowly, but over time the Supreme Court adopted a liberal approach and held that the right to life includes the right to live in a healthy and pollution-free environment. In *Subhash Kumar v. State of Bihar*⁴⁸, the Supreme Court clearly stated that the right to life includes the right to enjoy pollution-free water and air for the full enjoyment of life. This judgment became a major turning point in Indian environmental jurisprudence because it connected environmental protection directly with fundamental rights.

The Supreme Court further strengthened environmental accountability through the *M.C. Mehta* cases, which played a historic role in shaping environmental law in India. In *M.C. Mehta v. Union of India*⁴⁹ relating to the Oleum Gas Leak case, the Court evolved the principle of absolute liability for industries engaged in hazardous activities. The Court held that enterprises dealing with dangerous substances are absolutely liable for harm caused by industrial accidents and cannot escape liability through traditional exceptions available under English law. This principle became highly significant in environmental governance because industrial pollution and hazardous emissions are closely linked with ecological degradation and climate concerns.

Another landmark case was *Vellore Citizens' Welfare Forum v. Union of India*⁵⁰, where the Supreme Court formally recognized the principles of sustainable development, precautionary principle, and Polluter Pays Principle as part of Indian environmental law. The Court observed that economic development and environmental protection must be balanced together and that industries causing pollution must bear the cost of environmental restoration. The Court also emphasized that environmental measures should anticipate and prevent environmental degradation even where scientific certainty is not complete. These principles have become

⁴⁸ *Supra* note 10.

⁴⁹ *Supra* note 37.

⁵⁰ *Supra* note 11.

central to climate governance because climate change often involves scientific uncertainty and long-term environmental risks.

The Public Trust Doctrine was also recognized by the Supreme Court in *M.C. Mehta v. Kamal Nath*⁵¹. The Court held that natural resources such as forests, rivers, lakes, and air are held by the State in trust for the public and cannot be converted into private ownership or exploited in a manner harmful to public interest. This doctrine strengthens the idea that the government has a constitutional responsibility to protect ecological resources for present and future generations. The principle is closely connected with climate justice because climate change threatens common environmental resources essential for human survival.

Indian courts have also addressed the conflict between development and environmental protection in several important cases. In *Narmada Bachao Andolan v. Union of India*,⁵² the Supreme Court considered issues relating to large dam construction, displacement, and ecological concerns. Although the Court allowed the project to continue, it emphasized the importance of sustainable development and environmental assessment. The judgment reflected the judicial attempt to balance developmental needs with environmental protection. Similar tensions continue to arise today in climate governance where renewable energy projects, infrastructure development, and industrial expansion sometimes conflict with biodiversity conservation and ecological sustainability.

Climate-specific litigation has gradually increased in India during recent years. One of the most significant climate-related cases is *Ridhima Pandey v. Union of India*⁵³, filed before the National Green Tribunal by a minor environmental activist. The petitioner argued that inadequate governmental action regarding climate change violated constitutional rights guaranteed under Articles 14 and 21. The petition referred to India's obligations under international climate agreements including the Paris Agreement. Although the Tribunal disposed of the matter after noting existing government policies, the case was important because it framed climate change as a constitutional and human rights issue in India.

Another major development occurred in *M.K. Ranjitsinh v. Union of India*⁵⁴, where the Supreme Court considered the protection of the Great Indian Bustard and the impact of

⁵¹ *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388.

⁵² *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664.

⁵³ *Ridhima Pandey v. Union of India*, Original Application No. 187 of 2017 (NGT).

⁵⁴ *M.K. Ranjitsinh v. Union of India*, 2024 SCC OnLine SC 286.

overhead transmission lines upon wildlife. While addressing environmental concerns, the Court also made important observations regarding climate change and renewable energy transitions. The Court recognized for the first time that protection against adverse effects of climate change forms part of the fundamental rights guaranteed under Articles 14 and 21 of the Constitution. This judgment is highly significant because it directly connected climate protection with constitutional rights and acknowledged climate justice within Indian constitutional jurisprudence.

The National Green Tribunal (NGT) has also played an important role in climate-sensitive environmental adjudication. Established under the National Green Tribunal Act, 2010, the Tribunal has dealt with numerous cases involving pollution control, deforestation, waste management, industrial emissions, environmental clearances, and ecological protection.⁵⁵ The NGT frequently applies principles such as sustainable development, precautionary principle, and Polluter Pays Principle while deciding environmental disputes. Although the Tribunal does not specifically function as a climate court, many of its decisions indirectly contribute to climate governance by regulating activities affecting ecological sustainability and emissions.

Indian courts have often relied upon international environmental principles while interpreting constitutional and statutory obligations. In *Vellore Citizens' Welfare Forum*⁵⁶, the Supreme Court referred to the Rio Declaration and international environmental norms to justify application of sustainable development principles in India. This demonstrates the growing influence of international environmental law upon domestic constitutional interpretation. Courts have increasingly recognized that environmental protection cannot remain isolated from global environmental responsibilities.

Despite these progressive developments, several challenges remain in achieving effective climate justice through judicial mechanisms. Courts often face difficulties in balancing economic growth with ecological protection, especially in cases involving infrastructure development and industrial projects. Environmental litigation may also suffer from delays in implementation and weak enforcement of judicial directions. In many cases, environmental clearances continue despite serious ecological concerns. Moreover, India still lacks a comprehensive climate change legislation clearly defining climate obligations, mitigation

⁵⁵ Supra note 45.

⁵⁶ Supra note 11.

responsibilities, adaptation measures, and accountability mechanisms.

Another important concern is that climate litigation in India is still developing compared to some foreign jurisdictions. While courts have recognized environmental rights broadly, direct climate-specific jurisprudence remains relatively limited. Issues such as climate displacement, climate refugees, corporate climate liability, loss-and-damage compensation, and intergenerational climate rights require further judicial and legislative attention. Nevertheless, Indian courts have laid a strong constitutional foundation for climate justice by interpreting environmental protection as part of the right to life, equality, and human dignity.

The judiciary's contribution toward climate justice reflects the broader evolution of constitutional environmentalism in India. Through innovative interpretation of constitutional provisions and application of international environmental principles, courts have transformed environmental governance into a rights-based framework. Indian environmental jurisprudence now increasingly recognizes that climate change is not merely a scientific or policy issue but also a matter of constitutional responsibility, social justice, and protection of fundamental human rights.

VI. Comparative International Judicial Perspectives on Climate Justice

Climate litigation has rapidly expanded across different jurisdictions in recent years. Courts around the world are increasingly being approached by citizens, environmental groups, children, indigenous communities, and civil society organizations seeking stronger governmental action against climate change. These cases demonstrate that climate change is no longer viewed only as a scientific or policy issue but also as a matter involving constitutional rights, human dignity, intergenerational justice, and State responsibility. Judicial decisions from countries such as the Netherlands, Germany, Pakistan, Colombia, and the United States have significantly influenced the global understanding of climate justice and have strengthened the relationship between environmental protection and human rights.

One of the most influential climate cases globally is *Urgenda Foundation v. State of the Netherlands*.⁵⁷ In this case, the Urgenda Foundation and Dutch citizens argued that the Dutch Government had failed to take adequate measures to reduce greenhouse gas emissions, thereby violating the rights of citizens under the European Convention on Human Rights. The Hague

⁵⁷ *Urgenda Foundation v. State of the Netherlands*, Hague District Court, C/09/456689, June 24, 2015.

District Court held that the government had a duty of care to protect people against dangerous climate change. The Dutch Supreme Court later upheld the decision and directed the government to reduce greenhouse gas emissions by at least 25 percent compared to 1990 levels.⁵⁸ The Court relied upon Articles 2 and 8 of the European Convention on Human Rights relating to the right to life and the right to private and family life. The *Urgenda* judgment became globally significant because it established that inadequate climate action by governments may violate human rights obligations.

Another landmark decision emerged from Germany through *Neubauer v. Germany*⁵⁹, decided by the German Federal Constitutional Court in 2021. The petitioners argued that Germany's Climate Protection Act postponed major emission reductions to the future and thereby unfairly burdened younger and future generations. The Court held that insufficient climate measures today could violate constitutional freedoms of future generations because severe restrictions may become necessary later to control climate change. The judgment recognized intergenerational equity as a constitutional principle and required the government to adopt clearer climate reduction targets. This case became highly important because it connected climate justice directly with constitutional rights and future generations' interests.

In Pakistan, the Lahore High Court delivered an important climate justice judgment in *Ashgar Leghari v. Federation of Pakistan*.⁶⁰ The petitioner argued that the government had failed to implement the National Climate Change Policy effectively, thereby violating constitutional rights including the right to life and human dignity. The Court observed that climate change is a defining challenge of the present era and that delayed governmental action threatened fundamental rights. The Court established a Climate Change Commission to monitor implementation of climate policies. This judgment is particularly significant for developing countries because it recognized climate governance as part of constitutional and administrative responsibility.

The Colombian Supreme Court also contributed significantly to climate jurisprudence in *Future Generations v. Ministry of the Environment*.⁶¹ In this case, a group of children and youth argued that deforestation in the Amazon rainforest threatened their constitutional rights and the

⁵⁸ *State of the Netherlands v. Urgenda Foundation*, HR 20 December 2019, ECLI:NL:HR:2019:2007.

⁵⁹ *Neubauer v. Germany*, BVerfG, 1 BvR 2656/18, Mar. 24, 2021.

⁶⁰ *Ashgar Leghari v. Federation of Pakistan*, W.P. No. 25501/2015 (Lahore High Court).

⁶¹ *Future Generations v. Ministry of the Environment and Others*, STC4360-2018, Supreme Court of Colombia (2018).

rights of future generations. The Court recognized the Colombian Amazon as an entity subject to legal protection and directed the government to formulate action plans for reducing deforestation. The decision emphasized intergenerational solidarity and environmental protection as constitutional obligations. It also reflected the growing judicial trend of recognizing ecological sustainability as necessary for protecting future human life.

In the United States, climate litigation has also expanded considerably. One prominent example is *Juliana v. United States*⁶², where young petitioners argued that governmental support for fossil fuel industries violated their constitutional rights and endangered future generations. Although the case faced procedural obstacles, it became internationally important because it framed climate change as a constitutional rights issue and inspired youth-led climate litigation worldwide.

These international cases show several common judicial trends. First, courts are increasingly recognizing that climate change directly affects fundamental rights such as the right to life, dignity, health, and equality. Second, courts are acknowledging the principle of intergenerational equity and the rights of future generations. Third, judicial institutions are placing greater responsibility upon governments to adopt effective climate policies and implement environmental commitments. Finally, climate litigation demonstrates growing acceptance of the idea that environmental protection and human rights are deeply interconnected.

When compared with these international developments, Indian environmental jurisprudence shares several similarities. Indian courts have also interpreted the right to life broadly and recognized environmental protection as part of constitutional governance. Cases such as *Subhash Kumar*, *M.C. Mehta*, and *Vellore Citizens' Welfare Forum* reflect similar judicial concern for ecological balance and public welfare.⁶³ More recently, *M.K. Ranjitsinh v. Union of India*⁶⁴ brought Indian climate jurisprudence closer to global climate litigation trends by expressly recognizing protection from adverse climate effects as part of constitutional rights under Articles 14 and 21.

However, there are also important differences between India and some foreign jurisdictions.

⁶² *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020).

⁶³ *Supra* note 10; *Supra* note 37; *Supra* note 11.

⁶⁴ *M.K. Ranjitsinh v. Union of India*, 2024 SCC OnLine SC 286.

European courts often rely upon detailed climate legislation and binding regional human rights obligations while deciding climate cases. In contrast, Indian courts mainly depend upon constitutional interpretation and broad environmental principles because India lacks a specific climate change legislation. Moreover, implementation and enforcement challenges remain more serious in developing countries due to economic constraints, rapid urbanization, energy demands, and developmental pressures.

Another emerging area in global climate justice is corporate climate accountability. Increasingly, corporations, especially fossil fuel companies, are facing legal actions for contributing to greenhouse gas emissions and environmental damage. Climate-related disclosure obligations, environmental social governance (ESG) norms, and sustainable finance regulations are gradually strengthening corporate environmental responsibility across jurisdictions. Discussions concerning “ecocide” as an international crime also reflect the growing demand for stronger accountability mechanisms for severe environmental destruction.⁶⁵

The comparative study of international climate litigation demonstrates that courts are becoming important actors in climate governance. Judicial institutions are increasingly filling gaps left by political inaction and weak environmental regulation. Although courts alone cannot solve the climate crisis, their decisions influence public policy, strengthen environmental accountability, and expand recognition of climate-related human rights. Global climate jurisprudence now clearly shows that climate justice is emerging as an essential component of constitutionalism, international human rights law, and environmental governance.

VII. Challenges in Achieving Climate Justice

Despite the growing recognition of climate justice as a human rights issue, several legal, institutional, economic, and political challenges continue to prevent effective climate governance both internationally and within India. Climate change is a complex global problem that affects countries differently depending upon their economic condition, technological capacity, geographical vulnerability, and developmental priorities. Although international agreements and judicial decisions have strengthened environmental accountability, practical implementation remains difficult. The gap between climate commitments and actual

⁶⁵ Independent Expert Panel for the Legal Definition of Ecocide, *Commentary and Core Text* (2021).

environmental protection continues to be one of the biggest obstacles in achieving climate justice.

One major challenge is the absence of strong and enforceable international climate obligations. Most international environmental agreements depend heavily upon voluntary cooperation among States. The Paris Agreement, although historically significant, mainly relies upon Nationally Determined Contributions (NDCs), which are decided individually by countries.⁶⁶ There are limited enforcement mechanisms to ensure that States fulfill their climate commitments. As a result, many countries continue to fall short of emission reduction targets despite increasing climate emergencies. Political and economic considerations often influence climate policies, and environmental commitments may change depending upon changes in government priorities. This weak enforcement structure reduces the effectiveness of international climate governance.

Another important issue is the unequal distribution of climate burdens between developed and developing countries. Developed nations historically contributed the largest share of greenhouse gas emissions through industrialization, yet developing countries often suffer more severe climate impacts because of poverty, weak infrastructure, and limited adaptation capacity.⁶⁷ Many developing countries argue that strict climate obligations may slow economic growth and poverty reduction efforts. Countries such as India face the difficult challenge of balancing environmental sustainability with industrial development, energy security, employment generation, and infrastructure expansion. Rapid urbanization and growing population pressures further increase environmental stress and energy demands.

Climate finance remains another major concern in achieving climate justice. Developing countries require significant financial and technological assistance to transition toward sustainable and low-carbon economies. Under international climate negotiations, developed countries committed to mobilizing climate finance for developing nations.⁶⁸ However, these commitments have often remained insufficient or delayed. Limited financial resources make it difficult for vulnerable countries to invest in renewable energy, climate adaptation infrastructure, disaster management systems, and ecological restoration projects. Technology

⁶⁶ Paris Agreement, Dec. 12, 2015, T.I.A.S. No. 16-1104.

⁶⁷ Supra note 2.

⁶⁸ Paris Agreement, supra note 1, art. 9.

transfer barriers and unequal access to green technologies also widen the gap between developed and developing countries.

In India, environmental governance faces several institutional and administrative challenges. Although India possesses multiple environmental laws and regulatory authorities, implementation often remains weak. Pollution control mechanisms sometimes suffer from lack of resources, administrative inefficiency, corruption, and inadequate monitoring. Environmental clearances for industrial and infrastructure projects are frequently criticized for insufficient ecological assessment and weak public participation.⁶⁹ Illegal mining, deforestation, industrial pollution, and improper waste management continue to create environmental harm despite existing legal safeguards.

Another challenge is the conflict between development and environmental protection. India, as a developing economy, requires expansion of industries, roads, railways, energy projects, and urban infrastructure to support economic growth. However, many of these projects lead to deforestation, biodiversity loss, displacement of local communities, and ecological degradation. Courts and policymakers often face difficulties in balancing developmental objectives with environmental sustainability. Renewable energy projects themselves may sometimes create ecological concerns, especially when they affect wildlife habitats and fragile ecosystems.⁷⁰ This demonstrates that climate governance requires careful balancing rather than simple prioritization of one interest over another.

Climate change also creates serious social justice concerns. Vulnerable communities are disproportionately affected by environmental degradation and climate disasters. Farmers suffer crop losses because of irregular rainfall and extreme weather conditions. Coastal populations face displacement due to rising sea levels and cyclones. Tribal and indigenous communities dependent upon forests and natural resources often lose livelihoods because of environmental destruction and industrial projects. Climate-induced migration and displacement are becoming increasingly common, yet legal systems still lack comprehensive frameworks for protecting climate migrants and displaced populations.⁷¹

Corporate accountability presents another significant challenge in climate justice. Large

⁶⁹ Lavanya Rajamani & Shibani Ghosh, *India's Environmental Law and Governance Framework* 112 (2021).

⁷⁰ *M.K. Ranjitsinh v. Union of India*, 2024 SCC OnLine SC 286.

⁷¹ International Organization for Migration, *World Migration Report 2024* (2024).

industries and fossil fuel corporations contribute heavily to greenhouse gas emissions and environmental pollution. However, corporate regulation often remains inadequate, and many companies continue practices that contribute to ecological degradation. Greenwashing, where corporations falsely present themselves as environmentally responsible without substantial action, has also become a growing concern. Although Environmental, Social, and Governance (ESG) frameworks and sustainability reporting mechanisms are expanding globally, enforcement remains inconsistent.⁷² Stronger legal mechanisms are required to ensure corporate responsibility toward climate protection and sustainable business practices.

Scientific uncertainty and long-term environmental impacts also complicate climate governance. Climate change involves complex scientific predictions regarding future risks, making policymaking and judicial intervention difficult at times. Governments may delay action by arguing that scientific certainty is incomplete or economic costs are too high. However, delayed climate action can create irreversible environmental damage affecting future generations. The precautionary principle seeks to address this challenge by emphasizing preventive action even where scientific certainty is not complete, but practical implementation often remains inconsistent.⁷³

Another important challenge is the lack of comprehensive climate legislation in India. While environmental protection is addressed through multiple statutes and judicial decisions, India still lacks a dedicated law specifically governing climate mitigation, adaptation, carbon accountability, climate finance, and protection of climate rights. The absence of a unified legislative framework creates uncertainty regarding institutional responsibilities, implementation standards, and enforcement mechanisms. Climate governance therefore largely depends upon executive policies and judicial intervention rather than clear statutory obligations.

Finally, climate justice faces broader political and economic resistance at the global level. International negotiations often involve conflicting interests between developed and developing countries regarding emissions, finance, technology transfer, and historical responsibility. Fossil fuel dependency and industrial interests continue to influence policymaking in many countries. Geopolitical conflicts and economic competition sometimes

⁷² United Nations Environment Programme, *Global Climate Litigation Report: 2023 Status Review* (2023).

⁷³ *Supra* note 11.

weaken international climate cooperation despite the urgent need for collective action.

These challenges demonstrate that climate justice cannot be achieved solely through environmental regulation or judicial activism. Effective climate governance requires coordinated international cooperation, stronger legal accountability, financial support for vulnerable nations, scientific innovation, institutional reforms, and recognition of climate protection as an essential human rights obligation. Without addressing these structural and socio-economic barriers, the goal of equitable and sustainable climate justice will remain difficult to achieve.

VIII. Recommendations and Reform Measures

- India should enact a comprehensive climate change law recognizing climate protection as part of the right to life under Article 21.
- Environmental institutions and the National Green Tribunal should be strengthened for better enforcement and faster climate adjudication.
- Climate impact assessments, corporate accountability, and ESG compliance should be made stricter and more transparent.
- Greater investment is needed in renewable energy, climate adaptation, forest conservation, and protection of vulnerable communities.
- Developed countries should fulfill climate finance and technology transfer commitments toward developing nations.
- International climate agreements should include stronger accountability and enforcement mechanisms.
- Courts and policymakers should adopt a human rights-based and intergenerational approach to climate governance.

IX. Conclusion

Climate change has evolved from being merely an environmental concern into a serious human rights issue affecting life, health, food security, water access, livelihood, shelter, and human

dignity across the world. The concept of climate justice emphasizes that the impacts of climate change are not distributed equally and that vulnerable communities often suffer the greatest harm despite contributing least to environmental degradation. As a result, climate governance today requires not only environmental protection but also fairness, accountability, equality, and protection of fundamental human rights.

The study demonstrates that international environmental law has gradually recognized the relationship between climate change and human rights through instruments such as the Stockholm Declaration, Rio Declaration, UNFCCC, Kyoto Protocol, and Paris Agreement. International judicial developments and climate litigation across different jurisdictions further show that courts are increasingly treating climate protection as part of constitutional and human rights obligations. Principles such as sustainable development, precautionary principle, Polluter Pays Principle, and intergenerational equity have become central to global climate governance.

In India, constitutional jurisprudence has played a significant role in strengthening environmental rights through judicial interpretation of Article 21 and related constitutional provisions. The Supreme Court and the National Green Tribunal have contributed substantially toward the development of environmental and climate-sensitive jurisprudence. Cases such as *M.C. Mehta*, *Vellore Citizens' Welfare Forum*, *Ridhima Pandey*, and *M.K. Ranjitsinh* reflect the growing recognition of climate justice within Indian constitutional law. However, challenges such as weak implementation, developmental pressures, lack of comprehensive climate legislation, and institutional limitations continue to affect effective climate governance.

The comparative analysis of international and Indian legal developments shows that climate justice is gradually emerging as an essential component of constitutionalism, environmental governance, and human rights protection. Effective climate governance requires stronger international cooperation, enforceable legal obligations, corporate accountability, protection of vulnerable populations, and recognition of the rights of future generations. Ultimately, climate justice cannot be achieved solely through policy declarations; it requires sustained legal, institutional, and societal commitment toward balancing environmental sustainability, economic development, and human dignity for present and future generations.