
CLIMATE JUSTICE FOR CHILDREN: FRAMING ENVIRONMENTAL DEGRADATION AS A HUMAN RIGHTS VIOLATION IN INDIA

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Introduction

Climate change is one of the biggest concerns the world is experiencing right now, and it impacts everyone in some manner. But Children are one of the groups who are most likely to be hurt by harm to the environment.¹ There is already a lot of social and economic inequality in India, and the combination of pollution, poverty, and insufficient enforcement of environmental regulations renders youngsters particularly susceptible. Climate justice is a rights-based strategy that moves the attention from environmental problems to the people who are most impacted by them, particularly Children. This study paper looks at the premise that harming the environment is not just bad for the ecosystem, but also a major violation of human rights, particularly when it puts the health, development, and survival of children at danger. Children in India have to cope with a lot of challenges that are caused by climate change, such as air pollution, water shortages, harsh weather, and more infections. These factors put their right to a good life, health, education, and a good quality of living at danger. The Indian Constitution and international accords like the United Nations Convention on the Rights of the Child (UNCRC) safeguard these rights.

This paper discusses about the notion of climate justice for Children and how it fits into the wider picture of human rights and environmental law. It also highlights how crucial the problem is, as India is one of the nations that is most likely to be affected by climate change. The introduction outlines what the study is trying to do: prove that the harm climate change brings to Children has to be looked at from a legal and moral point of view. This will make states more accountable and make policies that put Children first when it comes to the environment.² The publication intends to join to the increasing discourse about child rights

¹ Gibbons, Elizabeth D. "Climate change, children's rights, and the pursuit of intergenerational climate justice." *Health & Hum. Rts. J.* 16 (2014): 19.

² Das, Jahnnabi. "The struggle for climate justice: Three Indian news media coverage of climate change." *Environmental Communication* 14.1 (2020): 126-140.

amid the climate crisis and urge for reforms to India's laws and systems to safeguard the rights of the country's youngest and most vulnerable citizens.³

Conceptual Framework: Climate Justice and Human Rights

Climate justice is a popular subject in law, policy, and human rights right now since there are more and more climate-related calamities occurring. Everyone is affected by climate change, but in various ways. Environmental devastation impacts the poorest and most vulnerable individuals the most, particularly youngsters. From the perspective of children's rights, this chapter will help you comprehend climate justice in India. It explains about what the terms mean, how environmental degradation and human rights are connected, how children are particularly at danger, and the international standards that govern this discourse.

Climate justice is a system of laws and beliefs that assist individuals figure out what they should do about climate change. It is not enough to only save the environment to talk about justice, equality, and responsibility.⁴ Climate justice is based on the premise that the individuals who do the least to create climate change are frequently the ones who suffer the most from it. This includes young people, Native American tribes, and low-income groups, who normally don't have a say in climate policy choices. Climate justice is not the same as conventional environmentalism since it looks at how people's social, economic, and political standing makes them more likely to be harmed by climate change. It's not enough for businesses and governments to only combat climate change; they also need to make sure that their efforts don't damage groups who are already weak more than others. It also entails being responsible and fixing things when they go wrong. It argues that everyone should have a voice in choices, that expenses and benefits should be shared equitably, and that fundamental human rights should be preserved.

India needs climate justice more than any other place. India is extremely weak because it has a lot of people, many of whom are impoverished, and it is in a place where floods, droughts, and very hot weather are likely to happen. But most of the time, national and regional governments don't think about how these dangers impact Children in diverse ways. Cutting down trees, polluting water, and climate change catastrophes are all ways that harming the environment

³ Muschott, Karmapriya Jessica. "The National Green Tribunal of India, Environmental Justice and Human Rights in the Context of Environmental Degradation & Climate Change." (2024).

⁴ Ranjan, Avinash. "Effect of Climate Change on Health: Human Rights & Social Justice." *Issue 2 Indian JL & Legal Rsch.* 5 (2023): 1.

undermines people's rights.⁵ People's rights to life, health, clean water, food, housing, and education are all at stake when ecosystems break down. The legislation indicates that the environment becoming worse is not merely a technical or scientific issue; it is also a violation of human rights.⁶

Article 21 of the Indian Constitution preserves people's right to live and be free. The Indian courts have added the right to a healthy environment to this list in a number of major decisions. The Supreme Court declared in *Subhash Kumar v. State of Bihar* that having the right to life also entails having the right to clean air and water. The Court also held in *MC Mehta v. Union of India* that it is the state's obligation to keep the environment safe. The law should safeguard these rights, but it doesn't always do so, particularly in rural and poor communities. It is extremely evident what happens to youngsters. In locations like Delhi, where the air is highly polluted, Children have problems breathing, thinking, and growing up on time. It is tougher for them to go to school and visit a doctor because of climate change. Families have to migrate because of natural catastrophes, which makes it more probable that Children may have to labour, be trafficked, or be mistreated. So, damaging the environment makes it hard for Children to grow up safe, healthy, and smart. It is against their right to develop, be treated decently, and be valued. Indian law and international human rights conventions safeguard these essential rights.

Children are not only passive victims of climate change; they're also among of the most impacted and least prepared to cope with its impacts. When it comes to their bodies, Children are more sensitive to elements in their surroundings that make them feel stressed. They are more susceptible to become sick from air pollution, not receiving enough food, heat waves, and illnesses that insects bring since their organs and immune systems are still maturing. Children also have fewer ways to defend themselves and less legal rights. They rely on adults and organisations to look out for their best interests. But a lot of the time, those who are trying to stop climate change do not think about what Children need or how they feel. When they can't choose, the harm they cause is far worse.⁷

⁵ Singh, Aditya Anand. "Local Actions to Global Conversations: India's Climate Justice Movement and the Expansion of Human Rights Framework." *Journal of Human Rights and Social Work* (2025): 1-13.

⁶ Gilliam, Christa C., Lacey Sloan, and Cathryne L. Schmitz. "Climate change: Environmental justice, human rights, and peaceful practices." *Perspectives on justice, indigeneity, gender, and security in human rights research*. Singapore: Springer Nature Singapore, 2023. 301-351.

⁷ DUTTA, SOUMYA. "From 'climate change' to 'climate justice'." *India International Centre Quarterly* 46.3/4 (2019): 285-301.

UNICEF and the Intergovernmental Panel on Climate Change (IPCC) both argue that climate change is a direct danger to children's rights. A lot of youngsters in India are underprivileged, which makes them more susceptible to be wounded by items in the environment. Many of them live in dense slums or rural locations that are likely to have problems. It is hard for them to obtain clean water, decent food, medical treatment, or clean places to live. When schools are destroyed, families have to relocate, or youngsters have to work to help their families make ends meet, climate catastrophes make it harder for Children to go to school. Natural catastrophes may leave individuals with emotional scars that remain for a long time, such when they lose a loved one, their house, or their work. Girls are more likely to be married early, be abused because of their gender, and drop out of school when there are catastrophes caused by climate change.⁸ For any climate justice framework to succeed, it has to put Children first in everything it does and ensure sure their rights are protected in both policy and action. The UNCRC, the UDHR, and the Paris Agreement are all regulations and standards that everyone in the world must follow. International human rights legislation offers us a solid base for fighting for children's rights in the battle for climate justice. A lot of international accords stipulate that governments have to keep Children safe from things that hurt the environment and make sure they are healthy in general.⁹

- The **UNCRC** is the most thorough treaty on children's rights. India approved it in 1992. Article 6 declares that every child has the right to live, stay alive, and thrive. Article 24 says that every child has the right to be as healthy as they can be. Article 28 says that every kid has the right to attend to school. Article 12 of the UNCRC specifies that children should be entitled to communicate about anything that has an effect on them. The Committee on the Rights of the Child states that climate change and other factors that damage the environment also undermine Children's rights. The Committee on the Rights of the Child and the Environment's General Comment No. 26 (2023) advised governments that it was their job under the Convention to remedy harm to the environment and climate change immediately away.¹⁰

⁸ Mitchell, Bruce C., Jayajit Chakraborty, and Pratyusha Basu. "Social inequities in urban heat and greenspace: analyzing climate justice in Delhi, India." *International Journal of Environmental Research and Public Health* 18.9 (2021): 4800.

⁹ Supra Note 3.

¹⁰ Das, Jahnnabi. "The struggle for climate justice: Three Indian news media coverage of climate change." *Environmental Communication* 14.1 (2020): 126-140.

- **The Universal Declaration of Human Rights (UDHR)** - The UDHR is not a law, but it does mention some significant things about freedom, equality, and the value of every person. Climate change has an impact on young people's rights, including their right to life (Article 3), their right to a high quality of life that is beneficial for their health and well-being (Article 25), and their right to an education (Article 26). By not doing enough to safeguard the environment, states put these rights at danger. The UDHR is a collection of moral and legal norms that help us understand and adopt laws and policies in our own countries, such those that protect the environment and children.¹¹
- **The Paris Agreement, 2015** - A lot of nations throughout the globe made a huge vow to help halt global warming when they signed the Paris Agreement. It is part of the UN Framework Convention on Climate Change (UNFCCC). The core issue of the agreement is climate change, but it also specifies that all climate actions should respect, promote, and think about human rights, notably the rights of children (Preamble). India ratified the Paris Agreement, which implies that its measures to cope with climate change must include individuals who are in risk. But the present Nationally Determined Contributions (NDCs) and climate action plans don't always take into account what youngsters need. This indicates that governments don't always do what they claim they would do. Policymakers need to pay close attention to climate justice and human rights right now, particularly the rights of children. People still don't listen to Children enough when it comes to climate change, even though it has a particular and severe impact on children. One approach to make things more fair in the name of climate justice is to pay attention to the rights of the most vulnerable people.

Impact of Climate Change on Children in India

Climate change is a big and becoming worse issue that impacts everyone, every community, and every environment. But youngsters, particularly in underdeveloped nations like India, are among of the most likely to be hurt by it. Changes in the environment have a bigger effect on Children than on adults because Children are still growing and changing physically, socially, and emotionally. This chapter talks about how climate change impacts Indian children in a number of areas, such as their health, nutrition, education, safety, and mental health. It also

¹¹ Gibbons, Elizabeth D. "Climate change, children's rights, and the pursuit of intergenerational climate justice." *Health & Hum. Rts. J.* 16 (2014): 19.

provides real-life examples from places that are likely to have droughts, floods, and tribal regions to make these consequences more evident.

Effects on health and nutrition

Climate change is bad for Children's health since it makes them more likely to become ill, not have enough food, and be near pollutants. Dengue, malaria, and chikungunya are vector-borne illnesses that are expanding due of rising temperatures and monsoons that come and go. Children are particularly likely to have these disorders. The air quality in places like Delhi, Kanpur, and Varanasi is growing worse, which makes Children ill with respiratory disorders.¹² Nutritional difficulties are becoming worse since farming is less productive, there isn't enough water, and people do not have enough food. Droughts and floods may kill crops, which means there is less healthy food available. This makes more people hungry, particularly in rural and tribal communities. According to the National Family Health Survey (NFHS-5), a lot of Indian Children under five are either underweight or not growing properly. These issues are intimately connected to poverty and stress in the environment that grow worse due of climate change.

Education and Displacement Challenges

Floods, cyclones, and landslides that happen because of climate change make it exceedingly hard for students to go to school. Schools have to shut for a lengthy period since their buildings are frequently destroyed or utilised as emergency shelters. Floods happen every year in areas like Assam and Bihar, which are prone to flooding. These floods force thousands of Children to flee their homes. This makes it hard for students to go to school and acquire food, clothes, and books.

In areas like Odisha and Rajasthan, families also have to shift because the sea levels are rising or the land is turning into desert. A lot of the time, this means that youngsters have to leave school. Migrant children can't attend to school in their new homes for a multitude of reasons, such as difficulty with paperwork, language hurdles, or not having enough room in city schools. Girls are more likely to drop out of school to assist at home or get married early when the economy and the environment are insecure.

¹² Srivastava, Shilpi, et al. "Climate justice for whom? Understanding the vernaculars of climate action and justice in marginal environments of India." (2025).

Child Labour and Exploitation Due to Environmental Stress

Climate change may put stress on the environment, which can make families that are already impoverished increasingly poorer. This makes it more probable that Children will have to work. When parents lose their employment because their crops fail, their animals die, or they can't get the things they need, they make their Children labour to produce money. This includes working as a housekeeper, in a factory, on a farm, or in construction. Children from families who have had to migrate are also more likely to be trafficked, forced to labour, and taken advantage of, particularly where there aren't robust safety nets and police. In regions like Jharkhand and Chhattisgarh, where many families live in tribal or wooded areas with limited work possibilities, environmental destruction has put Children in perilous circumstances like illicit mining and unsafe manual labour.¹³

Psychological and Developmental Effects

People typically do not think about how climate change affects Children's feelings, yet it does a lot of damage. People who have to deal with traumatic occurrences like floods, droughts, and having to relocate might have PTSD, anxiety, despair, and sleep disorders. For Children to grow up healthily, they need to feel secure and stable. They feel less secure and safe when they lose their homes, schools, or family members. When things happen because of climate change, Children typically display indicators of developmental delay, trouble at school, and emotional disengagement. For instance, youngsters who stay in relief camps for a long period without getting the right mental health treatment or having interesting things to do exhibit behavioural and cognitive difficulties that endure for a long time.

Case Studies: Drought-Affected, Flood-Prone, and Tribal Areas

Marathwada, Maharashtra (Area Affected by Drought): There have been a number of droughts in Marathwada in the previous 10 years, which has made agriculture output decline a lot. Families in this region, which depends on farming a lot, are running out of food and water. Children in these houses are typically very malnourished, and their parents have to pull them

¹³ Kumar, Yash. "Climate Justice in India: Addressing the Impact of Climate Change on Vulnerable Populations." *Idealistic Journal of Advanced Research in Progressive Spectrums (IJARPS)* eISSN-2583-6986 3.11 (2024): 148-157.

out of school to assist them locate water or travel with them. Reports also say that more and more Children are getting married in this region because families are trying to save money.

Assam (Flood-Prone Area): Every year, floods in Assam make hundreds of thousands of people abandon their homes. The most impacted are the Children, who lose access to safe drinking water, healthcare, and education for months. Relief camps are typically excessively busy and don't have the basics of cleanliness, which makes youngsters more likely to have diarrhoea and respiratory diseases.¹⁴ Repeated flooding prohibits students from coming back to school in many circumstances. This makes more Children drop out and creates long-term difficulties with their education.¹⁵

Bastar, Chhattisgarh (Tribal Area): The residents of Bastar depend a lot on trees and other natural resources to live. Families are increasingly destitute now because climate change has made it tougher for them to access forest products and clean water. Three main concerns for Children here are that they cannot receive a proper education, they are growing more and more hungry, and they are more likely to be trafficked or dragged into Naxalite fighting zones. People are also feeling more emotionally and culturally disturbed because of environmental destruction that has made them feel estranged from their traditional way of life.

In short, climate change is not only a worry for the future; it is a problem that is harming Children in India right now. Children's health, education, safety, and general well-being are all at stake, particularly in places where the environment is weak. They are not only the least accountable for the climate problem, but they are also the most afflicted by its impacts. There need to be particular efforts that address the unique problems that children have in order to make sure they obtain climate justice. This means integrating child rights to environmental legislation, establishing disaster response plans that are beneficial for Children, making it simpler for Children to obtain healthcare and education during climate catastrophes, and setting up long-term mental health and rehabilitative support systems. If India does not accomplish these things, it might fail a whole generation. Not only will this generation inherit the earth, but they will also have to deal with the problems we caused by not doing anything.

¹⁴ Chu, Eric, and Kavya Michael. "Urban climate justice in India." *Climate Justice in India* 1 (2022): 25.

¹⁵ Dutta, D. (2022). Environmental education for climate justice: An Indian perspective. In *Oxford Research Encyclopedia of Education*.

Climate Change as a Human Rights Violation

Climate change hurts more than just the environment; it also has a big impact on our human rights. Its effects go deep into people's everyday lives, putting at risk the fundamental rights that everyone needs to live, develop, and have a good life. This situation is particularly devastating for Children in India. They are among of the most at-risk people when it comes to harm to the environment, and they frequently don't have many ways to deal with it. Article 21 of the Indian Constitution says that everyone has the right to life and personal freedom. Over time, Indian courts have decided that this includes the right to live in a clean and healthy place.

In important cases like *Subhash Kumar v. State of Bihar* and *MC Mehta v. Union of India*, the courts made it plain that living in an environment without pollution is a basic right. But this entitlement is being taken away every day because of increased pollution, shrinking open places, and climate change making the weather less predictable. Children are the ones who are most affected by these changes since they are still developing and frequently don't have a voice or authority in society.¹⁶

It's not just about the environment anymore. It is also possible that children will not be able to get healthcare, education, or even basic respect. Families that have to relocate because of climate catastrophes frequently have to take their Children out of school. Dirty water promotes disease, and polluted air makes respiratory difficulties worse. People who live in tribal, rural, or urban slum regions have it twice as hard since they have to deal with both economic and environmental problems. Getting medical treatment, going to school every day, or even just having a secure roof over your head becomes a daily battle. All of this stops Children from attaining their full potential and takes away their right to live with honour and stability.¹⁷

There is also the issue of justice amongst different generations. Intergenerational equity, which is based on both Indian and international law, says that we have a responsibility to safeguard the Earth for the children of the future. But that idea appears to be fading as climate concerns mount, making the planet less secure for Children now and youngsters who haven't been born

¹⁶ Mitchell, Bruce C., Jayajit Chakraborty, and Pratyusha Basu. "Social inequities in urban heat and greenspace: analyzing climate justice in Delhi, India." *International Journal of Environmental Research and Public Health* 18.9 (2021): 4800.

¹⁷ Kumar, Yash. "Climate Justice in India: Addressing the Impact of Climate Change on Vulnerable Populations." *Idealistic Journal of Advanced Research in Progressive Spectrums (IJARPS)* eISSN-2583-6986 3.11 (2024): 148-157.

yet. The Indian courts have done a lot to expand the meaning of human rights in the modern world. Companies polluting the air, cutting down trees, or moving people out of their homes may all violate constitutional rights, according to the courts. The Supreme Court incorporated the “polluter pays” and “precautionary principle” to Indian environmental law in the case of *Vellore Citizens’ Welfare Forum v. Union of India*. This made it clearer that the government has to do something before damage occurred, not simply after.

These court cases show that climate change is no longer only an environmental issue. It hurts children the most since it’s a human rights problem. But their views are seldom heard when decisions are made. And even if they don’t do anything to cause the situation, they typically suffer the most. Not only is this unjust, it is also a failure of justice. We need to do something now to secure their future before it is too late.¹⁸

Gaps in the India Legal and Policy Framework

The judiciary in India has played a vital role in safeguarding environmental rights by invoking Article 21 of the Constitution to associate the right to a clean environment with the right to life. This is a courageous initiative, and the judiciary has enacted significant changes through historic rulings advocating for improved air and water quality. However, by examining children, who represents one of the most susceptible demographics regarding climate change, it becomes evident that India's laws and policies is insufficient. No legislation or national policy specifically address the impact of climate change on children. We possess significant legislation, such as the Environment (Protection) Act of 1986 and the Air (Prevention and Control of Pollution) Act of 1981, although these statutes address pollution in a broad manner. They neglect to address the detrimental effects of polluted air on children's bodies or the inability of children to adapt to changing circumstances as adults can.

India has acceded to the UNCRC, which is commendable in principle; nevertheless, the challenge lies in its implementation domestically. That is when complications begin to arise. The National Action Plan on Climate Change and the State Action Plans on Climate Change are designed to be our primary strategies for combating climate change; nevertheless, children are rarely referenced. Regarding strategies for mitigating catastrophe risk, post-disaster reconstruction, or climate resilience planning, they appear to be non-existent. These plans

¹⁸ Gibbons, Elizabeth D. “Climate change, children's rights, and the pursuit of intergenerational climate justice.” *Health & Hum. Rts. J.* 16 (2014): 19.

extensively discuss adaptation and mitigation; nevertheless, they inadequately address the impact of heat waves, floods, and contaminated water on children.

Additionally, there exist the issue of India's system being disorganized. One ministry oversees environmental protection, another manages child welfare, a third govern public health, and a fourth administer education. Insufficient communication among individuals hinders collaborative efforts to ensure the safety of youth during natural catastrophes. Displacement due to floods or droughts are a harrowing experience for children. Families forfeit their homes, children abandon their education, and women, in particular, are compelled into premature marriages as a coping mechanism. These issues are enduring; however India's environmental strategies do not address them. It is a division that allow youth to fall through the gaps.

What is more concerning is that young individuals lack a voice in the decision-making process. The UNCRC and the principle of intergenerational equity suggests that children ought to participate in decisions that affect their future. India lacks mechanisms for children to participate in voting on climate policies. That is a significant error. India's strategy remains reactive, fragmented, and inequitable towards the children it aims to safeguard, as there exist no framework linking child rights to environmental governance. We require reforms that integrate these components legislation and policies that recognizes children not merely as victims, but as individuals invested in the pursuit of climate justice.

Conclusion and Suggestions

Climate change poses an urgent and growing threat to the fundamental rights of children in India. As demonstrated throughout this study, environmental degradation not only endangers their right to life, health, education, and dignity but also amplifies existing social inequalities. Children, due to their physical and socio-economic vulnerabilities, suffer the most from the consequences of climate-induced disasters, pollution, food insecurity, and displacement despite having contributed the least to the crisis. The failure to recognize and address these impacts within legal and policy frameworks amounts to a violation of their basic human rights.

To move towards true climate justice for children, India must adopt a rights-based approach to environmental governance. Policies should integrate child-specific vulnerabilities and ensure that disaster response, urban planning, education, and healthcare are all climate-resilient and inclusive. Strengthening the enforcement of environmental laws, increasing investment in

public health and clean energy, and ensuring child participation in climate decisions are crucial. Moreover, intergenerational equity must be treated not as an abstract principle but as a legal and ethical obligation. By centering children's rights in climate action, India can ensure a just, sustainable future—not only for today's youth but for generations yet to come.