
THE CLIMATE CRISIS: A LEGAL PERSPECTIVE

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ABSTRACT

Earth's climate is vital to the ecosystem and is constantly evolving. In this situation, the environment is dangerous all over the world. It will be harmful to the environment. It also provides many suspicious challenges and legal questions to the legal system that affects individuals, policy makers, business people and the general public. In India there are many local regulations such as the Environment Protection Act, water, air, forest management, electricity and mining etc. But Indian courts have seen a number of cases reported in connection with the climate change. This paper criticizes three interrelated areas such as climate change, climate law, and existing laws on the environment, energy and natural resources.

Keywords: Climate, Environment, Litigation, Legislation,

INTRODUCTION

Today the world is facing a very serious crisis in climate change. This climate change directly affects the environment and humanity. Climate change affects the human body and creates a health problem. Due to climate change our region is facing a global warming problem. Global warming is increasing the temperature, intensity and frequency of adverse weather events directly affecting the human body causing many problems such as increased pressure on the human heart systems, adverse reactions to the food system leading to increased food security, greater spread of infectious diseases, diseases and severe brain damage etc. Global warming occurs when carbon dioxide (CO₂) and other pollutants combine to form the atmosphere and emit sunlight and the sun's rays from the earth's surface. usually these rays would emit into space but these pollutants, which can last for years in the atmosphere, trap heat and make the planet extremely hot. These greenhouse gases are mainly carbon dioxide, methane, nitrous oxide, water vapor and synthetic fluoridated gases which is known as green house gases, and their collision is called the green house effect¹. According to the Intergovernmental Panel on Climate Change (IPCC), "India will tolerate extreme and extreme heat waves, heavy rain and unexpected storms, and additional cyclonic movements, surrounded by other climate-related disasters. a report on the Indian subcontinent says extreme temperatures have risen while temperatures have dropped, and these trends will continue for decades to come². Looking back on environmental law India has eighteen climate laws. It is the union's final budget that provides benefits for electric vehicles and national electricity policy. Existing Indian laws include environmental laws such as the Water Act (Pollution Prevention and Control) (1974), the Air Pollution Prevention and Control Act (1981) and the Environmental Protection (Protection) Act (1986), forestry and related laws, and energy laws, such as the Electricity Act (2003) and And the Energy Conservation Act of 2001, the Disaster Management Act (2005), which is often discussed in the field of climate change. Other climate change laws, such as the Finance Act (2020) and the unions' budgets published under its jurisdiction, are not fully reviewed but are an integral part of climate law.

CONSEQUENCES OF CLIMATE CHANGE

During global warming, global temperatures fluctuate because of rising greenhouse gases that

¹ Global warming , available at <https://www.nrdc.org/stories/global-warming-101#warming>)

²Murali Krishnan, Climate change:IPCC warns India of extreme heat waves, drought , New Delhi, Aug 2021, available at <http://m.dw.com/en/india-climate-change-ipcc/a-58822174>)

have a direct impact on people and the climate. And these tangible results follow³:

1. Disappearing glaciers
2. Rising sea levels
3. Forests, farms, and cities will suffer as a result of heavy rains, floods that could damage or destroy agriculture and fisheries..
4. Many plants and animal species to extinction.
5. An increase in Allergies, asthma and infectious disease .
6. An increase in hunger and water crises especially in developing countries.
7. Health risks through rising air temperatures and heatwaves.
8. Economic implications of dealing with secondary damage related to climate change.
9. Increasing spread of pests and pathogens.
10. Loss of biodiversity due to limited adaptability and adaptability speed of flora and fauna.
11. Ocean humidification due to increased HCO_3 concentrations in the water as a consequence of increased CO_2 concentrations.

Despite concerns about climate change in India's natural disasters, very few cases are aimed at advancing the desired climate policy. Although Indian courts are determined to regulate such climate decisions that establish public order and climate control laws. Especially dealing with policy and strategic issues is not enough. An important case for a well-constructed climate system has the specific goal of moving the climate change system to India.

CLIMATE LITIGATION

The case for climate change involves a variety of legal processes. Climate change is often defined as claims that explicitly raise the issue of reality or law related to the causes or effects of climate change. The climate change case, also known as climate litigation, is an emerging framework of environmental law used as a precursor and a legal practice of legal efforts to reduce climate change from civil society organizations such as state-owned companies, NGOs etc⁴. There are other cases in the high courts, the high court, and the National Green Tribunal (NGT) where the parties have raised issues related to climate change, and where climate change

³What are the effects of climate change and global warming , available at, <https://www.myclimate.org/information/faq/faq-detail/what-are-the-effects-of-climate-change/>

⁴Climate change litigation, available at <https://en.m.wikipedia.org/wiki/climate-change-litigation>)

or global warming and international climate change treaties are more risky. cases are classified as a climate change case when referring to the government. Decision, requests regarding attempts to enforce law and order. Policy, suits in hand to create new policies on climate change, and cases in which the government defends its policy decision on climate change.

- i. In *Om Dutt Singh v. State of Uttar Pradesh & Ors.*⁵, applicants have challenged the construction of a major irrigation project. One of the reasons given was that the immersion of large forest areas would lead to the production of methane, “known as the cause of global warming.” NGT did not address the climate crisis in its last resort, urging the project to continue to be contemptuous acknowledging its impact on the environment.
- ii. In the *Rohtang Pass case (Court on its own motion v. State of Himachal Pradesh & Ors.)*⁶, NGT instructed the State Government and its agencies to take comprehensive measures to address the pollution problem that is strengthening the melting of glaciers in the Himalayas. The bench noted that pollution includes black carbon, “which is believed to have a significant impact on global warming after carbon dioxide.” It is based on its decision as part of the Constitutional right to a clean, hygienic and dignified environment in Article 48A (requiring the state to protect and improve the environment), Article 51A (which imposes a common requirement but is a guide for citizens), and Article 21 (Right to Life). The two cases cited in this section are similar to incorporating a broader discussion of the climate impact of deforestation in the context of illegal logging and illegal construction. Both NGT decisions refer to the degradation of carbon sinks, carbon dioxide emissions from deforestation, and the effects of global warming on small-scale deforestation.
- iii. In the *Karnataka Industrial Area Development Board (KIADB) v. Sri C. Kenchappa*⁷, The Court was asked to prevent the Karnataka Industrial Area Development Board from

⁵ National Green Tribunal. (2015, May 7). Judgement in the matter of *Om Dutt Singh v. State of Uttar Pradesh and ors.* Original Application No. 521 of 2014. Accessed at <http://www.indiaenvironmentportal.org.in/files/Kanhar%20dam%20Sonebhadra%20NGT.pdf>

⁶ National Green Tribunal. (2017, August 1). Judgement in the matter of *Court on its own Motion v. State of Himachal Pradesh & Others.* Original application no. 488 (THC) of 2016. Accessed at <http://www.indiaenvironmentportal.org.in/files/deforestation%20Shimla%20NGT%20Judgement.pdf>

⁷ Supreme Court of India. (2006, May 12). Judgement in the matter of *Karnataka Industrial Areas Development Board (KIADB) v. Sri C. Kenchappa.* Civil Appeal No. 7405 of 2000. Accessed at <https://indiankanoon.org/doc/992326/>

transforming agricultural land, especially land in the green belt, into industrial use. It was argued that land reform would lead to harmful effects on the environment. In deciding that “prior to the acquisition of development land, the impact and harmful impact of development on the environment must be properly understood and the land acquired in order to be less harmful to the environment”, the Court noted the climate crisis. change and its negative effects, cites reports from the Intergovernmental Panel on Climate Change (IPCC) and the World Watch Institute.

- iv. In *Gaurav Bansal v. Union of India*⁸, the NGT was approached to direct the government to show steps taken to implement the National Action Plan on Climate Change (NAPCC). The Tribunal held that cases regarding violation of the NAPCC, its impact, or consequences could be filed before it. Specifically, it directed states that had yet to draft their state action plans as per the NAPCC, to prepare them and get them approved expeditiously by the Ministry of Environment, Forest and Climate Change (MoEF&CC).
- v. In *Wilfred J v. Ministry of Environment, Forests and Climate Change*⁹, the NGT was approached to stop regulatory approval granted to a deep-water container port project in an ecologically fragile area, on the basis that “areas likely to be inundated due to rise in sea level consequent upon global warming” are granted regulatory protection. The Tribunal dismissed the case, primarily because the project was of vital importance to international trade.
- vi. In *Ratandeep Rangari v. State of Maharashtra & Ors*¹⁰ the NGT directed the MoEF&CC to develop a monitoring and compliance protocol to ensure enforcement of a notification requiring coal-based thermal power plants to use coal with ash content not exceeding 34 percent. The Tribunal justified its orders on the ground that an “important co-benefit of such an initiative would be lesser GHG emissions—i.e. lesser carbon footprint in thermal power generation.”

⁸ National Green Tribunal. (2015, July 23). Judgement in the matter of *Gaurav Bansal v. Union of India & Ors*, Original Application No. 498/2014.

⁹ National Green Tribunal. (2016, September 2). Judgement in the matter of *Wilfred J v. Ministry of Environment & Forests & Ors*, Application No. 74/2014.

¹⁰ National Green Tribunal (WZ). (2015, October 15). Judgement in the matter of *Ratandeep Rangari v. State of Maharashtra & Ors*, Application No. 19/2014.

- vii. In *Manu Anand v. State of Kerala*¹¹, The Kerala High Court ordered the State Government to formulate a policy on the use of agricultural land for mining purposes, in part on the basis that the Kyoto Protocol “reminds the nation to strive for policies and measures to mitigate the effects of climate change and promote sustainable agriculture.”
- viii. In *Indian Council for Enviro-legal Action v. MoEFCC & Others*¹², the applicant raised the concern regarding the release of HFC-23, which is a by-product of HCFC-22 manufacturing, and that it has serious climatic impacts, particularly related to air pollution. The emission of this by-product has 14,800 times more global warming potential (being a GHG) than CO₂. The applicant, relying upon Articles 47, 48A and 51A(g) of the Constitution of India, along-with the provisions of the Environment (Protection) Act (EP Act), 1986, demanded the regulation on the release of these gases to avert climate change. The NGT classified HFC-23 as an environment pollutant under Section 2(b) of the EP Act. The Tribunal directed the MoEF&CC along with other concerned ministries/ authorities to carry out a data-based study of the units manufacturing HFC-22 in which the resultant by-product is HFC-23, and to provide guidelines and frame a regulatory regime concerning storage, emission and incineration of HFC-23¹³.
- ix. In *Ridhima Pandey v. Union of India*¹⁴, The petitioner argued that the doctrine of public trust, Indian obligations under the Paris Agreement, and existing Indian environmental laws and policies regarding climate change require a major step in reducing climate change. It also argues that the term “nature,” as used in the EP Act (1986), actually includes the weather. The lawsuit was filed in accordance with section 2 (m) of the National Green Tribunal Act, 2010, which authorizes claims that raise an “important environmental question.” In order to address the allegations of climate change now and in the future, the application asked the Court to order the national government to take various measures, including but not limited to climate change, which

¹¹Manu Anand v. State of Kerala, MANU/KE/0461/2016

¹² National Green Tribunal. (2015, December 10). Judgement in the matter of *Indian Council for Enviro-legal Action v. MoEFCC & Ors*, Application No. 170/2014. The applicants sought directions to stop industries manufacturing HCFC-22 (a refrigerant gas) from emitting HFC-23, which is categorized as a GHG under the Kyoto Protocol.

¹³Note on judgement as announced on 10th December 2015. Accessed at https://greentribunal.gov.in/sites/default/files/all_documents/Note_on_Judgments_as_announced_on_10th_December_2015_1.pdf

¹⁴*Ridhima Pandey v. Union of India (A-187/2017)*, Accessed at <http://climatecasechart.com/climate-change-litigation/non-us-case/pandey-v-india/>

is considered to be an environmental impact assessment. a national list of GHG emissions, and the preparation of a national carbon budget where the effects of certain emissions can be assessed. On January 15, 2019, the NGT dismissed the case that climate change was already included in the impact assessment process under the EP Act (1986), therefore, that there is no reason to assume that the Paris Agreement and other international agreements are not reflected in government policies.

- x. **In M/S Singh Timber Traders & Ors v. State of U.P. & Ors.**¹⁵ the government protected the increase in license fees in the wood-based industries because deforestation was the cause of significant GHG emissions. The government has quoted the UN Environment Program's Emissions Gap report on its programs. The High Court of Allahabad found that the license fee was illegal but did not address the issue of climate change.
- xi. In **Hindustan Zinc Ltd. v Rajasthan Electricity Regulatory Commission**¹⁶, the regulation of the State Electricity Regulatory Commission (SERC) which obliged companies to purchase energy generated from renewable sources was challenged (Renewable Commitment Commitments). The SERC defended the decision by relying on the NAPCC and the need to generate "green energy." The Supreme Court upheld the legitimacy of the law and "recognized the great public interest in reducing land pollution and reducing GHGs by promoting renewable energy sources.

CLIMATE RELEVANT LEGISLATION'S IN INDIA

1. The Water (Prevention and Control of Pollution) Act

The Water Act, India's first "natural" law dealing with water pollution and the need to prevent and control it. It was enacted under Section 252 of the Constitution (the common law of two or more Provinces under the head of State) and has an organ of state. This was made necessary because 'water' is a State theme under Schedule Seventh to the Constitution of India (which represented the legislative powers of the Central Government and the Provincial Governments). Because 'water' is the theme of the state, the formation of the Law Center is accompanied by a strong role for States. The role of the Central Pollution Control Board is to

¹⁵M/S Singh Timber Traders & Ors v. State of U.P. & Ors , MANU/UP/2993/2014. <https://indiankanoon.org/doc/112794368/>

¹⁶ Hindustan Zinc Ltd. v Rajasthan Electricity Regulatory Commission, (2015)12 SCC 611 , accesses at <https://www.casemine.com/search/in/Hindustan%20Zinc%20Ltd%28DOT%29%20Vs%28DOT%29%20Rajasthan%20Electricity%20Regulatory%20Commission>

oversee the operations and capacity building of the State Pollution Control Board, to set national standards, and to conduct technical studies. The State pollution control board is the largest institution for designing and enforcing laws. The industrial unit requires a Permit to Establish (CTE) and a Permit to Work (CTO) from the State Pollution Control Board prior to establishing and operating. The State Pollution Control Board has the power to obtain information, take and analyze samples, and the power to enter and inspect. The pollution control board was partially funded by the payment of water use tax by industry and local authorities. This agreement is terminated by the imposition of Property Tax (GST) tax from July 2017. The Central and Provincial Governments will provide operational assets for the Central Pollution Control Board and the State Pollution Control Board respectively. Water Law, the role of the Central Pollution Control Board to coordinate activities and build the capacity of State boards, to set national standards, and to address technical studies. The State Pollution Control Board is a major institution for planning and enforcement¹⁷

2. The Air (Prevention and Control of Pollution) Act

The Air Act, was designed to enforce the commitment of the United Nations Convention on the Environment of Humanity held in Stockholm in June 1972 on air quality improvement and air pollution control. The title of the Bill and the reasons given for the need for a cohesive approach to addressing environmental issues related to pollution. It also organized the central board and the national board to perform functions under the Air Force. ‘Like water’, the Spirit was not explicitly mentioned in any of the Table in Schedule Seven. is referred to in the legislation under the remaining powers of Parliament as set out in Article 248 of the Constitution. As a Water Act, the Air Act provides for Central Government to provide directives to the Central Board, as well as the Central Board and the National Government to provide directives to the State Board. An important tool of the Act is section 19, which allows the State Government to designate areas as “air pollution control” areas, prohibit the use of petrol, or burn other items. Section 20 empowers the State Government to issue a manual to the Registrar of Motor Vehicles in regulation of public control of pollution levels set by the State Board. The State Board may grant permission to establish or operate industries in the area of air pollution control¹⁸.

¹⁷ Water (Prevention and Control of Pollution) Act ,6 (1974) ,accessed at <https://cpcb.nic.in/water-pollution/>

¹⁸ Air (Prevention and Control of Pollution) Act , 14 (1981) ,accessed at <https://cpcb.nic.in/water-pollution/>

3. The Environment (Protection) Act

This act was mandated to “protect and enhance the environment and prevent the spread of harm to humans, other living things, plants and animals.” Section 3 of the Act gives Central Government “the power to take all necessary or appropriate measures to protect and improve the quality of the environment and to prevent and control pollution”. The role of States is not defined; referred to in section 23, which allows for the transfer of power by the Central Government. The Central Government can apply the ban or restriction in the industrial area or continue to operate. This provision has been used to set the requirements for Environmental Impact Assessment in the country. The Central Government has enacted the Environmental Protection Act of 1986 under Sections 6 and 25 which allows for the establishment and enforcement of standards for emissions. There are other laws under the Environmental Law, such as Hazardous Waste Laws, Medical Waste Laws, the Municipality under the General Secretary. Waste Management Laws. The NCR Environmental Authorization (Pollution Control and Control) in 1998 by powers under Sections 5, 10, 11 and 19, as well as monitoring progress on the Vehicle Pollution Action Plan. Ozone Elimination Rules (Regulations and Regulations), 2000. These laws require mandatory registration of manufacturers, retailers, and users of ozone-depleting products such as halons, radons, carbon tetrachloride (CCl₄), and other similar compounds¹⁹.

4. Energy Legislation

The energy legislation consists of Electricity act 2003 and Energy Conservation act 2001.

i. The Electricity Act 2003

The Electricity Act (E-Act) was established to promote India's sick energy sector. The inefficiency and financial inefficiency of the Electricity Board (SEBs), which was formed after Independence to develop the electricity industry, has hampered the country's economic growth. The Act specifically emphasizes the promotion of renewable energy sources and provides for the generation and distribution of rural areas in order to increase renewable energy. Although the Act recognizes environmental concerns as one of its purposes, it does not prescribe any

¹⁹ Environment (Protection) Act ,29(1986) ,accessed at <https://cpcb.nic.in/water-pollution/>

instructions for dealing with this²⁰.

ii. The Energy Conservation Act

This action empowers the Central Government and, in some cases, the Provincial Government to define energy efficiency standards, inform the energy-intensive industries, Establish and set energy efficiency norms and standards for designated consumers, and set energy-saving building codes for effective use. energy and its savings on new commercial buildings with a combined load of 500 kW or a contract need of 600 kVA and above. The ECA was amended in 2010 to increase the range of energy saving practices in buildings and to strengthen the use of energy saving practices in facilities and facilities. The range of commercial buildings in which building codes are used was increased - for those with a connected load of more than 100 kW (previously more than 500 kW), or a contract requirement of more than 120 kVA (previously more than 6000 kVA). The amendment provides a framework by which energy efficiency can be traded between those energy efficient industries, as well as those that use more energy than the government has set²¹.

5. Multiple Forest laws

It includes Forest Conservation Act, Forest Right Act, Mines and Mineral Act, Coal Mine Act. These are discussed below:-

i. The Forest Conservation Act

This act is mandated by forest conservation and related matters. The purpose of deforestation is to improve the quality of life of forest dwellers and to protect forests from natural resources²². Natural resources are a national asset. It is the responsibility of all stakeholders including the Union Government and the Provincial Government to save and not waste these resources. Article 48A of the Indian Constitution requires that the State strive to protect and enhance the environment and to protect the country's forests and wildlife. Under Article 51A, it is the duty

²⁰ Mukherjee, S. and Dhingra, T. (2017). Status of Electricity Act, 2003: A systematic review of literature. *Energy Policy*. Accessed at https://www.researchgate.net/profile/Shilpi_Mukherjee3/publication/311855879_Status_of_Electricity_Act_2003_A_systematic_review_of_literature/links/59f2f3b3458515bfd081f184/Status-of-Electricity-Act-2003-A-systematic-review-of-literature.pdf

Act-2003-A-systematic-review-of-literature.pdf

²¹ Energy Conservation Act (ECA), 52 (2001) , accesses at <https://legislative.gov.in/sites/default/files/A2001-52.pdf>

²² Forest conservation act, 30(1980)Accesses at https://www.indiacode.nic.in/bitstream/123456789/4434/1/forest_conservation_act%2C_1997.pdf

of every citizen to protect and enhance the natural environment including forests, lakes, rivers and wildlife and to be compassionate with living things²³.

- ii. **The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act**, it is also called the Forest Rights Act. This action was mandated to respect the rights of forest communities, as well as to promote their participation in the conservation and management of forests and wildlife. The law sets out 12 forest rights that include the right to live in the forest, to cultivate themselves, and to use small-scale forest products collected traditionally within or outside the boundaries of the village, even in protected areas. Activities such as hunting and fishing are not allowed. An important aspect of the Act was the extension of protected or beneficiaries to include 'other traditional forest dwellers'. To qualify for forest rights under the Act, 'some traditional forest dwellers' must prove that they primarily live and rely on forests or forest areas for their livelihood²⁴.
- iii. **The Mines and Minerals (Development and Regulation) Act**, it was struck at a time when the public sector was the dominant economy. The National Minerals Policy of 1993 emerged soon after the economic downturn marked a change in direction. It sought to encourage private investment in exploration and mining, and the MMDR Act was amended accordingly in 1994, 1999 and 2010. In 2015, the MMDR Act was amended (the accompanying Acts were promulgated) aimed at removing ambiguity and introducing more clarity in the allocation. process. The Department of Mines has set rules and regulations based on environmental integrity in mining operations. It issued the Minerals Conservation and Development Act (MCDR) of 1988 amended in 2011, setting out detailed procedures and procedures to ensure safe and scientific mining, systematic mineral development, conservation and environmental protection. These laws authorize the implementation of the Sustainable Development Framework (SDF) which sets out detailed mining standards for scientific and environmental mines, addressing the social impacts of mining, adopting scientific methods of mining recovery and closure of mining companies. the service provides a star rating (1 to 5 stars) to mining companies on the basis of their performance. In 2017, mining star ratings were made a mandatory requirement. If any mining operation fails to adhere to scientific activities and effective

²³ Writ Petition (Civil) 202 of 1995 titled *T.N. Godavarman Thirumulpad v. Union of India & Ors*, on September 26, 2005,

²⁴ Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2(2007) <https://tribal.nic.in/downloads/FRA/FRAActnRulesBook.pdf>

mining operations do not reach at least four stars within two years of operation, the minister will suspend the license of those companies that violate the law and confiscate their activities. The Indian Bureau of Mines (IBM) is responsible for monitoring compliance. However, climate change is not included as a measurement indicator. In some cases such as mining programs, mining programs, and mine closure plans - it provides the necessary permits and monitors their implementation. IBM officials also conduct inspections / surveys to monitor compliance with MCDR. During the period under review, they also provided guidance to mine workers and officials on scientific mining, including the protection of the mining environment²⁵. The National mineral Policy was published in 2019 with the aim of increasing commodity production by 200 per cent, and reducing trade deficit in the mining sector by 50 per cent over seven years, through financial compensation and simplification of regulatory requirements. However, it also indicates a specific purpose for protecting ecosystems and ensuring the well-being of the people affected by the mines. Most importantly, it proposes the development of a senior ministerial body, under the framework of the Department of Mines, to establish sustainable mining methods²⁶.

iv. Coal mining laws

India's coal mines often fall under the cycle of mining laws - MMDR Act 1957, which distinguishes coal from coal for "hydro carbons energy". It is also considered a 'major mineral' as well as mineral oil, iron ore, copper, zinc and atomic minerals. Coal was originally reserved for the public sector as a whole. This approach was adopted by a specific coal law - the Coal Transport (Acquisition and Development) Act, 1957 (CBAA), and the Coal Mining (Conservation and Development) Act of 1974, which focused on transferring ownership of coal. land to the state, while setting limits on how the state can take ownership of this natural resource. Currently, the sector is organized by the Department's Coal Control Agency. In order to remedy the supply disruption caused by this order, the Coal Mining Act (Special Provisions), 2015 (CMSP Act) sought to allocate coal mines which was declared illegal by the High Court. It describes the auction process, compensation for previous shares, the mining transfer process

²⁵Mines and Minerals (Development and Regulation) Act ,67(1957) , <https://mines.gov.in/writereaddata/UploadFile/MMDR%20Act,1957.pdf>

²⁶ National mineral policy 2019, available at <https://mines.gov.in/writereaddata/Content/NMP12032019.pdf>

and details of the auctioning authorities²⁷.

6. The Disaster Management Act (DM Act)

The Act was partly inspired by the 2004 Indian Ocean Tsunami. He created the National Disaster Management Authority (NDMA), headed by the Premier, the Disaster Management Authorities (SDMAs) led by the Chief Ministers, and the Disaster Management Authorities (DDMAs) led by the Regional Coordinator or District Magistrate or Deputy Commissioner, to lead and implement the process. comprehensive and integrated disaster risk management. The Act has reflected a paradigm shift, ranging from a support-based response to effective prevention, reduction and provision to save development benefits and reduce the loss of life, livelihoods and property. In accordance with the Law's suitability to deal with climate change, the definition of disaster is broad enough - "disaster, catastrophe, catastrophe or catastrophe anywhere, caused by nature or human beings, or by accident or negligence resulting in severe loss of life or suffering or injury, and destruction. , property, or destruction, or environmental degradation, and is beyond the control of the local community". Funding institutions under the Act are also flexible enough to deal with a wide range of risks²⁸.

7. The Compensatory Afforestation Fund Act

The Compensatory Afforestation Fund Act, 2016 formalized CAMPA. It has provided that there will be a National Forestry Compensation Fund at the intermediate level, and a State Forestry Compensation Fund at the state level. Accordingly, there will be a National Compensation Fund Council and a Government Compensation Fund. All payments for compensation forestry, additional compensation tree planting, compensation deforestation, current residual value, water treatment program, and any compliance fee imposed by the Central Government while authorized under the provisions of the FC Ordinance Act (1980), under the Wildlife (Protection) Act (1972), it must be paid into the State Fund, and 10% of it must be transferred to the National Revenue Fund. The Government Fund will be used for artificial rehabilitation (planting), assisted rehabilitation, forest management, forest protection, wildlife-related infrastructure development, wildlife protection and management, the provision

²⁷ PRS Legislative Research. (2020). Bill Summary: The Mineral Laws (Amendment) Bill, 2020. Accessed at https://www.prsindia.org/sites/default/files/bill_files/Bill%20SummaryThe%20Mineral%20Laws%20Amendme nt%20 Bill%202020.pdf

²⁸ Disaster Management Act (DM Act) ,53(2005), <https://cdn.s3waas.gov.in/s365658fde58ab3c2b6e5132a39fae7cb9/uploads/2018/04/2018041720.pdf>

of firewood and other forest products, and other related activities as determined [Compensatory Afforestation Fund Act, 2016]²⁹. The Compensatory Afforestation Rules 2018 sets out appropriate activities, stating that at least 80 percent of the fund will be used for activities such as environmental rehabilitation, regeneration, forestry production, forest and forest protection, pest and disease control in forest, forestry. fire prevention activities, soil conservation and humidity in the forest, voluntary relocation of villages from protected areas, and the development of wildlife habitat as provided for in the official wildlife management program³⁰.

CONCLUSION

Climate change will affect the lives of people all over the world. There are many waste minimization laws from different sectors, there is no comprehensive law that clearly defines the intended waste minimization, which provides steps to be taken to reduce emissions and set a clear timeline for cutting. Even the National Action Plan on Climate Change is not enough. Therefore, there is a need for the establishment of an appropriate institutional framework for the implementation and monitoring of various existing activities and for addressing new challenges.

²⁹Compensatory Afforestation Fund Act, 38(2016) ,<https://www.ukcampa.org.in/Docs/CAMPA%20Act%202016.pdf>

³⁰ Compensatory Afforestation Rules ,2018, <https://thc.nic.in/Central%20Governmental%20Rules/Compensatory%20Afforestation%20Fund%20Rules,%202018.pdf>