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# THE INTERSECTION OF ENVIRONMENTAL LAW AND CLIMATE JUSTICE IN INDIA: A CRITICAL ANALYSIS

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## ABSTRACT

In India, where fast economic growth, industrialization, and population increase have exacerbated environmental difficulties, environmental sustainability and climate justice are urgent concerns. Existing social and economic disparities are made worse by climate change, which disproportionately impacts marginalized groups like farmers, indigenous peoples, and urban slum residents. To include climate considerations into development initiatives, India has put in place a number of policies, such as the State Action Plans on Climate Change (SAPCCs) and the National Action Plan on Climate Change (NAPCC). However, issues still exist because of socioeconomic inequality, resource limitations, and gaps in policy implementation. Public health and biodiversity are further threatened by environmental problems such as waste management, deforestation, and pollution of the air and water. Mechanisms for resolving these issues are provided by the legal framework, which is based on constitutional clauses and environmental laws such as the Wildlife (Protection) Act of 1972 and the Environment (Protection) Act of 1986. Through the National Green Tribunal (NGT) and historic decisions, the judiciary has been instrumental in environmental regulation. Notwithstanding India's dedication to global climate accords and the growth of renewable energy, attaining climate justice necessitates a more intersectional and inclusive strategy that gives vulnerable populations top priority. To ensure sustainability and fair environmental protection in India, it is imperative to strengthen policy enforcement, improve public engagement, and promote climate-resilient development.

**Keywords:** National Green Tribunal (NGT), Environmental law, Marginalized communities,

In India, where the effects of climate change are being felt more and more everywhere, environmental sustainability and climate justice are crucial concerns. India's economy, one of the biggest and fastest-growing in the world, presents several difficulties in striking a balance between social justice, environmental preservation, and economic growth. The nation is becoming more and more aware of the need to combat climate change, as seen by its adherence to the Paris Agreement and its aggressive ambitions for renewable energy. However, because of the intricate interactions between social, economic, and political factors, putting these policies into action can be difficult.<sup>1</sup> Inequalities already present in India are made worse by environmental degradation and climate change, which disproportionately impact vulnerable populations. Natural catastrophes like floods, droughts, and cyclones primarily affect the most vulnerable and impoverished groups, such as farmers, indigenous people, and urban slum dwellers. These communities frequently lack the infrastructure and resources needed to adapt to the effects of climate change, which results in food poverty, relocation, and loss of livelihoods.<sup>2</sup> The necessity of addressing the social aspects of climate change and making sure that climate action is inclusive and fair is one of the most important challenges in the Indian context. To guarantee that vulnerable groups are not left behind, climate justice—which emphasizes the equitable sharing of the costs and benefits of climate change mitigation and adaptation—is crucial. To integrate climate considerations into development policies and programs, India has launched programs like the State Action Plans on Climate Change (SAPCCs) and the National Action Plan on Climate Change (NAPCC). Nonetheless, it is imperative to fortify the execution of these strategies and guarantee that the requirements of the most susceptible groups are given precedence.<sup>3</sup>

Furthermore, attaining environmental sustainability and climate justice in India is made more difficult by the interconnectedness of climate change with other social concerns like gender inequity, caste prejudice, and poverty. Due to their restricted access to resources and lack of decision-making authority, women are disproportionately affected by climate change, even though they frequently shoulder the primary responsibility for household food security and

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<sup>1</sup> Anil Garewal, *India's Vision for Climate Justice: COP28 and Beyond* (Earthood, 2023) <https://www.earthood.in/indias-vision-for-climate-justice-cop28-and-beyond> (accessed 14 May 2024)

<sup>2</sup> Dutta S, Banerjee D, Kundu S, 'Climate Crisis and Climate Justice: Where India Stands?' (editorial team, July 31, 2022) <https://indianresearcher.in/climate-crisis-and-climate-justice-where-india-stands/> (accessed 14 May 2024).

<sup>3</sup> Verma S, 'Environmental Justice in India' (EnterClimate, accessed 14 May 2024) <https://enterclimate.com/blog/environmental-justice-issues-in-india/>.

water management. Similar discrimination prevents vulnerable caste groups from taking advantage of opportunities and resources for resilience and climate adaption.<sup>4</sup>

In the Indian context, a comprehensive approach to climate justice and environmental sustainability is required to solve these issues. The needs of disadvantaged groups should be given top priority in this strategy, which should also encourage social justice and inclusiveness and include climate change into all facets of development planning. Community-based adaptation projects and women's self-help groups are two examples of initiatives that empower marginalized groups and can support sustainable development and help increase resilience to climate change.<sup>5</sup>

Understanding how social, economic, and political injustices are entwined with climate action is essential to addressing environmental sustainability and climate justice in the Indian context. India, a major contributor to greenhouse gas emissions, is particularly vulnerable to climate change due to tremendous inequality, with the richest 1% of the population owning 33% of the nation's wealth. This discrepancy exacerbates climate injustices, resulting in millions of flood-related displacements each year as well as countless deaths from heat waves and other climate-related incidents. These disparities are being brought to light by the nation's youth climate movement, which highlights the necessity of an anti-caste strategy for climate action. Promising strides in the direction of strengthening marginalized communities and achieving climate justice can be seen in state-level initiatives in Tamil Nadu and Kerala that center on agricultural justice and women's land rights. In the Indian setting, where the effects of climate change are becoming more noticeable, environmental sustainability and climate justice are closely related. India faces particular difficulties in striking a balance between social justice, environmental preservation, and economic progress because it is a populous and fast developing country. The nation's abundance of biodiversity and susceptibility to weather-related calamities, including storms, floods, and droughts, highlight the pressing need for climate-resilient policies and sustainable development methods.<sup>6</sup> With the help of programs

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<sup>4</sup> Kashwan P, 'Climate Action and Climate Justice in India' (Revolve Media,2023) <https://revolve.media/features/climate-action-and-justice-india/> (accessed 14 May 2024)

<sup>5</sup> Ghosh N, 'Our Uncommon Future: Intersectionality of Climate Change and SDGs in the Global South' (Observer Research Foundation, 2023) <https://www.orfonline.org/research/our-uncommon-future/> (accessed 14 May 2024).

<sup>6</sup> Greenpeace India, 'A Human Rights Approach to Sustainability and Environmental Justice' (2022) <https://www.greenpeace.org/india/en/story/14113/a-human-rights-approach-to-sustainability-and-environmental-justice/> (accessed 14 May 2024).

like the International Solar Alliance (ISA) and the “National Action Plan on Climate Change (NAPCC)”, India has achieved tremendous progress in combating climate change in recent years. These initiatives show the nation's dedication to lowering greenhouse gas emissions, boosting the capacity of renewable energy sources, and improving climate resilience.<sup>7</sup>

### 3.1. OVERVIEW OF ENVIRONMENTAL ISSUES IN INDIA

India has a wide range of environmental issues that are closely related to its quick industrialization, population increase, and economic development. These problems are multifaceted and include waste management, deforestation, pollution of the air and water, and the effects of climate change. The nation's environmental deterioration has serious ramifications for biodiversity, public health, and the viability of its whole development trajectory.<sup>8</sup>

In India, air pollution is one of the most urgent environmental issues. Delhi and other similar cities sometimes have some of the highest air pollution levels in the world, mostly because of vehicle emissions, industrial activity, and burning of agricultural leftovers. The hazardous air quality in many Indian cities has been brought to the attention of the World Health Organization, which has linked it to cardiovascular and respiratory ailments. The National Clean Air Program (NCAP), one of the government's initiatives, attempts to cut particulate matter (PM) pollution by 20–30% by the year 2024. Pollution levels are still rising, though, and enforcement is still a big problem.<sup>9</sup> Water contamination is yet another serious problem. India's rivers are severely contaminated by sewage, industrial effluents, and agricultural runoff, including the holy Ganges and Yamuna. To combat river pollution, the government has formed the National Green Tribunal (NGT) and several other programs, such as the Namami Gange Program, although progress is sluggish. Overuse of pesticides and fertilizers can contaminate groundwater, which poses a substantial risk to public health in rural regions.<sup>10</sup> The loss of habitat and deforestation are two factors causing biodiversity to decline. There has been a noticeable decline in the amount of forest cover as a result of infrastructure development,

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<sup>7</sup> Wagle P, Philip K, 'Climate Justice is Social Justice: Articulating People's Rights to the City in Mumbai' (2022) <https://journals.sagepub.com/doi/full/10.1177/09562478221113632> (accessed 14 May 2024).

<sup>8</sup> World Health Organization, 'Air Pollution in India: Real-time Air Quality Index Visual Map' (2018) <https://www.who.int/airpollution/data/cities-2018/en/> accessed 16 May 2024.

<sup>9</sup> Ministry of Environment, Forest and Climate Change, 'National Clean Air Programme (NCAP)' (Press Information Bureau, 10 January 2019) <https://pib.gov.in/PressReleasePage.aspx?PRID=1561189> accessed 16 May 2024

<sup>10</sup> National Mission for Clean Ganga, 'Namami Gange Programme' <https://nmcg.nic.in/> accessed 16 May 2024.

urbanization, and agricultural land extension. Although there is a legal framework in place to safeguard forests and wildlife in India thanks to the “Forest Conservation Act of 1980” and “Wildlife Protection Act of 1972”, illegal logging and encroachment still occur. The “Compensatory Afforestation Fund Management and Planning Authority (CAMPA)” is one initiative that aims to improve forest protection, although its implementation is often hindered by bureaucratic obstacles and inadequate oversight.<sup>11</sup>

India has a strong legal framework pertaining to the environment, however there are several obstacles in the way of these laws being implemented effectively. The effective implementation of environmental rules is impeded by inadequate financing, manpower shortages, and lax enforcement, which results in pervasive pollution problems. Through its active involvement in cases involving environmental degradation, the Indian judiciary—especially the Supreme Court—has played a crucial role in environmental protection. The courts have shown initiative by ordering the closure of dangerous operations, requiring the relocation of industries harming the environment, and establishing funds for corrective measures. A further indication of the judiciary's dedication to environmental jurisprudence is the establishment of specialist "green benches" to manage environmental cases effectively.<sup>12</sup> The efficient implementation of rules is severely hampered by the lack of public compliance, fast industrialization, population increase, deforestation, and inadequate environmental education, even in the presence of strong environmental laws. To close the gaps in environmental law enforcement, there is a clear need for increased institutional capacity, better technology resources, and better coordination across implementing agencies.<sup>13</sup> In addition, India's legislative system places a strong emphasis on how crucial it is to balance environmental protection with growth initiatives. Article 48A<sup>14</sup> of the Constitution emphasizes the state's obligation to preserve and improve the environment for both current and future generations. A progressive approach to environmental protection is reflected in the judiciary's interpretation of fundamental rights, which is combined with the Directive Principles of State Policy to provide meaningful relief and remedy in environmental

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<sup>11</sup> Forest Conservation Act 1980 <https://www.indiacode.nic.in/bitstream/123456789/1771/1/A1980-69.pdf> accessed 16 May 2024.

<sup>12</sup> Ministry of Environment, Forest and Climate Change, 'Solid Waste Management Rules, 2016' <http://www.moef.gov.in/sites/default/files/SWM%202016.pdf> accessed 16 May 2024.

<sup>13</sup> Prime Minister's Council on Climate Change, 'National Action Plan on Climate Change (NAPCC)' (2008) [http://moef.gov.in/wp-content/uploads/2018/04/CC\\_ghosh.pdf](http://moef.gov.in/wp-content/uploads/2018/04/CC_ghosh.pdf) accessed 16 May 2024.

<sup>14</sup> Art. 48A Indian Constitution

concerns.<sup>15</sup>

In order to provide a legal analysis of India's environmental problems, it is necessary to examine the nation's particular difficulties. Air pollution is a major problem, especially in cities like Delhi where there are high concentrations of toxins and particle matter that can seriously harm one's health. Although there is a strong legislative framework governing emission limits, pollution control methods, and air quality standards, the implementation of these regulations is frequently inadequate, which results in ongoing problems with the quality of the air. Another serious environmental problem in India is water pollution, which is caused by sewage discharge, industrial effluents, and agricultural runoff into rivers like the Ganges.<sup>16</sup> The Water (Prevention and Control of Pollution) Act and the National Water Policy are two examples of laws that address the issue of water quality standards enforcement, which has an effect on ecosystem sustainability and public health. Illegal logging, encroachment onto forest lands, and unsustainable land use practices all contribute to the urgent concerns of land degradation and deforestation. Although the legislative structure controlling land use planning, biodiversity preservation, and forest conservation tries to address these concerns, resource limitations and competing development agendas frequently make it difficult to apply these laws on the ground.<sup>17</sup>

Additionally, waste management poses a significant environmental challenge in India, with inadequate infrastructure for solid waste disposal, recycling, and hazardous waste treatment. The legal framework on waste management emphasizes the principles of 'polluter pays' and 'extended producer responsibility,' yet the effective implementation and compliance monitoring remain key areas requiring attention and improvement.<sup>18</sup>

### 3.2. CLIMATE CHANGE AND ITS IMPACT ON INDIA

India's numerous ecological systems are under risk due to climate change, including its glaciers,

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<sup>15</sup> Environment Protection Act 1986

[https://www.indiacode.nic.in/handle/123456789/1714?view\\_type=browse&sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/1714?view_type=browse&sam_handle=123456789/1362)  
accessed 16 May 2024

<sup>16</sup> Wagle P, Philip K, 'Climate Justice is Social Justice: Articulating People's Rights to the City in Mumbai' (2022) <https://journals.sagepub.com/doi/full/10.1177/09562478221113632> (accessed 14 May 2024).

<sup>17</sup> Environment Protection Act 1986

[https://www.indiacode.nic.in/handle/123456789/1714?view\\_type=browse&sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/1714?view_type=browse&sam_handle=123456789/1362)  
accessed 16 May 2024

<sup>18</sup> Forest Conservation Act 1980 <https://www.indiacode.nic.in/bitstream/123456789/1771/1/A1980-69.pdf>  
accessed 16 May 2024.

forests, and coastlines. Natural catastrophes including floods, droughts, and heatwaves are becoming more common and severe due to rising temperatures and shifting precipitation patterns. The effects of these occurrences on infrastructure, agriculture, and communities are catastrophic.<sup>19</sup> Since many of India's principal rivers originate from the Himalayan glaciers, the melting of these glaciers is a serious problem. Water shortages brought on by glacier retreat could have an impact on the millions of people who rely on these rivers for drinking and agriculture water.<sup>20</sup> Since many of India's principal rivers originate from the Himalayan glaciers, the melting of these glaciers is a serious problem. Water shortages brought on by glacier retreat could have an impact on the millions of people who rely on these rivers for drinking and agriculture water.<sup>21</sup> India's economy is also suffering from climate change, especially in industries like agriculture, which employs a sizable section of the workforce. Crop yields are declining and agricultural infrastructure is being harmed by shifting weather patterns and an increase in extreme weather events. For farmers and their families, this may result in food insecurity and financial difficulties. Millions of people live in India's coastal cities and villages, which are under threat from rising sea levels and coastal erosion. In certain places, interruptions to business operations and damage to the infrastructure can have serious financial repercussions.<sup>22</sup> There is a disparity in the effects of climate change in Indian society. A disproportionate number of vulnerable groups are impacted, including the impoverished, marginalized communities, and residents of isolated or disaster-prone places. Due to the fact that they frequently shoulder the most burden during times of resource scarcity or natural disasters, women and children are especially vulnerable.<sup>23</sup> Social tensions and inequality already exist, and they are being exacerbated by climate change. Competition among groups for limited resources, such land and water, can cause strife and even violence.<sup>24</sup> India has

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<sup>19</sup> Environment Protection Act 1986

[https://www.indiacode.nic.in/handle/123456789/1714?view\\_type=browse&sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/1714?view_type=browse&sam_handle=123456789/1362) accessed 16 May 2024

<sup>20</sup> Mohanty A., 'India Faces Imminent Challenge from Climate Change, Urgent Action Needed' (India Today, 6 September 2023) <https://www.indiatoday.in/environment/story/india-faces-imminent-challenge-from-climate-change-urgent-action-needed-1998366-2023-09-06> accessed 20 May 2024.

<sup>21</sup> Wildlife Conservation Society, 'IPCC Climate Change Report 2022 and its Implications for India' (Wildlife Conservation Society - India, 2022) <https://india.wcs.org/Newsroom/Blog/ID/15855/IPCC-Climate-Change-Report-2022-and-its-Implications-for-India.aspx> accessed 20 May 2024.

<sup>22</sup> Dr. Rajani Kant Singh, 'Climate Change in India: A Growing Environmental Crisis' (DW, 2023) <https://www.dw.com/en/climate-change-in-india-a-growing-environmental-crisis/a-66129813> accessed 20 May 2024.

<sup>23</sup> Anjal Prakash and others, 'Climate Change and its Impacts on India' (2022) 10(4) *Frontiers in Environmental Science* <https://www.frontiersin.org/articles/10.3389/fenvs.2022.1055203/full> accessed 20 May 2024.

<sup>24</sup> Eeshan Chaturvedi, 'Climate Change Litigation: Indian Perspective' (2021) (Cambridge University Press) <https://www.cambridge.org/core/services/aop-cambridge>

implemented a number of legislative and policy initiatives to combat climate change in recent years. The nation has enacted laws to encourage energy efficiency and lower greenhouse gas emissions, and it has set high goals for the production of renewable energy.<sup>25</sup> Concerns about climate change have also been actively addressed by the Indian judiciary. Based on the fundamental rights to equality and life, the Supreme Court of India acknowledged in a historic ruling in 2024 that Indian residents had a right to be free from the negative consequences of climate change. It is anticipated that this decision will open the door for other climate change lawsuits in India and hold the government responsible for its deeds or lack thereof in tackling the problem.<sup>26</sup>

To address the many and varied issues raised by climate change in India, additional work must be done. All tiers of government, civic society, and the commercial sector must work together to develop effective adaptation and mitigation plans.<sup>27</sup> India faces significant challenges related to climate change, which have far-reaching effects on the nation's ecology, economy, and population. A comprehensive and coordinated strategy that puts the needs of vulnerable populations first and supports sustainable development will be needed to address this challenge. A big step in the right direction has been taken with the recent Supreme Court decision that recognized the right to be free from the negative consequences of climate change. This ruling could result in more successful climate change lawsuits in India.<sup>28</sup> Climate change is a serious concern to India, affecting both the environment and many aspects of daily life. The nation is seeing notable temperature rises, with 2021 ranking among the hottest years on record since 1901. Serious heatwaves have resulted from this, as those that occurred in March 2022 and February 2023, and they pose serious health hazards to vulnerable populations including the elderly and outdoor workers. According to IPCC projections, India's temperature might rise by 1.7–2°C by 2030 and 3.3–4.8°C by 2080 if present emission scenarios continue. Furthermore,

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core/content/view/8776773582C54FE6715472733A8516D4/S2071832221000857a.pdf/climate-change-litigation-indian-perspective.pdf accessed 20 May 2024.

<sup>25</sup> Arindam Basu, 'Climate Change Litigation in India: Seeking a New Approach through the Application of Common Law Principles' (2011) NALSAR Environmental Law Review <http://www.commonlii.org/in/journals/NALSAREnvLawPRw/2011/3.pdf> accessed 20 May 2024.

<sup>26</sup> Express Web Desk, 'How Supreme Court's Verdict on Climate Change Can Push Climate Litigation in India' (Indian Express, 20 May 2024) <https://indianexpress.com/article/explained/explained-climate/supreme-court-climate-change-litigation-9273166/> accessed 20 May 2024.

<sup>27</sup> Mohanty A., 'India Faces Imminent Challenge from Climate Change, Urgent Action Needed' (India Today, 6 September 2023) <https://www.indiatoday.in/environment/story/india-faces-imminent-challenge-from-climate-change-urgent-action-needed-1998366-2023-09-06> accessed 20 May 2024.

<sup>28</sup> Wildlife Conservation Society, 'IPCC Climate Change Report 2022 and its Implications for India' (Wildlife Conservation Society - India, 2022) <https://india.wcs.org/Newsroom/Blog/ID/15855/IPCC-Climate-Change-Report-2022-and-its-Implications-for-India.aspx> accessed 20 May 2024.



the monsoon patterns—which provide roughly 70% of India's yearly rainfall and are essential to agriculture—are growing more unpredictable. Food and water security have been negatively impacted by the frequent and severe flooding and droughts brought on by this variability.<sup>29</sup> More than 40% of Indian workers are employed in agriculture, which is especially vulnerable given the recent droughts that have hit key rice-producing states like Uttar Pradesh and Bihar and the floods that has affected other areas like Kerala in 2018 and Uttarakhand in 2013. Water resources are also under threat because crop yields are impacted by water scarcity brought on by altered precipitation patterns and increased evaporation rates. Extreme weather events including heatwaves, floods, and cyclones are occurring more frequently and with greater intensity. Cyclones bring strong winds and heavy rain, which causes significant coastal flooding and destruction. The frequency of flash floods and landslides has increased, resulting in significant loss of life and property damage. India saw extreme weather occurrences on 314 days in 2022 alone, which led to nearly 3,000 fatalities and large financial damages.<sup>30</sup>

Serious health hazards are posed by heatwaves and poor air quality, particularly in metropolitan locations where infrastructure and dense population make heat stress and related health problems worse. Climate change has a significant economic impact, as seen by the disruptions in agriculture that impact food prices and supply chains, as well as the burden that extreme weather events place on public resources. Socially and economically disadvantaged groups are disproportionately affected by climate change because they lack the resources to effectively adapt to and recover from it. As stated in the National Action Plan on Climate Change (NAPCC), India has committed to lowering its carbon emissions and strengthening its resistance to the effects of climate change. It is imperative to implement adaptation techniques, such as strengthening urban planning to withstand the effects of climate change, encouraging sustainable farming practices, and developing early warning systems for extreme weather.<sup>31</sup> To ensure food security and manage water resources efficiently, investments in drought-resistant crops, proper irrigation, and water conservation are essential. While India is making efforts to

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<sup>29</sup> Wildlife Conservation Society, 'IPCC Climate Change Report 2022 and its Implications for India' (Wildlife Conservation Society - India, 2022) <https://india.wcs.org/Newsroom/Blog/ID/15855/IPCC-Climate-Change-Report-2022-and-its-Implications-for-India.aspx> accessed 20 May 2024.

<sup>30</sup> Mohanty A., 'India Faces Imminent Challenge from Climate Change, Urgent Action Needed' (India Today, 6 September 2023) <https://www.indiatoday.in/environment/story/india-faces-imminent-challenge-from-climate-change-urgent-action-needed-1998366-2023-09-06> accessed 20 May 2024.

<sup>31</sup> Wildlife Conservation Society, 'IPCC Climate Change Report 2022 and its Implications for India' (Wildlife Conservation Society - India, 2022) <https://india.wcs.org/Newsroom/Blog/ID/15855/IPCC-Climate-Change-Report-2022-and-its-Implications-for-India.aspx> accessed 20 May 2024.

lessen and adjust to these effects, strong and swift action is needed to protect its future.<sup>32</sup>

### 3.3. LEGAL AND POLICY FRAMEWORK FOR ENVIRONMENTAL PROTECTION

The framework of laws and policies pertaining to environmental preservation is essential to maintaining the sustainability of our planet. It entails creating and carrying out laws, rules, and policies with the goals of preventing pollution of the environment, safeguarding natural resources, and advancing sustainable development. In order to solve the environmental issues that we currently confront, such as pollution, deforestation, and climate change, this paradigm is crucial.<sup>33</sup> India's strong and diverse legal and policy framework for environmental preservation reflects the nation's dedication to natural resource conservation and sustainable development. The framework aims to solve a variety of environmental concerns, from pollution management to biodiversity protection, and is based on a foundation of constitutional provisions, national legislation, regulatory organizations, and international obligations.<sup>34</sup> The state is required by Article 48A of the Directive Principles of State Policy to preserve and enhance the environment, as well as to conserve forests and wildlife. Furthermore, residents have a fundamental obligation under Article 51A(g) to preserve and enhance the natural environment, which includes rivers, lakes, forests, and wildlife. The main legislative foundation for environmental preservation in India is provided by these constitutional obligations.<sup>35</sup> The Environment (Protection) Act of 1986,<sup>36</sup> which gives the central government wide jurisdiction to control all types of environmental pollution and set standards for the quality of the air, water, and soil, is the cornerstone of environmental law in India. The Hazardous Waste Management Rules, the Biomedical Waste Management Rules, and the Coastal Regulation Zone (CRZ) Notification are only a few of the rules and regulations that have been issued within the general authority of this Act. Other important legislative tools, such as the Air (Prevention and Control of Pollution) Act of 1981<sup>37</sup> and the Water (Prevention and Control

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<sup>32</sup> Wildlife Conservation Society, 'IPCC Climate Change Report 2022 and its Implications for India' (Wildlife Conservation Society - India, 2022) <https://india.wcs.org/Newsroom/Blog/ID/15855/IPCC-Climate-Change-Report-2022-and-its-Implications-for-India.aspx> accessed 20 May 2024.

<sup>33</sup> WWF India, The Legal and Regulatory Framework for Environmental Protection in India (WWF India) [https://wwfin.awsassets.panda.org/downloads/legal\\_regulatory\\_framework.pdf](https://wwfin.awsassets.panda.org/downloads/legal_regulatory_framework.pdf) accessed 26 May 2024.

<sup>34</sup> Sunidhi, 'Legal Framework in India To Protect The Environment' (iPleaders, 8 February 2020) <https://blog.ipleaders.in/legal-framework-india-protect-environment/> accessed 26 May 2024.

<sup>35</sup> National Green Tribunal, Website of the National Green Tribunal, Government of India <https://greentribunal.gov.in/> accessed 26 May 2024.

<sup>36</sup> Environmental Protection Act, 1986

<sup>37</sup> Air Prevention and Control of Pollution Act, 1981

of Pollution) Act of 1974,<sup>38</sup> supplement the Environment (Protection) Act. Another important piece of law to protect biodiversity is the Wildlife (Protection) Act of 1972.<sup>39</sup> It establishes severe penalties for poaching and wildlife trafficking and allows for the establishment of protected areas like as national parks, wildlife sanctuaries, and biosphere reserves. To ensure that forest conservation is prioritized, the Forest (Conservation) Act of 1980<sup>40</sup> regulates the diversion of forest land for non-forest activities, which is a further complement to this. India's regulatory framework enjoys the backing of multiple influential institutions. The highest body in charge of creating environmental policies, directing their execution, and liaising with state governments and other relevant parties is the Ministry of Environment, Forests, and Climate Change (MoEFCC). The CPCB and SPCBs are essential for monitoring environmental quality, enforcing laws, and providing advice to the government on policy matters.<sup>41</sup> Information accessibility and public involvement are essential components of India's environmental governance. By granting citizens access to information held by public bodies, the Right to Information (RTI) Act of 2005<sup>42</sup> encourages accountability and transparency in environmental decision-making. Furthermore, a specialized forum for the quick resolution of environmental issues is offered by the National Green Tribunal (NGT), which was founded in accordance with the National Green Tribunal Act of 2010.<sup>43</sup> Enforcing environmental regulations and making sure that development projects don't jeopardize the integrity of the environment have been key functions of the NGT. India's international obligations also influence the country's environmental policy framework. India synchronizes its national policies with international environmental objectives as a signatory to multiple multilateral environmental agreements (MEAs), such as the Paris Agreement, the Convention on Biological Diversity (CBD), and the United Nations Framework Convention on Climate Change (UNFCCC). In India, for example, the National Action Plan on Climate Change (NAPCC) describes plans for mitigating and adapting to climate change through programs like the National Mission for Green India and the National Solar Mission.<sup>44</sup> In India, the use of market-based procedures and economic tools to advance environmental sustainability is growing. Through the exchange of energy savings

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<sup>38</sup> Water Prevention and Control of Pollution Act, 1981

<sup>39</sup> Wildlife (Protection) Act of 1972

<sup>40</sup> Forest Conservation Act, 1980

<sup>41</sup> Ministry of Environment, Forest and Climate Change, Website of the Ministry of Environment, Forest and Climate Change, Government of India <https://moef.gov.in/> accessed 26 May 2024.

<sup>42</sup> Right to Information Act, 2005

<sup>43</sup> National Green Tribunal, Website of the National Green Tribunal, Government of India <https://greentribunal.gov.in/> accessed 26 May 2024.

<sup>44</sup> Central Pollution Control Board, Website of the Central Pollution Control Board, Government of India <https://cpcb.nic.in/> accessed 26 May 2024.

certificates, the Perform, Achieve, and Trade (PAT) program of the National Mission for Enhanced Energy Efficiency (NMEEE) encourages the enhancement of energy efficiency in energy-intensive enterprises. In a similar vein, the Clean Energy Cessation on coal seeks to raise funds for the development of renewable energy sources and clean energy initiatives.<sup>45</sup> Administrative and policy frameworks, in addition to legal frameworks, are crucial for protecting the environment. The protocols and directions for carrying out environmental laws and regulations are provided by these frameworks. For instance, Belize's policy framework is predicated on the necessity of pursuing sustainable development and adopting an integrated approach to environmental management. To control and manage natural resources, the government has set up a number of institutions, such as the Department of Environment, the Coastal Zone Management Authority and Institute, and the Department of Fisheries. These organizations are in charge of making sure that development operations abide by environmental laws and rules.<sup>46</sup>

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<sup>45</sup> Sunidhi, 'Legal Framework in India To Protect The Environment' (iPleaders, 8 February 2020) <https://blog.iplayers.in/legal-framework-india-protect-environment/> accessed 26 May 2024.

<sup>46</sup> WWF India, The Legal and Regulatory Framework for Environmental Protection in India (WWF India) [https://wwfin.awsassets.panda.org/downloads/legal\\_\\_\\_regulatory\\_framework.pdf](https://wwfin.awsassets.panda.org/downloads/legal___regulatory_framework.pdf) accessed 26 May 2024.