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# Formulating Comprehensive Climate Change Litigation Guidelines for India: Addressing Environmental Challenges and Ensuring Accountability (April 2025)

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**ABSTRACT** Climate change litigation is emerging as one of the vital tools in India and the world over, through which multifaceted challenges created by climate change, especially on a rising scale, such as in India, could be handled with the current increasing challenges in terms of increased temperature, floods, and droughts. It goes further to bridge gaps in regulations by the requirement for accountability both among the public and private sectors. This paper explores the changing landscape of climate change litigation in India through integrating principles such as environmental justice, sustainable development, and the public trust doctrine into judicial decision-making. Here, the judiciary plays a central role in compensating for legislative deficiencies, such as a unified climate change law, which India does not have while keeping its domestic legal framework aligned with international commitments such as the Paris Agreement. The judiciary has recognised the rights to climate change through Articles 14 and 21 of the Indian Constitution as an example for balancing the pursuit of environmental preservation with economic development. This research uses doctrinal legal analysis and draws comparative insights from landmark international cases and key litigation in the United States. The study identifies key challenges to effective climate litigation in India, which include fragmented regulatory frameworks, lack of access to justice for marginalized communities, and limited mechanisms to hold corporations and governments accountable for climate-related harm. The paper suggests that foundational legal principles such as the polluter pays and precautionary principles be codified; institutional capacities be enhanced, and human rights be embedded into the strategies of climate litigation. It draws on global best practices to advocate for specialized environmental courts and participatory governance frameworks to create a coherent legal system that supports both climate justice and sustainable development. In conclusion, the study stresses the urgent need for comprehensive climate litigation guidelines to strengthen environmental governance, promote equity, and secure a sustainable future for India.

**INDEX TERMS** Climate Change Litigation, Environmental Justice, Sustainable Development, Public Trust Doctrine, Judicial Accountability

## I. INTRODUCTION

“Litigation related to climate change has become a powerful tool in addressing the global environmental crisis, and this is particularly relevant in the context of India. The country, home to nearly 20% of the world’s population but occupying only 2.4% of the Earth’s land area, is highly vulnerable to climate change. India is rich in biodiversity, hosting over 45,000 plant species and 91,000 animal species. The health of its ecosystems is closely tied to global climate efforts. With more than 650 million people reliant on climate-sensitive sectors such as agriculture and forestry for their livelihoods, India faces significant risks from climate change.”

Climate projections suggest that temperatures in the northern regions of India could increase by 2 to 4 degrees Celsius, while the southern parts might experience a rise of over 4 degrees by the 2050s. This means that the decisions made by India’s judiciary in climate-related cases have implications not only for the nation but for the global community. Unlike typical lawsuits, strategic climate litigation aims to achieve systemic change, addressing legal and social issues on a broader scale. A notable example of this approach is ‘the case of Urgenda Foundation v. The Netherlands’, where the Dutch courts mandated ‘Royal Dutch Shell to reduce its carbon emissions by 45% by 2030’. This case demonstrates how the consequences of climate change are impacting

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governments, citizens, and the private sector worldwide, underscoring the need for robust legal action.

This paper aims to analyse how judicial activism has contributed to the growth of environmental law in India. For example, the NGT has entertained more than 15,000 cases in the last five years, which proves its concern towards environmental issues. Thus, the constitutional right to the health environment was recognized by the Supreme Court under Article 21 in the \*Rural Litigation and Entitlement Kendra, UP v. Union of India\* case in 1988. This case puts to light how much the judiciary cares for the environment. Another is the case of 2024 in the conservation of Great Indian Bustard wherein the judiciary tries to strike the fine line between power generation and wildlife conservation it's challenges and complexities of climate change. However, much more remains to be done in relation to advancing. Increasing trends of climate change litigation in India depicts the growing sensitivity and risk faced by affected communities whose economy is depending upon climate-sensitive occupations and hereby supporting the need to tackle the question of environmental management holistically.

This research paper discusses the problems of climate litigation in India, outlines the changes in the role of judiciary and discusses the system and contextual factors constituting the judgments. It ends with a debate on which these challenges can be solved through youth participation, administrative changes and increased commitment to environmental democracy. Climate change litigation is not a legal concern that is peripheral to society; it is a battlespace that can either shape India's ecological and human destiny.

## **Theoretical Framework and Challenges in Climate Change Litigation in India**

### **1.Key Legal Principles and Their Evolving Role in Climate Litigation**

#### **Environmental Justice, Sustainable Development, and Public Trust Doctrine**

Environmental justice ensures that all citizens, including minorities and vulnerable groups, receive equal protection against the negative impacts of industrialization, deforestation, and pollution of natural resources. 'The judiciary plays a crucial role in upholding environmental justice and fostering societal development, as demonstrated by the case MC Mehta v. Union of India, which safeguards marginalized communities and promotes environmentally responsible practices.

Sustainable development emphasizes progress in ways that do not jeopardize the resources or well-being of future generations. It aligns with constitutional provisions such as Article 21, guaranteeing the Right to Life, and Article 48-A, which calls for the protection of the environment. Notable cases like Vellore Citizens' Welfare Forum v. Vellore Urban Improvement Trust have emphasized the application of the precautionary principle to foster sustainability and environmental protection. This principle asserts that the government is a trustee of natural resources and must protect and preserve them for the public and future generations'.<sup>1</sup>

### **a) 2 Role of Int. Environmental Law in Shaping Domestic Legal Frameworks**

Principles, norms and obligations; international agreements and treaties, provided principles for national government to establish policies in line with the International Standards. These interactions help in ensuring that solution-oriented responses to many critical environmental problems are channeled appropriately. The principles made from known agreements include polluter pays principle, precautionary principle, as well as CBDR as enshrined in the Rio Declaration of 1992. The CBDR principle for example identifies that states have different abilities to address environmental problems calling on the developed countries to take more responsibility whilst allowing the developing countries to implement steps at their own rate.

Multilateral agreements including but not limited to (2015 Paris Climate Agreement), put in place legally binding guidelines and long-term goals for managing emission of greenhouse gases at the national level. It focuses on NDCs which makes each country to have policies on emissions reduction, renewable energy, and climate change. Reporting keeps one on their toes and ensures that information is shared from time to time. This has led to the mainstreaming of climate in domestic laws including India's Energy Conservation Act 2020 and the EU Green Deal to name but a few. International environmental law also has considerable contribution in environmental litigation. Basically, to understand some provisions of the domestic laws, courts use international conventions. For example, it was applied in Urgenda Foundation v. Netherlands, the principle of intergenerational equity, set down in the Stockholm Declaration (1972). State of the Netherlands was the subject of the case in which the Dutch Supreme Court required more ambitious Dutch climate policies given the country's global climate pledges.<sup>2</sup>

In addition, other instruments such as the CBD and the Ramsar conservation of Wetlands promote coordination of policy across the countries. This has made the governments of various nations to establish national parks, marine protected areas and stiff EIA measures. To build up the compliance with IEL domestic regimes should mainstream international commitments, bringing them into tangible rules like carbon price or cap-and-trade systems. Creating awareness for the institutions and stakeholders, as well as the judiciary and policy makers is critical for adoption of the reforms. Judicial systems should, nevertheless, turn to international standards even where treaties are not domesticated, so as to arrive at generous construals of environmental rights. The laws also have to provide for procedural participation in environmental decision taking, this is based on the provisions of the Aarhus Convention while monitoring mechanisms have to be put in place to ensure that the laws are implemented to the optimum of international standards.

### **Codification of Key Principles:**

‘The legal framework for climate change litigation should incorporate widely recognized principles, such as the polluter pays principle, the precautionary principle, and intergenerational equity. These principles offer a robust ethical and legal foundation for addressing the challenges posed by climate change.’

‘The polluter pays principle is straightforward yet impactful: it asserts that those responsible for pollution should bear the costs associated with preventing or rectifying the harm they have caused. This principle ensures accountability by holding polluters financially responsible for managing the environmental and public health consequences of their actions. As a fundamental element of environmental law globally, it provides a clear standard for compensating damages caused by pollution. When effectively implemented, this principle fosters fairness and encourages responsible behavior among individuals and industries, contributing to a cleaner, more sustainable environment.’<sup>3</sup>

In the struggle against climate change, people and the societies main culprits have been resorting GHG to emissions legal answer case actions for their Lliuya make actions. One German RWE of energy AG the company where examples is farmer that claimed from Peru , he brought a money case so against effects gases. that a of harm This he climate they case could change of are shows protect which climate causing that his were change to people hometown being litigation the are from caused because environment. now the by it seeking the requires The legal said preventive precautionary remedies company and principle to that anticipatory is force was measures one companies a in of to

major cases the stresses be emitter of most climate and the held of scientific important forms change risk need responsible greenhouse risk. principles, the cases, management. For This basis this Through address the principle for principle the possible actions has application from environmental that been of impacts damage are frequently the of beforehand, put used precautionary climate irrespective in by principle, change. of place the risk to courts is availability to prevent harm, justify and concrete to strict scientific policies in proof. environment on turn In and emission the reductions affected communities .<sup>4</sup>

### **b) Challenges in Climate Change Litigation in India**

c) ‘Climate change litigation has become an effective means of combating the global environmental problem, still the strategy faces many difficulties especially in the Indian context. These difficulties are diverse bearing in mind that it consists of the conflict between the private and public nuisance, lack of scientific input and the issues relating to reasonable accommodation between economic development on one hand and protection of the environment on the other.’

### **d) The Dichotomy of Private and Public Nuisance**

e) It was identified that one of the biggest problems of climate litigation is the conflict between private and public nuisance actions. The vast majority of climate cases are litigation claims for private nuisances against individual polluters. Even when these cases are one-off complaints, climate change on the other hand is an issue of systemic impact affecting the entire fabric of society. Therefore, managing climate change as the public nuisance where it is considered holistically better suits to address these broader problems. However, the passage from private to public nuisance in a litigation process is problematic. The *Macquarie v. Hodgson* case. In this case, the court dismissed defendants from public nuisance liability due to the legal impossibility of substantiating culpability for carbon dioxide emissions that are colorless and odorless and virtually immobile.

### **f) Lack of Scientific Infrastructure**

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g) Science is commonly used in climate litigation to support allegations of causation and estimating damage, but this system is still embryonic in India. This gap further hinders the judiciary's ability of delivering considered decisions which are research backed. Unfortunately, given the adoption of common law theories in the Indian judicial system, even while it has yielded certain benefits it continues to provide no real way to transfer the essence of legal concepts to scientific facts. Based on these elements, when there is no logical connection between them, it is difficult to define clear legal framework rules in climate-related cases. This vacuum reduces the judiciary's ability to respond adequately to the multiple and profound consequences for climate change.

**h) Balancing Development and Environmental Protection**

Environmental clearance and forest clearance are the two key social policies that have emerged as critical battle grounds for the contestation of these competing interests. But the judiciary has most of the time put development over the environment a concern, as seen in cases like Narmada Bachao Andolan. The case when locals turned to the Supreme Court for making changes to the Sardar Sarovar Dam Height based on environmental impacts. The court, however, allowed construction of the dam that it stated would not lead to an ecological catastrophe. This rationalizing which the court provided, by referring to the cultural history of Dam construction in India, amounts to a somewhat selective valuing of the environment; one that turns the clock for the sake of development. This is further discouraged by recent regulations like the privatization of coal extraction and sales under the present Modi government. However, even given the expected rise in carbon emissions, the government has rationalized such policies on the basis of the need for energy security.

**Exclusionary Conservation**

India's environmental governance is marked by two competing strains of environmentalism: participation conservation, which aims at attempting to conserve not only the environment but also with the social justice of the people's rights as well as the exclusionary conservation that puts a pale on the environment together with the rights of the affected persons. The judiciary's shifting from one approach to the other has therefore

compounded other challenges in climate litigation. This conflict is well illustrated with the on-going case which seeks to quash the constitutional legality of the Forest Rights Act, 2006. The following case of a recent order by the Supreme Court to evict forest-dwelling communities whose rights claims were dismissed is a classic example of the adversarial nature of these struggles. The notion of compensatory afforestation, which falls under exclusionary conservation practices, have addressed social prejudice by displacing indigenous people. This strain of environmentalism defines climate change discourses within the context of forests while excluding the rights of forest peoples.<sup>5</sup>

**i) Judicial Constraints and Policy Implications**

While some courts have been actively preventive in some aspects for instance by halting mining in Western and Eastern Ghats as bio hot zones, others have not been very assertive. These disparities point to a wide range of systematic factors, including political and economical factors. This factor is due to the Modi administration liberal reform agenda for production that began with the deregulation of the economy that has led to the sidelining of ecological benefits. These kinds of policies include support for coal mining projects and inter-linking rivers. The limited role played by the judiciary in these areas highlights the difficulties that exist in achieving the harmonisation of legal results with the goals of environmental stewardship in a developmental-oriented environment.

These challenges are made worse by the judiciary's selective approach and the preeminence of exclusionary conservation. Solutions to these challenges must involve improvements in scientific knowledge, constructiveness of an integrated set of laws, and sustainable involvement of all persons in environmental management. On this basis climate litigation can only play a part in attenuating the serious and multiple consequences of climate change.

**2) International Insights:**

The landscape of climate change litigation in Australia has evolved significantly, reflecting an increasing recognition that legal frameworks should address climate-related concerns. This shift underscores the growing awareness of how litigation can influence environmental policy and governance. A closer examination highlights that climate change litigation in Australia functions not only as a tool for accountability but also as a driver of wider societal involvement in climate issues. One of the key aspects of such

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litigation is its ability to highlight the links between industrial activities, such as coal mining, and climate change. It also demonstrates how strategic legal action can challenge existing power structures, prompting industries and governments to recognize the importance of interlining climate change mitigation into policy and law.<sup>6</sup> This interplay between legal action and public discourse is further emphasized by Konkes et al., who discuss how media coverage of environmental conflicts reflects and influences the discursive struggles surrounding climate change, thereby reinforcing the interconnectedness of courts, activism, and industry .

This link is critical in establishing public understanding of climate issues, as it will make the efforts of climate litigation more legitimate and impactful. In addition, the rise in climate-related disasters in Australia, as reported by Tranter et al., has called for urgent action on the part of everyone, and the relevance of climate litigation as a policy driver is thus reinforced. A positive analysis of Australian climate change litigation sheds light on its complex functions of climate change governance. Climate litigation was therefore found to be a way of seeking to enforce accountability of industries and at the same time seeking to catalyse a society/people power intervention or a legal one in nature of seeking to develop a legal solution to the climate change problem. It is for this reason that this approach reaffirms the possibility of legal action in effecting radical changes to climate change policies and practices placing litigation at the center of climate governance.<sup>7</sup>

‘In January 2023, Chile and Colombia sought an advisory opinion from the Inter-American Court of Human Rights (IACtHR) to shed light on state responsibilities regarding climate change under international human rights law. The request emphasizes the need for responses grounded in fairness, justice, cooperation, and sustainability, all viewed through a human rights perspective. This effort highlights the growing acknowledgment of the close connection between human rights and environmental protection, advocating for legal frameworks that tackle climate challenges while safeguarding essential human rights.’<sup>8</sup>

The article "Constituting leadership via policy: Sweden as a pioneer of climate change mitigation" examines Sweden's proactive approach to climate change mitigation. Sweden's strategy emphasizes stringent regulations and early adoption of eco-innovations, aiming to harmonize economic growth with environmental sustainability. This 'lead-by-example' approach has led to significant reductions in emissions and increased use of renewable energy sources. However, challenges remain, particularly concerning the

competitiveness of energy-intensive industries and ongoing debates about nuclear power's role in Sweden's energy mix. Despite these challenges, Sweden's policies serve as a positive model for integrating environmental considerations into national policy frameworks.<sup>9</sup>

The article "Climate Protection for Migration Prevention: Comparison of Policy Discourses on Climate Change and Migration in Austria, Germany, Denmark, and Sweden" does not specifically deal with climate change litigation guidelines. However, it is valuable in the sense that it gives an insight into how various countries frame the relationship between climate change and migration within their policy discourses. An understanding of such policy frameworks informs the effective strategy and planning of litigation that makes clear how climate protection must form a part of any preventative migration pressures. With such comparative approaches from Austria, Germany, Denmark, and Sweden, the article suggests comprehensive policies dealing with both mitigation aspects of climate change and the socio-economic impacts thereof in an effort to create strong guidelines for litigation, towards ensuring enforcement of climate protection and preventing climate-induced displacement.<sup>10</sup>

Climate Changing Litigation: Comparative and International Perspectives Report This thoughtful analysis of the world's changing legal systems as they attempt to address climate change reveals growing dependence on mechanisms through legal instruments to bring governments and companies into environmental accountability, with a need for greater commitments on climate. The report highlights the transformative power of strategic litigation in changing policy, promoting transparency, and demanding accountability through analyzing case studies from many countries. It also emphasizes the critical role domestic courts can play in interpreting international climate obligations, as well as enforcing environmental standards and pushing for even more aggressive climate actions. The report examines how individuals and organizations have used the law to challenge insufficient climate efforts by governments and businesses. Through these cases, it becomes clear that litigation has become a powerful tool for advancing climate advocacy, leading to policy reforms and greater corporate responsibility. It also explores the evolving influence of international bodies and treaties in addressing the global nature of climate change, as well as the legal responsibilities of both states and corporations. One of the key insights emerging from the report is about the strategic use of litigation to shape the behavior and influence decisions. Thus, legal action is presented as a means to advocate environmental justice, compel compliance with climate obligations, and drive systemic change. The report makes these recommendations based on

these findings. Strengthening domestic and international legal frameworks is seen as a necessity to make them capable of addressing emerging environmental challenges. It also places much importance on strategic litigation as a means of holding entities liable and advocating for sustainable policies. There is also a need for international cooperation in harmonizing climate laws to achieve an integrated global response. Finally, the report calls for involving all other stakeholders, such as governments, corporations, civil society, and local communities, in the discussion on climate litigation and solutions to ensure a more holistic approach that is inclusive. With these recommendations, embracing can help stakeholders realize their latent potential in climate litigation in enforcing environmental standards, encouraging sustainable practices, and contributing to a coordinated global effort against climate change.<sup>11</sup>

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### **The Landmark M.K. Ranjitsinh Judgment: A Turning Point**

#### **a) Key Facts of the Case**

3) Important information about the survival of the Great Indian Bustard (GIB), a species currently considered critically endangered. The Indian redshank, a bird native to India, has seen its numbers plummet due to high voltage flying into its habitat in the states of Rajasthan and Gujarat. However, in 2021, the Supreme Court of India took a significant step by directing that all electricity must pass through these addresses to ensure the safety of the GIBs. However, there are some problems with this decision; buried power will rapidly weaken the city in terms of solar energy use, otherwise things will not work. The solar power plants in Gujarat and Rajasthan are important for India's climate goals, which is why the government wants to change the 2021 order.

4)

5) This issue is a big concern towards conservation of biological diversity, tackling climate change and development of a sustainable economy. This integration of elements is arguably grounded on the Constitution of India especially Article 14, on equality and Article 21 on right to life. In its judgment, the Court underlined the connection between climatic change, human beings' rights, and sustainable development. That environmental decline and climate change issues are putting into peril core human rights such as the right to life, health, shelter, and cultural integrity. PARIS was acknowledged as the key agreement in combating climate change that also considered incorporating human rights principles into the exercise. But the Court also noticed that reliance solely on the current energy policies is not sufficient, and hinders attaining energy security.

Although the Court also highlighted the importance of the EPA, 1986 as well as NGTA, 2010 the Court also underlined the indispensable need of more legislation to combat the unfavourable effects of climate change.

6) This decision is an important wake-up call for leaders of the world on climate change as a legally ingrained challenge, reflecting on legal concerns and emerging in harmony with global legal systems. It has its correlation with the ECHR case of *\*Verin v. Citizen*, which understood the responsibility to protect individual rights in relation to climate change. Equally, the UN Human Rights Committee has called for the necessity for evaluation of the implications of climate change on the right to life and other rights. Also, New Zealand has been among the countries reporting its climate change legislation to the Court of Human Rights, and this is enough indication into how this has been recognized in the international markets. Due to the protection of these rights, states have the responsibility of minimizing environmental degradation, for instance preventing natural disasters in their territories.

7)

8) Mr. Congressman Ranjitsinh's judgment aligns itself with the concept of climate justice and human rights. It therefore helps the Indian people and enforces the stance of the nation to abide by the international order. The court reiterates the importance of a healthy environment and the importance of biodiversity that it needs to be protected; such objectives that would complement those of sustainable development are not to be mutually contradictory. It is based on the legal principles of proportionality and necessity, central to achieving ecological goals.

9)

10) To balance this issue, the Court established an expert group to examine the possibility of underground power lines, as well as other options that overlap with some areas, such as construction support and decision-making. An important aspect of this decision is that it shifts the discussion on climate change from environmental and development issues to human rights. In the absence of exceptions, we have a responsibility to protect people's ability to adapt to these changes, and the right and responsibility of Aboriginal people to protect themselves. Protect against displacement and extreme weather. Both differed in the court's approach based on international standards such as human rights, as the Paris Agreement prohibits discrimination against others. Climate change is devastating and provides a legal framework to address future climate, environmental and climate justice issues. But more importantly, the Court now recognizes "climate law" and therefore applies "laws related to the impacts of climate change" under Articles 14 and 21 of the Indian Constitution to enact them in India.

11) Furthermore, the court's direction on climate legislation will speed up the legislative process and address inequality

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in India. Climate policy is at stake. He also stressed that this action includes the integration of climate justice, human rights, biodiversity conservation and sustainable development. This promotes the sound management of climate challenges and ensures that stakeholders are properly taken into account.

### **Recommendations and Comparative Insights for Climate Change Litigation Guidelines**

Incorporating these principles into climate change litigation frameworks enhances accountability, promotes proactive environmental protection, and safeguards the rights and interests of both current and future generations.

### **Recent Judgments Highlighting International Accountability:**

Climate change is increasingly impacting the decisions made by Australian courts. One example is the Gloucester Resources Limited v. Minister for Planning, which in 2019 had the New South Wales Land and Environment Court deny a proposed coal mine's approval while underlining that it significantly contributes to climate change. The court has carefully weighed environmental risks against economic benefits and, in so doing, set an important precedent for the inclusion of climate change considerations in legal and planning determinations. The judgment reflects a trend of prioritizing environmental sustainability over economic considerations in regulatory and policy decisions.<sup>12</sup>

These cases demonstrate the varied legal approaches adopted by different jurisdictions to tackle climate change, showcasing an increasing acknowledgment of the judiciary's role in promoting environmental responsibility. They also bring attention to the difficulties encountered by individuals displaced by climate change, especially in gaining legal recognition and protection. Advocates argue that existing legal frameworks are insufficient to address the distinctive challenges of climate-induced displacement, highlighting the urgency for reforms to provide more effective safeguards for impacted communities.<sup>13</sup>

The judiciary's role in addressing the complex challenges of climate change highlights the increasing acknowledgment of the interconnection between human rights and environmental protection.

#### **a) Procedural and Substantive Guidelines**

#### **Specialized Environmental Courts or Tribunals:**

Climate change litigation is an increasingly crucial instrument for the implementation of environmental laws

and enforcement of responsibility among governments and corporations who are considered as contributing agents of climate change. Several procedural and substantive rules have been advanced to augment the effectiveness of such litigation:

#### **Specialised Environmental Courts or Tribunals:**

The establishment of judicial bodies with expertise in climate science is crucial for the effective resolution of climate-related disputes. India's NGT is an exemplary model in this regard. Established under the NGTA, 2010, the NGT is a specialized forum designed to address environmental disputes involving complex, interdisciplinary issues. Unlike traditional courts, it operates outside the constraints of the conventional Code of Civil Procedure and instead adheres to principles of natural justice to ensure timely and efficient resolution of cases.

The NGT was inspired by international frameworks and reflects India's commitment to providing judicial remedies for environmental protection, as highlighted during the 1992 UN Conference on Environment and Development. These tribunals play a vital role in enforcing environmental laws and safeguarding the right to environmental justice.<sup>14</sup>

Clear procedures in litigation are key to the success and credibility of climate change litigation, particularly in complex legal systems. Among these aspects is the establishment of evidence admissibility standards that support the inclusion of correct and relevant scientific data. In particular, this becomes more critical in cases concerning climate science and emissions data because these areas form the foundation for understanding and addressing climate-related disputes. The courts will then have more informed decisions with sound and reliable information because there will be clear rules set regarding what is admissible as evidence. This way, the courts will be more legitimate and effective in their decisions.

The inclusion of mandatory expert testimony in climate litigation can significantly enhance the legal process. Experts, including climate scientists, economists, and policy specialists, bring a multidisciplinary perspective that facilitates a thorough understanding of the complexities surrounding climate change cases. Their insights can shed light on the environmental, economic, and social consequences of actions or inactions related to climate issues. Requiring such testimony enables courts to make more informed decisions, ensuring justice is delivered while considering the multifaceted nature of climate challenges. This approach not only refines the judicial process but also promotes fair and well-informed outcomes in climate-related disputes.

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## Clear Litigation Procedures:

### Strengthening Public Interest Litigation (PIL):

PIL plays a vital role in India's legal framework by allowing individuals and groups to approach the judiciary for addressing matters of public concern. Expanding the scope of PIL to include climate-related issues empowers citizens to demand accountability from authorities for environmental harm and advocate for stronger climate policies.

“It is the case of *Ridhima Pandey vs. Union of India*, where this girl went to the NGT in 2017 and claimed that the government did not adequately respond to climate change and used it as a statement against the rights of the government because of India's obligations under the Paris Agreement and the environmental laws that the country needed further action concerning climate change. Although the NGT dismissed her petition, stating that climate change considerations were already part of environmental impact assessments under the Environment Protection Act of 1986, the case underscored the significance of public interest litigation (PIL) in raising climate change issues.”

This instance illustrates how PIL can serve as a powerful tool for citizens, including the youth, to demand governmental accountability and stronger environmental protections in the face of climate change..<sup>15</sup>

Strengthening institutional roles is crucial for effectively addressing climate change through litigation. This involves enhancing regulatory oversight and fostering stakeholder collaboration.

### Enhancing Regulatory Oversight

**Empowering the Ministry of Environment, Forest, and Climate Change:** MoEFCC is the central authority for India in matters of environmental policy and its implementation. With increased capabilities, the ministry will be better equipped to enforce national climate policies. It would help the ministry in the establishment of comprehensive monitoring systems for emission and environmental impacts of public and private sectors. These are important measures to implement regulations and penalize offenders..<sup>16</sup>

**NGO and Civil Society Organizational Leverage:** NGOs and civil society organizations are playing important roles in initiating, facilitating, and monitoring climate litigation. Their involvement allows these issues to be handled via legal recourse, thus establishing and fostering accountability and

transparency. Public interest environmental lawyers and NGOs in Australia, for instance, have demonstrated successful partnerships in advancing climate litigation..<sup>17</sup>

International best practices in climate governance emphasize stakeholder collaboration. The European Union's multi-stakeholder approach integrates NGOs, industry representatives, and policymakers into decision-making processes, ensuring well-balanced and informed climate policies. This collaborative framework effectively addresses complex environmental challenges and promotes shared accountability in climate action. Institutions can better respond to the challenges of climate change through litigation by enhancing regulatory oversight and fostering stakeholder collaboration, thus ensuring comprehensive compliance and inclusive policy development.

Adopting international best practices in the law can work well to significantly improve climate change litigation and environmental governance in India. The following are key areas where such adaptations are pertinent:

**1. Public Trust Doctrine Accountability-** ‘Public Trust Doctrine is the legal principle, which provides that certain natural resources must be kept for the collective good of the public. The government is tasked with the duty to protect and manage such resources for the welfare of the people. In India, this doctrine plays a significant role in environmental law. The most recent case is the judgment of the Supreme Court in the case of *M.C. Mehta v. Kamal Nath* (1997), where the doctrine was invoked to prevent the exploitation of ecologically sensitive land, reaffirming the state's duty to protect natural resources.’<sup>18</sup>

**2. Integration of Human Rights in Climate Cases-** ‘Article 21 guarantees the right to life, Article 14 gives the right of equality, and the Supreme Court has interpreted these provisions to include the protection of the environment. The Supreme Court made this clear when, in April 2024, it confirmed the fundamental aspect that protecting individuals from climate change is a crucial dimension of these rights-in the constitutional framework for climate-related challenges.’

**3. Addressing Emerging Issues: Climate-Induced Displacement** -‘The risks posed by climate change are leading to increased displacement, which necessitates the establishment of legal frameworks to recognize and protect those displaced due to climate-related factors. However, India currently lacks a specific legal provision addressing climate-induced displacement. In this context, insights from the international case of *Cruz v. Galicia* regarding the rights



and protections for individuals displaced by climate change can inform India's climate adaptation strategies. This would involve creating legal structures that adequately recognize and safeguard the rights of climate refugees.'

**4. Promoting Participatory Governance Inspired by the Aarhus Convention-** 'The Aarhus Convention emphasizes the importance of access to information, public involvement, and the right to justice in environmental matters. Although India is not a signatory to this convention, its key principles can serve as inspiration for domestic policies aimed at enhancing public participation in climate-related decision-making. Adopting frameworks that promote transparent decision-making and active public engagement could contribute to more effective and just climate policies.'

In conclusion, integrating these global legal practices within the Indian legal system can strengthen the climate change litigation framework, foster environmental justice, and support sustainable development.

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## Conclusion

Climate change litigation in India emerges as an essential tool to address the pressing environmental crisis, demanding robust legal and policy frameworks. This document highlights India's vulnerability due to its reliance on climate-sensitive sectors and its judiciary's active role in safeguarding environmental and human rights under constitutional mandates. However, systemic challenges like scientific limitations, developmental conflicts, and exclusionary conservation practices hinder progress. Drawing inspiration from global precedents, including rights-based approaches and international treaties, the need for specialized judicial mechanisms and inclusive governance becomes evident. Strengthening public interest litigation, integrating human rights into environmental law, and fostering collaboration among stakeholders are critical for effective climate litigation. This comprehensive approach can balance India's ecological preservation and development goals, ensuring accountability and sustainability. Climate litigation thus serves as a pivotal instrument in advancing India's environmental resilience and contributing to global climate justice.

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