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## THE ROLE OF LAW IN ADDRESSING CLIMATE CHANGE IN INDIA

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### INTRODUCTION

India has had a long history of environmentalism even before such concerns arose in the West. The Bishnoi Movement, even today, stands as an example of commitment towards environmental conservation. In the modern era, the 1970s were a period when environmental movements acquired momentum in India. Given that the landscape and the meaning of development are changing, many decisions seem ridden with the concern of profit instead of a care for environment and a protection of the spirit of environmentalism. Since climate change is a challenge that requires urgent attention given its multi-faceted nature and long - term consequences, this blog would try to examine the role of law in addressing climate change in India.

### LANDMARK CASE LAWS ABOUT ENVIRONMENT IN INDIA

While the constitutional principles, articles and acts concerning environment in India are widely known and we are also aware about the initiative of National Green Tribunals, my focus here is to throw light on principles established by “Green” Case Law- i.e. those judgements of the Indian judiciary which reflected concern for the environment and compare it with the present situation so that by doing such an analysis, we get an adequate idea of where we stand today, what the gaps are and what remains to be done. My aim by means of this would not be to provide solutions, but to raise questions because we get solutions when we ask the right questions.

Before we consider the case law, let’s understand that climate change is caused by a plethora of factors and has a number of effects- it can be called a ‘threat multiplier’. It disrupts biodiversity, causes disturbance in food chain, leads to and is caused by acidic rain and so on and so forth. So taking care of every thing that seems minuscule in the environment is of utmost importance as everything in the ecosystem adds up.

Beginning with the most recent judgement, the *M.K.Ranjitsinh & Ors. v. Union of India* case from 2021-2024 expanded the scope of Article 14 and Article 21 and brought the right to be free from the fatal consequences of climate change under its ambit. The case which revolved around the protection of the Great Indian Bustard ended up with the Court coming with a judgement that upheld and balanced species conservation as well as the urgent need for renewable energy infrastructure while enshrining climate rights into the constitution. Furthermore, by means of the case, *Bhumika Pandey v. Union of India* (2017), climate justice and the youth's role in it were highlighted even though the petition happened to be dismissed. The Taj Trapezium Case of 1996 was important in that it signalled the importance of regular environmental monitoring and preserving heritage from environmental damage- something that combined all 3 aspects of sustainability, be it social, economic or environmental- because if the environment is safe, the monument doesn't get damaged and this is pivotal even from the social and economic point of view so that tourism is maintained. Even judgements like *RLEK v. State of Uttar Pradesh* (1988) showed how judicial intervention can reshape the environmental landscape. Imagine quarries being left open in sensitive valleys- this damages both the environment and human health. Sustainable development, polluter pays principle and the precautionary principle which emphasise that a balance must be struck between economy and environment were firmly enshrined into the climate vocabulary of India after the *Vellore Citizens' Welfare Forum v. Union of India* (1996) case which held industries accountable for the damage they cause<sup>1</sup>. And not to forget, M.C. Mehta is a renowned name when it comes to environment and law in India.

Having examined the case law pertaining to environment in India, I see no problem in the past legal cases concerning the environment because in my opinion the judiciary did its best in balancing environment, culture, economy and health when we take these cases into account. What I am concerned with is how the progressive role that law has played in upholding species diversity, ordering shutting down of quarries, holding industries accountable and establishing principles of sustainable development and climate rights in the constitution falls short when the larger environmental spirit and sentiment is marred in practice.

## ENVIRONMENTALISM IN PRACTICE IN INDIA

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<sup>1</sup> View of *THE ROLE OF LAW IN ADDRESSING CLIMATE CHANGE: INSIGHTS FROM THE INDIAN CONTEXT*, <https://ijamjournal.org/ijam/publication/index.php/ijam/article/view/1540/1400>.

While the National Action Plan on Climate Change (NAPCC) and the National Green Corps (NGC) Programme reflect our country's vision to incorporate climate consciousness into the citizenry and make students aware of environmental challenges and promote green learning, when politics, economic interests, environment and development are at a conflict with one another, a certain dimension of sustainability is often at stake and the decision is disproportionately tilted rather than a balanced one.

Brows get raised when an environmental activist who was protesting against a luxury hotel project near the Kaziranga National Park gets detained under the NSA by the Assam Government despite the court stating that, "In matters where ecological preservation intersects with indigenous survival, the standard apparatus of criminal law cannot be used to suppress local anxieties."<sup>2</sup> Furthermore, the pretext of this preventive detention is cited as activities that can be harmful to public order and state security.

## CONCLUSION

To sum it up, as promised, the purpose of this blog was to analyse the role of law in addressing climate change by comparing it with the current situation and understanding where we are/ The blog was meant to raise questions and not provide solutions. Even when environmental education is made compulsory, is it experiential and does it arouse sensitivity? Why are environmental activists paid heed to after time passes and repeatedly detained on account of foreign funding or public order? Is there a corporate-political nexus? Or is it natural that while prioritising the economy, the environment and indigenous people suffer? The debate is not about blaming someone and getting away; it is a larger dilemma of environment and economy in a developing country. Having examined the case law and the present efforts as well as a few challenges, I would say that the efforts should be to strive to live up to the principles established that try to strike a balance.

## REFERENCES

*View of THE ROLE OF LAW IN ADDRESSING CLIMATE CHANGE: INSIGHTS FROM THE INDIAN CONTEXT*, <https://ijamjournal.org/ijam/publication/index.php/ijam/article/view/1540/1400>.

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<sup>2</sup> The Hindu Bureau, *Day after securing bail, Assam activist Pranab Doley detained under NSA*, The Hindu (July 31, 2026), <https://www.thehindu.com/news/national/assam/day-after-securing-bail-assam-activist-pranab-doley-detained-under-nsa/article71290560.ece>.

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