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Paris Agreement and Climate Litigation: An Indian Perspective

SONAM DASS¹

ABSTRACT

Climate change is a multi-faceted problem with global and regional implications. After the establishment of United Nations Framework Convention on Climate Change, various international legal instruments have been entered into force to combat climate change. The Paris Agreement was adopted in December, 2015. It replaced the erstwhile Kyoto protocol and is applauded as the most comprehensive document constituting legally binding and stringent measures towards climate change so far. The Paris Agreement has created certain obligations on member states in order to reach the objective of limiting global warming to 1.5o C. Along with identifying climate change induced loss and damages, it also encourages climate education, public participation, enhanced transparency framework and an effective implementation and compliance mechanism. All these provisions have triggered a stream of lawsuits against governments and corporations, to seek accountability for actions which contribute to climate change. claimants have applied the right to life including the “right to live in a clean and healthy environment” to establish their claims for climate change-induced losses. This paper seeks to explore the opportunity created by Paris Agreement to take climate action by way of litigation. It focuses on the international presence of climate litigation as a tool to tackle climate change with a special reference on exploring its potential in India. The paper seeks to shed light upon the concept and characteristics of climate litigation emphasizing on the role of judiciary when legislature and executive fails to do their part. While tracing the historical role of public interest litigation in resolving environmental matters, this article discusses some of the current developments in climate change case laws in India. It also attempts to examine new space for litigating climate claims post Paris Agreement. Finally, the findings of this research paper can be applied to analyze and reflect upon the implications of climate change laws both internationally and domestically.

Keywords: Paris Agreement, climate change, climate litigation, Indian judiciary, public interest litigation.

¹ Author is a Research Scholar at University of Delhi, India.

I. INTRODUCTION

Paris agreement was adopted under the United Nations framework convention on climate change in 2015. It was adopted by nearly 200 countries and entered into force in 2016. One of the crucial aims of this agreement is to strengthen the global response to the threat of climate change. Its objective is to address the threat of climate change by holding the increase in the global average temperature to well below 2 degree centigrade above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5° C above pre-industrial level.² With regard to this goal, parties are expected to reach a global peaking of greenhouse gas (GHG) emissions as quickly as possible. Parties have agreed to achieve a rapid reduction in emissions with the aim of positive and negative emissions being balanced in the second half of the century. The objectives of Paris agreement are crucial for domestic law making and further interpretation by judiciary.

Earth is facing one of the worst impacts of climate change which is adversely affecting livelihood. Melting glaciers, rising sea levels, severe droughts and untimely heavy floods like disasters causing havoc like environment for us and the future generation. Climate change is one of the most contentious issues faced by the present generation. Concentrations of greenhouse gases (GHGs) in the atmosphere have already surpassed levels that many scientists consider safe, putting people everywhere in peril. Sea levels are rising, making more seawater available for the storm surges that wreak destruction on coastlines during coastal storms and threatening to overwhelm coastal communities and small island nations.³ Average temperatures are rising and heat waves are growing longer and more intense, threatening to strain infrastructure and agricultural systems, and posing direct threats to human health. In addition, more powerful storms, longer-lasting and more severe droughts, and acidifying oceans have already begun to disrupt local and regional economies that rely on having predictable access to particular resources and markets.

India as a nation comprises of nearly 20% of the population of the world housing huge amount of flora and fauna worldwide. With agriculture and forestry one of the main sources of livelihood for Indian population, the effects of climate change in these climates sensitive region could prove to be disastrous for instance, leaving major population either starving or unemployed, both the situations are not desirable for the economy and sustainable

² UNFCCC, The Paris Agreement. Available: <https://unfccc.int/process-and-meetings/the-paris-agreement>

³ Subramanian, Aishwarya, et al. "Long-term impacts of climate change on coastal and transitional eco-systems in India: an overview of its current status, future projections, solutions, and policies." *RSC advances* 13.18 (2023): 12204-12228.

development.⁴ It demands strong policy measures by the political institutions of the country and in case of failure of duties by the state the judiciary can intervene to provide justice. This is where the concept of climate litigation comes into being.

Climate litigation has emerged as a potent tool in the arsenal of climate action, wielding legal strategies to hold governments and corporations accountable for their contributions to climate change. This form of legal action operates on multiple fronts, targeting various actors deemed responsible for exacerbating the climate crisis. At its core, climate litigation seeks to compel governments and corporations to take more ambitious and effective measures to reduce greenhouse gas emissions and mitigate the impacts of climate change.⁵ One of its primary roles is to challenge the inadequacy of existing policies and regulations in addressing the magnitude of the climate crisis. By bringing lawsuits against governments that fail to fulfill their climate-related obligations, climate litigators aim to push for stronger climate policies and regulations. Moreover, climate litigation often targets corporations whose activities contribute significantly to greenhouse gas emissions or environmental degradation. These lawsuits can take various forms, including allegations of environmental harm, negligence, or violations of human rights. Successful climate litigation against corporations can result in compensation for affected communities, changes in corporate behavior, and heightened public awareness of environmental issues.

Overall, climate litigation serves as a catalyst for climate action by leveraging the power of the law to hold governments and corporations accountable, drive policy changes, and advance environmental justice for affected communities.⁶ As the urgency of the climate crisis continues to escalate, climate litigation is poised to play an increasingly significant role in shaping the global response to climate change. This paper explores the potential for litigation created by the Paris agreement on climate change internationally with special focus on Indian legal system. While tracing the historical foundations laid by public interest litigation in resolving environmental issues the paper also discusses some of the current developments in climate change case laws in India. Finally, the article establishes that Paris agreement creates new space for climate litigation dealing with different types of issues directly or indirectly affecting climate change and there is need for more analysis and reflection on implications of existing climate change law both internationally and domestically.

⁴ Gupta, Akhilesh, and H. Pathak. "Climate change and agriculture in India." *New Delhi* (2016).

⁵ United Nations Environment Programme (2020). *Global Climate Litigation Report: 2020 Status Review*. Nairobi. ISBN No: 978-92-807-3835-3.

⁶ Peel, Jacqueline, Alice Palmer, and R. Markey-Towler. "Review of literature on impacts of climate litigation." *Children's Investment Fund Foundation Report* (2022).

II. CONCEPT AND CHARACTERISTICS OF CLIMATE LITIGATION

(A) Definition and Scope of Climate Litigation

Climate litigation refers to legal actions taken by individuals, organizations, or even governments to address climate change-related issues through the judicial system. These legal actions typically seek to hold responsible parties, such as governments or corporations, accountable for their contributions to climate change or for failing to adequately address its impacts. The term ‘climate litigation’ can be read in a narrow or broad sense. While there may be advocacy benefits to a broad framing of climate litigation, for purposes of conceptual clarity a narrow approach is adopted for defining climate litigation. Markell and Ruhl, for instance, define climate litigation as any litigation ‘in which the party filings or tribunal decisions directly and expressly raise an issue of fact or law regarding the substance or policy of climate change causes and impacts.’⁷

This definition brings productive clarity in that it helps identify cases in which climate change is at issue rather than merely referenced in the obiter. It is also helpful because the application of such a definition identifies cases that the parties to the litigation and/or the Court, rather than scholars or advocates, perceive and characterize as ‘climate litigation.’ Such a definition is not only more faithful to the motives for the litigation but also more likely to identify cases that have the desired knock-on policy, regulatory or advocacy impact. The scope of climate litigation is broad, encompassing a range of legal strategies and objectives, including seeking damages for climate-related harm, challenging government policies or regulatory decisions, or compelling action to mitigate greenhouse gas emissions.⁸ Essentially, climate litigation aims to use the power of the law to address and rectify climate-related injustices and hold parties accountable for their actions or inactions.

(B) Key Characteristics of Climate Litigation as a Legal Tool

Several key characteristics distinguish climate litigation from other forms of legal action such as:

1. Strategic litigation: Climate litigation often involves strategic legal action aimed at achieving broader policy objectives, such as pushing for stronger climate policies or holding polluters accountable. Strategic litigation in the context of climate change refers to the use of

⁷ Markell, David, and J. B. Ruhl. "An empirical survey of climate change litigation in the United States." *Envtl. L. Rep. News & Analysis* 40 (2010): 10644.

⁸ Wewerinke-Singh, Margaretha. "The Rising Tide of Rights: Addressing Climate Loss and Damage through Rights-Based Litigation." *Transnational Environmental Law* 12.3 (2023): 537-566.

legal action to advance or address environmental and climate-related issues. It involves carefully planning and executing legal actions to achieve specific objectives, such as holding governments or corporations accountable for their contribution to climate change, promoting the implementation of environmental regulations, or protecting the rights of vulnerable communities affected by climate impacts. Strategic litigation often involves leveraging legal principles, precedents, and international agreements to drive systemic change.

Urgenda Foundation v. The State of the Netherlands- This landmark case was brought by the Urgenda Foundation, a Dutch environmental organization, against the Dutch government for its failure to take adequate action to mitigate climate change. The plaintiffs argued that the government's insufficient emission reduction targets violated its duty of care to protect its citizens and future generations. In 2015, the District Court of The Hague ruled in favor of Urgenda, ordering the government to increase its emission reduction targets to ensure a reduction of at least 25% by 2020 compared to 1990 levels.⁹ This decision was upheld by the Dutch Supreme Court in 2019, establishing a legal precedent that governments have a legal obligation to take action to combat climate change.

Juliana v. United States- Also known as the "Youth Climate Lawsuit," *Juliana v. United States*¹⁰ was filed in 2015 by a group of young people against the U.S. government, alleging that its actions and policies have contributed to climate change, thereby violating their constitutional rights to life, liberty, and property, as well as the public trust doctrine. Although the case faced numerous legal challenges and delays, it gained significant attention for its innovative legal strategy and the involvement of young plaintiffs. While the case was ultimately dismissed by the U.S. Supreme Court in 2020 on procedural grounds, it inspired similar litigation efforts and raised awareness about the role of governments in addressing climate change.

Friends of the Irish Environment v. Government of Ireland- In this case, Friends of the Irish Environment, an environmental advocacy group, challenged the Irish government's National Mitigation Plan, arguing that it failed to adequately address Ireland's obligations under the Paris Agreement and EU law to reduce greenhouse gas emissions.¹¹ In 2020, the Irish Supreme Court ruled in favor of the plaintiffs, finding that the government's plan lacked specificity and enforceability, and ordered it to revise the plan to ensure compliance with climate obligations. This decision highlighted the role of the judiciary in holding governments accountable for their

⁹ *Urgenda Foundation v The State of the Netherlands (Ministry of Infrastructure and the Environment)*, HA ZA 13-1396, C/09/456689, ECLI:NL:RBDHA:2015:7145.

¹⁰ *Juliana v. United States*, 217 F. Supp. 3d 1224, 1248 (D. Or. 2016).

¹¹ *Friends of the Irish Environment V. Ireland*, 793 JR. 2017.

climate commitments.

Ridhima Pandey V. Union of India, a young climate activist from India, made headlines globally with her case on climate change. In 2017, at the age of nine, Ridhima filed a petition with the National Green Tribunal (NGT) in India, seeking action from the government to address the adverse impacts of climate change. In her petition, she argued that the government's inaction on climate issues jeopardized her fundamental right to a clean environment and violated India's commitments under international agreements like the Paris Agreement. Ridhima's case brought attention to the urgent need for climate action in India, a country particularly vulnerable to climate change impacts.¹² While the NGT initially directed the Ministry of Environment, Forest and Climate Change to respond to Ridhima's petition, the case highlighted the power of youth activism and legal avenues in driving environmental change. Ridhima's courageous actions inspired others and underscored the importance of holding governments accountable for their environmental responsibilities.

The *Leghari v Pakistan* case is significant in highlighting the role of the judiciary in addressing climate change action in Pakistan. In 2015, Pakistani farmer Asghar Leghari, along with several other petitioners, filed a groundbreaking lawsuit against the Pakistani government for its failure to implement climate change policies effectively.¹³ The petitioners argued that the government's inaction on climate change violated their constitutional rights to life, dignity, and a healthy environment. The case emphasized the disproportionate impact of climate change on vulnerable communities, such as farmers facing water scarcity and extreme weather events. In a landmark decision, the Lahore High Court acknowledged the urgency of addressing climate change and directed the government to take concrete measures to mitigate its effects, including the implementation of the National Climate Change Policy and the establishment of a Climate Change Council. The Leghari case underscored the judiciary's role in holding governments accountable for climate action and highlighted the importance of legal avenues in addressing environmental challenges. It set a precedent for climate litigation in Pakistan and inspired similar legal actions worldwide, demonstrating the power of judicial intervention in advancing climate justice.

Hence, strategic litigation can be used as a tool for advancing climate action, holding governments and corporations accountable, and protecting the rights of vulnerable communities. By leveraging legal avenues, activists and environmental organizations can

¹² *Ridhima Pandey v. Union of India & Another*, Original Application No. 187 of 2017

¹³ *Leghari v. Federation of Pakistan*, PLD 2018 Lahore 364.

catalyze change, establish legal precedents, and contribute to the global effort to address climate change.

2. Multi-faceted approach: Climate litigation operates on multiple fronts, including national and international courts, administrative bodies, and regulatory agencies. Although Governments and the political institutions at both international and national level play a dominant role while making laws and policies in the area of climate change over the last two decades, however, the role of judicial organs and, in particular, domestic courts has evolved significantly in this field. Relatively recent cases – such as *Leghari v. Federation of Pakistan*¹⁴ in Pakistan and *Earthlife Africa Johannesburg v. Minister of Energy*¹⁵ in South Africa – have not only been successful in raising public awareness but also have convinced courts of the inadequacy of current governance tools. The Dutch courts in the case of *Urgenda Foundation v. The State of Netherlands*¹⁶ detected a legally relevant lack of political ambition and correspondingly held the implementation of more effective climate change mitigation measures to be necessary. Following the conclusion of the Kyoto Protocol Climate change litigation has sprouted from a handful of in some countries to a wave of cases as the era of the Paris Agreement begins.

3. Interdisciplinary nature: Climate litigation frequently draws on scientific evidence, economic analysis, and social impact assessments to support legal arguments and demonstrate the need for action. Interdisciplinary approaches in climate litigation involve integrating knowledge and expertise from various fields such as law, science, economics, and social sciences to address the complex challenges of climate change. This holistic approach recognizes that climate change is not merely an environmental issue but a multifaceted problem with far-reaching social, economic, and legal implications. By combining insights from different disciplines, interdisciplinary climate litigation seeks to develop comprehensive strategies for both understanding and addressing the causes and impacts of climate change. For example, legal arguments may be strengthened by scientific evidence demonstrating the link between greenhouse gas emissions and climate impacts, while economic analyses can highlight the costs and benefits of different mitigation and adaptation measures. Furthermore, social science research can provide insights into the distributional impacts of climate policies on vulnerable communities and inform strategies for enhancing public awareness and engagement. Overall, an interdisciplinary approach to climate litigation is essential for developing effective solutions

¹⁴ *Leghari v. Federation of Pakistan*, PLD 2018 Lahore 364

¹⁵ *Earthlife Africa Johannesburg v. Minister of Energy*, Case no. 65662/16, 2016. (South Africa).

¹⁶ *Urgenda Foundation v The State of the Netherlands* (Ministry of Infrastructure and the Environment), HA ZA 13-1396, C/09/456689, ECLI:NL:RBDHA:2015:7145.

that are grounded in sound scientific evidence, responsive to societal needs, and aligned with principles of environmental justice. Some case law examples that illustrate the interdisciplinary approach in climate litigation are discussed below:

a. Massachusetts v. Environmental Protection Agency (EPA)

In this landmark case, decided by the U.S. Supreme Court in 2007, the state of Massachusetts and other petitioners challenged the EPA's refusal to regulate greenhouse gas emissions from motor vehicles under the Clean Air Act. The petitioners argued that carbon dioxide and other greenhouse gases were pollutants that endangered public health and welfare by contributing to global warming. The case involved interdisciplinary evidence, including scientific research demonstrating the link between greenhouse gas emissions and climate change impacts, as well as economic analyses of the costs and benefits of regulating emissions.¹⁷ The Supreme Court ruled in favor of Massachusetts, affirming the EPA's authority to regulate greenhouse gases under the Clean Air Act.

b. Comer v. Murphy Oil USA

In this case, filed in the U.S. District Court for the Southern District of Mississippi in 2005, plaintiffs brought a lawsuit against several oil and energy companies, alleging that their greenhouse gas emissions contributed to climate change, which intensified Hurricane Katrina and caused damage to their properties.¹⁸ The case involved expert testimony from scientists, meteorologists, and climate researchers to establish the connection between climate change and extreme weather events like hurricanes. While the case was ultimately dismissed on procedural grounds, it highlighted the interdisciplinary nature of climate litigation by integrating scientific evidence with legal arguments.

c. Urgenda Foundation v. The State of the Netherlands

This case, brought by the Urgenda Foundation against the Dutch government, argued that the government's failure to adequately reduce greenhouse gas emissions violated its duty of care to protect its citizens and future generations.¹⁹ The plaintiffs relied on scientific evidence to demonstrate the urgency of climate action and the potential impacts of unchecked climate change. The case also involved economic analyses of the costs and benefits of different emission reduction strategies. The Dutch Supreme Court's ruling in favor of Urgenda underscored the importance of interdisciplinary evidence in climate litigation and established a legal precedent

¹⁷ Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007).

¹⁸ Comer v. Murphy Oil USA. Available: <https://climatecasechart.com/case/comer-v-murphy-oil-usa-inc/>

¹⁹ Urgenda Foundation v The State of the Netherlands (Ministry of Infrastructure and the Environment), HA ZA 13-1396, C/09/456689, ECLI:NL:RBDHA:2015:7145.

for government accountability on climate action.

These cases exemplify how the integration of scientific, economic, and legal expertise strengthens climate litigation efforts, enabling plaintiffs to present compelling arguments and evidence to support their claims.

4. Public interest focus: Many climate litigation cases are brought by public interest groups or affected communities seeking to protect the environment, public health, or vulnerable populations. The public interest focus approach in climate litigation involves using legal action to advance the broader societal interest in addressing climate change, rather than solely pursuing individual or corporate interests. It emphasizes the importance of promoting environmental protection, safeguarding public health, and ensuring social justice in the face of climate-related challenges. Climate litigations adopting this approach often seek to hold governments and corporations accountable for their contribution to climate change and advocate for policies and measures that benefit the public and the environment. Here are a few case law examples that illustrate the public interest focus approach:

- a. *Juliana v. United States*: In this high-profile case, a group of young plaintiffs sued the U.S. government for its role in causing climate change and violating their constitutional rights to life, liberty, and property, as well as the public trust doctrine. The plaintiffs argued that the government's promotion of fossil fuel extraction and failure to take sufficient action to mitigate climate change posed a threat to their future and the well-being of future generations. The case was widely seen as a public interest litigation aimed at compelling the government to prioritize climate action and protect the rights of present and future citizens.
- b. *Communities for a Better Environment v. South Coast Air Quality Management District*:

In this case, environmental justice organizations sued the South Coast Air Quality Management District (SCAQMD) in California for its approval of permits allowing oil refineries to increase their emissions without adequate consideration of the health impacts on nearby communities, which are predominantly low-income and minority populations. The lawsuit argued that the SCAQMD's actions disproportionately harmed vulnerable communities and violated their rights to clean air and environmental justice. The case exemplifies how climate litigations can address systemic environmental injustices and advocate for policies that prioritize public health and

equity.²⁰

- c. *Leghari v. Pakistan*- This case, filed by Pakistani farmer Asghar Leghari and other petitioners, challenged the Pakistani government's failure to implement effective climate change policies, which disproportionately affected rural communities and agricultural livelihoods. The petitioners argued that the government's inaction on climate change violated their constitutional rights to life, dignity, and a healthy environment.²¹ The case exemplifies the public interest focus approach by highlighting the need for government action to protect vulnerable populations and advance the public interest in environmental sustainability and social justice.

These cases demonstrate how climate litigations can serve as powerful tools for promoting the public interest, advancing environmental protection, and holding governments and corporations accountable for their actions or inactions regarding climate change.

5. Precedent-setting potential: Landmark climate litigation cases have the potential to set legal precedents, shaping future climate-related policies and legal interpretations. The precedent-setting approach in climate litigations involves seeking legal decisions that establish new legal principles or interpretations applicable to future cases, thereby shaping the legal landscape and influencing policy and practice regarding climate change. This approach aims to create binding legal precedents that can guide future litigation efforts, hold governments and corporations accountable, and drive systemic change. Here's an explanation of this approach with case law examples:

- a. *Urgenda Foundation v. The State of the Netherlands*²²

This case, brought by the Urgenda Foundation against the Dutch government, sought to establish the legal principle that governments have a legal obligation to take adequate action to mitigate climate change. The plaintiffs argued that the government's failure to implement sufficient emission reduction measures violated its duty of care to protect its citizens and future generations. The Dutch Supreme Court's ruling in favor of Urgenda set a precedent by affirming that governments have a legal duty to address climate change and must take concrete actions to reduce greenhouse gas emissions to protect human rights and prevent harm to the environment.

²⁰ Bilek, James V. "Communities for a Better Environment v. South Coast Air Quality Management District." *Chap. L. Rev.* 14 (2010): 553.

²¹ *Leghari v. Federation of Pakistan*, PLD 2018 Lahore 364.

²² *Urgenda Foundation v The State of the Netherlands* (Ministry of Infrastructure and the Environment), HA ZA 13-1396, C/09/456689, ECLI:NL:RBDHA:2015:7145.

b. *Friends of the Irish Environment v. Government of Ireland*²³

In this case, environmental organization Friends of the Irish Environment challenged the Irish government's National Mitigation Plan, arguing that it failed to adequately address Ireland's obligations under the Paris Agreement and EU law to reduce greenhouse gas emissions. The Irish Supreme Court's ruling in favor of the plaintiffs established a precedent by affirming the government's legal obligation to develop and implement effective climate policies consistent with its international commitments. The decision provided guidance for future climate litigation efforts in Ireland and highlighted the judiciary's role in holding governments accountable for climate action.

c. *Massachusetts v. Environmental Protection Agency (EPA)*²⁴

In this landmark case, the state of Massachusetts and other petitioners challenged the EPA's refusal to regulate greenhouse gas emissions from motor vehicles under the Clean Air Act. The case aimed to establish the legal principle that greenhouse gases are pollutants subject to regulation under existing environmental laws. The U.S. Supreme Court's ruling in favor of Massachusetts set a precedent by affirming the EPA's authority to regulate greenhouse gas emissions and recognizing the agency's obligation to address climate change impacts under the Clean Air Act. The decision paved the way for future climate litigation efforts in the United States and provided a legal basis for regulatory action on climate change.

These cases demonstrate how precedent-setting approaches in climate litigations can shape legal norms, establish new legal obligations, and influence policy and practice regarding climate change mitigation and adaptation. By establishing binding legal precedents, these cases contribute to the development of robust legal frameworks for addressing climate-related challenges and advancing climate justice.

III. COMPARATIVE ANALYSIS OF INTERNATIONAL CLIMATE LITIGATION CASES

A comparative analysis of international climate litigation cases reveals the diversity of legal strategies and outcomes across different jurisdictions. For example, cases in the United States have focused on holding fossil fuel companies accountable for climate-related damages, while cases in Europe have targeted government inaction on climate change. Similarly, cases in developing countries often highlight issues of climate justice and equity, seeking to protect vulnerable communities from the impacts of climate change. By examining the approaches, successes, and challenges of climate litigation in various countries, stakeholders can gain

²³ *Friends of the Irish Environment V. Ireland*, 793 JR. 2017.

²⁴ *Massachusetts v. Environmental Protection Agency*, 549 U.S. 497 (2007).

valuable insights into effective legal strategies and potential avenues for action.

IV. ROLE OF JUDICIARY IN ADDRESSING CLIMATE CHANGE

The judiciary plays a crucial role in addressing climate change when legislative and executive branches fail to take adequate action. As an independent branch of government, the judiciary has the authority to interpret and enforce environmental laws, hold governments accountable for their climate commitments, and ensure that environmental rights are protected. In cases where political will is lacking or regulatory frameworks are inadequate, the judiciary can serve as a check on government power and provide a forum for addressing climate-related grievances. By upholding the rule of law and safeguarding the rights of present and future generations, the judiciary plays a vital role in advancing climate justice and promoting sustainable development.

(A) Overview of public interest litigation and judicial activism in India

Public Interest Litigation (PIL) in India is a legal mechanism that allows individuals or organizations to seek judicial intervention in matters of public concern. It emerged in the 1970s as a tool to address issues of social justice, human rights violations, and environmental degradation. Unlike traditional litigation, PIL does not require the petitioner to have a personal interest in the case but allows any concerned citizen to approach the court on behalf of the public interest. This democratization of the legal process has empowered marginalized communities and civil society organizations to hold authorities accountable and seek redressal for systemic injustices. Indian judiciary plays a dynamic role in shaping law, it helps evolve policy, and contributes immensely in the governance of modern India. The Court plays this part primarily through the exercise of its self- designed public interest jurisdiction.

In India some issues of environmental concern have been reshaped and reformed by the Judiciary through laws and instruments such as Writs and Public Interest Litigation (PIL) – wildlife protection, forest conservation, industrial and vehicular pollution (for example: Delhi CNG case), waste management, etc. The Public Interest Litigation made way for new avenues to the Courts to address a different type of social wants, often caused due to lack of political will to act on certain issues. The Indian Judiciary, through this approach took a more activist approach towards redressal of issues with larger public interest placed before it. The Indian Judiciary has been especially empathetic towards environment, (issues related to environment and climate change) and visionary in its employment of legal principles, both domestic and international to serve the cause of environmental justice. For instance, it declared the right to

healthy environment as a fundamental right guaranteed under Article 21 of the Constitution,²⁵ directed several private sector organizations to take necessary measures to protect the environment and reduce the pollution,²⁶ and ruled against direct and indirect harm caused by pollution to monuments, heritage buildings, and rivers.²⁷

(B) Evolution and Development of Environmental Jurisprudence in India

The evolution of environmental jurisprudence in India can be traced back to landmark PIL cases that laid the foundation for environmental protection laws and policies. One such case is the *MC Mehta v. Union of India* case (1986), which led to the closure of hazardous industries in Delhi to combat air pollution. Subsequent cases, such as the *Oleum Gas Leak* case (1987) and the *Taj Trapezium* case (1996), expanded the scope of environmental jurisprudence, emphasizing the state's duty to protect the environment and citizens' right to a healthy environment. Several case studies illustrate the transformative impact of PIL in addressing environmental issues in India. For example, the *Ganges Pollution* case (*M.C. Mehta v. Union of India*) resulted in the closure of polluting industries along the Ganges River and the implementation of pollution control measures to restore the river's water quality. Similarly, the *Vellore Citizens Welfare Forum* case (1996) led to the recognition of the "polluter pays" principle and stricter enforcement of environmental regulations in industrial areas. These cases not only addressed specific environmental grievances but also catalyzed broader systemic changes in environmental governance and policy-making.

These cases contributed to the development of key environmental laws, including the *Environment Protection Act* (1986) and the *National Green Tribunal Act* (2010), which established specialized environmental courts and tribunals to adjudicate environmental disputes. India serves as an example of amalgamation of different factors such as a comprehensive constitution, separation of powers amongst the Legislature, Executive and the Judiciary, faith of the population in democratic institutions, innovative judges and the rule of law, a dedicated environmental judicial system in the form of the *National Green Tribunal* (the *Green Tribunal*), coming together to catalyze activism by the Judiciary.²⁸ The parliament of India passed the *National Green Tribunal Act of 2010* (NGT Act). The green tribunal is set up

²⁵ *Municipal Council Ratlam v. Vardhichand*, AIR 1980 SC 1622 (India); *M.C. Mehta v. Union of India*, AIR 1987 SC 1086 (India); *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715 (India).

²⁶ *Rural Litigation and Entitlement Kendra v. State of U.P.*, (1985) 2 SCC 431 (India); *M.C. Mehta v. Union of India*, (1986) 2 SCC 176 (India); *M.C. Mehta v. Union of India*, (1996) 4 SCC 750 (India).

²⁷ *M.C. Mehta v. Union of India*, AIR 1997 SC 735 (India); *Sachidanand Pandey v. State of W.B.*, (1987) 2 SCC 295 (India); *M.C. Mehta v. Union of India*, (1987) 4 SCC 463 (India).

²⁸ Available at: <https://www.cambridge.org/core/journals/german-law-journal/article/climate-change-litigation-indian-perspective/8776773582C54FE6715472733A8516D4>.

“for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.”²⁹ The green tribunal comprise of judges and expert members in bench to provide legal and scientific analysis of the issues that arise before it. Over the past decade since its establishment the tribunal has successfully brought environmental concerns of the Indian citizens front and center in the judicial and legal fraternity. It has successfully reduced the procedural complexities in relation to legal issues relating to environment. It has strengthened enforcement and implementation of international environmental law principle.

(C) Lessons Learned and Implications for Climate Litigation in India:

The experience of PIL in India offers valuable lessons for climate litigation in the country. First and foremost, it underscores the importance of judicial activism and public participation in addressing environmental challenges. Climate litigation in India can build upon the principles established in PIL cases, such as the state's duty to protect the environment and citizens' right to a healthy environment. Additionally, the success of PIL cases highlights the effectiveness of strategic litigation in driving policy change and holding governments and corporations accountable for environmental harms. As India grapples with the impacts of climate change, climate litigation can draw inspiration from the legacy of PIL to advocate for stronger climate policies, promote environmental justice, and safeguard the rights of present and future generations.

V. EXPLORING NEW SPACES FOR LITIGATING CLIMATE CLAIMS POST PARIS AGREEMENT

(A) Impact of the Paris Agreement on Climate Litigation

The Paris Agreement, adopted in 2015, represents a landmark international accord aimed at limiting global warming to well below 2 degrees Celsius above pre-industrial levels, with efforts to limit the temperature increase to 1.5 degrees Celsius.³⁰ One significant impact of the Paris Agreement on climate litigation is its role in shaping legal arguments and strategies. The Agreement provides a robust legal framework³¹ for climate action, with binding commitments for countries to enhance their mitigation efforts, adapt to the impacts of climate change, and provide financial support³² to developing countries.

²⁹ National Green Tribunal Act, 2010, Preamble, No. 19, Acts of Parliament, 2010 (India).

³⁰ The Paris Agreement. Available: <https://unfccc.int/process-and-meetings/the-paris-agreement>

³¹ The Paris Agreement, Article 4. Available: <https://legal.un.org/avl/ha/pa/pa.html>

³² The Paris Agreement, Article 9. Available <https://legal.un.org/avl/ha/pa/pa.html>

From a litigation perspective, the Paris Agreement serves as a powerful tool for holding governments and corporations accountable for their climate commitments. Litigants can leverage the Agreement's provisions to argue for stronger regulatory measures, such as emissions reductions targets or adaptation measures,³³ and to challenge government inaction or inadequate implementation³⁴ of climate policies. Additionally, the Agreement's transparency³⁵ and accountability mechanisms, including regular reporting and review processes, provide opportunities for civil society organizations and affected communities to monitor government progress and hold them accountable through legal action if necessary.

(B) Potential Avenues for Climate Litigation Post-Paris Agreement

The Paris Agreement opens up new avenues for climate litigation, both domestically and internationally. At the domestic level, litigants can challenge government decisions or policies that are inconsistent with the country's obligations under the Agreement. For example, they can challenge permits for new fossil fuel infrastructure projects or demand stronger regulations to align with the country's emission reduction targets.³⁶ Internationally, litigants can utilize the Agreement's dispute resolution mechanisms to hold countries accountable for failing to meet their commitments or for violating the Agreement's principles, such as the principle of common but differentiated responsibilities.³⁷ Furthermore, the Paris Agreement's recognition of the importance of non-state actors, including subnational governments, businesses, and civil society organizations, opens up opportunities for climate litigation beyond traditional state-to-state disputes.³⁸ Litigants can target these non-state actors, such as fossil fuel companies, for their role in contributing to climate change or for failing to take adequate action to address it.

The database on climate change litigation maintained by the Grantham Research Institute and the Sabin Center bears testimony to this.³⁹ Relatively recent cases – such as *Leghari v.*

³³ The Paris Agreement, Article 7. Available: <https://unfccc.int/most-requested/key-aspects-of-the-paris-agreement>

³⁴ The Paris Agreement, Article 15. Available: <https://unfccc.int/most-requested/key-aspects-of-the-paris-agreement>

³⁵ The Paris Agreement, Article 13. Available: <https://unfccc.int/most-requested/key-aspects-of-the-paris-agreement>

³⁶ UNEP. 2023. Global Climate Litigation Report. DOI: <https://doi.org/10.59117/20.500.11822/43008>.

³⁷ Voigt, C. (2023). The power of the Paris Agreement in international climate litigation. *Review of European, Comparative & International Environmental Law*, 32(2), 237-249.

³⁸ Hale, T. (2016). “All hands on deck”: The Paris agreement and nonstate climate action. *Global environmental politics*, 16(3), 12-22. Available: https://direct.mit.edu/glep/article-pdf/16/3/12/1817875/glep_a_00362.pdf

³⁹ See the database of the Grantham Research Institute on Climate Change and the Environment and the Sabin Centre for Climate Change Law, available at: <http://www.lse.ac.uk/GranthamInstitute/climatechange-laws-of-the-world>. Over 1,300 cases in many jurisdictions of the world have been identified so far: see J. Setzer & R. Byrnes, ‘Global Trends in Climate Change Litigation: 2019 Snapshot’, Policy Report, July 2019, available at: <http://www.lse.ac.uk/GranthamInstitute/publication/global-trends-in-climate-change-litigation-2019-snapshot>.

Federation of Pakistan⁴⁰ in Pakistan and Earthlife Africa Johannesburg v. Minister of Energy in South Africa⁴¹ – have not only been successful in raising public awareness but also have convinced courts of the inadequacy of current governance tools. The Dutch courts in the case of Urgenda Foundation v. The State of Netherlands⁴² detected a legally relevant lack of political ambition and correspondingly held the implementation of more effective climate change mitigation measures to be necessary. Following the conclusion of the Kyoto Protocol Climate change litigation has sprouted from a handful of claims in some countries to a wave of cases as the era of the Paris Agreement begins.

(C) Scope of Climate Litigation in Indian Courts post Paris Agreement

Indian courts in their well-intentioned enthusiasm to address environmental problems have been referring to ‘climate change’ and ‘global warming’ much before the issue gained the national and international salience it enjoys now. However, some recent judgments of the National Green Tribunal seem to indicate that judicial engagement with climate concerns may be deepening especially in the wake of the Paris agreement. Noticeably, India does not have a specific legislation on climate change. While several laws address different aspects of climate change, in particular, causes and impacts, and thus provide potential hooks for climate litigation, there is no comprehensive legislation on climate change in India.⁴³ It does have a domestically focused National Action Plan on Climate Change (NAPCC) which was adopted on June 30, 2008 in addition to India’s Intended Nationally Determined Commitments (INDC) submitted to the UN Framework Convention on Climate Change (UNFCCC) in October 2, 2015. The INDC is a statement of intent on Climate Change action announced in the run up to the Paris Climate Change summit held in December the same year.⁴⁴

In *Gaurav Kumar Bansal v. Union of India & Others*,⁴⁵ the applicant prayed for steps to be undertaken to implement the National Action Plan on Climate Change, and that State governments should finalize and implement the State Action Plans and be restrained from

⁴⁰ *Leghari v. Federation of Pakistan*, W.P. No. 25501/2015, Lahore High Court Green Bench, Orders of 4 Sept. and 14 Sept. 2015 and Judgment of 25 Jan. 2018, available at: https://elaw.org/pk_Leghari.

⁴¹ *Earthlife Africa Johannesburg v. Minister of Energy*, Case No. 65662/16, Judgment of High Court of South Africa, Gauteng Division, Pretoria (South Africa), 8 Mar. 2017, available at: <http://cer.org.za/wp-content/uploads/2017/03/Judgment-Earthlife-Thabametsi-Final-06-03-2017.pdf>.

⁴² *Urgenda v. Government of the Netherlands (Ministry of Infrastructure and the Environment)*, ECLI: NL: RBDHA:2015:7145, *Rechtbank Den Haag [District Court of The Hague]*, C/09/456689/HA ZA 13-1396, available at: <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2015:7196>;

⁴³ Shibani Ghosh, *Litigating Climate Claims in India*, 114 AM. J. INT’L L. 44 (2020); FRANCESCO SINDICO, FRANCESCO, & MAKANE MOÏSE MBENGUE, *COMPARATIVE CLIMATE CHANGE LITIGATION: BEYOND THE USUAL SUSPECTS* 47 (2021).

⁴⁴ Shyam Saran, *India’s Climate Change Policy: Towards a Better Future*, MINISTRY OF EXTERNAL AFFAIRS, INDIA (Nov. 8, 2019).

⁴⁵ *Gaurav Kumar Bansal v. Union of India & Others*, 2021. Available: <https://indiankanoon.org/doc/111593765/>

violating them. This being the case, the judiciary is constrained to innovate dicta that falls within the legal provisions of environmental law, to deal with the challenges that causation and consequences of climate change pose. In its final order, the green tribunal did not directly rule on its jurisdiction over the implementation of the NAPCC but held that in future, specific cases regarding violation of the NAPCC, its impact, or consequences could be filed before it, further adding to the confusion. Additionally, the tribunal directed states that had yet to draft their state action plans in accordance with the NAPCC to prepare them and get them approved expeditiously by the Ministry of Environment, Forest and Climate Change.⁴⁶

In *Court on its own Motion v. State of Himachal Pradesh & Others*,⁴⁷ the Tribunal in a matter concerning the environmental impact of the tourism industry on the Rohtang Pass area in Himachal Pradesh discusses the various adverse Climate Change impacts in detail, emphasizing on the impact of black carbon on glaciers. It relies on the causal relationship between global warming and melting glaciers, and observes that the Rohtang Pass is particularly vulnerable due to its Eco sensitivity. It gives several directions to the state government to control pollution and environmental damage in the area, including regulating the number of vehicles permitted to ply in the area, prohibiting crop residue burning and imposing a pollution tax on tourists.

In *Indian Council for Enviro-legal Action v MoEFCC and Others*,⁴⁸ Judgment dated 10 December 2015, a voluntary organisation approached the Principal Bench of the National Green Tribunal for directions to stop industries manufacturing HCFC-22 (a refrigerant gas) from emitting HFC 23 categorized as a greenhouse gas under the Kyoto Protocol. The Tribunal held that as HFC-23 is a greenhouse gas and greenhouse gases cause global warming that affects aspects of human life and ecology and concerned authorities should take appropriate measures under the current law to regulate HFC-23.

In the case, *Riddhima Pandey v. Union of India*,⁴⁹ a similar youth led litigation come to the NGT. In 2017, a nine-year-old, Ridhima Pandey, moved the green tribunal raising serious concerns regarding the actions and inaction of the government on the issues of climate change, on similar lines as the arguments raised in the Juliana case. She submitted that she was directly affected by the adverse impacts of climate change and rising global temperatures. Taking recourse to the intergenerational equity-based argument, it was also suggested that the children of today and the future will disproportionately suffer from the dangers and catastrophic impacts

⁴⁶ Shibani Ghosh, *Litigating Climate Claims in India*, 114 AM. J. INT'L L. 44, 45–50 (2020).

⁴⁷ *Court on its own Motion v. State of Himachal Pradesh & Others*, 2013 (CWPIIL No. 15 of 2010) (India).

⁴⁸ *Indian Council for Enviro-legal Action v MoEFCC and Others*, application no. 170 of 2014. (India).

⁴⁹ *Riddhima Pandey v. Union of India*, application no. 187 of 2017. (India).

of climate change. Ridhima pointed to the failure of the Government of India to address the adverse impacts of climate change under the existing framework of environmental law and jurisprudence. Her petition, as one of the main points of agitation, pointed towards the NAPCC as not being target oriented, stating that the plan was simply a list of proposed activities lacking time-bound goals with regard to emissions reduction and any scientific investigation as its basis. In January 2019, the Green Tribunal disposed of Ridhima's Petition by observing that there was no reason to presume that the Paris Agreement and other international protocols are not reflected in the policies of the Government of India, or are not taken into consideration in granting environment clearances; therefore, there was no need for the green tribunal to pass any further directions on this issue. She has now appealed against the decision of the Green Tribunal and the case is currently sub-judice before the Supreme Court of India.

Rise in Climate cases are recorded over the years since the very first case in Netherlands that is Urgenda case⁵⁰ was issued in 2015, individuals and communities have initiated proceedings against states seeking to achieve similar rulings in different jurisdictions including India. These cases have pressurized governments to pace up their efforts to implement and enforce their emissions reduction targets, also it demonstrates that national GHG emissions goals are insufficiently ambitious. It is noteworthy that the Paris Agreement on Climate Change under Article 12 establishes that "parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation, and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement."⁵¹ Specifically, the process of climate change litigation, both in India, and globally, has been able to succeed on each of these counts. It has strengthened climate awareness and education, both among the youth and elderly through the media attention that such cases have garnered, generating curiosity in the populace, and further increasing access to information and participation and litigation.⁵²

(D) Opportunities and Challenges for Leveraging the Paris Agreement in Climate Litigation Efforts:

Leveraging the Paris Agreement in climate litigation efforts presents both opportunities and challenges. One opportunity is the Agreement's explicit recognition of the importance of legal

⁵⁰ Urgenda Foundation v. State of Netherlands, [2015] HAZA C/09/00456689.

⁵¹ Article 12, The Paris Agreement.

⁵² Joana Setzer & Rebecca Byrnes, Global Trends in Climate Change Litigation: 2020 Snapshot, GRANTHAM RESEARCH INSTITUTE FOR CLIMATE CHANGE AND ENVIRONMENT (2020), https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2020/07/Global-trends-in-climate-change-litigation_2020-snapshot.pdf.

and judicial mechanisms in addressing climate change, which can strengthen legal arguments and provide a basis for legal action.⁵³ Additionally, the Agreement's long-term goals and commitments provide a benchmark against which government actions can be measured, enabling litigants to hold governments accountable for their climate policies and actions.

However, there are also challenges associated with leveraging the Paris Agreement in climate litigation. These include the complexity of legal and scientific issues related to climate change, which may require specialized expertise and resources to effectively litigate.⁵⁴ Additionally, there may be challenges in establishing causation and attribution in climate change-related cases, particularly in cases involving transboundary impacts or multiple actors.⁵⁵ Furthermore, there may be resistance from governments or vested interests to legal challenges that threaten their economic interests or political agendas.

Overall, while leveraging the Paris Agreement in climate litigation efforts presents challenges, it also offers significant opportunities to advance climate justice, hold governments and corporations accountable, and catalyze transformative change towards a sustainable and climate-resilient future.

VI. RECOMMENDATIONS FOR POLICYMAKERS AND LEGAL PRACTITIONERS

Based on the analysis of the implications of climate change laws and the role of climate litigation, several recommendations can be made for policymakers and legal practitioners:

1. **Strengthen legal frameworks and policies:** Policymakers should prioritize the development and implementation of robust legal frameworks and policies that address the root causes and impacts of climate change, promote sustainability and resilience, and protect vulnerable populations.

2. **Enhance transparency and accountability:** Legal practitioners should advocate for greater transparency, accountability, and participation in decision-making processes related to climate change, including through mechanisms such as access to information, public consultation, and independent oversight.

3. **Support climate litigation efforts:** Policymakers and legal practitioners should support climate litigation efforts by providing resources, expertise, and institutional support to litigants

⁵³ Wegener, L. (2020). Can the Paris agreement help climate change litigation and vice versa? *Transnational Environmental Law*, 9(1), 17-36.

⁵⁴ Sandrine Maljean-Dubois. Climate litigation: The impact of the Paris Agreement in national courts. *The Taiwan law review*, 2022, 324, pp.211-222. fffalshs-03679086f

⁵⁵ Peel, J., & Lin, J. (2019). Transnational climate litigation: The contribution of the global south. *American Journal of International Law*, 113(4), 679-726.

and organizations advocating for climate justice and accountability.

4. Promote international cooperation: Policymakers should strengthen international cooperation and collaboration on climate change, including through the exchange of best practices, capacity-building initiatives, and mutual assistance mechanisms.

5. Invest in climate resilience and adaptation: Policymakers should prioritize investments in climate resilience and adaptation measures, including infrastructure upgrades, natural resource management, and community-based adaptation strategies, to enhance resilience and reduce vulnerability to climate impacts.

Overall, by working together to strengthen legal frameworks, promote accountability, and support climate litigation efforts, policymakers and legal practitioners can contribute to more effective and equitable responses to climate change at both national and international levels.

VII. CONCLUSION

In the realm of climate action, the Paris Agreement stands as a beacon of hope, signalling global cooperation in addressing the urgent threat of climate change. However, as the clock ticks and the impacts of climate change become increasingly severe, the need for effective mechanisms to drive action becomes ever more pressing. One such mechanism gaining attention is climate litigation—a legal strategy aimed at holding governments, corporations, and other entities accountable for their contributions to climate change. Climate litigation is not merely a legal process; it embodies a distinct set of characteristics that set it apart from traditional legal proceedings. It often involves strategic litigation aimed at achieving broader policy goals, such as forcing governments to fulfil their climate commitments or compelling corporations to adopt more sustainable practices. Moreover, climate litigation operates on multiple fronts, encompassing both domestic and international legal arenas. At the international level, climate litigation has begun to carve out a significant presence, with landmark cases shaping global climate policy and governance structures. These cases have underscored the role of the judiciary as a critical actor in addressing climate change, particularly when legislative and executive branches falter in their duties. Through legal avenues, climate litigation has the power to drive systemic change, catalysing action where political will may be lacking.

This paper points out the efficacy of the Paris Agreement. Climate change litigation, however, does not replace the accountability established at the international level. It rather adds a complementary, multifaceted second mechanism which allows for the direct involvement of non-governmental actors. As a review of climate policy at the national level

is likely to spill over directly to the international level – mostly as a result of the NDC architecture – an accessible and efficacious court review of such policy further benefits the participation of civil society: it connects the right of access to justice with public participation in decision making in climate matters at national and international levels and thus provides an additional role for private actors in the governance framework.

Transitioning our focus to India, a country grappling with the dual challenges of rapid development and environmental degradation, the historical role of public interest litigation provides a fertile ground for climate litigation to take root. India has a rich tradition of judicial activism in addressing environmental issues, with public interest litigation serving as a powerful tool for holding authorities accountable and safeguarding environmental rights. In recent years, India has witnessed significant developments in climate change case law, reflecting growing recognition of the need to address climate-related challenges. Landmark cases have spurred judicial intervention, prompting policymakers to reassess their approach to climate action. However, despite these strides, challenges persist, including the need for greater judicial capacity and awareness of climate issues. climate change litigation may be only part of the solution but, as a legal tool, it has significantly more potential under the truly global Paris Agreement than under its predecessor, the Kyoto Protocol. Climate litigation plays a significant role in ramping up ambition in climate change mitigation efforts. Also, it helps enhancing the internalization of internationally agreed standards.

VIII. REFERENCES

- Bilek, James V. "Communities for a Better Environment v. South Coast Air Quality Management District." *Chap. L. Rev.* 14 (2010): 553.
- Comer v. Murphy Oil USA. Available: <https://climatecasechart.com/case/comer-v-murphy-oil-usa-inc/>
- Court on its own Motion v. State of Himachal Pradesh & Others, 2013 (CWPIIL No. 15 of 2010) (India).
- Earthlife Africa Johannesburg v. Minister of Energy, Case no. 65662/16, 2016. (South Africa).
- Friends of the Irish Environment V. Ireland, 793 JR. 2017.
- Gaurav Kumar Bansal v. Union of India & Others, 2021. Available: <https://indiankanoon.org/doc/111593765/>
- Gupta, Akhilesh, and H. Pathak. "Climate change and agriculture in India." *New Delhi* (2016).
- Hale, T. (2016). "All hands on deck": The Paris agreement and nonstate climate action. *Global environmental politics*, 16(3), 12-22. Available: https://direct.mit.edu/glep/article-pdf/16/3/12/1817875/glep_a_00362.pdf
- Indian Council for Enviro-legal Action v MoEFCC and Others, application no. 170 of 2014. (India).
- J. Setzer & R. Byrnes, 'Global Trends in Climate Change Litigation: 2019 Snapshot', Policy Report, July 2019, available at: <http://www.lse.ac.uk/GranthamInstitute/publication/global-trends-in-climate-change-litigation-2019-snapsho>
- Juliana v. United States, 217 F. Supp. 3d 1224, 1248 (D. Or. 2016).
- Leghari v. Federation of Pakistan, PLD 2018 Lahore 364.
- M.C. Mehta v. Union of India, AIR 1997 SC 735 (India); Sachidanand Pandey v. State of W.B., (1987) 2 SCC 295 (India); M.C. Mehta v. Union of India, (1987) 4 SCC 463 (India).
- Markell, David, and J. B. Ruhl. "An empirical survey of climate change litigation in the United States." *Envtl. L. Rep. News & Analysis* 40 (2010): 10644.
- Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007).

- Municipal Council Ratlam v. Vardhichand, AIR 1980 SC 1622 (India); M.C. Mehta v. Union of India, AIR 1987 SC 1086 (India); Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715 (India).
- National Green Tribunal Act, 2010, Preamble, No. 19, Acts of Parliament, 2010 (India).
- Peel, J., & Lin, J. (2019). Transnational climate litigation: The contribution of the global south. *American Journal of International Law*, 113(4), 679-726.
- Peel, Jacqueline, Alice Palmer, and R. Markey-Towler. "Review of literature on impacts of climate litigation." *Children's Investment Fund Foundation Report* (2022).
- Ridhima Pandey v. Union of India & Another, Original Application No. 187 of 2017.
- Rural Litigation and Entitlement Kendra v. State of U.P., (1985) 2 SCC 431 (India); M.C. Mehta v. Union of India, (1986) 2 SCC 176 (India); M.C. Mehta v. Union of India, (1996) 4 SCC 750 (India).
- Sandrine Maljean-Dubois. Climate litigation: The impact of the Paris Agreement in national courts. *The Taiwan law review*, 2022, 324, pp.211-222. ffhalshs-03679086f
- Shibani Ghosh, Litigating Climate Claims in India, 114 AM. J. INT'L L. 44 (2020); FRANCESCO SINDICO, FRANCESCO, & MAKANE MOÏSE MBENGUE, COMPARATIVE CLIMATE CHANGE LITIGATION: BEYOND THE USUAL SUSPECTS 47 (2021).
- Shyam Saran, India's Climate Change Policy: Towards a Better Future, MINISTRY OF EXTERNAL AFFAIRS, INDIA (Nov. 8, 2019).
- Subramanian, Aishwarya, et al. "Long-term impacts of climate change on coastal and transitional eco-systems in India: an overview of its current status, future projections, solutions, and policies." *RSC advances* 13.18 (2023): 12204-12228.
- The Paris Agreement. Available: <https://unfccc.int/process-and-meetings/the-paris-agreement>
- UNEP. 2023. Global Climate Litigation Report. DOI: <https://doi.org/10.59117/20.500.11822/43008> .
- UNFCCC, The Paris Agreement. Available: <https://unfccc.int/process-and-meetings/the-paris-agreement>
- United Nations Environment Programme (2020). Global Climate Litigation Report: 2020 Status Review. Nairobi. ISBN No: 978-92-807-3835-3.

- Urgenda Foundation v The State of the Netherlands (Ministry of Infrastructure and the Environment), HA ZA 13-1396, C/09/456689, ECLI:NL:RBDHA:2015:7145.
- Voigt, C. (2023). The power of the Paris Agreement in international climate litigation. *Review of European, Comparative & International Environmental Law*, 32(2), 237-249.
- Wegener, L. (2020). Can the Paris agreement help climate change litigation and vice versa? *Transnational Environmental Law*, 9(1), 17-36.
- Wewerinke-Singh, Margaretha. "The Rising Tide of Rights: Addressing Climate Loss and Damage through Rights-Based Litigation." *Transnational Environmental Law* 12.3 (2023): 537-566.
