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Navigating India's Climate Change Legal Landscape

India's strategy for addressing climate change is at a critical crossroads in a world where environmental issues are defining global affairs more and more. India's varied terrain, from the Himalayan glaciers to the coastal plains, is very sensitive to the consequences of climate change, including harsh weather, depletion of water supplies, and loss of wildlife. In light of this, understanding India's legal framework on climate change becomes crucial. Thus it is important to explore the complex network of laws, rules, and policies that India has put in place to both mitigate and adapt to climate change. The process from policy to action, from the setting of aggressive climate objectives to the implementation of environmental laws, and how legislation, court rulings, and grassroots activity have shaped India's response to this global catastrophe needs to be put in the spotlight.

Regarding climate change in India, the most significant piece of law is the **Environmental Protection Act of 1986**. The primary goal of the Act is to empower the federal and state governments to safeguard and enhance the condition of the environment. Secondly, mitigating and avoiding contamination of the ecosystem. In 1992, this Act was last amended.¹

The revolutionary law known as the **Air Prevention and Control of Pollution Act of 1981** grants the State the authority to control the standards for air pollutant emissions. The Act gives the State the authority to examine any plant, as well as any control mechanisms and manufacturing procedures. It also enables the State to implement the required measures to regulate air pollution. Without complying with the conditions outlined in this legislation, no industry may function.³

The National Green Tribunal is governed by the **National Green Tribunal Act of 2010**. An Act of the Indian Parliament called the National Green Tribunal Act, 2010 makes it possible to establish a special tribunal to deal with the prompt resolution of disputes involving environmental concerns. These tribunals were set up to guarantee the prompt and efficient resolution of matters pertaining to environmental protection. These tribunals also have jurisdiction over matters where a major question connected to the environment emerges.^{4 5}

¹ https://www.indiacode.nic.in/bitstream/123456789/4316/1/ep_act_1986.pdf (last visited Mar. 24, 2024).

² <https://cpcb.nic.in/env-protection-act/#:~:text=It%20empowers%20the%20Central%20Government,was%20last%20amended%20in%201991.> (last visited Mar. 24, 2024)

³ <https://www.jspcb.nic.in/upload/uploadfiles/files/AirAct.pdf> (last visited Mar. 24, 2024)

⁴ https://greentribunal.gov.in/sites/default/files/act_rules/National_Green_Tribunal_Act,_2010.pdf (last visited Mar. 24, 2024).

⁵ Contributors to Wikimedia projects, National Green Tribunal Act, 2010 - Wikipedia, Wikipedia, the free encyclopedia (Feb. 22, 2011), https://en.wikipedia.org/wiki/National_Green_Tribunal_Act,_2010.

A legislative foundation for the economic use of energy was established with the enactment of the **Energy Conservation Act of 2001**. It does this by guaranteeing that users only receive energy-efficient equipment and by offering a thorough framework for power growth. It is an act to promote energy conservation and efficient usage, as well as things related or incidental thereto.⁶

To preserve and safeguard India's current forest resources, the **Forest Conservation Act of 1980** was passed. Following the passage of this legislation, the government acquired reserve ownership over all woods. Additionally, the legislation stipulates that if any conserved forest is used for non-forest uses, compensation measures must be performed. The purpose of this act is to provide for the preservation of forests and other related, incidental, or auxiliary things.⁷

The purpose of the **1977 Water Prevention and Control of Pollution Act** was to stop home, industrial, and agricultural waste from contaminating water supplies. The statute also governs the water use cess that is paid. The Water (Prevention and Control of Pollution) Act, 1974 was passed by Parliament in accordance with Article 252 of the Constitution in an effort to reduce river and stream pollution, a problem that has grown increasingly urgent in recent years due to rising urbanization and industrialization.⁸

To save wildlife inside India's boundaries, the **Wildlife Protection Act of 2002** was passed. The first of the act's three primary goals is to create unified laws for wildlife. The establishment of a network of national parks and animal sanctuaries comes in second. Third, to control the illegal wildlife trade and the goods it produces. The country's biodiversity is to be preserved and used sustainably thanks to the **Biological Diversity Act of 2002**. India is one step closer to achieving its goal of realizing the equitable distribution of its biodiversity thanks to this statute. The United Nations Convention on Biological Diversity was held in Rio de Janeiro in 1992, and it reaffirmed the sovereign rights of the State over their biological resources. Its goals include the conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising out of the use of biological resources and knowledge. India, a signatory to the aforementioned Convention, determined that it was imperative to implement the said Convention. As a result, the Parliamentary Bill on Biological Diversity was presented. The Bill was presented to the Lok Sabha on May 15, 2000. On December 4, 2001, the report of the Standing Committee on Science and Technology, Environment & Forests was placed on the table of the Lok Sabha. On December 2, 2002, the Lok Sabha approved it, and on December 11, 2002, the Rajya Sabha did the same.⁹

In conclusion, India's experience navigating the legal system around climate change emphasizes the necessity of acting quickly and decisively when faced with an environmental

⁶ <https://beeindia.gov.in/sites/default/files/The%20Energy%20Conservation%20Act,chp1.pdf> (last visited Mar. 24, 2024)

⁷ Home | PRSIndia,

https://prsindia.org/files/bills_acts/bills_parliament/2005/bill53_2007010153_Handbook_of_Forest_Conservation_Act_1980_and_Forest_Conservation_Rules_2003.pdf (last visited Mar. 24, 2024).

⁸ The Water (Prevention And Control Of Pollution) Cess Act, 1977, Indian Kanoon - Search engine for Indian Law, <https://indiankanoon.org/doc/1940190/> (last visited Mar. 24, 2024).

⁹ https://www.jkforest.gov.in/assets/pdf/act/THE_BIOLOGICAL_DIVERSITY_ACT.pdf (last visited Mar. 24, 2024).

emergency. The country has come a long way in tackling the problems caused by climate change, from the creation of bold policies to the application of practical solutions. But there is still a long way to go, and it will need consistent work from activists, politicians, and the general public. To guarantee that climate action is inclusive and successful, we must place a high priority on equity, creativity, and collaboration as we traverse this terrain. India can maintain its leadership position in the global battle against climate change by utilizing the legal system to its full potential and pave the way for future generations to live more sustainably and resiliently.