

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

INDIAN JUDICIARY'S INTERPRETATION ON THE PARIS AGREEMENT: BRIDGING GLOBAL CLIMATE GOALS WITH LOCAL JUSTICE

AUTHORED BY - P SRINIDHI (Student) & DEVI KRISHNA SR (Student)
St. Joseph's College of Law, Bengaluru, Karnataka

ABSTRACT:

Climate change is the foremost global challenge of the 21st century, resulting in distorted ecosystems, impacted economies, and danger to human lives. As a response to this challenge, the law has a crucial role at both the national and international levels in encouraging activities to reduce climate change and respond to its impacts. India is not only among the biggest emitters of greenhouse gases but also a nation particularly exposed to the implications of climate change. India has seen the value of legal frameworks in responding to the worldwide issue of the climate crisis. The focus of this study is on the Indian Judiciary's interpretation of the international climate goals based on the Paris Agreement. On April 22, 2016, the Paris Agreement was adopted, which is an international binding legal framework that addresses climate change. Today, 194 nations and the European Union have signed the Paris Agreement. The main objective of this treaty is to make sure that the increase in global average temperature stays below 2°C above pre-industrial levels, intending to cap the increase at only 1.5°C. This research analyses how the courts have drawn upon the provisions of the agreement to reinforce environmental protection under Article 21 of the Constitution, which protects the right to a safe environment and life. The study will examine how the judiciary treats climate change through an analysis of case laws and landmark judgments. The judicial perspective holds a pivotal place in closing the gap between environmental law at an international level and domestic application. The research takes advantage of several case studies and articles to determine the status of climate change and the protection of the environment. This research further clarifies how the Indian judiciary has become an effective stakeholder in pushing climate justice and environmental administration.

Keywords: Paris Agreement, Judicial system, environmental law, Article 21.

1) INTRODUCTION:

Climate change is a multifaceted problem both regionally and internationally. The growing threat of climate change has prompted various organisations, like the United Nations Framework Convention on Climate Change (UNFCCC) and the Intergovernmental Panel on Climate Change (IPCC), to engage in drafting and carrying out various climate change agreements globally. India is a signatory to various international agreements like the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement. The Paris Agreement, 2015, is the latest agreement that India has signed.

The Paris Agreement is a legally binding international treaty on climate change. It was adopted by 196 Parties at the UN Climate Change Conference (COP21) in Paris, France, on 12 December 2015. It entered into force on 4 November 2016. Its overarching goal is to hold “the increase in the global average temperature to well below 2°C above pre-industrial levels” and pursue efforts “to limit the temperature increase to 1.5°C above pre-industrial levels.” However, in recent years, world leaders have stressed the need to limit global warming to 1.5°C by the end of this century¹.

The countries like Afghanistan, Australia, Brazil, Canada, China, Denmark, European Union, Finland, Germany, India, Japan, Kuwait, Libya, Malaysia, Nepal, Pakistan, Singapore, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, United Arab Emirates, United Kingdom, United States of America, Viet Nam, Zimbabwe are the signatories some of the Paris Agreement.².

The Paris Agreement works on a five-year cycle of increasingly ambitious climate action, or ratcheting up, carried out by countries. Since 2020, countries have been submitting their national climate action plans, known as nationally determined contributions (NDCs). Each successive NDC is meant to reflect an increasingly higher degree of ambition compared to the previous version³. India submitted its Intended Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC) on 2nd October,

¹ (Unfccc.int) <<https://unfccc.int/process-and-meetings/the-paris-agreement>> accessed 27 April 2025

² (Unfccc.int) <<https://unfccc.int/process-and-meetings/the-paris-agreement>> accessed 27 April 2025

‘List of Parties That Signed the Paris Agreement on 22 April’ (United Nations) <<https://www.un.org/sustainabledevelopment/blog/2016/04/parisagreementsingatures/>> accessed 27 April 2025

³ Unfccc.int) <<https://unfccc.int/process-and-meetings/the-paris-agreement>> accessed 27 April 2025

2015.⁴ Following the decisions stated, India's Intended NDC is now its first NDC under the Paris Agreement. Implementation of the Paris Agreement requires economic and social transformation, based on the best available science.

The Indian courts have a prominent and eminent role in interpreting and implementing the international environmental obligations within the domestic law. Through passing landmark judgments and evolving jurisprudence, the courts sought to bridge the gap between the principles of the Paris Agreement, aligning the extensive scope of the fundamental rights and sustainable environment enshrined in the Constitution of India.

However, the Judiciary faces various interventions as the Agreement itself is a voluntary agreement in nature, often complicating the task of legally enforcing it at the national level. The limits and powers vested by the Judiciary make it challenging and complex to fulfil the commitments in the Paris Agreement. The Paris Agreement relies heavily on Nationally Determined Contributions, which are not legally binding; thus, the accountability of the courts is questionable. The arguments, like the lack of legislation and a proper mechanism to enforce the principles, are the major challenges faced by the judiciary. The agreement itself lacks a clear enforcement mechanism.

2) METHODOLOGY:

The study adopts Doctrinal research. This type of research allows drawing conclusions after analysis and interpretation of current legal principles, regulations, legislations, case laws, and other legal sources. The research methodology utilised in this study involves the compilation of sources pertaining to the subjects of the Paris Agreement, judicial interpretation on the Paris Agreement, and its impact in aligning Global climate goals with local justice. The secondary sources from which the data were gathered were journals, legal principles, regulations, legislations, case laws, as well as printed and digital articles from online sources. In research, selecting a methodology is crucial because it dictates the kinds of data that are gathered, the manner in which the study is carried out, and the conclusions that can be drawn.

⁴ (India's updated first nationally determined contribution ..., August 2022) <<https://unfccc.int/sites/default/files/NDC/2022-08/India%20Updated%20First%20Nationally%20Determined%20Contrib.pdf>> accessed 27 April 2025

A. STATEMENT OF THE PROBLEM:

The intersection of Global climate goals and local justice is a critical nexus where disparities persist; India is a country with several socio-economic differences and varied ecological areas. Therefore, the Indian courts play a pivotal role in ensuring justice by addressing climate change commitments along with tackling domestic laws. Nonetheless, safeguarding the rights, means of subsistence, and aspirations for development of disadvantaged individuals can occasionally clash with the demands of achieving global climate goals.

B. RESEARCH QUESTIONS:

1. What complexities are being faced by the Indian Judiciary in implementing the objectives of the Paris Agreement and the domestic law simultaneously?
2. To what degree has the concept of fundamental rights been expanded concerning the right to life under Article 21, to embrace climate justice established concerning the Paris Agreement?
3. What landmark Judgments have Indian Courts incorporated, and have they been influenced by the principles of the Paris Agreement?

C. HYPOTHESIS:

This study is based on the hypothesis that, despite acknowledging the existence and relevance of the Paris Agreement in environmental jurisprudence, the Indian judiciary has not fully interpreted, incorporated, or applied its principles to the fullest extent possible. It argues, in particular, that Indian courts have typically invoked the Paris Agreement in a general or declaratory manner without closely examining its substantive commitments, such as the concept of common but differentiated responsibilities (CBDR), adaptation obligations, climate mitigation, and the nationally determined contributions (NDCs).

D. OBJECTIVES:

- To analyse the degree of interpretation of the Paris Agreement by the Indian judiciary.
- To explore the equilibrium of the international environmental obligations and the realities of local governance through the Indian judiciary.

- To identify the challenges in implementing the norms of the Paris Agreement by the Indian courts.

E. SCOPE OF THE STUDY:

This study aims to analyse the interpretation of the Paris Agreement by the Indian judiciary, which includes the obligation of the courts to implement the international norms in local governance. The major objectives that India is obliged to fulfil are the goal of limiting the temperature increase to below 2 degrees Celsius, while pursuing efforts to limit the increase to 1.5 degrees Celsius; to reach global peaking of greenhouse gas emissions (GHGs); climate neutrality; to conserve and enhance sinks and reservoirs of GHGs; to engage in adaption, including by formulating and implanting National Adaption Plans; and mitigation. The Supreme Court of India has expanded the scope of Article 21 (Right to life and liberty) and Article 14 (right to equality). The expansion of both articles has placed the responsibility on the government to protect the citizens from the adverse consequences of climate change, like increased floods, droughts, and provide them with a safe environment. The paper also discusses the clash of the balance of the Indian judiciary and the implications of the international agreement (Paris Agreement) on the vulnerable communities and achieving the global climate goals. India has a varied socio-economic and geographic structure, making it complex.

F. LITERATURE REVIEW:

The academic literature extensively documents the effectiveness and implications of the Paris Agreement in the Indian Context.

- **Climate Change and Indian Courts: Are We on the Right Track, Naveen Sukumaran (2022)** emphasises that climate change is essentially regulated by international frameworks like the United Nations Framework Convention on Climate Change (UNFCCC), Kyoto Protocol, Paris Agreement, and Sustainable Development Goals (SDGs). The author further highlights that there has been an increase in climate-related litigations where individuals and groups hold governments and corporations accountable for contributing to climate change. The litigations often encounter human rights violations and deceptive practices like greenwashing. The author also analyses the proactiveness of the judiciary in interpreting environmental matters.

- **India's Climate Change Commitments: Legal Challenges in Implementing the Paris Agreement, Mansi Dalal**, highlights India's commitments to cut the intensity of its emissions by 45% by 2030, achieve net-zero emissions by 2070, and expand the capacity of non-fossil fuel energy to 500 GW by 2030, but points out that these are in line with the targets of the Paris Agreement but are voluntary and lack binding enforcement provisions. The writer goes on to say that there is no holistic legislative regime for climate change in India. The current legislation, like the Environment Protection Act (1986) and the Energy Conservation Act (2001), mainly caters to environmental issues; they do not, however, address the challenge of climate change. As reflected in the seventh schedule of the Indian Constitution, the authors of this article explained how coordination problems result from overlapping jurisdictions between state and federal governments.
- **Interpreting the Paris Agreement in its Normative Environment, Lavanya Rajamani (2024)**, the author examines the specific responsibilities brought about by the 2015 Paris Agreement and maintains that it should be interpreted in light of international environmental law and similar normative frameworks rather than in a vacuum. For the agreement's implementation to be in line with the broad principles of environmental protection and sustainable development, an effort has been made to clarify and reinforce the responsibilities of the parties.
- **In The Paris Agreement on Climate Change and India (2017), an overview of the Paris Agreement, Pushpa Kumar Lakshmanan, Shachi Singh, and S. Asta Lakshmi** stressed the importance of international cooperation and the need for all countries to contribute to mitigation and adaptation. The writers also discussed India's pledges and initiatives, such as lowering emission intensity, boosting renewable energy, and improving carbon sinks. They also discussed domestic initiatives like the State Action Plans on Climate Change (SAPCCs) and the National Action Plan on Climate Change (NAPCC) that India has taken to fulfil its international obligations. The authors discuss how identifying obstacles is crucial to guaranteeing the agreement's successful execution and India's achievement of its climate goals.
- **Paris Agreement and India: Challenges and Opportunities, Naveen Sukumaran (2020)**. India faces both opportunities and challenges as a result of

the Paris Agreement, which plays a crucial role in global climate governance. India has the potential to be a major player in international efforts to combat climate change if it embraces the agreement's flexible framework and makes long-term pledges to sustainable development.

- **Climate Litigation: The Impact of the Paris Agreement in National Courts,** Dr Sandrine Maljean–Dubois (2022) described how, despite not being legally binding in domestic courts, the Paris Agreement has indirectly increased climate litigation by establishing a normative framework that litigants can use as support. National courts are now significant actors in the worldwide battle against climate change as a result.

In conclusion, the literature presents a comprehensive view of the interpretation of the Paris Agreement. Deep complexities are involved when local justice and international climate goals are combined, particularly when it comes to competing economic interests and legal frameworks. In the Indian context, judicial interpretation is crucial to ensuring that the rights and livelihoods of marginalised communities are not sacrificed in the pursuit of international climate obligations.

3) DISCUSSION AND FINDINGS:

3.1. Complexities faced by the Indian Judiciary in implementing the objectives of the Paris Agreement.

3.1.1 Voluntary Agreement:

The agreement is voluntary, meaning the violation or non-compliance has no strict legal penalties that will be imposed. This allows the country to set its targets and does not impose any emission limits. This lack of a target reduces the commitment to the agreement. A party "shall pursue domestic mitigation measures to achieve the objectives of its NDC," according to the Paris Agreement. However, this clause does not require any specific domestic actions or prohibit a party from later removing, changing, or replacing actions it has already taken⁵. The agreement completely relies on the Nationally Determined Contribution and not on any target set and achieved. The voluntary agreement

⁵ (Legal issues related to the Paris Agreement) <<https://www.c2es.org/wp-content/uploads/2017/05/legal-issues-related-paris-agreement.pdf>> accessed 27 April 2025

can include potentially free to free-riding, under ambitious targets, and difficulties in ensuring compliance. The Paris Agreement's CBDR-RC Principle under the Paris Agreement no longer bifurcates the countries into different groups with assigned obligations; it rather creates a contributory band where countries submit their contribution based on their national circumstances⁶.

3.1.2. Lack of enforcement mechanism in the agreement:

Enforceability is the primary issue with many international agreements. Although the Paris Agreement mandates that carbon emissions be tracked and reported, it has no legal authority to compel a nation to lower its emissions. Legislative bodies or heads of state must enact the majority of measures on lowering carbon emissions; agreements with the international community are secondary to those decision-making processes.⁷ Limited financial and administrative resources make it complex for emerging economies to meet ambitious goals. They frequently depend on foreign assistance, like the Just Energy Transition Partnership, to accomplish this. However, the \$100 billion promised by Paris has not been met by developed nations, and emerging economies need more money for damage mitigation and adaptation.⁸

3.1.3. Lack of enforceability and enforcement mechanism in India:

Under India's "dualist" system, international agreements must be converted into domestic law to be enforceable there. The Indian Constitution grants Parliament the power to pass laws to implement treaties, even though international agreements do not specify implementation and enforcement within domestic legal systems. Therefore, domestic legislation has no deadline. India's obligations under the Paris Agreement and UNFCCC are not guided by any updated policy documents or comprehensive climate change legislation⁹. As an

⁶ 'Paris Agreement and India: Challenges and Opportunities' (SSRN, 6 January 2023) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4315976> accessed 27 April 2025

⁷ 'Failures and Successes of the Paris Agreement' (ACE, 9 August 2023) <<https://ace-usa.org/blog/research/research-foreignpolicy/failures-and-successes-of-the-paris-agreement/#:~:text=The%20main%20challenge%20associated%20with,a%20country%20to%20reduce%20emissions.>> accessed 27 April 2025

⁸ Stankovic T, Hovi J and Skodvin T, 'The Paris Agreement's Inherent Tension between Ambition and Compliance' (Nature News, 2 September 2023) <<https://www.nature.com/articles/s41599-023-02054-6>> accessed 27 April 2025

⁹ Parul Kumar and Abhayraj Naik by Parul Kumar and Abhayraj Naik Parul Kumar (p, Naik PK and A and Naik PK and A, 'India's Domestic Climate Policy Is Fragmented and Lacks Clarity' (Economic and Political Weekly, 14 February 2019) <<https://www.epw.in/engage/article/indias-domestic-climate-policy-fragmented-lacks-clarity>> accessed 27 April 2025

alternative, India's general environmental policy concentrates on specific environmental issues such as waste management, agriculture, mining, forests, pollution, water, energy, transportation, and environmental clearance. India's response to climate change is outlined in the National Environmental Policy 2006, but it makes no mention of how important or feasible each item is. The majority of laws were enacted decades before people became aware of climate change, and they do not represent the current national and global climate debate.

3.1.4. NDCs are not legally binding:

The National Determined Contribution (NDCs) under the Paris Agreement are not legally binding as they are voluntary commitments.¹⁰ The non-legally binding nature of the NDCs raises the question of the responsibility and accountability of the Indian Judiciary in enforcing the climate actions. Without binding obligations, the courts are facing a challenge in holding the government responsible and accountable, which also limits the courts from giving directions to the government. The court can only interfere to any extent in fulfilling the obligations of the Paris Agreement. The NDC report is submitted by the government to UNFCCC and is not in any way guided by the courts, thus limiting the intervention by the courts.

3.1.5. The development of individuals can clash with the demands of achieving global climate goals:

Adaptation programs that target the most vulnerable to climate shocks and underprivileged socioeconomic groups frequently encounter elite capture, which strengthens already-existing power dynamics. The distribution of benefits is skewed in favour of local elites because privileged groups frequently set goals and priorities top-down. There is evidence of elite capture and manipulation all over the world, including in Tanzania, India, and Nepal, where affluent community members monopolize benefits and influence projects for political purposes¹¹. The Paris Agreement's recognition of the "common but differentiated responsibilities and respective capabilities" principle, developed

¹⁰ International LR, 'Legal Bindingness of "Nationally Determined Contributions"' (Legal Response International) <<https://legalresponse.org/legaladvice/legal-bindingness-of-nationally-determined-contributions/>> accessed 27 April 2025

¹¹ Author links open overlay panel Siri Eriksen and others, 'Adaptation Interventions and Their Effect on Vulnerability in Developing Countries: Help, Hindrance or Irrelevance?' (World Development, 22 January 2021) <<https://www.sciencedirect.com/science/article/pii/S0305750X20305118>> accessed 27 April 2025

nations can take the lead in efforts to mitigate climate change, while developing nations have more leeway. However, conflict emerges as developing and impoverished nations contend that, since industrialisation, urbanisation, and energy expansion are essential to development, economic progress and poverty reduction should not be foregone in favour of climate action.

3.2. Degree of expansion of Articles 21 and 14 concerning the global climate goals:

In a case concerning the lesser Florican and Great Indian bustard, the Indian Supreme Court recognised the right to defend against the adverse effects of climate change, connecting it to constitutional rights to equality and life. To protect the birds, the bench overturned a 2021 ban that had imposed a complete ban on overhead powerlines across 99,000 square kilometres, which included portions of Gujarat and Rajasthan. According to the court, permitting underground power transmission cables in such a vast region, which also has amazing potential for clean energy sources like solar and wind, will significantly hinder the nation's transition to clean energy, which is essential to meeting its climate goals. This will hinder international efforts to combat climate change and jeopardise Indians' fundamental rights, including the right to equality, life, and energy access, among others.

Despite making a distinction between climate mitigation and ecological conservation, the Indian Constitution nevertheless gives Indians the right to preserve their natural surroundings. The nation's forests and wildlife must be protected and improved, according to Article 48A. It is the responsibility of every Indian citizen to preserve and enhance the country's natural environment, which includes its rivers, lakes, forests, and wildlife. Compassion for all living beings is emphasised in Article 51A, clause (g). Additionally, Article 14 of the Constitution ensures equality before the law and equal protection under it, while Article 21 recognises the right to life and personal liberty. These articles cover the rights to a clean environment and defence against the negative consequences of climate change.

3.2.1. This Court ruled in MC Mehta vs. Kamal Nath¹², 2000, that Article 21 must be taken into consideration when interpreting Articles 48A and 51A(g):

According to Article 21 of the Constitution, "life" or liberty cannot be taken away unless it is required by law. It also states that "life" would be in danger if

¹² [(1997) 1 SCC 388]

the fundamental components of the environment—soil, water, and air—were disturbed.

3.2.2. This Court acknowledged the following rights to a clean environment in *Virender Gaur v. State of Haryana*¹³, 1995:

Given that the right to life is a fundamental right under Article 21, the State has an obligation to preserve ecological balance and a clean environment. This includes maintaining a clean environment free from air and water pollution, as well as maintaining proper sanitation. Any contraindications or actions that pollute the environment are violations of Article 21. The right to a healthy life is inextricably linked to a clean environment, and it is impossible to live with human dignity without one. Since environmental protection has grown to be a major concern for human survival, it is imperative that the state government and local governments maintain a healthy environment and take the necessary steps to enhance, preserve, and promote both the natural and man-made environments.

In the year 2006, *Karnataka Industrial Areas Development Board vs C Kenchappa*¹⁴ and *Bombay Dyeing & Mfg. Co. Ltd. (3) v. Bombay Environmental Action Group*¹⁵ acknowledged the environmental threats posed by global warming and sea level rise, emphasising the urgency of taking action to lessen these effects.

The right against climate change's negative effects is still undefinable, despite a plethora of rulings on the right to a clean environment and national policies addressing it. It is critical to acknowledge this as a separate right, as stipulated in Articles 14 and 21, as the harm caused by climate change increases.

3.3. Judgements that are incorporated, and have they been influenced by the principles of the Paris Agreement:

3.3.1. *Ridhima Pandey v. Union of India*¹⁶

Nine-year-old Ridhima Pandey of Uttarakhand sued the Indian National Green Tribunal in March 2017 over climate change. To meet its responsibilities under

¹³ (1995) 2 SCC 577

¹⁴ [2006] Supp. (2) S.C.R. 362

¹⁵ [2006] 2 SCR 920

¹⁶ 2017 SCC OnLine NGT 187

the Paris Agreement, environmental laws, and climate-related policies, the case argued that India must do more to fight climate change. Pandey claims that children are disproportionately affected by climate change and that preserving the environment and forests is necessary to address this problem. According to the petition, India must avoid severe climate change by meeting critical thresholds of 1° Celsius or 350 parts per million of atmospheric carbon dioxide. The National Green Tribunal dismissed the case, arguing that climate change was already covered by impact assessments conducted under the 1986 Environment Protection Act. Following Pandey's appeal, the Indian Supreme Court named two advisors and mandated that the Union government provide a list of relevant carbon emissions laws and regulations. Along with evaluating the initiatives' enforceability and binding force, the court also emphasised the need to coordinate the institutional framework across ministries.

3.3.2. M K Ranjitsinh & Ors. v. Union of India & Ors¹⁷

An order from the Indian Supreme Court has been requested to save the endangered Lesser Florican and Great Indian Bustard (GIB). Court challenges have been filed against a previous decision that required the use of overhead transmission lines and the conversion of power lines to underground. Power, Environment, Forests, and Climate Change, and New and Renewable Energy ministries have all requested that the ruling be overturned. There has been a call for the court to strike a balance between the preservation of the GIB and India's commitment to managing climate change through justice. In addition, the court has emphasised the importance of renewable energy sources for social justice and inclusive development. The court has loosened restrictions in potential GIB areas and restricted the undergrounding requirement to priority GIB areas. A balance between preserving the GIB and reducing the consequences of climate change is sought in this case.

3.3.3. All Dimasa Students Union v. State of Meghalaya¹⁸

The case revolves around illegal coal mining and the environmental degradation in the state of Meghalaya. The Supreme Court mainly focused on enforcing environmental regulations and sustainable development. The judgment did not directly cite the Paris Agreement, but the idea behind the decision to protect the

¹⁷ [2024] 3 S.C.R. 1320

¹⁸ 2014 SCC OnLine NGT 2307

environment, sustainable uses of resources, aligns mainly with the Agreement. The Paris agreement focuses on sustainability and focus on safeguards the environment from the adverse effects of climate change. It also aims to find the sinks and reservoirs of GHGs. Meghalaya is one of the natural sinks for greenhouse gases as it's in the eastern Himalayan region and has dense forests.

4) SUGGESTIONS:

- The implementation of the agreement needs a comprehensive climate legislation and an enforcement mechanism. Thus, a comprehensive law should be established to incorporate the obligations of the Paris Agreement.
- The National Determined Contribution is not legally binding, limiting the courts from reviewing the report submitted. The courts should be involved in the making of the NDC report, or the courts should review the report made by the government.

5) CONCLUSION:

The Indian courts' interpretation of the Paris Agreement shows notable gaps in really connecting local justice with global climate goals, despite the judiciary's reputation for progressive environmental jurisprudence. Although the courts have frequently cited environmental preservation and sustainable development, their dependence on global accords such as the Paris Accord is still primarily symbolic rather than substantive. The spirit and goals of the Paris Agreement have not been consistently or strictly upheld by the Indian judiciary. India's international obligations are regularly used by courts to support general environmental principles, but there is no legally enforceable enforcement of these commitments or a system in place to convert them into domestic laws. Climate commitments under international treaties like the Paris Agreement are regarded as soft law, which means they are compelling but not legally binding, in contrast to fundamental rights or statutory duties. As a result, the judiciary's ability to hold businesses and the government responsible for not meeting emission targets or climate adaptation goals is diminished. To include international climate agreements like the Paris Agreement into India's legally binding constitutional rights, it has been essential to expand Article 14 (Right to Equality) and Article 21 (Right to Life and Personal Liberty). The broad and developing interpretation of these fundamental rights enables Indian courts to incorporate the concepts of the Paris Agreement into their domestic jurisprudence, even though it is not directly enforceable by itself. Bridging the gap between international obligation and

local governance is still an unfinished task.

6) REFERENCE:

- a) (Unfccc.int) <<https://unfccc.int/process-and-meetings/the-paris-agreement>> accessed 27 April 2025
- b) 'List of Parties That Signed the Paris Agreement on 22 April' (United Nations) <<https://www.un.org/sustainabledevelopment/blog/2016/04/parisagreementsingatures/>> accessed 27 April 2025
- c) 'SSRN Elibrary Statistics':(SSRN) <<https://papers.ssrn.com/sol3/DisplayAbstractSearch.cfm>> accessed 27 April 2025
- d) 'International Journal for Legal Research and Analysis' (image) <<https://www.ijlra.com/paper-details.php?isuurl=indias-climate-change-commitments-legal-challenges-in-implementing-the-paris-agreement-by-mansi-dalal>> accessed 27 April 2025
- e) (Volume 77 issue 1 | current legal problems | oxford academic) <<https://academic.oup.com/clp/issue/77/1>> accessed 27 April 2025
- f) ((PDF) The Paris Agreement on Climate Change and India) <https://www.researchgate.net/publication/312672440_The_Paris_Agreement_on_Climate_Change_and_India> accessed 27 April 2025
- g) (Hal) <<https://shs.hal.science/halshs-03679086/document>> accessed 27 April 2025
- h) Sukumaran N, 'Climate Change and Indian Courts: Are We on the Right Track' (SSRN, 6 January 2023) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4315975> accessed 27 April 2025
- i) 'Paris Agreement and India: Challenges and Opportunities' (SSRN, 6 January 2023) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4315976> accessed 27 April 2025.
- j) Author links open overlay panelSiri Eriksen a and others, 'Adaptation Interventions and Their Effect on Vulnerability in Developing Countries: Help, Hindrance or Irrelevance?' (World Development, 22 January 2021) <<https://www.sciencedirect.com/science/article/pii/S0305750X20305118>> accessed 27 April 2025
- k) [2024] 3 S.C.R. 1320
- l) 2014 SCC OnLine NGT 2307
- m) 2017 SCC OnLine NGT 187