

Climate Justice in India: Legal Tools and Grassroots Movements

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Abstract— Climate justice in India sits at the juncture and intersection of constitutional rights, statutory institutions, national policy and powerful grassroots mobilisation. This paper maps the legal architecture i.e. constitutional protections, judicial doctrines, statutory forums such as the National Green Tribunal and national climate policy instruments, assesses trends in climate litigation and corporate accountability and inspects how long-standing grassroots movements like Chipko, Narmada Bachao Andolan and contemporary forest and anti-mining resistances such as Hasdeo Arand have shaped and can strengthen social tools for justice and adaptation. Building on national commitments including India's updated NDC i.e. the Nationally Determined Contributions and global litigation trends, the paper argues for a rights-based, procedural and distributive approach to climate law in India: Clearer domestic legal obligations on mitigation and just transition Stronger procedural rights for affected communities Institutional reforms for enforcement and participatory policy-making Supportive financing and capacity building for community-led adaptation. The paper concludes with targeted recommendations for law reform, policy design and grassroots-state linkages to advance climate justice.

Keywords— Climate Justice, Climate Litigation, Environmental Governance, Grassroots Movements, India

I. INTRODUCTION

Climate change in India is not simply an environmental or procedural problem, it is a social, economic and a concern for fundamental rights. Effects are disseminated erratically across geography, caste, class, gender and livelihood, making climate change a question of justice as much as a scientific one. Answers therefore entail legal tools that secure rights and remedies plus social tools that sanction communities most affected by climate harms. This

paper positions India's existing legal and policy instruments alongside its pulsating institution of grassroots environmental activism to ask this question- "How can social movements and law together deliver climate justice?"

II. LITERATURE AND CONTEXT

Researchers and scholars have noted a global rise in climate litigation, where courts are increasingly asked to administer mitigation and adaptation commitments. Reports by the United Nations Environment Programme (hereinafter referred to as UNEP) and academic centres accelerating trends in rights-based climate litigation worldwide.

India's climate policy framework is anchored in the NAPCC of 2008 that introduced eight national missions and the Updated First National Determined Contribution (NDC) of 2022, which commits India to reducing emissions intensity and creating carbon sinks.

Grassroots movements such as the Chipko movement and the Narmada Bachao Andolan historically designed environmental law and policy, entrenching distributive justice into legal debates. Contemporary movements, including resistance to coal mining in Hasdeo Arand, extend this legacy into the climate era.

III. LEGAL ARCHITECTURE FOR CLIMATE JUSTICE IN INDIA

A. Constitutional Foundations and Judicial Doctrines

The Hon'ble Supreme Court of India has time after time interpreted Article 21 of the Constitution of India i.e. right to life to include the right to a healthy environment, clean air and water, thereby giving

constitutional weight to environmental harms. Landmark jurisprudence and subsequent case laws have endorsed petitioners to approach courts pursuing relief for environmental degradation as an abuse and violation of fundamental rights. This constitutional reading underpins many climate related claims in India. In *Subhash Kumar v. State of Bihar*, the Court recognised that the right to life includes the right to enjoyment of pollution-free water and air. Similarly, in *M.C. Mehta v. Union of India*, the court expanded environmental rights jurisprudence.

B. Specialised Environmental Adjudication: the National Green Tribunal

The National Green Tribunal Act, 2010 established the National Green Tribunal, (hereinafter referred to as NGT) as a specialised statutory forum for the operative, speedy and expeditious clearance of environmental cases and relief for environmental damage. The NGT has become a significant setting and authority for cases touching climate-relevant issues such as pollution, forests, animal safety and security, industrial projects and for providing remedies and guidelines with technical proficiency and expertise.

C. Statutory and Policy Instruments

Beyond courts and tribunals, India's statutory and policy instruments for example, pollution control laws, forest laws, environmental impact assessment procedures, the NAPCC (National Action Plan on Climate Change) missions and the updated NDC create obligations and policy space for mitigation, adaptation and climate resilience. However, these instruments are often criticised for uneven enforcement, weak procedural access for communities and limited explicit incorporation of distributive justice or loss-and-damage principles.

IV. CLIMATE LITIGATION AND ACCOUNTABILITY TRENDS

A. Judicial Trends

Indian courts have witnessed a growing number of petitions linking climate concerns with constitutional and statutory obligations. Petitioners challenge coal projects, industrial pollution and weak enforcement of emission norms. These cases often draw on principles

such as the public trust doctrine and polluter pays principle.

B. Corporate and State Responsibility

Globally, corporations face increasing climate litigations. In India, struggles to hold corporate actors liable for emissions and ecological damage are emergent but endure to be procedurally challenging, given the challenges in establishing causality and standing.

V. SOCIAL TOOLS AND GRASSROOTS MOVEMENTS

A. Historical Movements

The Chipko Movement of the 1970s mobilized communities in Uttarakhand to protect forests through a non-violent protest. 1980 onwards, the Narmada Bachao Andolan challenged displacement caused by large dams, combining litigation, advocacy and international engagement. Both shaped India's environmental jurisprudence and inspired a rights-based approach to natural resources.

B. Contemporary Grassroots Resistance

The Hasdeo Arand movement in Chhattisgarh demonstrates how communities contest coal mining in ecologically fragile and tribal lands. Activists employ legal petitions, media advocacy and coalition building to highlight biodiversity loss, displacement and climate risks.

C. Strategies of Movements

Grassroots actors utilize community monitoring, traditional knowledge, public interest litigation and advocacy campaigns. Their efforts exemplify how legal and social tools combine to advance environmental and climate justice.

VI. CASE STUDIES

A. Chipko Movement

The Chipko Movement which began in the 1970s in the Garhwal region of the present-day Uttarakhand, marked one of India's most iconic grassroots struggles for environmental justice. The term "chipko" i.e. to embrace refers to the villagers' practice of hugging

trees to prevent them from being felled by contractors. The movement was driven largely by women, who relied on forest resources for fuel, fodder and water and who recognised that unchecked deforestation would exacerbate ecological fragility in the Himalayan region.

Chipko not only protected local forests but also shifted the discourse of Indian environmentalism by emphasizing community rights, ecological sustainability and distributive justice. It drew national and international attention, compelling the Indian government to reconsider commercial logging policies and eventually contributing to the formulation of forest protection measures in the late 1970s and early 1980s.

Beyond its immediate ecological victories, Chipko's enduring legacy lies in establishing community stewardship as a legal and moral principle, which later informed Indian jurisprudence on participatory environmental governance. Its influence is visible in judicial recognition of forest-dependent communities and in broader debates on climate adaptation, where local stewardship is seen as a cornerstone of sustainable development.

B. Narmada Bachao Andolan

The Narmada Bachao Andolan (hereinafter referred to as NBA) emerged in the mid-1980s as a people's movement opposing the large-scale displacement and ecological impacts of the Sardar Sarovar Dam and other projects on the Narmada River. Led by activists such as Medha Patkar, the movement challenged the state's development paradigm, arguing that the dams would displace hundreds of thousands of adivasis and farmers while causing irreversible ecological damage. NBA combined grassroots mobilization with public interest litigation and international advocacy. The organisation approached the Hon'ble Supreme Court of India in *Narmada Bachao Andolan v. Union of India*, arguing that the displacement violated constitutional rights under Article 21, and that environmental impact assessments and rehabilitation measures were grossly inadequate. Although the Court allowed construction to continue, it emphasised the importance of rehabilitation and environmental safeguards, thus embedding distributive justice concerns within India's environmental jurisprudence.

Internationally, the NBA successfully pressured the World Bank to withdraw funding for the Sardar Sarovar Project in 1993, citing violations of its environmental and resettlement policies. This marked an exceptional occurrence of grassroots conscription persuading a chief international financial establishment's project finance decision. The NBA's broader contribution lies in reframing development conflict as issues of social justice and human rights, linking displacement, livelihood and ecological sustainability. Its legacy continues to influence contemporary struggles around mining, dams and other large infrastructure projects in India.

C. Hasdeo Arand Resistance

The Hasdeo Arand forests in Chhattisgarh represent one of India's largest contiguous stretches of dense forest, home to diverse flora and fauna as well as numerous adivasi communities. Beginning in the 2010s, the region became the site of intense contestation as coal mining projects, backed by state and corporate interests, threatened large-scale deforestation and displacement. Local communities, organized under the banner of the Hasdeo Aranya Bachao Sangharsh Samiti (HABSS), spearheaded resistance through Gram Sabha resolutions, protests and legal challenges. The movement invoked constitutional provisions under the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA), both of which mandate community consent for diversion of forest land. Despite repeated clearances granted by the Ministry of Environment, Forest and Climate Change, community opposition has highlighted procedural lapses, including fabricated Gram Sabha consents and inadequate environment assessments. The matter has reached state and national forums with activists demanding cancellation of mining leases and stricter adherence to constitutional protection for Scheduled Areas. The Hasdeo Resistance illustrates the convergence of climate justice, indigenous rights and constitutional guarantees. It situates local communities as frontline actors in resisting extractive development and underscores how grassroots mobilization, coupled with statutory tools like the FRA and PESA can reshape debates on climate justice in India.

D. New Delhi's Indian Climate Justice Forum (ICJF, 2002)

Fishworkers' unions, Adivasi leaders, farmers' organizations, and communities affected by disasters came together to form the ICJF during the UNFCCC CoP8. Despite having low carbon footprints, migrant rickshaw pullers in Delhi who were displaced by mining and floods were later singled out by "clean city" campaigns, bringing attention to domestic climate injustices.

E. Climate Crisis Action by South Asians (SAPACC, 2019, Hyderabad)

More than 300 organizations were brought together by SAPACC, including South Asian women's collectives, farmers, labor unions, indigenous groups, and fishermen. SAPACC specifically held South Asian countries responsible for their insufficient climate action, in contrast to previous campaigns that solely attacked the Global North.

F. Youth Climate Movements (2018–present; Fridays for Future India)

Indian youth staged demonstrations against the government's relaxation of Environmental Impact Assessment (EIA) regulations after being inspired by Greta Thunberg. Urban youth were digitally mobilized by campaigns such as Fridays for Future India and Let India Breathe, but they encountered repression: campaigner Disha Ravi was arrested in 2021, and websites were blocked under the Unlawful Activities (Prevention) Act (UAPA). (Baviskar & Ghosh, 2023).

G. Samatha v. State of Andhra Pradesh

The Supreme Court of India through this landmark decision protected tribal land and livelihood in Scheduled Areas, declaring all leases of tribal land and livelihood in Scheduled Areas, declaring all leases of tribal land to non-tribal private companies to be void and illegal. The judgment affirmed that only the State Mineral Development Corporation or tribal cooperatives could undertake mining and that 20% of the net profit from such activities must be used for local development. The ruling, a result of years of struggle by the Samata NGO, aimed to safeguard tribal interests by giving them more control over their

resources and land, recognizing their right to self-governance and sustainable development.

H. Orissa Mining Corporation Ltd. v. Ministry of Environment & Forest & Ors.

This case is important for empowering Gram Sabhas by giving them the final say on land and resource rights within their communities, including a veto over projects like bauxite mining. Often referred to as the Niyamgiri Hills case, involved the OMC's attempt to get Stage-II forest clearance for mining bauxite in the Niyamgiri Hills, a decision that ultimately vested significant land rights in the Gram Sabhas i.e. village councils. The Hon'ble Supreme Court reinforced the Forest Rights Act and Gram Sabhas' right to protect customary and religious rights of tribal communities, who unanimously rejected the project. The ruling established that local communities must give consent for resource extraction and affirmed that some areas are "off limits" to mining.

This decision is a landmark moment in India's environmental and indigenous rights jurisprudence, setting a precedent for other similar cases in balancing industrial growth with the community and environmental rights.

VII. GAPS AND CHALLENGES

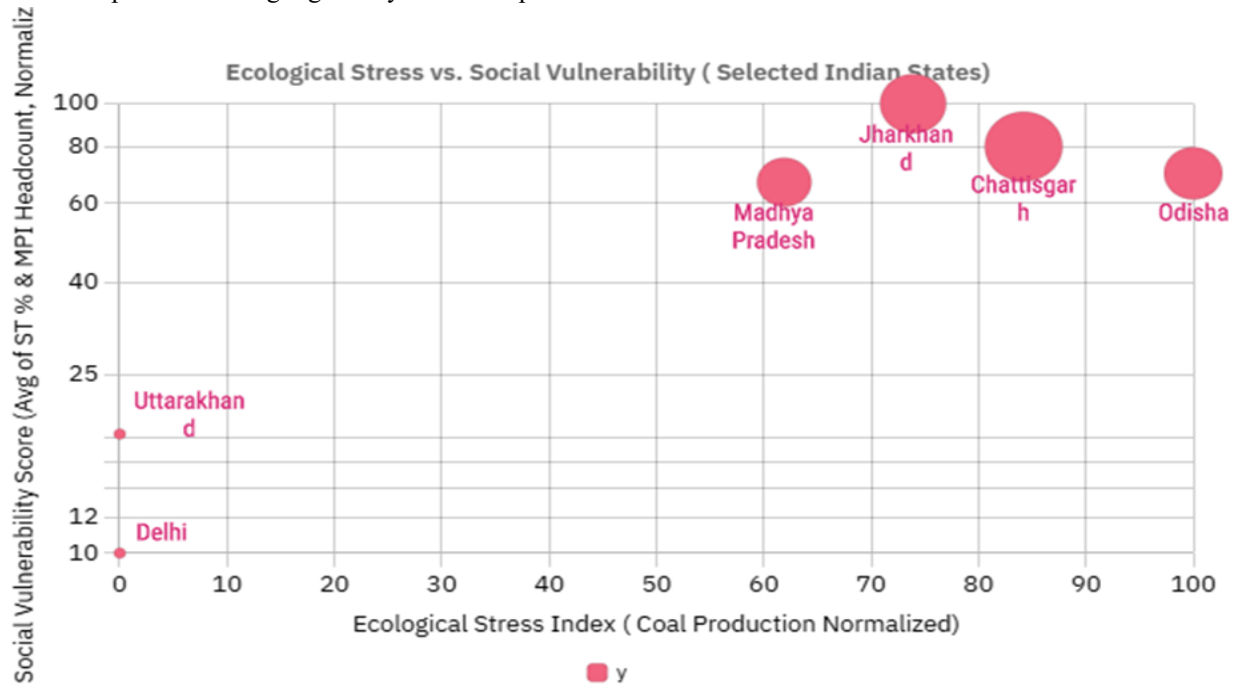
A. The Intersection of Ecological Stress and Social Vulnerability

When socially vulnerable communities and ecological stress coexist, climate justice disparities in India become glaringly apparent. This crossover spanning a few Indian states is seen in (Figure 1.) Coal production, which serves as a substitute for extractive pressures, is used to quantify ecological stress on the x-axis, while multidimensional poverty indices and tribal population proportions are used to compute social vulnerability on the y-axis.

Each bubble's size reflects the population share of Scheduled Tribes. In the high-stress and high-vulnerability quadrant, states like Jharkhand, Chhattisgarh, and Odisha show how extractive industries exacerbate structural inequality.

Delhi and Uttarakhand, on the other hand, show fewer extractive pressures, although they nevertheless face additional ecological and urban hazards. The

distributive inequities at the heart of India's climate governance problem are highlighted by this overlap.



(Figure 1.): Social vulnerability vs ecological stress in a few Indian states, illustrating how extractive pressures (such as the severity of coal mining) and marginalized groups (such as tribal share and multidimensional poverty) intersect.

Sources of data: NITI Aayog (2021), Census of India (2011), Ministry of Coal (2023).

State coal output (2022–2023), min-max scaled to 0–100 as a stand-in for extractive pressure, represents *ecological stress* (x-axis). State-by-state production data from the Ministry of Coal (2022–23).

Social vulnerability (y-axis) is the mean of (i) the Scheduled Tribe population share (derived from compilations connected to the Census 2011) and (ii) the MPI headcount ratio (2019–21) of NITI Aayog, both on a min-max scale. References: According to the Census 2011 summaries, tribal shares are as follows: Odisha 22.85%, MP 21.1% (NHSRC short); Chhattisgarh 30.62% (Govt. of Maharashtra TRTI table); Jharkhand 26.21% (Tribal Research Institute, Jharkhand); Delhi 0%, and Uttarakhand 2.9%. Lok Sabha reply annex; MPI headcount (July 24, 2024). Resource Center for National Health Systems

B. Policy-Justice Disconnect

Climate policies lack explicit distributive justice mechanisms. Most policies, whether global or domestic, focus heavily on mitigation targets, adaptation planning and technological transitions but they rarely embed explicit distributive justice mechanisms. Policies often emphasize aggregate emissions reductions without clear rules for who bears the greatest responsibility. Climate vulnerable countries and communities disproportionately face the impacts but lack resources. Funding mechanisms

exist, but allocations are often insufficient and lack enforceable justice-based prioritisation. The creation of a Loss and Damage fund i.e. COP27 is a step forward, but without explicit distributive rules, it risks reinforcing inequalities. Within countries, policies like carbon taxes or renewable energy subsidies often have regressive impacts unless paired with distributive mechanisms. Many frameworks stress participation but neglect outcomes fairness. Without the mechanisms like equity-based impact assessments or redistributive climate funds, vulnerable groups remain sidelined. Climate policies acknowledge justice in

principle, but their design rarely in principle but their design rarely includes institutionalised mechanisms for equitable distribution of costs and benefits.

C. Enforcement Challenges

Regulatory capacity is limited, despite the NGT's interventions. Regulatory capacity in India remains limited despite the interventions of the NGT which, although proactive in environmental adjudication, lacks the requisite administrative machinery and enforcement support to ensure long-term compliance. Although the establishment of the NGT in 2010 was intended to strengthen environmental governance in India, regulatory capacity remains limited its interventions. The NGT has played a crucial role in providing specialised adjudication for environmental disputes, enforcing compliance with statutory mandates and holding both government and private actors accountable. However, several constraints persist. First of all, the Tribunal's jurisdiction is limited to statutes listed in its founding legislation, which narrows its ability to address complex, cross-sectorial environmental issues. Secondly, enforcement of its decisions is often weak, as the NGT lacks independent mechanisms for monitoring compliance and must rely on executive agencies whose regulatory capacities are already overstretched or compromised by political and economic pressures. Thirdly, chronic undertaffing, procedural delays and insufficient technical expertise in allied regulatory institutions creates a challenge in the Tribunal's effective functioning. Finally, overlapping mandates between central and state pollution control boards, ministries and judicial bodies create fragmented accountability and regulatory coherence. Thus, while the NGT represents a vital intervention in India's environmental regulatory framework, its potential impact is undermined by broader structural weaknesses in institutional capacity, enforcement mechanisms and political will.

D. Fragmented Litigation

Courts provide relief but cannot substitute comprehensive climate policy. While environmental codes and statutory regulations provide immediate relief in addressing specific harms, they cannot substitute for a comprehensive climate policy that

integrates long-term adaptation, mitigation and distributive justice considerations.

E. Marginalised Voices

Vulnerable communities face barriers to participation in decision-making. These communities often face systemic, social and economic barriers that limit their ability to participate in decision-making processes, even when such processes are formally open to all. Poverty, lack of education and limited access to resources prevent vulnerable groups from engaging in decision-making forums. Decision-making often requires access to information but vulnerable communities may not receive notices in accessible languages, formats or platforms. Limited literacy or digital access further widens this gap. Marginalised groups such as women, indigenous people, minorities or persons with disabilities, may face stigma, discrimination or cultural norms that discourage or silence their participation in governance. Decision-making bodies are usually dominated by elites, bureaucrats or corporate actors, whose interest often outweigh those of the poor. This imbalance means that even when vulnerable groups are "included", their voices are tokenised rather than genuinely influential. Policies or institutions may lack mechanism for genuine participation. Official processes often take place in dominant or technical languages, making it difficult for vulnerable communities to express their concerns effectively. Communities that have historically faced exploitation or neglect may mistrust authorities fearing retaliation or believing their voices will not lead to meaningful change. These barriers reinforce cycles of exclusion, where decisions that directly impact vulnerable groups like land acquisition, climate policies, urban development or welfare programmes are made without their effective input, further marginalizing them.

VIII. RECOMMENDATIONS

Legal Reform: Adopt a framework of climate law integrating just transition, loss and damage and community rights.

Institutional Strengthening: Provide funding and technical resources to the NGT and pollution control boards.

Procedural Rights: Enshrine participation, access to information and Free, Prior and Informed Consent (FPIC) for indigenous communities.

Strong adherence to Environmental Impact Assessment (EIA) rules: Along with significant public involvement may guarantee that development projects take climate justice and environmental sustainability into account.

Just Transition Policies: Establish schemes for affected workers in coal and other high-emission industries.

Grassroots Linkages: Expand financing and institutional support for community-led adaptation projects.

IX. CONCLUSION

India's climate justice framework is shaped by constitutional interpretation, statutory mechanisms and grassroots mobilization. While courts and the NGT provide remedies, distributive justice requires broader reforms: clear legal obligations, participatory governance and community empowerment. The lessons in Chipko, Narmada and Hasdeo movements illustrate the enduring power of grassroots agency in shaping the future of the climate. The significance of local ecological knowledge in forming adaptive and sustainable solutions to climate change is exemplified by grassroots movements and community-led projects. Climate justice in India must therefore be pursued through both legal pathways and social mobilization, ensuring that those most affected are at the centre of climate governance.

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