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**HARMONIZING GROWTH AND ECOLOGY: THE IMPERATIVE OF
INTEGRATING CLIMATE CHANGE AWARENESS INTO INDIAN LAWS**- Deepika Singh¹**ABSTRACT-**

In light of the numerous threats that climate change poses to ecosystems, economies, and human well-being, this essay explores the vital necessity of incorporating climate change knowledge into Indian legislation. At a critical juncture in its history, India struggles with the intricate interactions between urbanization, development, and climate concerns. The story follows India's growing awareness of climate change from its early meteorological efforts in 1875 to its active involvement in international environmental conferences, which culminated in the Paris Agreement's acceptance. India has demonstrated its commitment to combating climate change via legislative and policy reforms. Proactive initiatives such as the formation of the National Green Tribunal and modifications to the Environment (Protection) Act indicate this commitment. The article highlights the judiciary's role in holding companies accountable for environmental damage by examining significant court rulings like Vellore Citizens Welfare Forum v. Union of India and Indian Council for Environmental Legal Action v. Union of India. There are still difficulties in striking a balance between environmental conservation and development, despite admirable attempts. The essay promotes a calculated strategy that places a focus on ongoing legislative advancements, proactive judicial activism, global cooperation, community involvement, and climate-responsive planning. To benefit both the current and future generations, it ends by emphasizing our shared obligation to guarantee that India's prosperity is in harmony with ecological integrity in the future.

Keywords: Climate Change, National Green Tribunal, Environmental Laws, Environmental Legal Action

INTRODUCTION-

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The twenty-first century unfolds against a backdrop of unparalleled global difficulties, with climate change at the forefront of these concerns. Climate change is a multifaceted challenge that requires immediate attention and comprehensive solutions due to its far-reaching effects on ecosystems, economies, and human well-being. The obligation to incorporate climate change knowledge into legislation exceeds the sphere of choice in the dynamic environment of the Indian subcontinent, which is characterized by fast industrialization, urbanization, and exponential population expansion.

India, a nation known for its varied landscapes and rich cultural tapestry, is at a turning point in its growth as it attempts to balance its own needs with the need to combat climate change on a worldwide scale. Nationwide, the effects of urbanization, population change, and industrial advancement have left a complicated tapestry of opportunities and difficulties. In light of this, integrating climate change awareness into the fundamental principles of legal governance becomes both a wise strategic move and a vital tactic for negotiating the delicate balance that must be struck between ecological stewardship and growth. The potential effects of climate change are becoming increasingly apparent as India works to improve its social and economic conditions, raising concerns about the long-term viability of its development efforts. Though they are symbols of development, the vast metropolitan areas, growing industry, and extending agricultural lands all greatly exacerbate environmental deterioration. The vulnerability of India's ecosystems and inhabitants is increased by the escalation of extreme weather events, disturbances in water cycles, and loss of biodiversity. In this situation, enacting laws that address climate change becomes morally required to protect the welfare of present and future generations, not just a matter of policy.

The presence of global environmental concerns highlights the need for climate change knowledge to be ingrained in Indian legislation with urgency. The effects of climate change extend well beyond national lines, impacting ecosystems and communities. India has an obligation as a responsible member of the international community to make a significant contribution to the group efforts targeted at reducing and adapting to climate change, both out of self-interest and a feeling of shared duty. Because of this, legal frameworks must be adjusted to reflect a comprehensive and integrated strategy that takes into account the complex interactions between human activity and the environment.

Moreover, including awareness about climate change in legislation is consistent with India's adherence to global accords and agreements. Signing international agreements like the Paris Agreement indicates India's intention to participate in a coordinated worldwide response to climate change. Accountability,

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openness, and efficient implementation of these international obligations depend critically on the translation of these agreements into strong local legal frameworks.

This essay essentially seeks to dissect the layers of meaning that surround the incorporation of climate change awareness into Indian laws. It is not only a matter of law or policy; it is also a matter of ethics and strategy. We may shed light on the way towards a future in which India's growth is in harmony with ecological integrity—a future that calls us to go beyond the conventional bounds of legal governance—by delving into the underlying causes that underlie this necessity.

EVOLUTION OF INDIA'S CONSCIOUSNESS IN CLIMATE CHANGE-

In the beginning, India's main priority was to solve urgent environmental issues such as pollution of the air and water. The increasing realization of the wider ramifications of climate change transpired due to the impact of worldwide discussions and growing scientific agreement.

The establishment of the IMD [INDIAN METEOROLOGICAL DEPARTMENT] in 1875 which was concerned with recording systematic weather monitoring marked the beginning of India's understanding of climate patterns.² Later, the independent Indian government participated in the United Nations Conference on the Human Environment in 1972, signaling its firm stance on global environmental issues.³

India's participation was influenced by global events and agreements like the Earth Rio De Janeiro in 1992 led to the United Nations Framework Convention on Climate Change.⁴ India's further involvement in international platforms like the Intergovernmental Panel on Climate Change further shaped its understanding of climate science.

India's perspective on the interconnectedness of environmental challenges on a global scale policies can be read from India's participation in various conferences like the Conference Of The Parties meetings under the UNFCCC, one of the significant Conference Of Parties 21 in which Paris Agreement⁵ was adopted, profoundly reflecting India's commitment to addressing climate change. India also adopted several environmental policies over time with increasing emphasis on climate change considerations. The National Environment Policy (2006) And National Action Plan On Climate Change (2008) are such policies adopted by Indians.

²mausam.imd.gov.in/responsive/rainfallinformation.php

³Souradh C. Valson, 'everything you need to know about the stockholm declaration' 2020

⁴ Elvira, P. (2014) 'United Nations Environment Programme (UNEP)', Max Planck Encyclopedia of Public International Law

⁵ 'theparisagreement', Unfccc.int. <https://unfccc.int/process-and-meetings/the-paris-agreement>

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LEGISLATIVE AND POLICY DEVELOPMENTS BY INDIA TOWARD CLIMATE

In response to the growing climate crisis at the global level, India has made great progress in legislative and policy reforms aimed at fostering climate change consciousness.

The Environment (Protection) Act, of 1986, which gave the government the authority to safeguard and improve the environment, has influenced India's legal landscape. Subsequent modifications have brought the Act into line with the country's current concerns over climate change.

Several measures included in the Act are pertinent to efforts to mitigate and adapt to climate change. The federal government is authorized to take appropriate action to safeguard and enhance the quality of the environment, including preventive, corrective, and mitigating measures for environmental pollution, under Section 3 of the Environment (Protection) Act. The government may handle issues like regulating greenhouse gas emissions, limiting pollution from industrial sources, and supporting sustainable development practices because of this wide responsibility.⁶ The Environment (Protection) Act has been amended to bring it into compliance with current climate change issues. Notably, rules about greenhouse gas emissions have been included in the modifications, recognizing the contribution of these gases to climate change. The modified Act highlights India's commitment to international climate change agreements, such as the Paris Agreement, by giving the government a legal foundation for regulating and overseeing activities that contribute to greenhouse gas emissions.⁷ The Act also covers the need that projects with possible environmental effects to undergo environmental impact assessments or EIAs. This involves making sure that new developments follow sustainable and ecologically friendly techniques, as well as taking into account the projects' possible influence on climate change. Climate change consciousness is further integrated into project evaluations with the Environmental Impact Assessment Notification, 1994, published under the Environment (Protection) Act, which describes the methods and criteria for performing EIAs.⁸

The Indian legal system has undergone significant change as a result of the National Green Tribunal (NGT) Act of 2010, particularly in the area of environmental regulation.⁹ The National Green Tribunal (NGT) was created as a specialized venue to resolve environmental issues in a comprehensive manner, particularly those that are strongly related to climate change. The NGT facilitates the prompt and

⁶environment (protection)act,1986,No.29 of 1986,India

⁷ Ministry of environment,forest and climate change (Moefcc)notifications and amendments to the environment (protection)act.

⁸ Environmental impact assessment notification,1994,issued under the Environment (protection)act,1986

⁹National green tribunal act,2010,no.19 of 2010,india

efficient settlement of environmental claims. It is an essential organization for maintaining environmental protection standards since its main duty is to enforce environmental laws and regulations. The NGT plays an important role in raising awareness of climate change by tackling the legal nuances of environmental protection.¹⁰

Further, India's commitment to combating climate change is seen in its ambitious renewable energy plans, which play a critical part in the country's efforts towards sustainable development.

India has set lofty goals for increasing the amount of renewable energy in its energy mix. The National Solar Mission, which intends to deploy 100 GW of solar energy by 2022, and the National Wind-Solar Hybrid Policy, which promotes integrated renewable energy systems, are two of these ambitions. To stimulate the use of renewable energy technology, the government offers a variety of incentives and subsidies¹¹. Tax breaks, accelerated depreciation, and concessional financing are among the financial instruments that make renewable energy projects financially feasible for businesses and investors. Policies emphasize grid connection and the integration of renewable energy sources into the electricity system. This lessens dependency on fossil fuels and lessens the effects of climate change by facilitating a seamless transition to a cleaner and more sustainable energy infrastructure.

India has rules that cover a range of sustainable energy sources, such as hydropower, biomass, solar, and wind. These industry-specific regulations support innovation and technical progress, which helps to create a robust and diverse renewable energy market.

JUDICIAL ROLE IN CLIMATE CHANGE:

The Indian judiciary has also delivered several landmark judgments emphasizing the need for environmental protection. Courts have actively held companies responsible for environmental deterioration and have construed current legislation to take climate change into account.

There are several cases where the Indian judiciary has held industries accountable for environmental degradation.

I. *Vellore Citizens Welfare Forum vs Union of India*¹²

The lawsuit emphasized the need for sustainable development and established a precedent for environmental preservation. It was a landmark ruling in Indian environmental jurisprudence,

¹⁰National green tribunal act,2010,no.19 of 2010,india

¹¹ Ministry of new and renewable energy(mnre)notifications and policies

¹²Vellore Citizens Welfare Forum v. Union of India, 1996 SCC (3) 212

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demonstrating the judiciary's role in striking a balance between economic progress and environmental and public health concerns.

Facts -

1. Concerning the widespread release of raw sewage into the Palar River by Tamil Nadu's tanneries and businesses, the non-governmental organization Vellore Citizens Welfare Forum filed a Public Interest Litigation.
2. The local population's health and quality of life were negatively impacted by the pollution, which made clean drinking water unavailable.
3. A survey found that drinking and irrigation wells were heavily contaminated, making agricultural regions unfit for agriculture.

Issue raised-

1. Whether the operation of tanneries at the expense of the environment and the health and lives of the local population should be permitted.

Arguments -

1. The petitioner claimed that the Palar River was polluted by tannery effluents that had not been treated, rendering it impossible to get clean drinking water.
2. The survey's findings emphasized the severe lack of water available to residents, drawing attention to contamination in irrigation and drinking wells.
3. Environmental deterioration was exacerbated as a result of several tanneries operating without adequate treatment facilities, in defiance of official directives.

Respondent -

1. Tanneries said that regulations governing pollution were not warranted.
2. The court upheld the reasonableness of pollution control standards and requested the National Environmental Engineering Research Institute (NEERI) to evaluate the situation.

Judgment-

1. By the Environment Protection Act of 1986, the court ordered the federal government to create an authority.
2. The body was empowered to apply the precautionary and polluter pay principles to matters about tanneries and industries in Tamil Nadu.
3. Compensation categories for persons and ecosystem restoration were established.

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4. In addition to paying a pollution fee, tanneries had to set up treatment facilities, get board permission, and pay compensation.
5. The court directed the establishment of a "Green Bench" in the Madras High Court for environmental disputes and affirmed pollution control regulations.
6. The petitioner received an order from the state of Tamil Nadu to reimburse her legal costs.

Conclusion-

The lawsuit emphasized the need for sustainable development and established a precedent for environmental preservation. It was a landmark ruling in Indian environmental jurisprudence, demonstrating the judiciary's role in striking a balance between economic progress and environmental and public health concerns.

II. Indian council for environmental legal action vs union of India (1996):¹³

Facts -

- 1) The Indian Council for Environmental Legal Action, an environmental group, filed a writ suit in Bichhri Village, Rajasthan, alleging chemical industry contamination. Severe environmental deterioration was caused by chemical industries, such as Hindustan Zinc Limited and Tata Silver Chemicals, releasing untreated effluents into the environment.
- 2) 'H' acid was one of the hazardous wastes produced by chemical businesses including Hindustan Agro Chemicals Limited and Tata Silver Chemicals, which did not properly handle it.
- 3) The study that was provided indicated that 'H' acid and toxic sludge in significant amounts that were meant for export were contributing to the pollution.
- 4) In the community, toxic chemicals contaminate the soil, groundwater, and water supplies, leading to a variety of illnesses, diseases, and fatalities.
- 5) Parliament voiced alarm, but little meaningful action was done, which resulted in residents virtually protesting and the CrPC's Section 144 being enforced for plant closures.

Issue-

- 1) Whether industries manufacturing toxic chemicals had implemented adequate environmental protection measures.
- 2) Whether the defendants were legally responsible for funding corrective actions?

Arguments -

¹³Indian Council For Enviro-Legal ... vs Union Of India And Ors.Etc on 13 February, 1996 AIR 1446, 1996 SCC (3) 212

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- 1) The production of hazardous chemicals by Bichhri Village's chemical factories, such as Tata Silver Chemicals, resulted in serious environmental contamination.
- 2) The petitioner requested that manufacturing be halted until appropriate waste treatment procedures were put in place.
- 3) A "No Objection Certificate," which indicated the possibility of environmental deterioration, had been rejected by industries.

Respondent-

Hindustan Agro Chemicals Limited said that it complied with the rules of the Pollution Control Board and acknowledged the challenge of handling poisonous materials that are resistant to treatment.

Analysis Of Polluter Pays Principle:

Invoking its jurisdiction under the Environment (Protection) Act, 1986, and tying it to Articles 48-A and 51-A(g) of the Indian Constitution, the court used the "Polluter Pays" Principle.

The idea was to hold those who pollute the environment financially liable for whatever harm they cause.

Judgement :

1. Since April 11, 1997, industries have been required to deposit a penalty with compound interest for non-compliance.
2. To compensate for environmental harm, respondent businesses were ordered to pay Rs. 37,385,000 INR plus 12% compound interest.
3. There was also a fine of Rs. 10,000,00 INR for postponing the legal proceedings.
4. The money would be used to make corrections in Bichhri Village and the surrounding regions.

Conclusion:

The ruling placed a strong emphasis on applying the Polluter Pays Principle, which holds businesses financially responsible for damages they cause to the environment.

The idea behind "polluter pays" was to make up for the harm done to the environment and deter pollution.

On the other hand, PIL (Public Interest Litigation) has emerged as a crucial tool employed by lawyers in challenging the consciousness of the Indian judiciary about climate change. There have been several

cases some of which are landmark judgments. The right to a clean environment is one of the few rights-based cases that has had a significant impact on the possibility of climate change litigation in India.¹⁴

In their analysis of the possibility of climate change lawsuits in India, Lavanya Rajamani and Shibani Ghosh argue that the country's progressive, rights-based legal system for environmental issues provides a strong basis for these types of cases.¹⁵ They stress that the core of India's rights-based environmental jurisprudence has been the broad interpretation of basic rights, most notably the right to life. The Supreme Court ruled in the case of *Subhash Kumar v. State of Bihar*¹⁶ that the right to breathe clean air and water is a subset of the right to life. The scene has been set by this historic example for further court rulings that consistently recognize the right to a clean and healthy environment as an essential component of the right to life. The case has set off a trend in jurisprudence that emphasizes how the fundamental right to life and environmental well-being are intertwined in the legal language.

Environmental issues, including the pollution of the Ganges River, were addressed by the Supreme Court of India in the seminal decision of *M.C. Mehta v. Union of India* (1986)¹⁷. Environmental activist M.C. Mehta launched a Public Interest Litigation (PIL) to highlight the widespread contamination of the holy river brought about by industrial and municipal discharges. Acknowledging the gravity of the situation, the court boldly ordered the shutdown of companies proven to be contaminating the Ganges. This case is noteworthy for its immediate effect on reducing industrial pollution as well as for setting a precedent that highlighted the judiciary's involvement in environmental protection. In India's environmental jurisprudence, *M.C. Mehta v. Union of India* is frequently mentioned as a seminal decision that demonstrates the judiciary's proactive attitude to safeguarding natural resources and upholding the right to a clean and healthy environment as an essential component of the right to life. Thus, PILs have been crucial in influencing sustainable and climate-conscious decision-making by contesting and changing development proposals that present environmental dangers.

CHALLENGES ASSOCIATED WITH CLIMATE CHANGE

Even while India has great structures for laws and policies to combat climate change, there are still obstacles that need to be overcome before any real groundwork can be done. The need for increased

¹⁴Lavanya Rajamani, 'Rights Based Climate Litigation in Indian Courts: Potential, Prospects and Potential Problems' (2013) Center for Policy Research Working Paper 2013/1.

¹⁵Lavanya Rajamani and Shibani Ghosh, 'India', in Richard Lord et al. (eds.) *Climate Change Liability: Transnational Law and Practice* (Cambridge: Cambridge University Press, 2011), p. 139.

¹⁶*Subhash Kumar v. State of Bihar*, 1991 AIR 420, 1991 SCR (1)5

¹⁷*M.C. Mehta And Anr vs Union Of India & Ors* on 20 December, 1986 AIR 1086, 1987 SCR (1) 819

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scientific knowledge inside the legal system and the judiciary's ability to enforce climate-related judgments are important factors to take into account. Effective climate change mitigation requires a sophisticated grasp of these constraints, even as it acknowledges the judiciary's constructive influence on environmental matters.

A major focus of Indian environmental law has been striking a balance between the need for development and environmental protection. The legal arena where this delicate balance is disputed is the clearing of forests and other natural areas. Regrettably, the judiciary has frequently failed to stop development projects that compromise environmental protections. The Narmada BachaoAndolan case,¹⁸ in which local communities requested Supreme Court involvement to limit the dam's height, is a noteworthy example of this dynamic. Despite these arguments, the Supreme Court upheld the construction of dams, claiming that there would be no ecological disaster. The judiciary has responded to striking a balance between development and environmental concerns in a variety of ways, using a selective and cautious approach. For example, the court enforced a total mining ban in the Western Ghats when mining threatened ecological areas. Nonetheless, the same proactive approach has not been as noticeable in environmentally sensitive regions such as the Eastern Ghats.¹⁹ Development is prioritised over environmental concerns as seen by the present administration's drive for environmental deregulation, particularly in opening up the coal mining industry. This change, albeit controversial, is consistent with the government's focus on energy security and reflects a larger trend in which the government prioritizes aggressive development strategies like river interlinking and coal dependency over environmental concerns.²⁰

STRATEGY THAT CAN BE ADOPTED:

We must address the complex issues raised by climate change by strategically concentrating on enacting improvements to current environmental regulations. Examining the finer points of climate change requires a careful analysis of the legal systems in place. Lawmakers can proactively close loopholes and strengthen regulations by introducing careful changes and innovative legislation, which will better position them to meet the demands of climate change²¹. This proactive strategy makes sure that the legal system is strong and flexible, ready to handle new environmental challenges and promote sustainable

¹⁸Narmada BachaoAndolan v. Union of India, 2000 10 SCC 664.

¹⁹Goa Foundation v. Union of India and Others, Writ Petition (Civil) No. 435/2012.

²⁰Mayank Agarwal, 'What Modi's and BJP's Return Means for India's Environmental Laws', Huffington Post, 25 May 2019.

²¹Koonan, S. (2015). "Climate Change and Indian Law: An Overview." National Law School of India Review, 27, 57-72.

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behaviors at the same time. The real promise is in the dynamic growth of legal frameworks that may change with the quickly evolving climate. India's resilience and reactivity to complex environmental issues are improved by this flexibility.

India has eight missions in its ambitious National Climate Action Plan, one of which is focused on the Himalayan area²². Nevertheless, there are currently no examples involving the connection between rights-based environmental law and the environmentalism of the poor and climate change. The court should be seen as playing a critical role in creating and upholding environmental laws that support adaptation and mitigation objectives. The court may set precedents that support efficient climate governance by engaging in proactive judicial activism. Prioritizing climate issues in judicial interpretations can establish a legal framework that emphasizes the need and urgency of taking action on climate change, which can have an impact on policy and promote an environmental culture.

However, India has a major opportunity to improve its efforts at mitigating and adapting to climate change through international partnerships. India can get vital resources, cutting-edge technology, and outside assistance to execute strong climate policy by working with international organizations and adhering to global climate accords.²³ This kind of cooperation not only encourages a common sense of accountability but also increases the overall effect of global climate action. Moreover to enhance the efficacy of climate policies, it is crucial to include legislative measures that promote community engagement and active participation. When developing and putting into action climate change efforts, inclusive decision-making procedures may play a crucial role in ensuring that the various viewpoints and requirements of the local populace are taken into consideration²⁴. Legal frameworks may aid in the creation of socially and contextually appropriate climate policies by embracing procedures that promote community participation, such as stakeholder engagement and public consultations. In addition to ensuring that the programs are customized to meet the unique needs and goals of local communities, this inclusion increases the credibility of climate governance measures. By requiring the incorporation of climate concerns into land-use rules, infrastructure development, and urban planning, legal tools can also be instrumental in promoting climate-responsive planning.²⁵ By ensuring that upcoming projects are

²² 'National Action Plan on Climate Change', Prime Minister's Council on Climate Change, <<http://www.nicar.in/nicarevised/images/Mission%20Documents/National-Action-Plan-on-Climate-Change.pdf>>.

²³ Ghosh, S., & Sharma, R. (2014). "Global Climate Governance: Opportunities for Developing Countries." *International Journal of Environmental Studies*, 71(1), 53-65.

²⁴ Saxena, A. (2019). "Community Engagement in Climate Change Initiatives: Legal Perspectives." *Journal of Environmental Law and Policy*, 3(2), 112-130.

²⁵ Sahu, R. (2016). "Climate-Responsive Urban Planning: Legal Mandates and Implications." *Journal of Sustainable Development Law and Policy*, 4(1), 45-62.

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planned and carried out with climate consequences in mind, these legislative measures support adaptive and sustainable urban growth. Furthermore, it is possible to intentionally use legislative instruments to improve public education and understanding regarding climate change. This includes promoting environmental consciousness via different awareness programs and activities and incorporating climate education into the school curriculum.²⁶ Societies may support collaborative efforts toward climate change by cultivating a more informed and ecologically conscientious population by legalizing the relevance of climate education.

CONCLUSION:

It is not only necessary from a legal or policy standpoint but also from an ethical and strategic one, for Indian legislation to include climate change knowledge. Unprecedented global issues face humanity in the twenty-first century, with climate change at the forefront. India is at a pivotal point in its economic development and growth trajectory when a careful balance between ecological stewardship and advancement has to be struck.

India's rising awareness of its connectivity with global environmental challenges is reflected in its evolving consciousness of climate change. With the founding of the Indian Meteorological Department in 1875, to its active involvement in international gatherings such as the 1992 Rio Earth Summit and the Paris Agreement, India has shown that it is committed to tackling climate change.

India's proactive approach is demonstrated by legislative and policy advancements like the National Green Tribunal's formation and the revisions made to the Environment (Protection) Act. India's commitment to sustainable development is demonstrated by the focus on renewable energy programs, such as the National Wind-Solar Hybrid Policy and the National Solar Mission.

Through historic cases like *Vellore Citizens Welfare Forum v. Union of India* and *Indian Council for Environmental Legal Action v. Union of India*, the Indian judicial system has significantly shaped environmental jurisprudence by holding industries accountable for environmental degradation. Public interest lawsuits, or PILs, have become effective instruments for advancing environmental justice and influencing environmentally conscious policy decisions. Even with these admirable attempts, problems still exist. As seen by situations when development initiatives jeopardize ecological integrity, striking a

²⁶Srivastava, P., & Bansal, M. (2017). "Legal Strategies for Enhancing Public Awareness on Climate Change." *Environmental Law Review*, 19(3), 231-248

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balance between development and environmental conservation is still a difficult issue. The judiciary has taken a selective approach, and it is clear that a more constant and aggressive approach is required.

Closing legal gaps, tightening regulations, and ongoing legislative reforms are all part of a comprehensive strategy to combat climate change. A complete policy must include proactive judicial activism, international cooperation, community participation, and climate-responsive planning. In addition to fulfilling its international commitments, India can promote a resilient, sustainable, and environmentally conscious society by integrating climate issues into all facets of government.

In summary, achieving ecological integrity while balancing India's economic growth necessitates a multimodal approach that transcends the conventional boundaries of legal government. Ensuring a future where growth and environmental well-being coexist for the benefit of current and future generations is a common duty.



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