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# **LEGAL FRAMEWORKS FOR ENVIRONMENTAL JUSTICE AND SUSTAINABLE GROWTH.**

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## **Abstract:**

Environmental law has grown in importance for sustainable development, and the legal framework aids in maintaining equilibrium between environmental preservation and social and economic progress. Since environmental problems, including pollution, exploitation of natural resources, and climate change, have gotten worse, environmental laws ensure fairness and the proper use of natural resources. This paper looks at how environmental regulations support and carry out the goals of sustainable development. Sustainable development is not only an aim; moreover, it helps the people and nature to live together. Climate Change impacts the ecosystems of the world and some regions and, therefore, requires legal and policy intervention. This Paper aims to explore and suggest improvements in the legal instruments under which climate change and environmental laws of India are bound. This is due to the high rate at which the environment is being depleted, and climate change has increased the need for stringent laws all over the world. As with many countries, India has responded to environmental problems primarily through legislation and through such measures like the Environment Protection Act of 1986, implemented through hundreds of laws and rules and yet its implementation is a problem, and it does not have an overall approach to addressing climate change in its legal framework. This paper depicts how laws related to the environment are assisting the people to live and survive in a safe and well-being environment. This paper uses a qualitative approach by reviewing national and international laws, agreements, judgments of the courts, case studies, and sustainable development goals. The objective of this study is to identify the areas of legal weakness and suggest improvements to the legal frameworks to make them address the climate change questions effectively.

**Keywords:** Sustainable Development, Climate Change, Environmental Law, Legal Framework, International Agreements,

## Introduction:

Humanity and nature are connected with each other. Our environment has supported us everytime. However, industrial ambition, unrestrained consumption, and a legal system that has all too frequently put economic growth ahead of ecological well-being have strained our relationship with nature in recent decades. More than ever, we need to consider whether the law can speak for people and the environment in addition to profits. Can compassion serve as a guide in addition to reason? Degradation of the environment is a human tragedy, not just a scientific or financial problem. A child lacks access to clean drinking water behind every contaminated river. A community is uprooted, a culture is weakened, and a future is in jeopardy beneath every hillside that has been cleared of trees. The poor, the indigenous, and the unborn are the groups most affected by environmental harm because they have the fewest voices and the fewest resources. Justice requires us to see these faces, hear these stories, and understand that the dignity of each and every person who inhabits the Earth is connected to the wellness of the planet.<sup>1</sup> This concept of justice is not new. In addition to being a scientist, Rachel Carson wrote *Silent Spring* as a human being who was concerned about the silent deaths of living things, the poisoning of streams, and the silencing of birds.<sup>2</sup> Her remarks sparked a global movement by arousing a common sense of loss and responsibility rather than just by statistics. Her legacy serves as a reminder that life must be served by the law, not just regulated.

## Environmental Developments:

Governments set restrictions, businesses complied (or didn't), and fines were applied for decades. This was the top-down definition of environmental law. While this "command-and-control" approach produced some benefits, such as cleaner water and clearer skies, it also caused distance. Laws were administered by distant authorities, written in technocratic language, and frequently did not represent the lived realities of those most impacted.<sup>3</sup> The legal environment started to shift gradually. This alienation led to the emergence of participatory governance, which involves the public in the process. The National Green Tribunal was established in India to provide a forum for the prompt, direct, and humane hearing of environmental concerns.<sup>4</sup> These organizations serve as a reminder that justice is a personal matter rather than an abstract one. The law is compelled to listen in a different way when a

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<sup>1</sup> Robert D Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* (Westview Press 2000)

<sup>2</sup> Rachel Carson, *Silent Spring* (Houghton Mifflin 1962)

<sup>3</sup> Bradley C Karkkainen, 'Collaborative Ecosystem Governance: Scale, Complexity, and Dynamism' (2002) 21 *Virginia Environmental Law Journal* 1

<sup>4</sup> Shibani Ghosh, *India's Environmental Law* (LexisNexis 2016)

mother describes how smog is causing her child's asthma or when a tribal elder testifies about the destruction of sacred forests.

### **National Legislations:**

#### The Role of Judiciary

The Indian Courts direct that the right to life includes right to live with dignity and in safe environment in Article 21.<sup>5</sup> Because of the innovative rulings that have resulted from this judicial empathy, rivers, forests and human rights are now protected.

The Court didn't just pass a legal verdict it gave voice to communities suffering from toxic air and water in *M.C.Mehta. V. Union of India*.<sup>6</sup> Through Public Interest Litigations, even those without power or privilege have found a path to justice. When the judiciary listens not just to lawyers, but to villagers and children and rivers, it becomes more than a legal institution it becomes a moral one.

In **Union of India & Others vs. M.K. Ranjit Singh & Others**, The Apex Court held that all people of India has right to live in clean and eco friendly habitat in Article 21 of Constitution.<sup>7</sup> Not everyone is equally impacted by environmental harm. Around the world, indigenous communities are uprooted for "development," the impoverished reside closer to hazardous factories, and the disenfranchised drink from contaminated wells. This is environmental injustice, not just environmental harm.<sup>8</sup>

This fact is best illustrated by the **Bhopal Gas Tragedy**. While corporations avoided responsibility, thousands of people, primarily from the poor, suffered and lost their lives.<sup>9</sup> In these situations, a delay in justice is not just a denial of justice; it is a denial of dignity.

It is an obligation of the state to preserve the environment in Article 48A.<sup>10</sup> Environment

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<sup>5</sup> *State of Bihar v. Subhash Kumar*, AIR 1991 SC 420.

<sup>6</sup> *M.C. Mehta v. Union of India*, AIR 1987 SC 965.

<sup>7</sup> **Union of India v. M.K. Ranjit Singh**, (2023) 7 S.C.C. 516.

<sup>8</sup> **ROBERT D. BULLARD**, *DUMPING IN DIXIE: RACE, CLASS, AND ENVIRONMENTAL QUALITY* (Westview Press 2000).

<sup>9</sup> U Baxi, 'Writing About Impunity and Environmental Injustice: The Bhopal Case' (2010) *Journal of Human Rights and the Environment*

<sup>10</sup> SANDIP GHOSH, ed., *INDIAN ENVIRONMENTAL LAW: KEY CONCEPTS AND PRINCIPLES* (Orient BlackSwan 2019).

includes clean atmosphere and ecological balance.<sup>11</sup> It is the obligation of state to maintain ecological balance. <sup>12</sup> The State is under duty to improve nutrition level of citizens in Article 47. The Karnataka High court has observed that there can be no living standard without pollution free air and water.<sup>13</sup> **Articles 39(e), 47 and 48** impose an obligation to ta care of citizens's well being and improve environment'.<sup>14</sup>

The judiciary of India has imposed certain rules of international environmental law as an important features of sustainable development',<sup>15</sup> 'imperative for preserving ecology',<sup>16</sup> and 'part of the environmental law of India'.<sup>17</sup> These are precautionary principle,<sup>18</sup> principle of polluter pays <sup>19</sup>doctrine of public trust,<sup>20</sup>and intergenerational equity,<sup>21</sup>and sustainable development.

The Apex Court has decided in **Vellore case**, that the principles such as precautionary and polluter pays principle are imperative part of development of sustainability. In another case of **Research Foundation for Science Technology and Natural Resource Policy v. Union of India**, the Court weighs the precautionary principle in an application quoted T. N. Godavarman Thirumalpad v. UOI and Ors approvingly<sup>22</sup>. The Court has described environment preservance with the help of precautionary principle.

International treaties and agreements like Stockholm Declaration (1972) and the Paris Agreement have influenced Climate Change (2015).The focus of the investigation into environmental justice and law is on how legal frameworks can keep developing to address these issues. It is an appeal for laws that are not only regulatory but also profoundly human, reflecting the interconnectedness of all life on Earth.

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<sup>11</sup> *Virender Gaur & Others v. State of Haryana & Others*, (1995) 2 S.C.C. 577, 580 (India).

<sup>12</sup> *Ibid.*

<sup>13</sup> *C. Kenchappa & Ors. v. State of Karnataka & Ors.*, I.L.R. 2000 KAR 1072, 1078 (India).

<sup>14</sup> *M.C. Mehta v. Union of India & Ors.*, (2002) 4 S.C.C. 356, 1 (CNG Vehicles Case) (India).

<sup>15</sup> *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647,11 (India).

<sup>16</sup> *Karnataka Industrial Areas Development Board v. C. Kenchappa*, (2006) 6 S.C.C. 371,77 (India).

<sup>17</sup> *Research Foundation for Science, Technology and Natural Resource Policy v. Union of India*, (2005) 10 S.C.C. 510, 26 (India).

<sup>18</sup> *S. Jagannath v. Union of India*, (1997) 2 S.C.C. 87, 49 (India).

<sup>19</sup> *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 5 S.C.C. 281, 67 (India).

<sup>20</sup> *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388, 25 (Kamal Nath I) (India).

<sup>21</sup> *Intellectuals Forum v. State of A.P.*, (2006) 3 S.C.C. 549 (India).

<sup>22</sup> Ghosh, S. (Ed.). (2019). *Indian environmental law: Key concepts and principles*. OrientBlackSwan(2002) 10 SCC 606

"**National Green Tribunal, 2010 (NGT)** is a specialized body established in India to address environmental preservation and conservation issues." With New Delhi serving as its primary location, it has five designated sites. Restitution for damages, resolving interdisciplinary environmental disputes, and environmental protection are among the tribunal's primary goals. Establishing alternative dispute resolution procedures, lowering the burden of litigation, offering quick, informal, and economical resolutions, preventing harmful activities, enforcing rigorous adherence to the EIA procedure, and assisting in the relief and payment of damages are some of its duties. Civil disputes pertaining to seven environmental statutes are decided through NGT.

**National Action Plan on Climate Change: It** was founded in 2008. It depicts commitment of India to preserve the environment and its citizen's welfare, especially the weak communities who are affected by climate change. The goal of this plan is based on sustainable development and responsibilities. In addition to accepting the moral obligation of environmental stewardship, it acknowledges the reality of India's developmental needs. The eight missions of the nation are the pillars to assist the NAPCC to favor India's climate resilience.<sup>23</sup>

### **International Legislations:**

**United Nations Framework Convention on Climate Change.** This convention was made in 1992 to assist the nations to work together to fight climate crisis. The primary aim of this Convention is to lessen greenhouse gases to prevent dangerous human made interference in system of climate.<sup>24</sup>

**Paris Agreement, 2015:** France's Paris Agreement was approved under UNFCCC on December 12, 2015, (COP21). It came into effect on November 4, 2016. Furthermore, this agreement is historic among the countries to meet the climate change purposes. Paris Agreement's main objective is to enhance the international answer to the risk by the climatic issues through limiting the increase below 2°C levels in temperature.<sup>25</sup>

### **Kyoto Protocol**

It is an international agreement passed in 1997 and started working in 2005 whose main

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<sup>23</sup> Sands and Jacqueline Peel's Principles of International Environmental Law

<sup>24</sup> United Nations Framework Convention on Climate Change (UNFCCC)

<sup>25</sup> Paris Agreement, 2015

purpose was to decrease the emission of greenhouse gases. This protocol legally binds the countries to reduce emissions and the target was mainly for the developed countries. This concept is based on (CBDR) which makes the advanced countries more responsible for present levels Of (GHG) greenhouse gas emissions.<sup>26</sup>

### **Sustainable Development Goals, 2015**

Under sustainable development goals, everyone has the right to live with dignity, free from poverty and hunger .Everyone has equal rights to asses to high quality healthcare and gets education. The objective of these goals is to provide us clean water, fresh air and save energy which is the basic necessities of human beings. All the human beings must have the opportunity to survive in safe community and to live in friendly environment. To protect the future generation, these goals give us duty to protect the environment, wildlife and need to take care of Climate Change seriously. Hence, these goals demand peace, justice for everyone to live with safety. The Sustainable Development Goals ensure that everyone can enjoy peace and good quality of life by 2030.The SDGs are a bold commitment to end and tackle biggest problems the world is facing today. In short, we give future generations the best option to lead healthy life.<sup>27</sup>

The principles of precaution and sustainable development are also merged by the National Green Tribunal.<sup>28</sup> The national green tribunal has observed that the principle of sustainable development needs to follow balancing doctrine and principle of prevention in S. P. Muthuraman and Ors.<sup>29</sup>

For elimination of poverty, protection the environment and the assurance of a prosperous and healthy life in the Sustainable Development Goals (SDGs), adopted by the United Nations General Assembly in September 2015 as part of the 2030 Agenda for Sustainable Development. The goals of attention on agenda's 17 and 169 also transform society, economy

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<sup>26</sup> Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC), 1998.

<sup>27</sup> UNDP stands for United Nations Development Programme, Goals for Sustainable Development. taken from <https://www.undp.org/sustainable-development-goal>.

<sup>28</sup> National Green Tribunal Bar Association v. Ministry of Environment and Forests and Ors, MA No. 685/2013 and MA No. 708/2013 in OA No. 171/2013, judgment dated 28 November 2013, NGT (Principal Bench)

<sup>29</sup> S.P. Muthuraman, OA No. 37/2015, 158 (NGT July 7, 2015) (Principal Bench).

and environment.<sup>30</sup>The SDGs are universally applicable, combating the developed/developing country dichotomy and embracing progress from the Millennium Development Goals (MDGs). These goals are available for all developed and developing nations. The aim of these goals is economic growth sustainability in environment, reduction of poverty and health specially in the developing countries<sup>31</sup>. International organizations and government of our country track the success of each goal related to human rights, gender equality and climate action among all targets.<sup>32</sup> An important progress has been noticed by the mid of 2023 in the areas such as health of mother and child educational assess and renewable energy. The best example of progress in these goals are goal for (Quality education) and goal 7 (affordable and clean energy )<sup>33</sup>The sustainable development goals have impacted how the nations care for environment in fight climate change. The best example is Sweden and Germany who really altered their national policies to preserve nature and lessen pollution. The Paris climate agreement has proved that the countries are coming together to work to resolve the problems related to climate.<sup>34</sup>

### **Progress towards the Sustainable Development Goals.**

According to General Assembly resolution 70/1, the report shows progress for sustainable development goals since 2015. The information is collected from over 50 international and local organisations. The reports are prepared by agencies and group of experts on sustainable development goals.

**SDG Progress in 2024:** As per the progress report of 2024, the world does not meet the sustainable goals set in 2030 Agenda. Only 17% of 135 targets have been attained and 30% shows very less progress where as there is some progress of 18% which is not considered enough. Moreover 48% goals are on the wrong path while 17% are performing words as compared to 2015 when first goals were set. It shows that most of the sustainable goes are very

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<sup>30</sup> UN Statistics Division, *Progress Towards the Sustainable Development Goals: Report of the Secretary-General 2024 – New Data and Revised Methodologies* (2024), <https://unstats.un.org/sdgs/files/report/2024/SG-SDG-Progress-Report-2024>

<sup>31</sup> INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, *SIXTH ASSESSMENT REPORT: MITIGATION OF CLIMATE CHANGE* (2022), <https://www.ipcc.ch/report/ar6/wg3/>.

<sup>32</sup>H. Auerswald, K.A. Konrad & M. Thum, *Adaptation, Mitigation and Risk-Taking in Climate Policy*, 124 J. ECON. 269 (2018), <https://cnlu.ac.in/wp-content/uploads/2025/04/Climate-Change-Mitigation-and-Adaptation-The-Legal-Framework-by-Hrishikesh-Manu.pdf>

<sup>33</sup> UNITED NATIONS, *UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE* art. 4(1)(c), <https://cnlu.ac.in/wp-content/uploads/2025/04/Climate-Change-Mitigation-and-Adaptation-The-Legal-Framework-by-Hrishikesh-Manu.pdf>

<sup>34</sup> Paris Agreement, Dec. 12, 2015, T.I.A.S. No. 16-1104.

slow or some are not on track.

**Goal 1.** This goal informs us to end the poverty which means that no one should be hungry or insecure and everyone has right to lead poverty free life. But as per the report of 2024 of SDGs, Kuwait 19 pandemic and some other shocks in 2020\_22 have shaken the efforts of the world to reduce poverty. Countries with low income are left behind in the recovery. The goal to end poverty by 2013 becomes more unattainable specifically in those areas that have less financial resources to manage economics stress.

**Goal 2.** This goal of sustainable development deals with end of hunger which says that food is the basic human right. This goal says that all the families, children and communities have right of nourishment. The progress report of 2024 of sustainable development goal shows that in 2022, 2.4 billion people faced food insecurity where as 10% of the population face the problem of starvation. To get an achieve the goal of zero hunger needs efforts to change the food system towards resilience and sustainability. The improvement in diet health and nutrition is very important to attend the sustainable development goals.

**Goal 4.** This goal ensures quality education. SDG progress Report 2024 reports that there is no advancement in education on worldwide scale. Only 58% of children in the world have received minimum reading competency in elementary schools by 2019. Students of lower secondary Schools are learning less.

**Goal 5.** It deals with gender equality but as per the report of SDG 2024 there is no progress in gender equality as there should be. Undoubtedly, there is reduction of harmful practices related to females like child marriage but due to the increase in population the total number of cases is still high. Women are still facing inequality in leadership, government jobs and public life. The report shows that it could take 176 years to come on the managerial position for women. Women still face violence which is a serious concern and the do not have control on their health. There is an urgent need to take a strong action to support women in leadership and support them in gender equality.

**Goal 6.** This goal focuses on clean water and sanitation. There is almost no opportunity that this goal target will be fulfilled. In 2022, 3.5 billion people did not have clean and safe toilets. 2.2 billion people lacked safe drinking water. Climate change is making this problem of water

more worse and also creating risk for social stability and peace.

**Goal 7.** This goal deals with affordable and clean energy. SDG progress 2024 reports that in 2022 only few people of the world could access the electricity for the first time in 10 years. The reason behind it was covid-19 and Ukraine war. Undoubtedly, the progress has been seen in using renewable energy and use the energy more carefully but still the poor nations lack with money to support the projects related to clean energy. If there would be no improvement by 2030, about 1.8 billion people will still face the problem to clean cooking and 660 million people will survive without electricity.

**Goal 8.** This goal of sustainable development deals with decent work and economic growth. The report of 2024 shows that there is threat to global economic development and progress towards SDG 8 due to debt and conflicts in developing nations. With rising unemployment and slow growth in 2024, the analysis predicts a worsening labor market picture that will exacerbate income disparity and put fair compensation for women and good work for young people in jeopardy. Policies that promote economic growth with an emphasis on social justice and inclusive employment are necessary to achieve SDG 8. In 2024, The problem of unemployment is increasing but slow progress in economy which increases the gap of poor and rich. This situation makes it very difficult for women to get fair pay and get good jobs by young people. So to achieve SDG 8, the nations need to focus on making the policies that can support the economy and focus on fair and equal job opportunities for all.

**Goal 9.** This goal is related to industry, innovation and infrastructure. To fulfill the target of goal 9 we need to take strong action in some areas like to adopt clean and green technology, create the industries that can create job opportunities to assist the economy. The last and very important is to decrease in equality in innovation and technology fields so everyone can get equal opportunities to be benefited from new technologies.

**Goal 10.** This goal focuses on reduce inequality. SDG progress report 2024 shows that in 2023, 35.8 million refugees and approximately 8000 migrants faced that's while moving to safe places. The countries need to share the resources fairly and investing skill training and education to lesson in equality. Moreover, the countries need to give healthcare protection and support for poor and worked together to make the financial system fair for everyone. These are the only actions which can be helpful to make equal world for all.

**Goal 11** deals with sustainable Cities and communities. SDG progress report 2024 reports that by 2050, 70% of the people of world will live in cities which shows the need that cities must have the right infrastructure to manage the concerns such as housing ,transport and basics services. So we need affordable homes, clean water and sanitation good transportation system education healthcare and other social services to make the cities safe for everyone.

**Goal 12.**This goal focuses on responsible consumption and production. The report of 2024 shows that more than triple public money was pent on fossil fuels which flows down the world's shift to net zero emissions in spite of the promises made by the nations to preserve the environment. The countries need to use the resources wisely to protect the environment from damage.

**Goal 13** focuses on climate change. SDG progress report 2024 shows that in 2023 the world faced climate disasters. People of the world are suffering from extreme weather like storms floods heat waves which make the life of humans endangered and this climate change also destroy homes. The countries need to take an urgent action to avoid the worst impacts of climate change. The countries need to limit the Global warming to1.5°C, reach net zero emissions by 2050.

**Goal 14.** This goal of sustainable development deals with life below water but as per the SDG progress report, there is an urgent need of immediate action to resolve these issues and to ensure the oceans long term life and sustainability. The solution is reducing pollution, promote sustainable fishing methods and initiative to protect marine life and ecosystem for the future generation.

**Goal 15** of sustainable development deals with life on land. As per SDG progress report 2024, we need to do the efforts to align the expectations to protect environment as our planet faces environmental crisis and challenges like climate change, pollution, land degradation, deforestation and soil degradation.

**Goal 16** promotes peace justice and strong institutions. As per the SDG report 2024 from 2022 to 2023, there was increase in deaths of civilians. Most of the people still have a serious threat of their safety which shows that there are no more peaceful societies. The countries need to improve the global system that can promote peace and security to attain sustainable

development.

**Goal 17.** This goal of sustainable development deals with partnerships for the goals which include improvement in trade, to collect better data, to give financial help and share technology. Still many people are not getting equal improvements to access internet and stronger data system. Show the countries need to strengthen their partnership to meet our Global goals.<sup>35</sup>

### Conclusion:

Adaptation can resolve climate crisis to lower negative influences of climatic concerns. Mitigation as well as adaptation is the best solution for sustainable development, which can help poors, who have less resources to deal with climatic issues.<sup>36</sup> The leaders and governments of the world have very less success for better International agreements to decrease greenhouse gas emissions.. The economists believe that if one country takes its own action, then country should think about how the others will respond while making climate policies<sup>37</sup>. The United Nation Framework convention on climate change depicts about two methods to cope with changes in climate. Article 4.1 of the UNFCCC describes the duty of all nations to prepare plans at country wide and local level to respond concerns to climate.. The purpose of this plan is to decline the harmful effects of climate challenges. Countries must review and update these plans regularly to keep them effective<sup>38</sup>.

Eventually, the people of India really face environmental and climatic concerns. The reason behind is that people are not fully aware of environmental rules and regulations. Another reason is the industrial pollution and lack of implementation of environmental laws. In spite of being plethora of environmental laws, policies, international policies and conventions, there is lacking of implementation of environmental law. There are not adequate laws to address environmental reality of today's time like climate change or harm to soil and water.

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<sup>35</sup> UN Statistics Division, *Progress Towards the Sustainable Development Goals: Report of the Secretary-General 2024 – New Data and Revised Methodologies* (2024), <https://unstats.un.org/sdgs/files/report/2024/SG-SDG-Progress-Report-2024>

<sup>36</sup> INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (IPCC), SIXTH ASSESSMENT REPORT: MITIGATION OF CLIMATE CHANGE (2022), <https://www.ipcc.ch/report/ar6/wg3/>.

<sup>37</sup> H. Auerswald, K.A. Konrad & M. Thum, Adaptation, Mitigation and Risk-Taking in Climate Policy, 124 J. ECON. 269 (2018), <https://cnlu.ac.in/wp-content/uploads/2025/04/Climate-Change-Mitigation-and-Adaptation-The-Legal-Framework-by-Hrishikesh-Manu.pdf>.

<sup>38</sup> UNITED NATIONS, *UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE* art. 4(1)(c), <https://cnlu.ac.in/wp-content/uploads/2025/04/Climate-Change-Mitigation-and-Adaptation-The-Legal-Framework-by-Hrishikesh-Manu.pdf>

### Suggestions:

The preference must be given to the person's dignity in legal framework so that the environment can be protected. All the Nations and communities should come together and share their responsibilities to handle the challenges of climate change. The developing laws must uphold the economic and social Justice related to environment protection to guarantee that all individuals can lead and assess the resources for sustainable life. For the welfare of future generation and justice, ethical innovations and technology must be promoted as a solution. We need adaptation to deal with effects of climate challenges. There is an urgent need to adapt mitigation strategies to reduce the vulnerability of climate change. The most useful way to handle climate change is to adapt low carbon pathways.

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