

**Environmental Justice and Climate Change Litigation: Analyzing The Role
of Courts in Sustainable Development**

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ABSTRACT

Climate change endangers sustainable development all over the world as well as human rights and ecosystems. Environmental justice has made courts around the world very important given the legal action filed on them due to climate change. It discusses the ways in which the courts have been using the principle of precaution, the principle of polluter-pays and intergenerational equity to seek legal action against governments and corporations to correct their harmful plots towards the environment and climate derailment. It speaks of landmark rulings, constitutional interpretations and global benchmarks, such as the Paris Agreement, justiciability, scientific ambiguity, and enforcement gaps, and global inequality. The role of the judiciary as a keeper of sustainable development and the necessity to have improved institutional framework to regulate climate change is highlighted in the report.

Keywords: Environmental Justice, Climate Change Litigation, Sustainable Development, Judiciary, Intergenerational Equity, Corporate Accountability

1. INTRODUCTION

Climate change is an unexampled worldwide risk to the earth, human life, and economic stability that necessitates drastic emergency measures between all sectors of governance. Environmental justice is guided by fairness and equity hence no group will be adversely affected disproportionately. Increasingly courts are being also used to address such issues particularly when legislative and administrative efforts do not succeed. The legal course in climate change litigation promotes the welfare of the present and the future generation through interpretation of constitutional rights, enforcement of statutory obligation and consideration of international environmental norms in the legal setup making the legal mechanism in line with sustainable development.

Precautionary, polluter-pays and intergenerational equality are principles policed in courts. According to past legal precedents, governments and corporations have been found guilty of

causing climate change and ordered to employ more powerful strategies of mitigation and adaptation. The emerging role played by the judiciary in the equilibrating of the environment against the imperatives of development is therefore crucial in the formulation of that equitable and sustainable future in the face of the rising disputes related to climate across the world.

2. JUDICIAL ROLE IN ADVANCING ENVIRONMENTAL JUSTICE AND SUSTAINABLE DEVELOPMENT

Environmental justice is a combination of social justice, human rights and public health with an aim of distributing both environmental reimbursement and reimbursement as well as shielding the underprivileged population against undue risks. Climate change lawsuit is relying on constitutional rights and international agreements such as the Paris Accord as a way to make the organizations that produce global warming emissions and policy failures accountable. Polluter-Pays Principle, precautionary principle, and Intergenerational Equity are implemented in justice by the court of law so that economic development does not hurt the natural world or upcoming generations.

2.1. Environmental Justice

Environmental justice is the equality of sharing environmental benefits and liabilities across the racial as well as income levels and the social classes. So that such vulnerable groups as marginalised communities are not disproportionately exposed to environmental harm like pollution, hazardous waste conditions, and catastrophes related to disasters due to climate change. More than an environmental protection movement, it unites social justice, human rights, and a health issue to provide everyone with the right to clean air, clean water, and sustainable sources. Environmental justice means legislation and decisions to preserve these communities and restore environmental damage.

2.2. Climate Change Litigation

Lukewarm reaction on climate change With the climate change taking its toll in catastrophic impacts, climate change litigation seeks to hold governments, corporations, and organizations liable to climate change or their negligence in curbing its impacts. Cases in point are judgments under laws, human rights, Constitution mandates such as right to life and pure air, this happens to be the common mode used. Courts are left with the role to execute international treaties such as the Paris Accord and national climate laws. In ground-breaking cases such as Urgenda Foundation v. In State of the Netherlands, the courts have supported climate responsibility by issuing the state-performed orders to reduce greenhouse gases emissions.

2.3. Sustainable Development and Judiciary

The judiciary interprets and enforces the environmental laws using the concepts of sustainability to further build the sustainable development. The judiciary guarantees economic growth has no negative effects on the environment or the future generation. Other concepts are crucial and used quite frequently in courts:

- **Polluter-Pays Principle:** This provides that the person that pollutes pays the cost of the management of pollution and thus does not shift the burden of pollution to the society.
- **Precautionary Principle:** Preventative measures should be mandated in the event of environmental risk where it may be uncertain based upon scientific grounds as realistically possible to produce permanent damages.
- **Intergenerational Equity:** That regards the right of the future generation to inherit a healthy well-balanced environment which helps in making decisions concerning exploitation of resources and environmental destruction.

3. ROLE OF COURTS IN ENVIRONMENTAL JUSTICE AND CLIMATE CHANGE LITIGATION

The interpretation of Article 21 in India entails that it is the duty of India to conserve the environment as it is written in its constitution. *MC Mehta v. Urgenda v United Union of India. Leghari v., and Netherlands.* Polluter pays and climate responsibilities and adaptation are set up in Pakistan. To enforce international standards, judiciary tends to put international rules in the domestic law such as the Paris Agreement. Sustainability and transparency obligations enhance corporate responsibility against the increasing climate litigation of emissions, guilty washing, and risk disclosure.

3.1. Constitutional Interpretation

Different courts have construed constitutional provisions to include environmental rights as basic. Article 21 of the Indian Constitution provides the right to life and personal liberty, which the judiciary has broadly interpreted to include a clean and healthy environment. This interpretation makes environmental protection a constitutional rather than statutory requirement. In other nations, courts interpret constitutional protections to protect citizens from environmental harm and climatic threats, laying the groundwork for environmental governance.

3.2. Landmark Judgments

Several landmark cases have shaped environmental jurisprudence globally:

- **India – MC Mehta v. Union of India:** This case law established some important principles like polluter pays and precautionary principle which set the foundation of environmental governance in India. The court guided strict regulations to minimize air and water pollution, hence incorporating environmental protection in the constitution law.
- **Netherlands – Urgenda Foundation v. State of Netherlands:** This historic judgment held the Dutch government legally obligated to reduce greenhouse gas emissions, recognizing climate change as a human rights issue under the European Convention on Human Rights.
- **Pakistan – Leghari v. Federation of Pakistan:** The court determined that the non-implementation of climate adaptation was a violation of basic rights and made climate resilience a constitutional duty.

These judgments highlight the judiciary's proactive role in addressing environmental and climate challenges.

3.3. Enforcement of International Norms

Even when international environmental treaties do not have direct domestic enforceability, courts have frequently used the agreements to reinforce domestic commitments. The Paris Agreement, Stockholm Declaration and Rio Declaration are some of the instruments that are commonly used in judicial reasoning to construe constitutional rights and statutory obligations in accordance with international environmental norms. Such a practice reaffirms the idea of harmonious construction between domestic law and international commitments to make nations answerable to their climate commitments.

3.4. Corporate Accountability

Corporations are increasingly being found guilty in their contribution to the problem of climate change. Corporate litigation has been introduced in the form of climate litigation against companies that emit too much carbon, greenwash, and those that fail to disclose financial risk associated with climate change. Corporations have been obliged to present transparent sustainability reports and implement climate mitigation strategies by the courts. The best examples are the shareholder lawsuits seeking climate risk disclosures and the lawsuits against oil and gas firms that misled consumers about the environmental consequences of their

products. This is indicative of a change in climate responsibility to corporate responsibility on the basis of the duty of care and the notion of public trust.

4. CHALLENGES IN CLIMATE CHANGE LITIGATION

Climate change litigation faces several structural and practical challenges that affect its effectiveness and consistency across jurisdictions:

- **Justiciability:** The problem of justiciability is one of the greatest barriers to climate-related cases, and it can be seen in the form of an inability to prove a direct connection between individual defendants and the damage that climate change has caused. Climate change is an accumulative issue caused by global emissions over the decades, and it is quite difficult to point at the individual states or corporations and hold them accountable. The standing requirement is often a problematic issue in courts because the plaintiff has to show that the defendant has caused a specific, tangible harm due to his or her actions or failure to act in some way.
- **Scientific Uncertainty:** The cases concerning climate depend with a big deal on the scientific data, models, and projections concerning the effects of climate. Nevertheless, there are uncertainties in climate science, especially when it comes to the magnitude of the harm that will be caused in the future, which leaves space to be contested. These uncertainties are usually used by defendants to stall or water down judicial action. The courts, having usually to do with the legal norms, may have problems with interpreting complicated scientific evidence and they produce unstable judgments.
- **Implementation Gaps:** Even in cases where courts make progressive decisions requiring the reduction of the emissions or adaptation measures they may not be well enforced. Governments might not have the institutional ability, financial means or political will to carry out such orders successfully. This creates a very large distance between what is said in the courts and what happens on the ground in terms of climate action, which weakens the viability of litigation as a climate governance mechanism.
- **Global North vs. Global South Divide:** Another layer of complexity due to the difference between developed (Global North) and developing (Global South) countries. More affluent countries will generally have more resources to devote to litigation, enforcement and compliance, developing countries are faced with competing development interests, lack of institutional capacity and financial constraints. This disparity influences access to justice and accountability of powerful multinational

corporations, which introduces unfairness in the outcomes of climate litigation in the global arena.

5. CONCLUSION

The gaps that have been left by the legislative and executive actions, the judiciary has become an important player in implementing climate change and promoting environmental justice. Courts have strengthened the principles of precautionary principle, polluter-pays principle, and intergenerational equity through landmark judgments, constitutional interpretation, and the application of international norms, which has embedded the concept of sustainability in the legal framework. Nevertheless, problems of justiciability, scientific ambiguities, enforcement inefficiencies, and cross-nation inequalities remain as the obstacles to the complete achievement of climate justice in the litigation process. It is necessary to enhance the institutional capacity, facilitate judicial cooperation, and guarantee effective adherence to the court orders to use the potential of the judiciary in building a sustainable and fair future.

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