



Climate Justice An Integral Aspect Of Environmental Anthropology: An Indian Perspective

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Abstract. In order to comprehend the issue that climate change presents and to design suitable adaptation and mitigation methods in-depth study of social sciences is required. Anthropology offers significant insights into the science, impacts, and policy of climate change because of its extensive participation in issues relating to the linkages between society and the environment. Social inequality is the core of sociology. Social inequality is a constant issue persisting in our society making this a root cause of climate injustice. and social justice is about unequal distributions of resources and opportunities across populations and geographic space. Because sociology's central issues revolve around inequalities in power, income, and opportunity, sociology plays a crucial role in understanding the unequal effects of climate change. People living in poverty are subjected to the effects brought on by climate change because they are exposed to persistent and structural inequalities and, it's effects unequally felt by the wealthy and the poor on a local, national, and international level because of these effects of climate change management policies and programs differ between and within societies. The major drawback in policymaking is the exclusion of marginalised in the decision-making process. Therefore, climate injustice needs to be addressed for the promotion of collective social change and for the development in the area of environmental anthropology.

Three key themes are explored in this chapter i.e ; understanding the concepts of environmental anthropology, human rights and the nexus between human rights, climate justice; and the importance of environmental anthropology in the practical implications of laws and policies, challenges for judiciary, policy-makers in achieving climate justice in the absence of climate laws.

Keywords: Environmental Anthropology, Human Rights, Climate Justice.

1 Introduction

“Climate change is one of the greatest human rights challenges of our time”, as mentioned by Savio Carvalho, Senior Advisor on International Development and Human Rights. The impacts of climate change are unevenly felt by women and men,

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T. Pradhan et al. (eds.), *Proceedings of the World Anthropology Congress 2023 (WAC 2023)*, Advances in Social Science, Education and Humanities Research 821,

https://doi.org/10.2991/978-2-38476-192-0_16

older and younger generations, and the rich and the poor. As a result, all the attention is diverted to climate justice, which takes a human rights perspective to the climate catastrophe and is based on the idea that a cumulative effort should be made in order to improve the future of the coming generations. There hasn't been much done to protect those who have suffered directly or indirectly from globalisation and who aren't able to reap the benefits and are particularly unprotected from the consequences of globalisation that have contributed to climate change. The main greenhouse gas (GHG), carbon dioxide (CO₂), has increased atmospheric concentrations from roughly "280 parts per million (ppm)" to more than "400 ppm since the inception of the "industrial revolution" when humans started burning fossil fuels. This is higher than it has ever been in the previous years.

It is not unknown that Marginalised and indigenous communities are disproportionately impacted by climate change. Changes in temperature, rain and other climatic factors affect their cultural landscapes and means of subsistence, which accentuates their already-existing social and economic marginalisation. Their rights, knowledge, and interests are typically ignored. People who live in various places are aware of the ecosystems in their surroundings and how they interact with them. This study of understanding the ways in which humans have interacted with the environment and how these complex interactions have endured across time is known as ethnoecology. It is a branch of science that deals with the significance of how societies interpret their own reality it helps the researcher to comprehend how a culture views the environment, including how it is categorised and organised, ethnoecology draws on techniques from linguistic and cultural anthropology. Basically, an essential aid for the anthropologist is ethnoecology, which helps researchers comprehend how the community views the environment around them and can identify what the community deems "worth attending to" in their ecological system and this has contributed in the creation of Environmental anthropology which emphasises cultural diversity and variance. Environmental anthropology is a sub part of anthropology it is a study, more precisely an investigation of human actions dating back to thousands of years, such as archaeological research on soil erosion and deforestation which makes it easier to compare these historical human activities with more modern human activities that has pose environmental risks. It explores the complex relationships between culture, society, and the natural world, seeking to understand how various cultures perceive, interact with, and adapt to their environments. Therefore, it is now imperious to learn more about environmental anthropology and to know how it is important to do justice to the people who have less contribution to climate change.

People belonging to the indigenous communities, women, and children from the global south nations suffer the most from climate change or disruption in terms of effect on the environment, health and economy compared to wealthier nations and individuals, who use far more energy than is necessary for a liveable standard of living. The most politically, culturally, and economically developed countries use more energy derived from fossil fuels and are significantly less accountable for the environmental issues they cause. This is where the principle of equality and justice is hit.

2 First Section Human Right, inequality and the principles of justice and Environmental Anthropology:

2.1 Environment and human right

Human right is an integral aspect of Anthropological study. A change in perspective occurred in the 1980s and 1990s when anthropologists began to examine human rights as empirical subjects of study and to reveal how different cultures understood the application of their rights. While the sociology study on climate change is still in its nascent stages, there is a movement to understand the communities in relation to their ecologies and historical contexts. The concept of climate justice includes the implementation of the principles of human rights as the foundation of climate change mitigation and adaptation. (Dimitra manou and Anja mihr,2017)

Parties to the human rights are entrusted with several duties and obligations. The "right to the highest attainable standard of physical and mental health" is defined in Article 12 of the ICESCR. Indigenous people's means of subsistence and cultural identities are under threat worldwide from climate change in North America, Europe, South America, Africa, Asia, and the Pacific. It affects about 370 million indigenous people. Many countries across the world have prioritised human rights aspect and India being one of them has tried to do so. The human rights of forest dwellers and other local people are frequently violated in India and these two are the extremes of India's environmental movement. Three pronouncements were made by the Supreme Court on three different occasions and it was opined that "none has any right, human, or fundamental, to violate the law with impunity and claim any right to use a building for a purpose other than authorised. Any violation thereto, amounts to the violation of human rights, article 21 along with other fundamental rights.

2.2 Climate Justice and Inequality

It is crucial to understand the underlying causes of the socio-ecological injustice that is occurring in order to comprehend the climate justice system in India. For instance, the coal extraction system and how Adivasi communities who have historically borne the consequence of extraction now run the risk of suffering again during an energy transition which is further discussed in the paper to establish the fact that how judiciary has been the protector of the environment anthropology. (Ajmal Khan A.T., 2023).

Analysing the human right aspect Connecting development and climate action with human rights is known as climate justice. Action on climate change cannot be separated from development, and vice versa. For climate justice to be achieved, agreements, commitments, norms, and principles pertaining to human rights must be adhered. Throughout, a methodology based on human rights is required. The most crucial aspect to consider while knowing and understanding climate justice is the rights of people who are most at risk from the effects of climate change are represented, included, and protected. There are three reasons why climate change is a justice problem. The first factor contributing to climate change is overconsumption,

which is a major driver of the unsustainable levels of greenhouse gas (GHG) emissions brought on by socioeconomic inequality. Second, the rich and the poor are facing the consequences unequally, and this disparity will only widen in the coming generations. Climate injustice is today's reality, various countries, and people are affected by climate change in various ways, which is exacerbated by the effects of globalisation that work together to penalise the most vulnerable groups of people over time. While the majority of the literature on climate justice focuses on normative arguments from justice theory and ideal conceptions, the ethics of addressing climate change involves high levels of duty violation and noncompliance. As such, what is required is an appropriate set of non-ideal principles. The non-ideal theory thus put forward is, in my opinion, more qualified to address the principles of intergenerational justice on a worldwide basis, particularly with regard to the effects experienced by vulnerable areas. Environmental anthropology is a subfield of anthropology that focuses on the interactions between human societies and their environments. It explores the complex relationships between culture, society, and the natural world, seeking to understand how various cultures perceive, interact with, and adapt to their environments. The key areas of study in environmental anthropology includes:

Culture and the Environment: Understanding how different cultures perceive and interact with their environments. This involves studying belief systems, knowledge systems, and practices related to the natural world. **Human-Environment Interactions:** Analysing how human activities impact the environment and how the environment, in turn, shapes human societies. This includes the study of environmental change, resource use, and sustainability.

Traditional Ecological Knowledge: Examining the traditional knowledge and practices of indigenous or local communities regarding the environment, often accumulated over generations, and how this knowledge can contribute to modern conservation and sustainability efforts.

Conservation and Development: Assessing the effects of development projects, policies, and conservation efforts on local communities and the environment. This includes studying conflicts between conservation goals and the needs of local populations.

Political Ecology: Investigating the political and economic factors that influence human-environment relationships, including issues of power, access to resources, and environmental justice. Environmental anthropology uses interdisciplinary approaches, drawing from fields such as ecology, sociology, geography, and environmental science to comprehend the complex connections between humans and their surroundings. Researchers in this field often engage with local communities, applying ethnographic methods to understand their perspectives and practices.

This branch of anthropology is critical in addressing contemporary environmental challenges, including climate change, biodiversity loss, deforestation, and sustainable resource management. It offers insights into how different cultures perceive and interact with their environments, providing valuable knowledge for

developing more effective and culturally sensitive environmental policies and practices.

2.3 Influence of International conferences on Indian Law

The major focus of the Stockholm conference highlights the essential elements to safeguard and improve the human environment for both present and future generations therefore fostering sustainability. Central to the conference's declaration was an anthropocentric approach, a key principle consistently upheld in subsequent international conferences spanning the last four decades.

India has consistently asserted clear positions in the realm of international climate policy. The nation's basic principles advocate for an equitable distribution of international responsibilities based on per capita emissions, historical accountability, and economic capacity. According to this position, poor countries are not required to make enforceable mitigation promises, while developed nations are required to do so due to their larger historical emissions contributions.

The idea of climate justice was discussed on March 29, 2023, at two major international organisations: the European Court of Human Rights (ECHR) in Strasbourg, France, and the United Nations General Assembly in New York City. In the historic move that was brought to light by the Centre for International Environmental Law (CIEL), the European Court of Human Rights (ECHR) held its first public hearing and emphasis was given on the roles that governments must play in reducing greenhouse gas emissions.

India and other developing countries frequently encounter difficulties in international climate negotiations. Although they contribute less to the global emissions, they shoulder the burden of reducing emissions. While they might have lesser contribution in global emissions while also facing the pressure of growing economically and technologically as a nation. (Katharina Michaelowa,2012)

2.4 Understanding climate injustices in India Social vulnerability, climatic variability, and uncertainty in rural India.

Climate Change and Socioeconomic Inequality in India: India, with a significant population living in poverty, faces heightened vulnerability to the adverse effects of climate change. Scientific evidence emphasizes that developing nations, especially in Asia and Africa, are disproportionately impacted by catastrophic weather events. Amidst predictions of a potential 1.5°C temperature rise by 2030-2052 due to ongoing global warming, India's priority lies in fulfilling its commitments under the Paris Climate Agreement. Transitioning to renewable energy sources like solar and wind power is crucial. However, concerns arise regarding India's land issues worsening with the expansion of renewable energy, exacerbating existing injustices tied to land rights and sustainable development.

Intersectionality of Climate Injustice and Socioeconomic Disparities: Climate injustice intersects with socioeconomic and political inequality, extending beyond geographical disparities. Marginalized communities due to gender, race, or socioeconomic status bear the brunt of climate change's impacts within a single nation

or city. Intergenerationally, the unfairness persists as younger generations, despite contributing the least to global warming, face the severest consequences. Notably, India's lower per capita emissions are a result of significantly lower energy use among a substantial part of the population, highlighting the potential for global climate mitigation if global energy consumption mirrored that of India's lower strata.

Legal Challenges and Environmental Protection: Supreme Court cases, especially Public Interest Litigations (PILs), predominantly concern rural areas where individuals seek legal recourse to safeguard fundamental rights often overlooked by governmental decisions. Environmental laws serve to protect vulnerable populations and habitats, as evidenced by court cases challenging arbitrary land acquisition, highlighting violations of environmental regulations.

Cultivation Practices, Crop Diversity, and Climate Resilience: Traditional wisdom in tribal communities sustains diverse agricultural practices, preserving rare millet varieties vital for nutritional diversity and climate adaptability. Amidst escalating environmental pressures, promoting crop diversification becomes critical. Recognizing millets' nutritional benefits and climate resilience, the United Nations stresses their importance. Pearl millet, in particular, emerges as a climate-resistant, nutrient-rich crop with untapped economic potential, essential for food security amidst climate uncertainties.

Gender-Sensitive Climate Policies and Vulnerable Groups: Women, disproportionately affected by climate-induced migration and disasters, lack adequate gender-sensitive policies in countries like India. The feminization of agriculture due to male migration to cities heightens the burden on women, exacerbating vulnerabilities. Efforts are underway to build awareness and capacity among policymakers through initiatives like the Gender into Urban Climate Change Initiative. The need for specific adaptation measures acknowledging gender-specific dynamics, especially in disaster-prone regions, is crucial to address the heightened vulnerabilities faced by women and children.

These five paragraphs encapsulate India's struggles with climate change, the interconnectedness of socioeconomic disparities, legal challenges, agricultural practices, and the urgent need for gender-sensitive policies to protect vulnerable groups amid climate uncertainties. As part of India's Initial National Communication to the United Nations Framework Convention on Climate Change, studies on climate change adaptation and vulnerability assessment were conducted in a number of areas, including water resources, agriculture, forests, natural eco-systems, coastal zones, health, energy, and infrastructure (UNFCCC). doc202112101.pdf (pib.gov.in)

3 Legislature, law & policies and Judicial Intervention:

India doesn't have a dedicated and independent climate law legislation that shouldn't anyway indicate that India doesn't have laws in safeguarding the environment. In order to protect the environment and mitigate climate change, India has enacted a number of laws, starting with those pertaining to "seashore, fisheries, factories, animals, and birds" before its independence and continued with "environmental

policies, atomic energy, motor vehicles, water, air, wildlife, forest, environment appellate authority, environment and green tribunals, environment impact assessment, biodiversity Laws along with eight National Missions, institutions, and a MoEF&CC." However, none of those Acts and Laws indicate or mention the term "climate change.

Although the environment was not recognised as a separate sphere of administration in the original Constitution, the federal government has subsequently gained a dominant role in the environment through amendments. The constitution gives central government the authority to enact laws pertaining to foreign treaties, even if those subject fall solely under state jurisdiction. This clause, cleared the path for laws like the Environment Protection Act of 1986, has been especially significant in the evolution of Indian environmental law. In its rulings, the Supreme Court of India has placed a strong focus on a practical and realistic approach to the long-term survival of the planet's species. The equitable distribution of natural resource exploitation between the present and future is another prerequisite for the intergenerational equality principle. The Court made the observation that, in order to apply any of the three environmental jurisprudential principles, it is necessary to evaluate the harm to persons. As a result, protecting natural resources now centres around human.

The Supreme Court has provided an explanation of the Anthropocenic viewpoint and ethics:

“Anthropocentrism considers humans to be the most important factor and value in the universe and states that humans have greater intrinsic value than other species. Resultantly, any species that are of potential use to humans can be a reserve to be exploited which leads to the point of extinction of biological reserve. Further, that principle highlights human obligations towards environmental arising out of instrumental ,educational, scientific, cultural, recreational and aesthetic values that forests has to offer to humans. Under this approach, environment is only protected as a consequence of and to the extent needed to protect human wellbeing”

According to most of environmentalists, in contrast to anthropocentrism, which is always human-interest-focused and holds that animals only have instrumental value to humans i.e., that humans are superior to other species and that human obligations to them are predicated on benefits to humans—the Supreme Court of India has recently taken stand against anthropocentrism and has pushed for the adoption of an ecocentric perspective. This idea focuses on the inherent worth of everything that exists naturally and how, if kept and protected, it would contribute to the preservation and protection of other life forms on Earth.

It has been realised that much has been done in the form of legislative and administrative actions, in a generalised way, to guard the natural resources. But this was not found sufficient to safeguard various species of flora and fauna that are on the verge of extinction or are vulnerable for extinction. It was because all previous legislative, administrative and other measures adopted by the world nations were not sufficiently enough to protect and preserve various kinds of vulnerable species.

The National Forest Policy of 1988 contains the current national environmental management policies. The NEP is meant to serve as a roadmap for regulatory reform,

environmental conservation programmes and projects, and the review, approval, and adoption of laws by federal, state, and municipal government agencies. The primary objective of this policy is that, although protecting environmental resources is essential for everyone's livelihood and well-being, the best way to guarantee conservation is to make sure that those who depend on a given resource can improve their standard of living through conservation rather than resource degradation. In order to maximise each stakeholder's resources and capabilities for environmental management, the policy also aims to promote collaborations between public agencies, local communities, academic and scientific institutions, the investment community, and international development partners. The aforementioned goals are to be achieved through a variety of strategic interventions, in addition to legislation and the development of legal doctrines for achieving the goals. These strategies may be based on a set of clearly stated principles, depending on their applicability, cost-effectiveness, and technical and administrative aspects. There are certain principles that will guide the activities of various actors in a policy. Since humans are at the core of sustainable development, each of the actors has a well-established lineage in policy statements, jurisprudence, international environmental legislation, or international state practise. India in its National Action Plan on Climate Change (NAPCC) has outlined a national strategy envisioning to enable the country to mitigate climate change through various climate actions stressing thereupon that India will develop at a good pace in order to increase the living standards of the majority of people but will reduce their vulnerability to the impacts of climate change. Comparing India's existing policies and actions to its fair share contribution, CAT labels them as "Insufficient." India's climate policies and actions in 2030 will need to be significantly improved in order to be compatible with the 1.5°C temperature limit, according to the country's "Insufficient" classification.

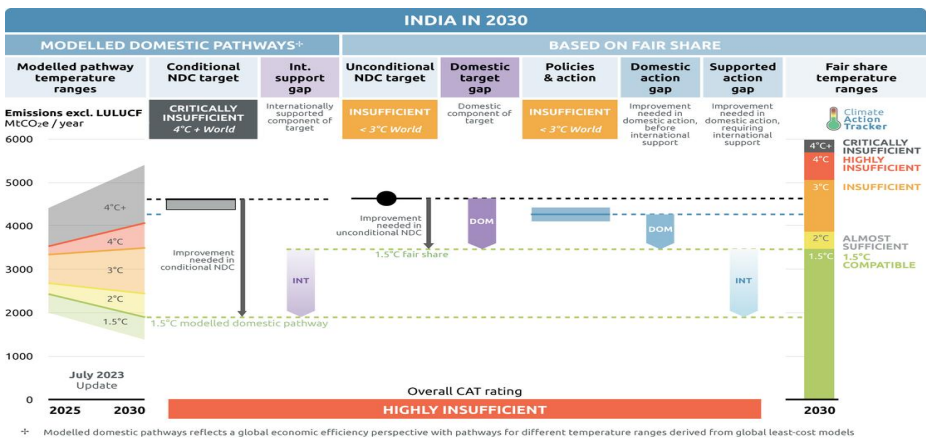


Fig. 1. India in 2023

India is severely lacking in environmental compensation and other legislation pertaining to particular parts of the environment. The main environmental issues the nation faces are the relationships between environmental deterioration, poverty in all of its forms, and economic expansion. Population growth, poor technology and

consumption choices, and poverty are the main causes of environmental degradation. These factors also lead to changes in the relationship between humans and ecosystems, as well as development activities like intensive agriculture, polluting industries, and unplanned urbanisation. While discussing inappropriate technology, Energy transition can be a potent example for substantiating the technological adaptation for combatting climate change. India is on its voyage to address its high carbon emissions and environmental difficulties. Furthermore, India's power system, which consists of generation, transmission, and distribution, is well-known for its high usage. The massive scale, cross-subsidization from commercial and industrial users to farm consumers, federal structure, and major state ownership of the generation, transmission, and distribution infrastructure are the defining features of India's electricity system. Due to the unique technical characteristics of solar photovoltaics (PV) – modularity, intermittency, and fuel-free generation – it offers an opportunity to fundamentally disrupt the political, financial, and institutional arrangements associated with the existing system. There are high-paying industrial consumers and new players (individuals, co-operatives, high-risk fast capital) to compete for energy ownership, and shifting the federal balance of power as the Centre's monopoly over coal loses salience. The division of powers in the Constitution gives the centre a direct hand in several realms of climate governance such as mines and petroleum; industry; and interstate waters. The centre also enjoys residual powers that allow it to legislate in areas not explicitly listed in the Constitution.

Forests and wildlife are listed as concurrent items in the Constitution under the 42nd amendment, which was adopted during a time of extraordinary centralization and suspension of democratic rights. This allows for legislation at both levels of government, but in the event of a dispute, the centre will have the final say. India has a long history of shaping environmentalism through calls for social justice as well as environmental protection. The core of the environmental question in India was human rights and the rights of the local people affected by environmental problems. Judiciary has immensely proved its resolve through great judgments meticulously safeguarding the environment, during the last four decades. As stated, in earlier cases in this article, Judiciary has been instrumental in filling the legislative gap in protecting the environment and the lives of the underprivileged or vulnerable. The court's involvement in climate change has not been extensively discussed in the cases, but what is clear from these instances is how the issue has been raised in the legal system.

4 Conclusion:

Recently, there has been a resurgence of interest in reevaluating the relationships between culture and environment because of the issues around land development, biodiversity loss, and water scarcity all of which are closely related to climate change. Relying on these findings, the notion of 'climate justice' presents a moral obligation within the discourse on climate action. It highlights climate change as a consequence

of unjust and inequitable economic, social, and political systems, while also making connections to broader issues such as the escalating global wealth gap. It is an established fact that environmental anthropology has an impact on cultural variety and variation. However, rural communities' knowledge and ability must be considered in the design and governance of climate change mitigation and adaptation strategies, and they must be actively involved. Because of their reliance on the environment, indigenous peoples are frequently on the front lines of climate change. Many people reside in delicate ecosystems that are especially vulnerable to climatic shifts. Their customary land and means of subsistence are deeply ingrained in their cultural identity, and are put into jeopardy. These inequities are made worse by the failure to environmental degradation and stabilise the global climate system, but not every environmental and climate action addresses inequality. The effort of the judiciary has been to prevent threats to human life and health, especially the issues brought by groups that are underprivileged and are more prone to the effects of climate change.

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