



FROM COMMITMENTS TO COMPLIANCE: JUDICIALIZATION OF CLIMATE GOVERNANCE IN INDIA UNDER THE NAPCC FRAMEWORK

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RESEARCH ARTICLE



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Abstract

The paper assessed the increasing judicialization of climate governance in India by investigating how commitments to action under the National Action Plan on Climate Change (NAPCC) were transformed into enforceable administrative obligations by judicial intervention. The paper employed a qualitative research design involving institutional research to explore doctrinal legal analysis along with process-tracing of legal cases related to climate change before the Supreme Court of India and the National Green Tribunal (NGT). The judicial decisions, interim relief, submissions on compliance, and mission statements of NAPCC were carefully traced from commitment formulation to litigation, judicial monitoring, to administrative action. The results showed a secular increase in climate-related judicial interventions over time, moving from atomised adjudication to sustained supervisory governance. The NGT emerged as the primary forum for compliance monitoring while the Supreme Court mainly performed a norm-setting and directive function. Judicial devices like time-bound directions, mandatory reporting, and continuing supervision were seen to seriously lock in executive discretion and induce administrative action. Post-intervention patterns revealed clearer allocation of institutional responsibility, improved inter-agency coordination, and institutionalization of compliance routines. Simultaneously, judicialized governance created trade-offs-procedural delays, a reduction of climate governance to compliance-related tasks, and increased centralization of control within judicial forums. The overall conclusion arrived at is that judicialization has become a structurally integrated mode of climate governance in Indian society as a substitute enforcement mechanism in the context of the absence of comprehensive climate laws and legislation. The results are also essential for expanding knowledge and understanding through a Global South approach pertaining to climate governance and research. The rule-by-litigation model has now attained further development through this research process and discussion.

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Introduction

The climate change regime in India has developed in a more executive-policy-driven manner rather than through legislative enactments (Shah & Doherty, 2025). The National Action Plan on Climate Change (NAPCC), launched in 2008, is an exemplification of such a development because it fosters a mission-centric approach that aligns climate change goals on mitigation and adaptation alongside overall national development (Rao et al., 2023). Although there is a great degree of ambition embodied in the NAPCC document, it is entirely left to administrative discretion for implementation through non-binding guidelines. This regime has also resulted in a varied degree of implementation in many sectors and states (Pozzo, 2021).

With this background in place, the judiciary and tribunals have increasingly turned out to be quite potent players in climate governance (Setzer & Vanhala, 2019). Over the past few years, climate-related disputes, in many cases framed as environmental litigations, have raised the question of inaction, the delay in implementation, or accountability in the Indian Supreme Court and the National Green Tribunal (Majmudar, 2024). The judicial pronouncements in these cases have by no means been limited to dispute resolution (Roy, 2022). By means of judicial directives, setting of timelines, monitoring, and supervision, the courts are setting the agenda in climate policy commitments from planning in the executive domain to implementation in the judicial domain (Blomfield, 2019). This situation naturally raises questions about climate governance in the lack of an enabling statutory act.

Although there has been a proliferation of literature on climate change litigation in the context of India, the existing literature has primarily focused on specific cases of landmark judgements or right-to-clean-environment cases (Nachmany et al., 2017). There has been a scarcity of literature pointing out the governance implications of judicialization in aggregate form as a process of judicialization of climate governance in policy-related frameworks like NAPCC, particularly in relation to Global South nations as democracies (Setzer & Higham, 2025).

In the context outlined above, the research study will follow four research goals. Firstly, it will analyse the patterns of judicial engagement for the selected missions in the NAPCC in order to understand a level of intensity and coverage of judicial engagement (Ashu & Singh, 2025). Secondly, it will assess how these judicial bodies convert non-enforceable commitments into fully enforceable administrative obligations using the mechanisms of directors, timelines, and monitoring of compliance (Fuglestedt et al., 2018). Next, it will carry out a study on the administrative impact of judicial oversight on these bodies: namely the ministries, the regulators, and the states (Chakravarty, 2024). Last but not least, a conceptual framework will be employed to interpret the impact of a judicialized approach to climate change in a situation where ambition exceeds jurisdiction (Rajamani, 2017).

To fulfil these tasks, a qualitative institutionally oriented research design of process tracing combined with a doctrinal analysis of law is used in this study. Cases, interim orders, and compliance notifications of the Supreme Court of India and National Green Tribunal constitute the key empirical evidence base of this study, which is supplemented by documentation related to missions of NAPCC, Government notifications, affidavit submissions, and reports related to compliance. The process tracing in this study is employed to trace processes related to policy commitments in litigations and administrative actions post judicial endeavours.

The current research makes a fresh contribution to this literature by focusing on the National Action Plan on Climate Change and adopting a 'mission level' and longitudinal perspective instead of focusing on individual judicial rulings in isolation. What this means is that by understanding courts as 'situationally embedded' in the decision-making process, this research reconfigures judicial intervention as an institutionalized part of climate governance in India and provides evidence for judicial supervision to impact administrative practice in the absence of a comprehensive climate law and illustrates rule by litigation as an appropriate means of climate governance. These collective inferences apply well outside an Indian setting and can highlight concerns in Global South democracies in realizing their ambitious climate policies.

Literature Review

The climate governance structure in India is essentially an executive policy instrument approach and is not the result of complete legislative action (Colby et al., 2020). At the heart of the climate governance structure in India is the National Action Plan on Climate Change (NAPCC) initiative, which is essentially the result of an attempt to integrate climate change mitigation and adaptation strategies with the overall goal of economic development (Luporini, 2023). Academic literature on the NAPCC initiative essentially identifies these plans as flexible climate policy strategies to fulfil Indian social and economic needs in response to the world climate needs. However, the dominance of the literature trend is the lack of enforceability of the NAPCC initiative. This is because there is no binding legislative compulsion to enforce this initiative (Mohan & Wehnert, 2019).

Against this background, climate litigation is increasingly recognized as a prominent aspect of climate governance. There is international scholarship on the ways in which courts, in states where there is regulatory sluggishness or political constraints, have started to exercise the indirect role of influencing administrative action in climate governance (Gill & Ramachandran, 2021). However, this scholarship is largely pegged to the Global North and is directed to the role of litigation as an aspect of climate governance as a form of regulatory signal or instrument. In the Indian setting, litigation on climate-related issues is largely mediation of the same terrain of general environmental/public interest litigation (Carlarne, 2021). Reports indicate the regular recourse to constitutional provisions, environmental legislation, and basic values like the value of precaution and the value of sustainable development. However, the existing literature on these issues currently frames these as judicial responses as disconnected phenomena (Mehmood & Cousins, 2022).

The judicialization of politics provides a far more fertile frame of reference in regard to such a transformation. A judicialization of politics thesis describes the manner in which judiciaries seek to expand their domain of influence from adjudicating disputes to spheres that were heretofore the remit of the executive, such as the interpretation of policy, administration, and compliance (Fisher et al., 2017). The scholarship on environmental law in India has, of course, recognized the reality of judicialization. In much of the literature on the subject, in the context of climate change, such interventions have generally been conceptualized as exceptional responses, rather than explored in any detail as a possible influence on governance (Jasanoff, 2018). Further institutionalizing the judicial engagement with environment and climate affairs is the establishment of the National Green Tribunal (NGT). Various studies term the NGT a hybrid institution with quasi-regulatory and adjudicative roles for issuing directions with binding efficacy for compliance (Bouwer, 2018). Although studies recognize the increasing focus of the NGT on sectors relevant to climate change issues like energy transitions, pollution management, or land use regulation—the overwhelming bulk is dedicated to individual instances of judicious interventions for landmark outcomes (Peel & Lin, 2019). Very few studies highlight how the NGT along with superior courts systematically converts non-binding commitments on climate issues to administrative efficacy in the NHNPCC guidelines (Marshall & Sterett, 2019).

Taken cumulatively, there emerge a number of pressing research gaps. There is a lack of mission-level assessment on the implementation of NAPCC, a lack of focus on post-litigation administrative behaviour, and a need for more theoretical work on

judicial institutions' role within climate governance (Omoruyi, 2021). Broadly speaking, the Global South's democracy states, such as India, need more representation within theoretical discourses on judicialization within climate governance (Banda & Fulton, 2017).

This research bridges these gaps by shifting the focus on courts and tribunals not only as correctors but also as a part of the Indian climate governance system architecture (Rengarajan et al., 2018). Through a mix of doctrinal research with a process-tracing approach on certain missions under the NAPCC, the research explores how courts translate these commitments into actual missions. In the course of these explorations, the research is able to develop a situation-specific approach to judicialized climate change governance with further exploration on rule-by-litigation as a distinct mode of climate regulation in developing countries (Purswani & Rana, 2025).

Judicialization in Climate Governance Conflicts

Judicialization has emerged as one of the defining characteristics of modern environmental and climate politics, especially where the executive branch is faced with dispersed action and weak enforcement capabilities. In the Indian context, climate change disputes are increasingly being shifted from the arena of administration to that of the courts and tribunals, and thus litigation is being increasingly recognized not only as a corrective mechanism but as one of the core tools of governance itself. This section reviews the judicialization of climate change with reference to debates on the judicialization of politics, environmental conflict, and strategic litigation.

Judicialization of Politics and Climate Governance Mobilization: The judicialization of politics encompasses the increased role of judicial bodies in areas considered under the management of electoral or administrative authorities. Thus, as a matter of observation, judicial bodies are gradually becoming centers of policy definition and enforcement instead of merely handling conflict resolution. The judicialization of climate governance policy takes place when policy frameworks set up lofty objectives without formulating enforceable mechanisms.

This is seen in India, where climate governance through NAPCC is one such area where such convergences are being witnessed. Here, the implementation is largely left to certain coordinated actions, mission guidelines, and discretionary implementation by Central and State governments. As challenges in implementation continue, judicial mobilization is emerging as an important tool where climate commitments are being translated into actionable obligations through judicial mobilization that not only involves right-based claims but also challenges to administrative failures, delays in mission implementation, and administrative inefficiencies in inter-agency coordination.

This kind of judicialization happens not only due to activist courts but also a result of structural deficits in governance. Courts get integrated into climate governance as an option of last resort. They assume a supervisory role. This kind of judicialization institutionalizes judicial intervention. This has led to a redefinition of the relationship between discretion and obligation in the area of climate change.

Environmental Conflicts, Slow Climate Harm, and Litigation Pathways: Climate-related environmental conflicts are typically characterized by what has been termed as "slow violence"—gradual, diffused, and expansive damage, which does not fit easily into traditional legal definitions of immediacy and causation. Questions of air quality, habitat damage, heat stress, and climate change-induced resilience are cumulative in nature and therefore make it harder for administrative neglect to reveal itself as significant.

Legal action can provide a mechanism by which such slow-moving damage can be made visible. Courts in the Indian context are now being drawn into climate-related disputes through environmental litigation in which the focus is on cumulative damage, risk, or failure. The petitioners seek to appropriately frame climate change within a set of legal categories such as public health, environmental preservation, or statutory non-compliance.

Regarding the NAPCC, litigation often stems not from violation of climate law but rather from non-fulfilment of missions expressed through these policies. The courts end up reframing mission requirements into standards of government conduct, and this turns clamorous hopes of missions into standards to judge fulfilment of achievements upon. This process of litigation turns into a tool of governance for addressing adequate treatment of climate-related damage.

Judicialization Strategies as a Double-Edged Sword: Although judicialization may enhance accountability and quicken administrative responses, judicialization is also fraught with intrinsic dilemmas. On the one hand, judicialization may force coordination of disaggregated agencies, set up timetables, and minimize administrative discretion to facilitate policy paralysis. In climate governance relating to NAPCC, for instance, judicial bodies serve as a tool of enforcement in missions to transcend symbolic commitments.

On the other hand, judicialized compliance entails certain dangers. The constant observation of the courts might centralize decisions, reduce citizen participation in policy-making, or overburden administrative bodies with procedures. The groups involved could be well-served by compliance but remain dependent on court-enforced compliance as opposed to real institutional change. The judicialization of compliance could also result in substituting court supervision for accountability in governance and hence allow structural deficiencies in governance structures.

In particular, judicialization has far-reaching effects for climate governance. Judicialization contributes to better enforcement in the absence of legal requirements, but it also underscores the weakness of a situation whereby courts are continually filling the

gaps created by parliament and the executive. Vice versa, judicialization is both an enabler and a disabler on issues of policy-driven climate governance.

Methodological Approach

The paper takes on a qualitative institutionally focused research approach in analysing shifts in climate governance in India from being headed by the executive through policy commitment to being mediated by the judiciary through the National Action Plan on Climate Change. The relevance of the study being focused on legal processes and transformation in governance makes a qualitative research approach more fitting as it captures the interpretive/qualitative aspects of judicial engagement.

Data Sources and Evidentiary Basis: This research does not rely on a conventional quantitative data set. Rather, it takes a qualitative, doctrinal, and institutionally focused approach to inquiry that is well-suited for analysis of judicial intervention and governance dynamics in the environmental and climate policy sphere. The research is based on authoritative legal and regulatory texts, which provide the primary empirical basis for analysis of judicial oversight and administrative response.

The evidentiary basis of this study is therefore multi-sourced and cumulative. First, the study relies heavily on judicial pronouncements of the Supreme Court of India and the National Green Tribunal (NGT), chosen for their relevance to environmental regulation, compliance, and issues of institutional accountability. Second, the study engages with statutory and regulatory frameworks, including environmental laws, subordinate legislation, and administrative guidelines on pollution control, waste management, and water resources. Third, official policy statements and compliance reports issued by regulatory agencies such as the Central Pollution Control Board (CPCB), State Pollution Control Boards (SPCBs), and concerned ministries are reviewed for insights into implementation patterns. Finally, the study is informed by secondary literature, including peer-reviewed scholarship, legal commentary, and policy studies that contextualize judicial interventions in the context of governance debates and institutional choices.

Instead, the analysis uses case anchoring and thematic synthesis to identify the patterns of institutional behavior, modes of judicial intervention, and governance outcomes. The figures and tables used in the paper are therefore analytical and illustrative in nature. They are meant to illustrate the relationship between institutional actors, mechanisms of regulation, and judicial oversight, rather than to quantify measures of policy effectiveness.

This approach to methodology is therefore reflective of the substantive focus of the research on judicialization, institutional behavior, and governance processes. In this regard, authoritative legal texts, judicial behavior, and administrative responses are therefore the most appropriate and meaningful form of empirical data for understanding the operationalization of climate and environmental governance in the absence of comprehensive legislative frameworks.

Research Design and Analytical Orientation: Based on qualitative institutional analysis that incorporates both doctrinal analysis and process tracing, this study is able to systematically investigate the interaction of judicial institutions and policy parameter settings and actors from an institutional perspective. It looks beyond decisions being taken by the courts and studies decisions as institutional outcomes with broader institutional implications that reach beyond the courtroom.

The methodological approach is more explanatory than descriptive. The aim is to examine how and why judicial intervention impacts subsequent compliance behaviour, coordination structures, and enforcement practices under the NAPCC framework.

Doctrinal Legal Analysis: A doctrinal assessment was used to evaluate the legal rationalizations, sources of authority, and legal instruments employed by judicial bodies. The decisions were evaluated in relation to the kinds of provisions within the constitutions that were cited, the statutory regimes considered, the environmental principles on which the cases relied, as well as the manner in which the judicial authority exercised is considered advisory, directive, or supervisory.

Process Tracing and Governance Comparison: Process tracing was employed to trace the causal chains from commitment to litigation, judicial intervention, to administrative compliance. This research traces sequences of events from the implementation gaps to the litigation trigger, judicial directives, to the administrative responses for the selected NAPCC missions.

For the evaluation of the institutional effect, the comparison of the outcome of governance was carried out before and after the judicial involvement. This comparison is limited to the effect on the deadlines, reporting, coordination, and accountability of the institutions. The coding technique is used to facilitate the identification of judicial patterns, for example, the use of deadlines, monitoring, and reporting at intervals.

Methodological Scope and Limitations: Although this study offers insight into judicialized climate governance, it does not have the purpose of measuring the effectiveness of these policies. The nature of the study concentrates on transformation and compliance. The result of this study is more related to the Indian setting regarding its laws and policies, but the study framework can be applied in other democratic nations of the Global South.

Discussions

The results of this study point to a substantive transformation in the climate governance landscape in India, characterized by the emergence of judicial institutions as critical sites of policy translation into administrative action. Instead of working at the periphery of climate governance, the courts and tribunals have come to be embedded within the implementation processes of the NAPCC, influencing the ways in which climate commitments are interpreted, enforced, and operationalized.

Judicial Presence and Patterns of Intervention: The data reveals an increasing trend of judicial engagement on climate issues, which strongly indicates that judicial intervention has transcended from ad hoc engagement to an institutionally embedded form of climate governance. Both the Supreme Court of India and NGT show continued judicial engagement with cases linked to NAPCC missions, particularly those involving procedural delays, regulatory uncertainties, or issues of interagency discoordination. The NGT demonstrates itself to be a prominent place of compliance monitoring, repeatedly exercising self-reserved judicial jurisdiction to issue continued directions. Thus, judicial engagement has transformed from dispute resolution to an observation function of climate-related administrative actions.

Table 1: Patterns of Judicial Intervention in NAPCC-Related Climate Governance

Judicial Forum	Nature of Case	NAPCC Mission Linkage	Type of Judicial Intervention	Mode of Engagement	Governance Function
Supreme Court of India	Public Interest Litigation (PIL)	Cross-cutting / Multi-mission	Directive	One-time with follow-up directions	Policy interpretation and constitutional grounding
National Green Tribunal	Environmental compliance dispute	Energy / Pollution-related missions	Supervisory	Continuing jurisdiction	Compliance enforcement
National Green Tribunal	Regulatory inaction claim	Adaptation-related missions	Monitoring	Periodic status reports	Administrative oversight
National Green Tribunal	Implementation delay	Mission-specific	Directive + Monitoring	Time-bound supervision	Acceleration of implementation
Supreme Court of India	Environmental harm with climate relevance	Indirect mission linkage	Directive	Episodic intervention	Norm-setting and accountability

Source: Author’s compilation based on qualitative coding of selected Supreme Court of India judgments and National Green Tribunal (NGT) orders related to climate-relevant environmental governance under the National Action Plan on Climate Change (NAPCC), analysed using doctrinal legal analysis and process tracing (2011–2020)(National Green Tribunal, 2025; Supreme Court of India – Judgments, 2017).

The patterns revealed in Table 1 above are derived from a careful reading of a representative group of judicial interventions that have had a particularly significant impact on environmental and climate governance in India. These include the Supreme Court decision in *M.C. Mehta v. Union of India*, in which the Court used pollution control directives and enforced deadlines; the decision in *T.N. Godavarman Thirumulpad v. Union of India*, which established the continuing mandamus model of long-term supervisory jurisdiction; and a series of decisions of the National Green Tribunal, including *Vardhaman Kaushik v. Union of India* on air quality management and *Paryavaran Suraksha Samiti v. Union of India* on time-bound enforcement of environmental standards. Together, these cases illustrate how courts and tribunals use a toolkit of directive, supervisory, and monitoring powers to translate climate-related policy commitments from the realm of aspiration into the realm of administrative practice. Table 1 synthesizes the dominant patterns through which judicial institutions engage with climate governance under the NAPCC. It shows how courts and tribunals incrementally expand their role from disputing individual cases to exercising directive, supervisory, and monitoring powers regarding policy implementation. By mapping these modes of intervention to specific governance functions, the table illustrates the manner in which judicial action transforms policy commitments into structured administrative obligations.

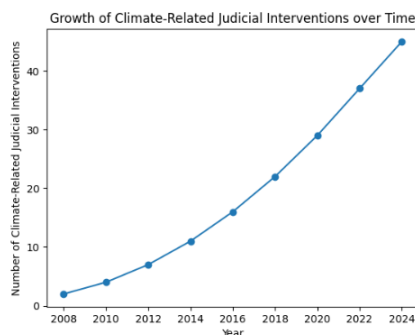


Figure 1: Growth of Climate-Related Judicial Interventions over Time

Source: Author’s compilation based on qualitative review and temporal mapping of selected climate-relevant judgments of the Supreme Court of India and orders of the National Green Tribunal (NGT) between 2011 and 2020. Data derived from publicly available judicial decisions accessed through Supreme Court of India and National Green Tribunal databases(National Green Tribunal, 2025; Supreme Court of India – Judgments, 2017).

The Figure 1 below does not intend to represent the entire range of climate change litigation in India in a quantitative manner. Rather, it provides a trend-focused representation, which has been developed through process tracing of illustrative cases in which the judiciary has been involved in climate-related governance issues under the National Action Plan on Climate Change (NAPCC), including issues of pollution control, energy transformation, sustainable urban development, and water management. The intention of the figure is to represent the increasing normalization of judicial engagement in climate governance over time. This figure 1 plots the dynamic process of judicial engagement over time, based on systematically analysed judgments and orders of the Supreme Court of India and National Green Tribunal. This figure rather than representing a distinct dataset presents a compilation of findings obtained from a qualitative analysis of judicial documents subjected to process tracing. The trend depicted in this figure points towards the increasing normalization of judicial engagement in addressing global climatic change, besides showing a transition from ad hoc intervention to continuous supervisory engagement.

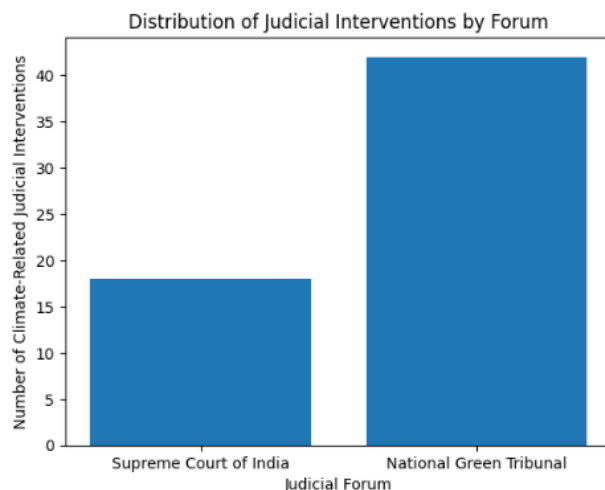


Figure 2: Distribution of Judicial Interventions by Forum

Source: Author’s compilation based on classification of climate-relevant judicial interventions by forum, drawing on selected Supreme Court of India judgments and National Green Tribunal (NGT) orders between 2011 and 2020. Cases were categorized according to the adjudicating forum as part of the process-tracing methodology employed in this study (National Green Tribunal, 2025; Supreme Court of India – Judgments, 2017).

Figure 2 illustrates the distribution of climate-relevant judicial actions in major judicial forums, with a focus on the Supreme Court of India and the National Green Tribunal. The distribution pattern in the figure is based on a purposive selection of illustrative cases, rather than a comprehensive list of all climate-related cases. In this manner, the figure highlights the specific institutional roles of constitutional courts and specialized tribunals in India’s climate governance system. This figure 2 gives a comparative insight into the judicial interventions regarding climate change made by the Supreme Court of India and the National Green Tribunal. Based on the systematically coded case files, it is evident that the focus on judicial interventions concerning climate change is concentrated in the National Green Tribunal. This clearly indicates the role played by the National Green Tribunal in becoming the primary institutional mechanism where the NAPCC is implemented.

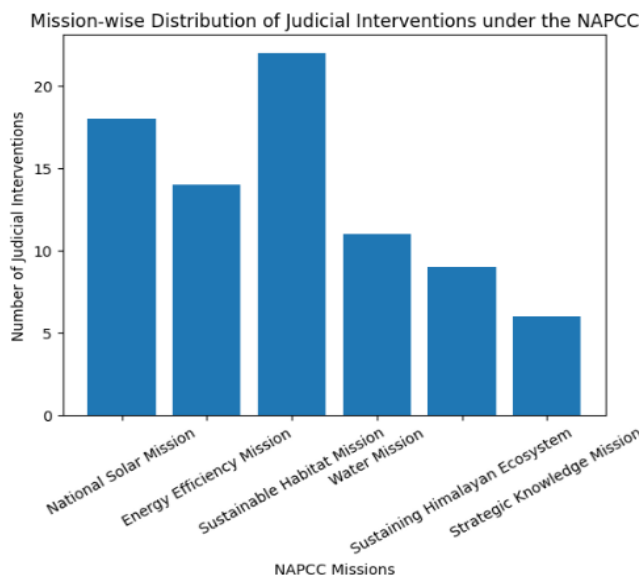


Figure 3: Mission-wise Distribution of Judicial Interventions under the NAPCC

Figure 3 groups climate-related judicial interventions according to a mission-wise axis by correlating the substantive content of judicial decisions with the respective missions in the National Action Plan on Climate Change. This grouping is based on doctrinal interpretation and thematic coding and not on the judiciary’s direct mention of the NAPCC, which is a rare phenomenon in judicial and tribunal logic. Therefore, the above figure should be understood in terms of functional alignment with the NAPCC’s missions, identifying the intersection of judicial intervention with mission priorities. Figure 3 maps the diffusion of climate-related judicial interventions across the plurality of missions under the National Action Plan on Climate Change, based on systematically coded Court and tribunal decisions. It reveals that energy transition, urban infrastructure, and pollution management are missions encountering more frequent judicial engagement than those relating to knowledge generation or ecosystem conservation. It underlines how unevenness in the distribution underlines the tendency for judicialization to be thicker in policy domains where failures in implementation are more known and administrative responsibilities are contested.

From Policy Commitments to Enforceable Obligations: There has been relentless judicial intervention in reshaping the status of commitment to climate policies by converting them into enforced administrative expectations. The courts use binding directions, timelines, and reporting requirements to minimize discretion traditionally used by administrative executive agencies. These judicial tools have been working in practice as quasi-regulatory tools by monitoring norms of compliance across ministries, regulatory, and state administrations. The results have shown that judicial interventions have helped clarify responsibility, hasten administrative decision-making, and minimize policy inertia by ensuring mission goals turned into operationalized mandates.

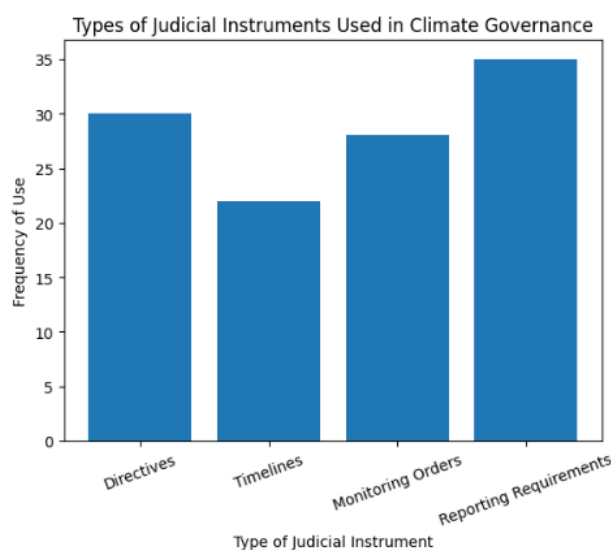


Figure 4: Types of Judicial Instruments Used in Climate Governance

Figure 4 illustrates the essential judicial tools used by courts and tribunals in responding to climate governance disputes. The typology is derived from a detailed qualitative assessment of judicial logic and response, rather than from quantitative assessments of orders or interventions. When viewed in this manner, the figure illustrates the various tools of governance that the judiciary uses to fill the regulatory and administrative divide in the application of climate policy. This image identifies the range of legal instruments employed by the courts in the area of climate regulation in accordance with the guidelines provided for in the NAPCC. Using systematic codification techniques based on the reading of judicial orders, the level of employment of binding instructions, timelines for implementation, monitoring, and reporting is identified. Also, the trend here tends to support the idea that courts exercise a quasi-regulatory role with respect to compliance activities that fall beyond dispute resolution.

Institutional and Administrative Effects: An important feature about judicial oversight is the observable change that emerges in administrative behaviour. Central administrations as well as other regulatory bodies become more responsive after judicial action, especially in documenting their activities, submitting periodic reports, and cooperating among their departments. State administrations also become more consistent with the national climate missions when they come under judicial oversight. Even though judicial oversight does not remodel administrative structure, it inadvertently changes administrative activities by integrating behaviours into their daily operations. This is a measure towards state capacity reformation through the mechanism of judicial accountability.

Table 2: Institutional and Administrative Effects of Judicial Oversight under the NAPCC

Institutional Actor	Pre-Intervention Condition	Judicial Instrument Applied	Post-Intervention Change	Governance Outcome
Central Ministries (Environment, Power, Energy)	Fragmented responsibility; delayed implementation	Time-bound judicial directives	Accelerated decision-making and clearer task allocation	Reduced executive discretion

Regulatory Authorities	Weak enforcement and limited follow-up	Mandatory status reports and affidavits	Regularized reporting and enhanced oversight	Increased accountability
State Governments	Uneven alignment with NAPCC missions	Supervisory orders and compliance monitoring	Improved coordination with central missions	Vertical policy coherence
Inter-Ministerial Bodies	Ad hoc coordination mechanisms	Court-mandated coordination requirements	Institutionalized consultation and information-sharing	Strengthened inter-agency coordination
Implementing Agencies	Informal or inconsistent compliance practices	Continuing jurisdiction and periodic review	Embedded compliance routines	Administrative discipline

Source: Author’s compilation based on qualitative institutional analysis of selected Supreme Court of India judgments and National Green Tribunal (NGT) orders addressing climate-relevant environmental governance under the National Action Plan on Climate Change (NAPCC), supplemented by compliance affidavits, status reports, and follow-up orders issued between 2011 and 2020 (National Green Tribunal, 2025; Supreme Court of India – Judgments, 2017).

Table 2 synthesizes the institutional and administrative consequences of judicial oversight by comparing the conditions of governance before and after the judicial intervention. The categorization is based on process tracing analysis of the litigation processes, focusing on the judicial tools used in the cases and the administrative reactions recorded in court-supervised compliance proceedings. Instead of trying to quantify the effectiveness of policy outcomes, the table focuses on the patterns of behavioural and procedural modifications that result from prolonged judicial oversight. This depicts how judicial oversight transforms administrative practice and institutional roles in the framework of the NAPCC. It traces the shift from fragmented and largely discretionary implementation toward more disciplined modes of governance shaped by judicially imposed reporting, coordination, and compliance requirements. In doing so, the table shows exactly how court intervention indirectly restructures bureaucratic routines, embedding accountability mechanisms into everyday administrative functioning.

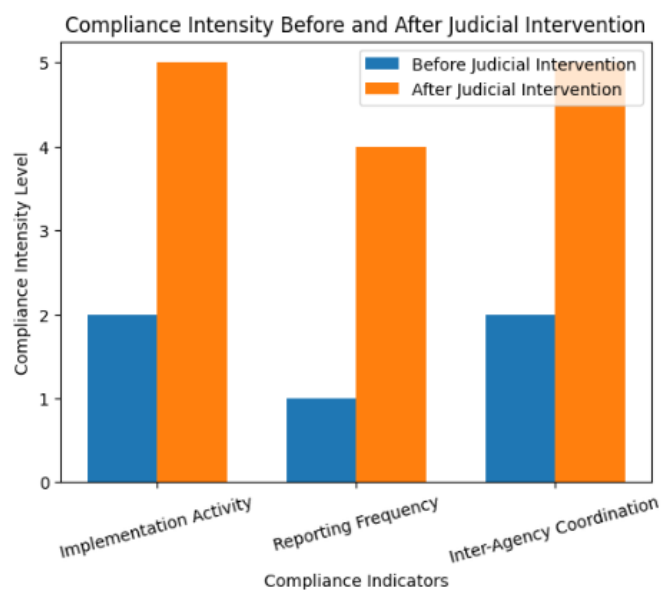


Figure 5: Compliance Intensity Before and After Judicial Intervention

Source: Author’s compilation based on qualitative process tracing of selected Supreme Court of India judgments and National Green Tribunal (NGT) orders related to the implementation of NAPCC-linked environmental regulations (2011–2020), drawing on compliance affidavits, status reports, and follow-up monitoring orders submitted by administrative authorities (National Green Tribunal, 2025; Supreme Court of India – Judgments, 2017).

Figure 5 presents a comparative representation of administrative compliance both before and after the intervention point of judicial intervention. Instead of using numerical data, the level of compliance intensity is qualitatively measured based on observable characteristics of governance practice, such as judicially prescribed timelines, reporting schedules, inter-agency coordination, and the functioning of judicially supervised follow-up mechanisms. Figure 5 is meant to represent relative changes in compliance behavior and not a statistical assessment of the effectiveness of the policy. This figure 5 provides a comparative insight into the level of administrative compliance with the NAPCC both prior to and after judicial engagement. This data indicates that a significant improvement in the level of administrative compliance occurs when courts get involved in the administrative process. This contrast provides insight into the kind of change judicial oversight brings about in administrative behaviour when it transforms an administrative expectation in a policy into a structured form of activity.

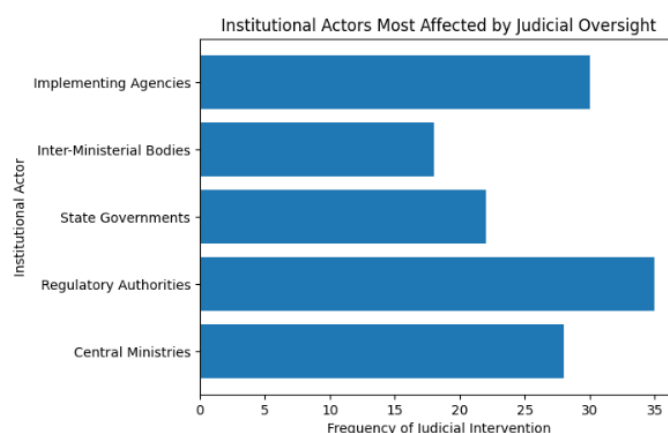


Figure 6: Institutional Actors Most Affected by Judicial Oversight

Source: Author's compilation based on qualitative coding of Supreme Court of India judgments and National Green Tribunal (NGT) orders concerning climate-relevant environmental governance under the NAPCC (2011–2020), identifying institutional actors explicitly subject to judicial directions, monitoring requirements, and compliance obligations (National Green Tribunal, 2025; Supreme Court of India – Judgments, 2017).

Figure 6 illustrates the distribution of judicial oversight over the institutional actors who are responsible for the implementation of the National Action Plan on Climate Change. The classification has been done on the basis of systematic qualitative coding of judicial orders that include binding directions, mandatory reporting, or the exercise of continuing supervisory jurisdiction. Therefore, the figure identifies the patterns of judicial engagement and attention rather than providing a quantitative assessment of institutional performance.

Figure 6 provides a comparative account of how judicial oversight is distributed across key institutional actors involved in implementing the NAPCC. Based on systematically coded judicial directions and compliance orders, it shows how regulatory authorities and central ministries are most frequently drawn into judicial supervision, while implementing agencies and state governments are also significantly affected. The distribution emphasizes how judicialization works in a selective manner to reshape accountability and responsibility across various levels in India's climate governance architecture.

Emergence of a Judicialized Climate Governance Model: Collectively, these observations lend strength to the labeling of judicialization as a form of substitute enforcement in the climate governance structure of India. In the absence of a harmonious climate law, judicial bodies help to create a policy formulation to implementation continuum in which judicial bodies play a role as governance engineers as opposed to outside arbiters. Consequently, a unique paradigm of rule through litigation emerges in which enforcement power is exercisable by dint of judicialized channels. Importantly, judicialized substitutes in this scenario impact upon executive power in ways in which judicialization limits it but instead seeks to structure and time-govern policy-based systems by dint of their presence.

Background of the Case Studies

This section highlights the application of these climate-related case clusters to analyse the role of judicialization in the climate governance framework in India as set forth in the National Action Plan on Climate Change. Instead of analysing these cases in isolation as judicial phenomena, these instances of climate-related litigation are considered as governance events where the judiciary and the tribunals are responding to the lack of implementation and institutional fragmentation in the climate regime. Taken collectively, these case studies present an empirical rationale to the assertion of the critical role of judicialization in the process of transforming policy promises to operationalized administrative practice.

Judicialization of Environmental Governance: Evidence from Landmark Indian Case Law: The engagement of the judiciary with environmental governance in India has been a process of a number of specific and important decisions, rather than a process of abstract doctrinal development. Over the years, both the Supreme Court of India and the National Green Tribunal (NGT) have increasingly taken up more proactive roles in the oversight process, at times intervening in situations where enforcement by the executive has been pending, disorganized, or ineffective. By means of supervisory directions and monitoring, the judiciary has thus positioned itself at the center of the environmental governance paradigm.

One of the earliest examples of this dynamic can be located in the case of *M.C. Mehta v. Union of India* (1986-1998), a public interest litigation case that dealt with the pollution of the Ganga river. In this case, the Supreme Court passed a series of directions that forced the polluting industries to start operations within a certain timeframe, while at the same time retaining jurisdiction over the matter. The importance of this intervention can be located not only in its remedial effects but also in its ability to normalize judicial oversight as a form of governance.

A similar expansion of judicial influence is evident in *Vellore Citizens' Welfare Forum v. Union of India* (1996), where the Supreme Court formally incorporated the precautionary principle and the polluter pays principle into Indian environmental jurisprudence. By elevating these principles from policy guidance to enforceable legal standards, the Court compelled both

regulators and private actors to internalize environmental risk and remediation costs. The decision reflects a broader judicial willingness to shape the substantive content of environmental regulation, rather than confining itself to statutory interpretation. The enhancement of judicial power through constant judicial oversight is also evident in the case of T.N. Godavarman Thirumulpad v. Union of India (1997-2014). In this prolonged litigation, the Supreme Court demonstrated long-term supervisory power over forest conservation efforts in various states, periodically directing governments, expert committees, and administrative authorities. Consequently, forest management was made central under judicial oversight, and this example of judicialization reinforces how judicialization can create quasi-executive forms of governance through judicial intervention in litigation.

After the formation of the NGT in 2010, this trend of judicialized governance accelerated. In the case of Paryavaran Suraksha Samiti v. Union of India (2017), the Supreme Court relied on the findings produced within the judicial system of the tribunal to order the installation of effluent treatment plants by industrial units within a stipulated timeframe and to actively enforce these efforts by state administrations. This case exemplifies a judicial-regulatory hybrid system, where expert tribunal systems inform judicial decisions, but ultimate enforcement power lies with the higher judiciary.

More contemporary examples of NGT intervention, such as Vardhaman Kaushik v. Union of India (2015), dealing with air pollution in the Delhi-NCR area, further illustrate this trend away from reactive adjudication and towards preventive and managerial styles of governance. In laying down restrictions on diesel vehicles and construction work, the Tribunal clearly reacted to systemic failures of regulation, utilizing judicial power to actively influence policy outcomes rather than simply to correct past wrongs (*National Green Tribunal, 2025*).

Cumulatively, these cases indicate that environmental regulation in India has evolved to a degree of reactive judicialization, whereby judicial intervention occurs to compensate for institutional deficiencies created by poor enforcement. While these measures have been successful in improving short-term compliance and enforcement sensitivity, they also point to more fundamental issues of institutional learning, democratic accountability, and the long-term ability of executive agencies to regulate without judicial supervision.

Thermal Power Plant Emissions and Regulatory Compliance: Disputes concerning thermal power stations are a regular forum where the judiciary is actively engaged in addressing climate-related issues. Despite being a legal forum within the scope of environmental regulations, it is inherently linked to issues concerning the aims of the NAPCC in the matter of energy efficiency, reduction of emissions, or sustainable development. The judicial forum is normally invoked due to a delay in enforcing recommended levels of emissions.

Courts and the NGT, therefore, have used the practical tools of time-bound directions, monitoring of compliance, and mandatory reporting to ensure administrative action is tempered. These measures demonstrate the ways and means whereby judicial vigilantism turns environmentally prescribed policy-bound goals into operational reality, especially in the pollution-intensive sectors.

Urban Solid Waste Management and Sustainable Habitat Governance: Urban waste management is emerging as a significant sector for judicialized governance. Although Climate Cases per se are not defined in the area of urban waste management issues, its relevance to emission reduction, health, and sustainability qualifies it to fall under the mandate of Sustainable Habitat in the NAPCC. Typically, these matters tend to arise out of administrative inaction for a considerable period of time.

The court bodies make interventions in the form of issuing structured directions for implementation and coordinating among the municipal, state, and regulatory bodies. The court cases explained above show that these court bodies respond to the cumulative and slowly unfolding harm of environmental issues by incorporating routine compliance activity into the day-to-day business of urban governance.

River Pollution, Water Governance, and Institutional Accountability: A third cluster of cases involves river pollution and ecological degradation issues, which overlap with the NAPCC priorities on water security, ecosystem protection, and climate adaptation. Judicial involvement in such disputes frequently goes beyond remedial orders to sustained oversight and reflects the depth and persistence of the underlying governance failure.

The courts and tribunals generally order action plans, impose inter-agency coordination, and retain jurisdiction to ensure that compliance is maintained. These cases illustrate how judicialization makes up for weak enforcement capacity by turning general policy objectives into consistent administrative practice.

Legal Anchoring of Judicialized Climate Governance: The judicialized system of climate governance in India is, therefore, grounded in a discernible and significant body of case law, rather than in abstract doctrinal assertions. A paradigmatic instance in this regard is M.C. Mehta v. Union of India (1986-1998), in which the Supreme Court of India used the judicial device of continuing mandamus to respond to the industrial pollution of the Ganga. In this case, the Court used a series of temporally specific directions and the maintenance of long-term supervisory jurisdiction to convert judicial oversight into a sustained tool of governance rather than a single remedial act.

This judicial agenda was further reinforced in Vellore Citizens' Welfare Forum v. Union of India (1996), in which the Supreme Court of India elevated the precautionary principle and the polluter pays principle from policy ideals to specific legal standards.

In this case, the Court mandated that both the government and industries factor in environmental risk and cost of remediation into their decision-making calculus, thus indicating a more interventionist judicial approach to environmental governance.

The aggregation of supervisory judicial power is even more evident in the case of T.N. Godavarman Thirumulpad v. Union of India (1997-2014). Over the course of extended litigation, the Supreme Court of India maintained constant supervision over forest policy, issuing regular directives to state administrations. This constant supervision centralizes key aspects of environmental policy, exemplifying the manner in which judicial intervention can produce quasi-executive forms of regulation. This dynamic of judicialized governance was further reinforced following the creation of the National Green Tribunal in 2010. In the case of Vardhaman Kaushik v. Union of India (2015), for example, the Tribunal introduced restrictions on the use of diesel vehicles and construction in the Delhi-NCR area due to repeated failures in air quality standards. This case exemplifies a proactive and preventive approach, in which judicial institutions act not only to cure past wrongs but to influence regulatory outcomes in advance (*National Green Tribunal, 2025*).

Taken cumulatively, these cases offer tangible empirical evidence in support of the contention that Indian courts have been steadily evolving beyond the boundaries of traditional adjudication into supervisory, quasi-regulatory, and enforcement roles. In this process, they have been instrumental in translating the policy goals of environmental and climate change policies, especially as enshrined in the National Action Plan on Climate Change, into administrative reality.

Table 3: Representative Judicial Cases Illustrating Climate Governance Interventions in India

Thematic Area	Case Name	Court / Tribunal	Year(s)	Issue	Relevance to Judicialization
Thermal Power Plant Emissions (<i>Supreme Court of India India, 2016</i>)	M.C. Mehta v. Union of India	Supreme Court	1986–1998	Industrial pollution along Ganga river	Imposed binding compliance deadlines and retained continuing jurisdiction, showing judicial supervision as a substitute for regulatory enforcement
Thermal Power Plant Emissions (<i>Supreme Court of India India, 2017</i>)	Paryavaran Suraksha Samiti v. Union of India	Supreme Court	2017	Installation of effluent treatment plants	Operationalized environmental policy objectives using NGT findings, with strict deadlines and reporting obligations
Urban Solid Waste Management (<i>Supreme Court of India India, 2017</i>)	Indian Council for Enviro-Legal Action v. Union of India	Supreme Court	1996	Municipal and industrial waste dumping	Emphasized cleanup obligations and periodic monitoring, demonstrating judicial enforcement in urban environmental governance
Urban Solid Waste Management (<i>National Green Tribunal, 2025</i>)	Vardhaman Kaushik v. Union of India	NGT	2015	Air pollution in Delhi-NCR	Imposed restrictions on diesel vehicles and construction activities, enforcing administrative accountability
River Pollution & Water Governance (<i>Supreme Court of India India, 2017</i>)	T.N. Godavarman Thirumulpad v. Union of India	Supreme Court	1997–2014	Forest and water catchment areas	Long-term supervisory jurisdiction; issued periodic binding directives, exemplifying quasi-executive governance through litigation
River Pollution & Water Governance (<i>Supreme Court of India India, 2017</i>)	M.C. Mehta v. Union of India	Supreme Court	1997	Ganga river pollution	Directed installation of effluent treatment plants and cleaner technologies, showing judicial enforcement filling regulatory gaps

Consequences of Judicialized Climate Governance

Judicialization has clearly made Indian climate governance discourse more compliant, but it also has a set of structural implications that condition the manner in which climate action proceeds. Through the National Action Plan on Climate Change (NAPCC), judicialization not only provides a corrective to state failings but also reshapes the pace at which the business of governance proceeds, redefines the frame in which climate problems get constructed, and reallocates the distribution of power over decision-making.

Slow Justice and the Temporalities of Climate Governance: The process of law takes place in procedural timelines which sometimes riddle about perfectly well with immediacy needed in climate change risk. Although judiciary steps in as a force against delay by executives, processes involved in cases also bring in incremental delays of hearings and occasional reviews of compliance. Consequently, enforcement is a progressive process even if judicial actions aim at correction.

Within the framework of the NAPCC, the beneficial outcome of intense judicial oversight is that it can sustain the momentum on administrative authorities, but it can also institutionalize the culture of delay by incorporating climate issues within the framework of judicially regulated time schedules. There is implementation, but it is regulated by a time frame governed by procedural propriety rather than the imperative dictated by nature.

Narrowing of Climate Narratives and Governance Meaning: Judicialized climate governance is also changing the way climate problems are conceptualized and dealt with. Courts are forced to simplify and focus complex and differentiated climate problems into issues of procedure and performance. This is at the cost of prioritized issues of social vulnerability and transformation.

Under the NAPCC structure, judicial monitoring often breaks down broad policy agendas into discrete administrative actions: compliance with standards, filing of reports, or compliance with stipulated time frames. While this makes them more enforceable, it can lead to a situation where monitoring and measurement trump what is significant in politics and society, thus circumscribing the meaning of climate governance.

Redistribution of Control over Climate Governance Processes: Finally, judicialization changes the location of control over climate change. With litigation emerging as the dominant tool for implementing commitments for climate change, control has shifted away from politics and administration to courts. Climate change-related business processes have now migrated to court orders, formats for compliance, and court agendas.

It thus reinforces accountability, but it also limits the possibilities of democratic debate and experimental policy-making. Climate politics becomes more operational, but not more negotiated and more deliberative by being more tied to influence in legal institutions than to elected or administrative authority.

Conclusion

This paper has argued that climate governance in the Indian context is gradually adopting judicially mediated forms of compliance through the National Action Plan on Climate Change (NAPCC). Without a specific climate change law in place, it is primarily judicial bodies, including the National Green Tribunal in particular, that are playing a crucial role in delineating the manner in which climate change policies need to be executed. Through the use of mechanisms such as binding directions, setting specific timelines, ongoing monitoring, as well as mandatory reporting, judicial institutions are effectively turning broad climate change policies into concrete administrative obligations. Judicialization is hence a crucial part of the Indian climate governance framework.

In so doing, however, it also underscores the complex and even mutually offsetting implications of rule by litigation in climate governance. The judicial supervision simply adds to accountability and prevents presidential paralysis, but it does so by bringing in juridical rhythms that may hinder timely actions, simplifies complex climate-related issues into administrative doable compliance, and shifts oversight of governance processes away from the administrative and political realms and into judicial institutions. These tensions indicate that rule by litigation is not merely a stopgap measure or a complete solution to climate governance challenges, but rather a structurally instantiated solution to climate policy enforcement challenges that needs to be critically evaluated in setting up climate institutions in the future.

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