

SUSTAINABLE DEVELOPMENT GOALS 13 – CLIMATE ACTION

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Abstract

The escalating climate crisis has placed Sustainable Development Goal 13 (Climate Action) at the forefront of international and domestic legal agendas. This article critically examines the effectiveness of existing legal frameworks in facilitating the achievement of SDG 13, with a special focus on India. It explores the evolution of climate-related jurisprudence, including landmark cases such as *M.C. Mehta v. Union of India*, and evaluates the role of statutory mechanisms like the Environment (Protection) Act, 1986 and the National Action Plan on Climate Change (NAPCC) 2008. The analysis highlights significant gaps in current laws, including the absence of a dedicated climate change statute, limited enforcement mechanisms, and the need for stronger constitutional recognition of environmental rights. Drawing from international best practices and domestic realities, the article proposes comprehensive reforms, including the enactment of a Climate Change Act, establishment of an independent Climate Commission, strengthening the environmental rule of law, and alignment with global climate commitments. Ultimately, it argues that legal systems must transition from merely regulating environmental harm to proactively securing a sustainable future, ensuring that climate action is not aspirational but enforceable. The article offers a roadmap for legal transformation to meet the urgent demands of climate governance and fulfill the vision of SDG 13.

Introduction

Climate change represents one of the greatest global challenges of the 21st century, impacting ecosystems, economies, and societies across the world. In recognition of this urgent crisis, the United Nations adopted the Sustainable Development Goals (SDGs) in 2015, with SDG 13 specifically dedicated to “Climate Action.” SDG 13 emphasizes the necessity of urgent measures to combat climate change and its impacts, underscoring the need for robust legal, institutional, and policy responses at both international and national levels.

The rise of climate litigation and the growing emphasis on the environmental rule of law signal a critical shift in how legal systems are engaging with climate governance. Courts and legislatures worldwide are increasingly called

upon to enforce climate commitments, protect vulnerable communities, and hold governments and corporations accountable. Against this backdrop, this article addresses a central research question: How effectively are existing legal frameworks facilitating the achievement of SDG 13 (Climate Action), and what reforms are necessary to ensure compliance with international climate commitments?

Through an analysis of statutory frameworks, key judicial decisions, and comparative international practices, this paper aims to assess current gaps and propose legal reforms that can drive meaningful and enforceable climate action.

Understanding SDG 13 and Legal Obligations

SDG 13, titled "Take urgent action to combat climate change and its impacts," highlights the critical need for collective, coordinated action at all levels—international, national, and local. Unlike some of the other SDGs that focus on socio-economic development, SDG 13 is directly tied to the survival of ecosystems and the planet itself. Its targets include strengthening resilience to climate-related hazards, integrating climate change measures into policies and planning, and building knowledge and capacity to address climate issues.

However, a unique feature of SDG 13 is its heavy reliance on pre-existing international legal instruments, such as the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and more recently, the Paris Agreement. These treaties provide the broader legal architecture within which SDG 13 operates. In fact, the SDG 13 targets explicitly reference the commitment to operationalize the Green Climate Fund and promote mechanisms for raising capacity in less-developed countries, both of which are rooted in international agreements.

Nationally, several countries have attempted to integrate climate concerns into their domestic legal frameworks. In India, for instance, the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, and various judicial interventions have played an important role in shaping environmental governance. Additionally, India's National Action Plan on Climate Change (NAPCC) and state-level action plans signal efforts to embed climate resilience within public policy. Yet, questions remain about the sufficiency, coherence, and enforceability of these measures.

Thus, understanding SDG 13 through a legal lens reveals a complex web: while international and national laws create a foundation for action, their voluntary or fragmented nature often hampers effective implementation. This underscores the pressing need to strengthen

legal frameworks—through binding obligations, clearer enforcement mechanisms, and rights-based approaches—to truly translate climate goals into tangible outcomes.

Domestic Legal Frameworks and Climate Action

The success of SDG 13 fundamentally depends on how effectively countries translate international climate commitments into strong, enforceable domestic laws. In India, while the constitutional framework and environmental jurisprudence have laid down important principles, there are key legal and policy instruments that form the core of domestic climate action. Among them, the Environment (Protection) Act, 1986, the National Action Plan on Climate Change (NAPCC), 2008, and the groundbreaking judicial intervention in *M.C. Mehta v. Union of India*, 1986 stand out.

The Environment (Protection) Act, 1986

The Environment (Protection) Act, 1986 ("EPA") was a landmark response to the increasing environmental concerns raised after the Bhopal Gas Tragedy of 1984, one of the world's worst industrial disasters. The Act was enacted under Article 253 of the Constitution of India, enabling the government to fulfill its obligations under international environmental agreements.

The EPA is often described as an "umbrella legislation" because it fills the gaps left by earlier environmental laws related to water and air pollution. Its main features include:

- **Wide Rule-making Powers:** Section 3 empowers the Central Government to take any necessary measures for protecting and improving the quality of the environment, preventing environmental pollution, and setting environmental standards.
- **Environmental Clearance Mechanism:** The Act provides the legal basis for the environmental clearance system, requiring industries to seek approval before starting operations that could impact the environment.

- Penalties: Violations of the Act attract stringent penalties, including imprisonment and heavy fines.
- Flexibility: The EPA allows for quick government action through notifications, thereby making it easier to respond to emerging environmental threats.

However, while the Act created a legal framework for environmental governance, it does not specifically address climate change. Climate-related concerns are only indirectly covered under broader environmental protection themes, pointing to the need for a more targeted climate law that aligns directly with SDG 13 goals.

National Action Plan on Climate Change (NAPCC), 2008

Recognizing the growing threats posed by climate change, India launched the National Action Plan on Climate Change (NAPCC) in June 2008. The NAPCC was a strategic document articulating India's vision for sustainable development while effectively addressing climate concerns.

It is built around eight core "National Missions":

1. National Solar Mission: To promote solar energy development.
2. National Mission for Enhanced Energy Efficiency: To improve energy-saving measures across sectors.
3. National Mission on Sustainable Habitat: To promote sustainable urban planning.
4. National Water Mission: To enhance water use efficiency and conservation.
5. National Mission for Sustaining the Himalayan Ecosystem: To protect fragile mountain ecosystems.
6. National Mission for a Green India: To expand forest cover and ecosystem services.
7. National Mission for Sustainable Agriculture: To make agriculture resilient to climate change.
8. National Mission on Strategic Knowledge for Climate Change: To support research

and capacity-building in climate science.

The NAPCC set the tone for integrating climate considerations into developmental planning. It encouraged energy efficiency, renewable energy adoption, and climate-resilient agriculture. Moreover, the Plan required each Indian State to prepare its own State Action Plan on Climate Change (SAPCC), reflecting local vulnerabilities and priorities.

However, the NAPCC is a policy document and not legally binding. While it provides important strategic direction, its implementation largely depends on administrative will and budgetary support. There have also been criticisms regarding its centralized approach, lack of transparency in mission formulation, and insufficient emphasis on vulnerable communities and sectors.

M.C. Mehta v. Union of India, 1986

The judiciary has played a critical role in expanding the environmental rule of law in India, and the case of M.C. Mehta v. Union of India, 1986 stands out as a landmark.

Background:

Following the Oleum Gas Leak from a factory owned by Shriram Foods and Fertilizers Ltd. in Delhi in 1985—shortly after the Bhopal tragedy—the Supreme Court took up a public interest litigation (PIL) filed by renowned environmental lawyer M.C. Mehta. The case centered on industrial safety and the right of citizens to a healthy environment.

Key Contributions of the Judgment:

- Evolution of the "Absolute Liability" Principle:
The Court ruled that enterprises engaged in hazardous activities owe an absolute and non-delegable duty to ensure that no harm results to anyone. In case of accidents, they would be held strictly liable without exceptions.
- Recognition of the Right to a Healthy Environment:

The Court interpreted Article 21 (Right to Life) of the Constitution to include the right to a pollution-free environment. This broadened the understanding of fundamental rights to encompass environmental protection.

- Birth of Environmental Jurisprudence:

The judgment laid the groundwork for future environmental PILs, encouraging public interest litigation as a tool to enforce environmental rights.

This case demonstrated that the judiciary could proactively enforce environmental norms even when legislative frameworks were inadequate or absent. It remains a cornerstone for Indian environmental law and an important example of how courts can support the realization of SDG 13 through expansive constitutional interpretation.

Critical Analysis: Challenges and Gaps

While existing legal and policy frameworks provide a valuable foundation for advancing climate action in India and globally, their effectiveness in achieving the ambitious goals of SDG 13 remains highly contested. A closer examination reveals several critical challenges and systemic gaps that continue to undermine meaningful progress.

1. The Soft Law Nature of SDGs

One of the fundamental limitations lies in the very design of the Sustainable Development Goals themselves. The SDGs, including SDG 13, are part of a soft law framework—they are aspirational, non-binding, and lack enforcement mechanisms. Although they provide strong moral and political guidance, there is no legal obligation for states to achieve them, nor are there penalties for non-compliance. This results in significant variation in the seriousness with which different countries pursue climate action, depending largely on political will and domestic priorities rather than binding international law.

Similarly, major international agreements like the Paris Agreement, 2015, while symbolically

significant, rely heavily on nationally determined contributions (NDCs)—voluntary pledges made by states. There is no strict legal mechanism to enforce these commitments, and the principle of "naming and shaming" often proves insufficient in the face of geopolitical and economic pressures.

2. Fragmentation and Overlaps in Domestic Laws

At the national level, while India has a reasonably comprehensive environmental legal framework, it suffers from fragmentation and sectoral overlaps. Different statutes regulate different environmental aspects—air, water, forests—but there is often a lack of coherence or integration when it comes to climate change as a specific threat.

For instance, the Environment (Protection) Act, 1986 provides a broad mandate but does not expressly address climate mitigation or adaptation. Similarly, while the NAPCC and SAPCCs focus on climate change, they exist more as policy instruments without legislative backing. This disjointed approach often leads to policy silos, inconsistent implementation, and difficulties in monitoring and enforcement.

Moreover, newer regulatory relaxations—for example, in the Draft Environmental Impact Assessment (EIA) Notification, 2020—have raised concerns about the weakening of environmental safeguards, thus threatening to roll back hard-won protections vital for climate resilience.

3. Weak Institutional and Administrative Capacity

Even where laws and policies exist, their effectiveness is often compromised by weak institutional capacity. Regulatory bodies tasked with monitoring environmental compliance are often understaffed, underfunded, and subject to political pressures. For instance, the State Pollution Control Boards (SPCBs) face chronic resource constraints, making proactive enforcement of environmental standards difficult.

In addition, climate change is a complex, cross-sectoral challenge that requires coordination between different ministries—energy, agriculture, urban development, water resources, and finance. The absence of a centralized climate governance mechanism leads to fragmented efforts, lack of synergy, and duplication of work.

4. Disproportionate Impacts and Climate Justice Concerns

Climate change does not affect all communities equally. Marginalized and vulnerable populations, including indigenous peoples, women, and the urban poor, bear the brunt of climate-related disasters despite contributing the least to the problem.

Yet, domestic legal frameworks often fail to incorporate a climate justice perspective. There is limited legal recognition of the differentiated vulnerabilities and adaptation needs of different communities. Policies often adopt a "one-size-fits-all" approach, ignoring localized impacts and excluding affected communities from decision-making processes.

True alignment with SDG 13 requires that laws and policies be not only effective but also equitable, ensuring that climate action does not exacerbate existing social inequalities.

5. Limited Role of Courts in Systemic Climate Governance

While Indian courts have historically played an active role in environmental protection through public interest litigations (PILs), their interventions have largely been reactive rather than systemic. Most environmental PILs address specific instances of pollution or ecological harm but seldom lead to broader structural reforms in climate governance.

Moreover, while some international jurisdictions have witnessed climate litigation challenging governmental inaction (for example, Urgenda Foundation v. Netherlands), similar strategic climate lawsuits are still emerging in India. Courts, despite recognizing the right to a healthy environment under Article 21, have yet

to develop a robust jurisprudence directly linking constitutional rights with specific climate obligations.

Climate Litigation and Rights-Based Approaches

Over the last decade, climate litigation has emerged as a dynamic tool to supplement the gaps left by national and international climate governance frameworks. Citizens, NGOs, and even sub-national governments have increasingly turned to courts to demand stronger action on climate change, emphasizing the linkage between environmental degradation and fundamental human rights. The emergence of rights-based approaches in climate litigation reflects a deepening understanding that climate change is not merely an environmental or technical issue but fundamentally a question of justice, equity, and human rights.

1. Urgenda Foundation v. State of the Netherlands (2015, Netherlands Supreme Court Decision in 2019)

The Urgenda case is widely acknowledged as a turning point in the global climate litigation movement. The Urgenda Foundation, along with 886 Dutch citizens, filed a lawsuit against the Netherlands government, arguing that the State's inadequate action on climate change constituted a violation of its duties under both national tort law (the duty of care) and international human rights obligations.

The plaintiffs grounded their argument on two core rights under the European Convention on Human Rights (ECHR):

- Article 2 – Right to life
- Article 8 – Right to private and family life

The District Court of The Hague, in 2015, ruled in favor of Urgenda, ordering the Dutch government to reduce greenhouse gas emissions by at least 25% by the end of 2020 compared to 1990 levels. The ruling was upheld by the Court of Appeal and finally by the Supreme Court of the Netherlands in December 2019.

The Supreme Court's Judgment emphasized that:

- The government's failure to take sufficient climate action posed a real and immediate threat to the rights protected under Articles 2 and 8.
- States have a positive obligation to take preventive operational measures to protect individuals against climate change risks.
- Climate change, although global, also imposes local obligations on each State.

The Urgenda decision established a clear precedent: governments can be held legally accountable for failing to take sufficient action to prevent climate change, based on human rights frameworks.

2. Neubauer et al. v. Germany (2021, German Constitutional Court)

The Neubauer case was a landmark decision in constitutional climate litigation. A group of young activists and NGOs challenged parts of the Federal Climate Protection Act, 2019 before the German Constitutional Court. They argued that the law's insufficient measures to reduce emissions placed an unfair burden on future generations, thereby violating their fundamental rights.

The Court's decision in April 2021 was groundbreaking:

- It held that the Climate Protection Act violated constitutional rights by disproportionately deferring emission reduction burdens onto future generations.
- The Court invoked the principle of intergenerational equity, a concept gaining increasing traction in climate law.
- It directed the German legislature to set clearer and stricter emission reduction targets for the period after 2030.

The judgment demonstrated how constitutional rights could be used not just to challenge inadequate climate legislation but also to

reshape future legislative frameworks, forcing policymakers to embed climate concerns into the structure of fundamental rights protection.

3. Climate Litigation in India: Emerging Developments

Although India has not yet seen the type of explicit climate litigation observed in Europe or the Americas, the judiciary's approach to environmental issues has laid a strong foundation for rights-based climate litigation.

Indian courts have historically interpreted Article 21 of the Constitution—the right to life—as including the right to a healthy and clean environment. While cases have predominantly addressed environmental protection, the same principles apply powerfully to climate harms.

T.N. Godavarman Thirumulpad v. Union of India (1996 - continuing)

This ongoing case concerning forest conservation showcases judicial innovation in environmental governance:

- The Court established the principle that ecological balance and environmental protection are part of the constitutional right to life.
- It asserted continuing supervisory jurisdiction, actively monitoring forest conservation policies across the country for decades.

Although the case primarily concerns forests, it demonstrates the Court's willingness to engage in long-term, structural interventions—an approach critical for effective climate governance.

Lalit Miglani v. State of Uttarakhand (2021)

In this case, the Supreme Court recognized that protecting glaciers, forests, rivers, and ecosystems is directly linked to the right to life.

The Court emphasized the "Doctrine of Sustainable Development" and reiterated that environmental conservation must be prioritized, especially in fragile ecosystems like the Himalayas which are highly vulnerable to climate change.

This emerging jurisprudence signals Indian courts' readiness to recognize climate vulnerabilities as constitutional concerns.

4. National Green Tribunal (NGT): A Growing Role

The National Green Tribunal (NGT), set up in 2010, has become an important body for environmental justice, including preliminary climate matters.

While the NGT has primarily handled cases related to pollution control, forest conservation, and biodiversity, it is increasingly becoming a forum where climate-related arguments are raised, such as:

- Challenges to massive infrastructure projects (highways, airports) that fail to consider climate impacts in Environmental Impact Assessments (EIA).
- Cases involving forest clearance that neglect carbon sequestration values.

For example, in cases concerning infrastructure expansion in ecologically sensitive areas, petitioners increasingly highlight the climate resilience and carbon footprint aspects, pushing the NGT to consider broader sustainability implications.

Although the NGT does not yet have an express climate mandate, its evolving jurisprudence on sustainability, intergenerational equity, and ecological balance provides an important platform for future climate litigation in India.

5. The International Recognition of the Right to a Healthy Environment

In 2021, the United Nations Human Rights Council formally recognized the right to a clean, healthy, and sustainable environment as a human right.

This recognition:

- Strengthens the global rights-based approach to climate action.
- Provides a direct legal basis for future climate litigation.
- Allows citizens and NGOs to frame government and corporate inaction on

climate change as a human rights violation, not just a policy failure.

It opens the door for domestic courts worldwide—including in India—to more confidently link climate change impacts with fundamental human rights obligations.

Proposed Reforms and Recommendations for Strengthening Climate Action through Law

Despite some progress through litigation and policy, existing legal frameworks in India and globally are insufficiently equipped to ensure full compliance with international climate commitments, including SDG 13 (Climate Action). Therefore, substantial legal reforms are urgently needed.

This section proposes comprehensive legal, constitutional, institutional, and policy reforms necessary to bridge the existing gaps.

1. Enactment of a Dedicated Climate Change Law in India

Current Situation:

While India has various environmental laws (such as the Environment Protection Act, 1986), there is no singular, comprehensive climate change legislation.

Recommendation:

India should enact a "Climate Change Act" that:

- Codifies national climate goals, including net-zero targets and carbon budgeting.
- Provides a statutory framework for sectoral emissions reductions (energy, transport, agriculture, industry).
- Establishes climate adaptation obligations for states and urban bodies.
- Mandates regular reporting, accountability, and review of climate actions.
- Protects the rights of vulnerable communities through a climate justice framework.

International Models:

- The UK's Climate Change Act, 2008 mandates carbon budgets and independent oversight through the Climate Change Committee.
- New Zealand's Zero Carbon Act, 2019 establishes legally binding targets and a Climate Change Commission.

A similar Indian legislation would signal a clear and enforceable commitment to both SDG 13 and the Paris Agreement.

2. Strengthening the Environmental Rule of Law

Current Situation:

India's environmental governance suffers from weak enforcement, politicization of approvals (such as EIA clearances), and delays in judicial remedies.

Recommendation:

- Revamp the Environmental Impact Assessment (EIA) regime to include climate impact assessments for all major projects.
- Legally mandate Climate Risk Disclosure for public and private sector projects.
- Increase the penal consequences for non-compliance with climate-related obligations.
- Empower citizens and NGOs with stronger locus standi to bring climate-related cases.

The concept of Environmental Rule of Law demands that environmental laws must be not just on paper but actually enforceable and justiciable.

3. Constitutional Recognition of Climate Rights

Current Situation:

Environmental protection is linked to Article 21 (Right to Life) and the Directive Principles of State Policy (Articles 48A and 51A(g)).

However, there is no express constitutional mention of climate change or environmental rights as standalone, enforceable fundamental rights.

Recommendation:

- Amend the Constitution to recognize the right to a clean, healthy, and sustainable environment as a Fundamental Right.
- Alternatively, adopt a specific Climate Protection Amendment, acknowledging the duty of the State and citizens to mitigate climate change.

Such a constitutional right would strengthen the ability of courts to enforce climate obligations and would provide citizens a strong basis for climate litigation.

Example:

In 2022, the State of New York proposed an amendment to its Constitution guaranteeing the right to clean air, clean water, and a healthful environment.

Conclusion

The urgency of addressing climate change, reflected in Sustainable Development Goal 13 (Climate Action), cannot be overstated. As this article has demonstrated, while existing legal frameworks—both international and domestic—have initiated significant progress, they are still inadequate in achieving the depth and speed of transformation necessary to meet climate commitments. The growing trend of climate litigation, alongside the rise of rights-based approaches globally and in India, underscores the evolving recognition that climate change is fundamentally a question of justice, human rights, and intergenerational equity.

In the Indian context, the judicial expansion of constitutional rights to encompass environmental protection provides a promising foundation. Cases such as *M.C. Mehta v. Union of India* and the robust activity of institutions like the National Green Tribunal indicate that the legal system possesses both the tools and the potential to catalyze climate action. However, the absence of a comprehensive climate-specific law, limited enforcement capacity, and lack of constitutional recognition of environmental rights hinder a holistic and effective response.

Achieving SDG 13 demands systemic reform: the enactment of dedicated climate legislation, strengthening of environmental rule of law, constitutional embedding of climate rights, and the establishment of specialized climate governance institutions. Furthermore, domestic legal developments must be harmonized with international climate obligations to ensure coherence, accountability, and leadership on the global stage.

Ultimately, the role of law in climate governance must be transformative, not merely administrative. It must shift from regulating environmental harm to proactively securing a sustainable and equitable future. Only through a concerted legal, institutional, and societal commitment can the vision of SDG 13 be realized—not as a distant aspiration, but as an urgent and enforceable reality.

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