
The Missing Framework: Why India needs an Overarching Climate Change Legislation

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ABSTRACT

Despite India's pronounced vulnerability to climate change, its legal architecture remains fragmented, ad hoc, and insufficiently enforceable, exposing systemic gaps in governance and accountability. While sectoral policies and regulations, such as National Action Plan on Climate Change (NAPCC), Environment Protection Act, and various state-level initiatives, articulate objectives for mitigation and adaptation, they lack cohesion, binding legal force, and an overarching institutional framework. This fragmentation generates regulatory overlaps, enforcement ambiguities, and insufficient coordination between central and state authorities, undermining India's capacity to meet its international commitments under the Paris Agreement.

This research delves into lacunae in India's climate governance, arguing that the absence of a comprehensive climate change legislation constitutes a structural deficiency with wide-ranging implications. Drawing on comparative legal analysis, it examines international precedents, including the United Kingdom (UK)'s Climate Change Act, the European Union (EU)'s legally binding emissions frameworks, and China's emerging climate legislation, to identify mechanisms that ensure enforceable targets, institutional accountability, and integrated monitoring and reporting systems.

The analysis proposes a normative blueprint for an Indian climate law that harmonizes mitigation, adaptation, and climate justice objectives within a legally binding framework. Key elements include codified national emissions reduction targets, robust monitoring, reporting, and verification (MRV) mechanisms, clearly delineated responsibilities across governmental tiers, and institutionalized avenues for public participation and civil society oversight. The study also addresses potential political, economic, and administrative challenges, emphasizing the necessity of a law that balances development imperatives with environmental sustainability.

This research contends that without an overarching statutory instrument, India risks perpetuating policy incoherence, legal uncertainty, and inadequate protection for vulnerable communities. The enactment of comprehensive climate legislation is not merely aspirational but a legal and governance imperative, essential for establishing enforceable obligations, ensuring accountability, and positioning India as a credible actor in the global climate regime.

Keywords: Climate Change, Climate Governance, Climate Justice, Emissions Reduction, Renewable Energy Policy, Sustainable Development

BACKGROUND

India stands at a precarious juncture in the global climate discourse. As one of the world's most climate-vulnerable nations, it faces a convergence of extreme meteorological events, ranging from intensifying heatwaves and erratic monsoons to rising sea levels threatening its extensive coastal belt. Scientific assessments, including reports by the Intergovernmental Panel on Climate Change (IPCC), underscore that India's geographic and demographic realities exacerbate its exposure, with significant portions of the population dependent on climate-sensitive sectors such as agriculture, fisheries, and informal urban labor markets. The economic, social, and ecological consequences of these phenomena are not merely speculative but observable in recurrent floods, droughts, and cyclonic events, revealing systemic vulnerabilities in adaptive capacities and disaster preparedness. In this context, the urgency for a coherent legal framework to steer India's climate response cannot be overstated.¹

Despite the evident need for a unified legal response, India's current climate governance is fragmented across multiple statutes, sector-specific regulations, and state-level initiatives. The primary national policy instrument, NAPCC & its eight associated missions, functions more as a strategic roadmap than as legally enforceable legislation, lacking binding obligations or mechanisms for compliance enforcement. Complementing this are piecemeal legislative measures, such as Environment Protection Act, 1986, Air and Water Acts, & energy efficiency regulations, which address discrete environmental concerns but fail to cohere into a comprehensive, legally binding climate strategy.² This fragmentation is compounded by the delegation of climate responsibilities to state governments without standardized national mandates, resulting in uneven policy implementation and accountability gaps.

From a legal perspective, this absence of an overarching statutory instrument represents a critical lacuna in India's climate architecture. Sectoral statutes and voluntary frameworks, while necessary, do not suffice to provide a harmonized legal compass capable of reconciling mitigation, adaptation, and sustainable development imperatives. Moreover, the lack of legally enforceable targets and independent monitoring mechanisms undermines both policy predictability and compliance, thereby constraining India's ability to meet its international obligations under the Paris Agreement. Consequently, while India has cultivated a mosaic of climate-related policies and programs, the absence of a central legislative anchor leaves its climate strategy vulnerable to administrative discretion, political shifts, and jurisdictional ambiguities, issues that a comprehensive, binding climate law could potentially redress.³

THE EXISTING LEGAL AND POLICY FRAMEWORK

India's approach to climate change has been primarily shaped by the NAPCC, introduced in 2008. The NAPCC outlines eight core missions aimed at addressing climate change through a

¹ Ross Michael Pink, India, in *The Climate Change Crisis* 163, (2018), <https://doi.org/10.1007/978-3-319-71033-4-7>.

² *Id.*

³ Tanvi Deshpande et al., *Policy styles and India's national action plan on climate change (NAPCC)*, 2023 *Pol'y Stud.* 1, <https://doi.org/10.1080/01442872.2023.2261388>.

combination of mitigation and adaptation strategies. These missions focus on areas such as solar energy, energy efficiency, sustainable agriculture, and water conservation. While the NAPCC has provided a framework for climate action, its implementation has been criticized for lacking binding legal mandates and clear accountability mechanisms. This has led to concerns about the effectiveness and consistency of climate policies across the country.⁴

In addition to the NAPCC, India has a suite of environmental laws, including Environment Protection Act, Air (Prevention and Control of Pollution) Act, & Water (Prevention and Control of Pollution) Act. These statutes serve as the backbone of India's environmental regulatory framework. However, their focus has traditionally been on pollution control rather than proactive climate change mitigation. Recent amendments have decriminalized certain violations, replacing imprisonment with monetary penalties, which may undermine the deterrent effect of these laws.

At the state level, several initiatives have been launched to address climate change. For instance, Haryana has developed a State Environment Plan that targets both long-term carbon dioxide reductions and short-lived climate pollutants. Similarly, Uttar Pradesh has undertaken projects such as Miyawaki forest plantations & construction of plastic roads. These state-level efforts demonstrate a growing recognition of the need for localized climate action. However, the absence of a cohesive national framework often results in fragmented and inconsistent implementation across states.

The judiciary has played a role in advancing climate action through its rulings. In *Ranjitsinh v. Union of India*,⁵ court recognized the "right to be free from the adverse effects of climate change" as part of the fundamental right to life under Art. 21 of the Constitution. This decision underscores the constitutional imperative for the state to protect citizens from climate-related harms. However, the lack of a comprehensive climate change law hampers the judiciary's ability to enforce this right effectively. Without clear legislative mandates, judicial interventions remain limited and reactive, rather than proactive and systemic.

Hence, while India's legal and policy landscape includes various instruments to address climate change, the absence of an overarching, binding climate change legislation leads to fragmented efforts and inconsistent implementation. The existing framework lacks the legal enforceability and coordination necessary to drive comprehensive and sustained climate action across the country.

CONSEQUENCES OF THE ABSENCE OF OVERARCHING LEGISLATION

India's climate governance is characterized by a fragmented policy landscape, with multiple ministries and state governments implementing their own climate-related initiatives. This decentralization often leads to conflicting objectives and inefficiencies. For instance, while MoEFCC spearheads national climate policies, other ministries like Power, Agriculture, and

⁴ Id

⁵ 2024 INSC 280.

Urban Development pursue parallel agendas that may not align with climate goals. Court's directive in the *Ridhima Pandey's* case,⁶ which involved eight ministries, underscores the need for coordinated action. Court's intervention suggests that judicial oversight may be necessary to compel inter-ministerial cooperation and ensure cohesive climate strategies.

The absence of a unified climate change law hampers effective monitoring and evaluation of climate actions. Existing environmental laws, such as the Environment Protection Act, primarily address pollution control and conservation, without a comprehensive framework for climate change mitigation and adaptation. NGT has often dealt with climate-related cases, but its jurisdiction is limited to environmental protection and does not encompass broader climate governance. This legal gap makes it challenging to assess the effectiveness of climate policies and hold accountable those responsible for implementation.

India's current legal framework lacks enforceable targets for emissions reduction and climate adaptation. While the country has committed to climate goals under the Paris Agreement, these commitments are not codified into domestic law. Court's recognition of the right to be free from the adverse effects of climate change under Art. 14 and 21 of the Constitution in the *M.K. Ranjitsinh's* case⁷ highlights the constitutional basis for climate action. However, without binding legal obligations, these rights remain aspirational. The Court's involvement in climate litigation indicates a growing judicial role in enforcing climate accountability, but legislative action is essential to establish clear and enforceable targets.

The lack of a comprehensive climate change law creates uncertainty for businesses and investors. Without clear legal frameworks, companies may be hesitant to invest in climate-friendly technologies or adopt sustainable practices. The International Court of Justice's advisory opinion, which emphasizes state responsibility in regulating corporate climate impact, could influence Indian courts to interpret existing corporate governance laws more stringently. For example, Sec. 166 of the Companies Act, 2013 which outlines directors' duties, may be applied to hold corporate leaders accountable for climate-related decisions. This evolving legal landscape necessitates that businesses proactively address climate risks to mitigate potential legal liabilities.

The absence of a cohesive climate change law disproportionately affects vulnerable communities, including indigenous populations, women, and low-income groups. These communities are often the most affected by climate-induced disasters such as floods, droughts, and heatwaves. Court's acknowledgment of the disproportionate impact of environmental degradation on marginalized groups in *M.K. Ranjitsinh's* case⁸ emphasizes the need for inclusive climate policies. However, without a unified legal framework, targeted interventions

⁶ *Climate Change Obligations of the State*, Supreme Court Observer, <https://www.scobserver.in/cases/climate-change-obligations-of-the-state-ridhima-pandey-v-union-of-india/> (last visited Oct. 25, 2025).

⁷ 2024 INSC 280.

⁸ *Id.*

and protections for these communities remain insufficient. A comprehensive climate law could institutionalize mechanisms to safeguard the rights and well-being of vulnerable populations.

While the judiciary has played an active role in addressing climate issues, its interventions often serve as a catalyst for legislative reform rather than a substitute for comprehensive legislation. Court's involvement in *Ridhima Pandey's* case⁹ and *M.K. Ranjitsinh's* case¹⁰ has highlighted the gaps in India's climate governance & need for a robust legal framework. These judicial actions underscore the necessity for Parliament to enact a comprehensive climate change law that aligns with constitutional principles and international commitments. Such legislation would provide a clear mandate for climate action, delineate responsibilities, and establish mechanisms for accountability and enforcement.

LESSONS FROM GLOBAL EXAMPLES

EU has arguably established the most legally coherent supranational climate framework through the *European Climate Law (Regulation (EU) 2021/1119)*. By enshrining the target of climate neutrality by 2050, and a binding intermediate goal of at least 55% emissions reduction by 2030 compared to 1990 levels, the EU transformed political aspirations into enforceable legal obligations. This regulatory framework imposes direct and indirect duties on both EU institutions and Member States, creating a justiciable structure that courts can interpret and enforce. The EU Court of Justice has progressively expanded the scope of environmental protection under EU law, viewing climate regulation as integral to the internal market and fundamental rights. In *Carvalho and Others v. Parliament and Council (the "People's Climate Case")*,¹¹ though dismissed for lack of standing, highlighted the rising judicial appetite for evaluating the adequacy of legislative measures against the Union's treaty-based environmental obligations. The implication for India is profound, only a legally binding legislative framework, rather than fragmented executive policies, can embed climate targets within the hierarchy of national legal norms, ensuring both continuity and accountability beyond electoral cycles.

UK's *Climate Change Act 2008* remains a benchmark for national climate governance rooted in enforceable accountability. It institutionalised a legally binding long-term target (net zero by 2050), implemented through a system of five-year "carbon budgets," and established the independent *Committee on Climate Change* to advise and monitor government compliance. This design translates policy into a continuous legal obligation to act, a principle that has been vindicated in multiple judicial rulings. In *Friends of the Earth Ltd v. Secretary of State for Business, Energy and Industrial Strategy*,¹² court found that the UK Government's Net Zero Strategy was unlawful for failing to meet its statutory obligations to provide detailed policies for achieving carbon budgets. The judgment demonstrates that climate statutes with clear procedural and substantive duties are capable of generating enforceable legal standards, rather

⁹ *Climate Change Obligations of the State*, Supreme Court Observer, <https://www.scobserver.in/cases/climate-change-obligations-of-the-state-ridhima-pandey-v-union-of-india/> (last visited Oct. 25, 2025).

¹⁰ 2024 INSC 280.

¹¹ Case C-565/19 P.

¹² [2022] EWHC 1841 (Admin).

than remaining hortatory. India's current framework, dispersed across Environment (Protection) Act 1986, Energy Conservation Act 2001, & policy-based instruments like the NAPCC, lacks such mechanisms of independent scrutiny and enforceable compliance. A comprehensive Indian Climate Act should therefore integrate a UK-style independent oversight body, with statutory reporting duties and explicit avenues for judicial review when governmental action falls short.

Continental Europe's jurisprudence has added a constitutional dimension to the climate discourse, recognizing climate protection as a fundamental right and a constitutional duty of the state. The *Urgenda Foundation v. State of the Netherlands*¹³ marked a watershed moment, Dutch courts, culminating in court's decision, ordered the State to reduce greenhouse gas emissions by at least 25% below 1990 levels by 2020, grounding the ruling in Articles 2 and 8 of the European Convention on Human Rights, the rights to life and family life. Similarly, the *Neubauer et al. v. Germany*¹⁴ of German Federal Constitutional Court held that insufficiently specific post-2030 mitigation measures violated the constitutional right to a sustainable future, reasoning that deferred action would unjustly burden future generations. Both cases established that climate inaction can constitute a breach of fundamental rights, and that legislatures have an affirmative obligation to legislate with temporal precision. For India, where Article 21 of the Constitution has been expansively interpreted to include the right to a healthy environment, these rulings offer a jurisprudential pathway for framing climate legislation as a constitutional duty, not merely a policy choice.

China's approach presents a hybrid model blending administrative centralisation with emerging judicial mechanisms. The nation's "dual carbon" goals, to peak emissions by 2030 and achieve carbon neutrality by 2060, have been embedded within its 14th Five-Year Plan and its Carbon Emissions Trading System (ETS), which now covers over 2,000 companies in the power sector. Though China does not yet have a unified climate change law, the Supreme People's Court in 2023 issued Guiding Opinions on Strengthening the Adjudication of Cases Involving Climate Change, signaling a shift toward judicial recognition of climate-related disputes.¹⁵ By institutionalizing judicial training, specialized environmental courts, and case exemplars, China is constructing a procedural framework for climate governance without immediate recourse to adversarial litigation. This approach demonstrates that centralized policy direction combined with judicial institutionalization can foster administrative coherence and improve compliance across provincial governments. For India, a federal polity with complex center-state relations, such an approach underscores the importance of establishing statutory coordination mechanisms between the Union and States, possibly through a National Climate Council or similar institution that mirrors China's vertically integrated governance model, but with stronger democratic and legal safeguards.

¹³ ECLI:NL:HR:2019:2006.

¹⁴ 1 BvR 2656/18.

¹⁵ Zexiang Wang & Jouni Paavola, *Emissions trading in China : New political economy dynamics*, 2023 Env't Pol'y & Governance, <https://doi.org/10.1002/eet.2046>.

The comparative jurisprudence reveals that effective climate governance requires more than policy intent; it demands legal coherence, enforceability, and intergenerational justice. The EU and UK experiences emphasize the necessity of binding statutory targets, independent oversight, and transparent monitoring, while the German and Dutch cases constitutionalize the obligation to prevent disproportionate future burdens. China's evolving model illustrates how institutional coordination can enhance implementation in large, diverse jurisdictions. For India, these examples collectively argue for a hybrid legislative design, one that combines the procedural enforceability of the UK model, the constitutional commitment of European jurisprudence, & administrative integration of the Chinese framework.¹⁶ A prospective Indian Climate Change Act should, therefore, include (a) statutory emission reduction and adaptation targets aligned with India's NDCs; (b) a legally mandated independent Climate Commission with powers of audit and investigation; (c) explicit recognition of the right to a stable climate as implicit in Article 21; and (d) clearly defined responsibilities for central and state governments with mechanisms for judicial review and public participation. Without such a law, India's climate regime will remain fragmented, reactive, and insufficiently justiciable, undermining both its international credibility and its constitutional obligations to present and future generations.

KEY ELEMENTS FOR AN INDIAN CLIMATE CHANGE LAW

An effective Indian climate change law must be grounded in four interlinked normative objectives, mitigation, adaptation, climate justice, and sustainable development. These objectives derive constitutional legitimacy from Art. 21, 48A, and 51A(g) of the Indian Constitution, which collectively impose a duty upon both the State and citizens to protect and improve the environment. A comprehensive statute must thus move beyond sectoral regulation to establish an enforceable framework ensuring emission reduction, resilience-building, and equitable burden-sharing. Climate justice, in particular, requires the recognition that vulnerable communities, tribal populations, coastal dwellers, agrarian groups, bear a disproportionate share of climate-induced harm despite contributing minimally to emissions. Therefore, a rights-based approach anchored in environmental equity should underpin the legislative architecture, transforming climate action from a policy preference into a legally justiciable obligation consistent with India's developmental imperatives.¹⁷

At the core of the proposed law must lie binding national targets for greenhouse gas emission reduction and renewable energy adoption. Such targets should be defined through a statutory process, periodically reviewed by an independent authority, and harmonized with India's Nationally Determined Contributions (NDCs) under the Paris Agreement. The establishment of a robust Monitoring, Reporting, and Verification (MRV) framework is essential to ensure transparency and accountability in implementation.¹⁸ This mechanism should prescribe

¹⁶ *Id.*

¹⁷ Mahinda Siriwardana & Duy Nong, *Nationally Determined Contributions (NDCs) to decarbonise the world: A transitional impact evaluation*, 97 *Energy Econs.* 105184, XXXX (2021), <https://doi.org/10.1016/j.eneco.2021.105184>.

¹⁸ *Id.*

uniform metrics for carbon accounting, mandatory disclosures for major emitters, and penalties for misreporting or non-compliance. Further, the law should empower a centralized Climate Commission, analogous to the UK's Climate Change Committee, with the authority to advise on target revision, assess compliance, and publish annual progress reports. By embedding MRV within the statutory fabric, India would institutionalize climate governance rather than relying on discretionary executive action.

Given India's federal structure, the delineation of roles and responsibilities between the central and state governments is pivotal. The law must establish a clear hierarchy of accountability where the Union Government sets national standards, while State Governments formulate localized climate action plans aligned with these standards. Intergovernmental coordination mechanisms, such as a National Climate Council comprising Union and State representatives, should facilitate vertical and horizontal policy coherence. Enforcement must be complemented by both deterrent and corrective tools, civil penalties, environmental damages, and where necessary, criminal sanctions for egregious violations. Judicial oversight, possibly through an empowered NGT division dedicated to climate litigation, would further ensure that the legislative intent translates into effective compliance. Without such legally enforceable obligations, the law risks replicating the ineffectiveness of past policy instruments that lacked punitive consequence.

No climate law can be legitimate or effective without institutionalized public participation and transparency. The inclusion of civil society, local self-governments, and affected communities in decision-making aligns with the principles of procedural environmental rights articulated in the Aarhus Convention and reflected in Indian jurisprudence on participatory governance.¹⁹ Statutory mandates for public consultations, open access to environmental data, and grievance redress mechanisms would ensure democratic accountability. Additionally, the law must integrate seamlessly with existing sectoral legislations, Environment (Protection) Act, the Energy Conservation Act, and biodiversity statutes, thereby preventing jurisdictional overlap. Crucially, it must align with India's international obligations under Paris Agreement, operationalizing its NDCs through domestic legal instruments. Such coherence would bridge the current policy fragmentation and position India as a rule-based, climate-resilient economy with a robust legal backbone for sustainable development.²⁰

CHALLENGES AND CRITICISMS

The enactment of a comprehensive climate change legislation in India encounters formidable political and administrative impediments. India's federal structure disperses environmental responsibilities across multiple tiers of governance, leading to jurisdictional ambiguities between the Union & States. Climate change, though a national concern, intersects with subjects on the State List, such as land, water, and agriculture, thus raising constitutional

¹⁹ Bojan Tubic, *Application of the Aarhus Convention*, 45 Zbornik radova Pravnog fakulteta Novi Sad 383, (2011), <https://doi.org/10.5937/zrpfns1102383t>.

²⁰ Dr Sandhya Varshney, *Climate Change Laws of India*, 10 IARJSET, (2023), <https://doi.org/10.17148/iarjset.2023.10942>.

complexities regarding legislative competence under Art. 246 and 248 of Constitution. Administratively, overlapping mandates among ministries, such as Environment, Power, New and Renewable Energy, and Rural Development, result in policy incoherence and bureaucratic inertia. The absence of a central coordinating authority with binding powers further fragments accountability. Moreover, the politicization of environmental decision-making, where climate policies are often subordinated to short-term electoral interests, dilutes the continuity and consistency necessary for long-term climate governance.²¹

A second and equally significant challenge arises from potential industry resistance and economic apprehensions. Authorities often perceive comprehensive climate legislation as an instrument of regulatory overreach that could escalate compliance costs, restrict industrial growth, and deter foreign investment. India's energy-intensive sectors, such as steel, cement, and coal, fear the imposition of stringent emission caps without corresponding fiscal or technological support mechanisms. From a legal standpoint, the absence of clear transitional provisions or carbon pricing frameworks could exacerbate uncertainty, potentially triggering litigation under doctrines of legitimate expectation and promissory estoppel. Balancing environmental imperatives with economic competitiveness thus demands nuanced legislative drafting, ensuring that obligations are phased, incentives are embedded, and liability standards are proportionate to the capacity of industries to adapt.²²

A critical tension underpinning any climate law in India lies in reconciling the imperatives of sustainable development with the constitutional right to economic progress. Art. 21, as expansively interpreted by Court, protects both the right to a healthy environment & right to livelihood, necessitating a delicate equilibrium between ecological protection and developmental aspirations. India's developmental trajectory, anchored in poverty alleviation, energy access, and industrialization, complicates the integration of stringent climate norms. If drafted without sensitivity to developmental asymmetries, a climate law risks being viewed as an instrument of elitist environmentalism rather than inclusive justice. Therefore, the legislative framework must internalize the principle of common but differentiated responsibilities within the domestic context, recognizing the varying capacities of states, sectors, and social groups to contribute to climate action.

Excessive legislative rigidity may yield counterproductive outcomes that undermine the very objectives of climate governance. An inflexible statutory framework that prescribes uniform emission targets, procedural mandates, or punitive sanctions may stifle innovation, disincentivize voluntary compliance, and burden administrative agencies with impracticable enforcement duties. The risk of "judicialization" of climate policy, wherein courts become the primary forum for enforcing broad and aspirational statutory obligations, could also distort policy priorities and encumber the judiciary with complex technical adjudications. Hence, while legal certainty is vital, the law must retain adaptive capacity to accommodate evolving

²¹ *Climate change and Environmental laws in India*, in International Conference on Latest Trends in Food, Biological & Ecological Sciences, (2014), <https://doi.org/10.17758/iaast.a0714023>.

²² *Id.*

scientific knowledge, technological advancements, and socio-economic transitions. A well-conceived climate statute should thus embody dynamic governance principles, allowing for periodic review, flexible instruments (such as carbon markets and adaptive licensing), and a responsive institutional design that can evolve alongside India's developmental and environmental imperatives.

CONCLUSION & A WAY FORWARD

The absence of a comprehensive climate change legislation in India represents not merely a policy gap but a structural deficiency in the nation's environmental governance architecture. While the country has developed an array of sectoral laws and mission-based policies addressing discrete aspects of climate mitigation and adaptation, these remain largely fragmented, non-binding, and administratively inconsistent. The absence of statutory coherence undermines both accountability and enforceability, allowing climate obligations to remain within the realm of executive discretion rather than legal compulsion. In the face of escalating climate vulnerabilities, ranging from intensified heatwaves to coastal submergence, India's current framework fails to provide a unified, rights-based approach that integrates environmental protection with socio-economic equity. The lack of a binding legislative mandate also limits judicial oversight, thereby weakening the normative force of India's international commitments under the Paris Agreement and its Nationally Determined Contributions.

A way forward demands the enactment of an overarching Climate Change Act that transcends the limitations of existing environmental statutes. Such legislation must institutionalize climate governance through clearly defined mandates, enforceable emission targets, and transparent mechanisms for MRV. It should establish an independent National Climate Commission vested with quasi-judicial powers to ensure compliance and adjudicate inter-sectoral disputes. Importantly, the law must embed the principles of climate justice, ensuring that vulnerable communities are central to adaptation and resilience planning. Aligning fiscal policy, through carbon pricing, green finance incentives, and climate budgeting, with legislative objectives would enhance policy coherence. The envisaged framework should not only codify India's climate obligations but also operationalize them within a rights-based, development-sensitive paradigm. Only through such a legally binding, integrated statute can India shift from policy aspiration to enforceable climate action and secure its ecological and developmental future.