

## INTERGENERATIONAL CLIMATE JUSTICE: A CHILD RIGHTS PERSPECTIVE ON CLIMATE ACTION IN INDIA

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### **ABSTRACT:**

Climate change poses serious and disproportionate risks to children, particularly in developing countries like India, where socio-economic and environmental vulnerabilities are high. This paper examines the intersection of climate change and children's rights through an analysis of international frameworks, domestic laws, and policy measures. It highlights the recognition of children as independent rights-holders under the United Nations Convention on the Rights of the Child and demonstrates how climate change undermines their rights to health, education, and development.

The study evaluates India's legal framework, including the Constitution of India and the evolving environmental jurisprudence of the Supreme Court of India. While environmental protection has been incorporated into the right to life under Article 21, significant gaps remain, such as the absence of explicit child-centric environmental rights, lack of dedicated climate legislation, and fragmented institutional mechanisms.

The paper identifies key challenges, including inadequate focus on children's specific vulnerabilities, limited participation in climate governance, and weak enforcement of policies. It concludes by emphasising the need for a child-centred approach to climate action through stronger legal recognition, better policy integration, and effective implementation, to ensure long-term sustainability and intergenerational justice.

**Keywords:** Climate Change; Child Rights; Intergenerational Justice; India; Environmental Governance; Climate Policy; Children's Vulnerability; Sustainable Development;

### **I. INTRODUCTION:**

Climate change has emerged as a major environmental challenge with increasingly visible impacts across the world. India is particularly vulnerable to these impacts due to its large population, diverse geography, and socioeconomic conditions, which place significant pressure on existing infrastructure and resources, affecting agriculture, public health, and economic stability.<sup>1</sup> Climate change poses significant risks for children, particularly in developing

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countries such as India, where vulnerabilities are already high. Further, higher birth rates and larger child populations increase the proportion of children exposed to these risks.

Many families in developing countries, including India, depend heavily on agriculture, and changes in temperature and rainfall patterns can reduce crop productivity, threatening household income and food security. Consequently, children may face malnutrition, reduced access to education, and increased exposure to environmental health risks such as air and water pollution, infectious diseases, and displacement caused by climate-related disasters.

Recent evidence suggests that 2025 saw widespread disasters—cyclones, floods, landslides, and extreme monsoons. While response efforts restored some stability, such events are becoming the new normal. Evidence shows climate change is deeply affecting children: a Child Rights and You (CRY) study found rising injuries, disease, respiratory issues, stress, and malnutrition, worsened by weak healthcare and preparedness. About 24.1 million children in India are impacted each year. Beyond health, disasters disrupt schooling, increase dropouts and learning gaps, and raise risks of child labour, trafficking, early marriage, and abuse.<sup>2</sup>

Addressing these challenges requires developing policies that explicitly account for children's vulnerabilities in the context of climate change. Measures such as climate-resilient agricultural practices, improved access to clean water, stronger disaster response systems, and enhanced social protection can help reduce children's vulnerability and strengthen their resilience to climate-related risks.<sup>3</sup> Effective climate governance therefore requires a balanced approach that combines both mitigation and adaptation to address present and future climate challenges.<sup>4</sup>

The objective of this paper is to examine the existing international, constitutional, legislative, and policy framework on climate change in India from a child rights perspective. In this study, the researchers have analyzed the global scenario, local legislations, existing policies and past literature on climate change from a child rights perspective, with reference to mitigation and adaptation strategies. It further focuses on the specific vulnerabilities of children in the context of climate change and identifies key gaps in recognition, implementation, and participation. Based on this analysis, the paper proposes recommendations to strengthen child-centric climate governance in India. However, further research is needed to better understand how factors such

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<sup>1</sup> Charak, A., Ravi, K. and Verma, A., 2024. Review of various climate change exacerbated natural hazards in India and consequential socioeconomic vulnerabilities. *IDRiM Journal*, 13(2).

<sup>2</sup> [https://nidm.gov.in/PDF/Modules/TrainingManualCPCR\\_2025.pdf](https://nidm.gov.in/PDF/Modules/TrainingManualCPCR_2025.pdf)

<sup>3</sup> Hanna, R. and Oliva, P., 2016. Implications of climate change for children in developing countries. *The Future of Children*, pp.115-132.

<sup>4</sup> Mall, R.K., Kumar, R. and Bhatla, R., 2011. Climate change and disaster in India. *Journal of South Asian Disaster Studies*, 4(1), pp.27-76.

as age, gender, and socioeconomic conditions influence children's vulnerability and to develop effective policies for protecting children's health in a changing climate.<sup>5</sup>

## II. CLIMATE CHANGE AND ITS IMPACT ON CHILDREN:

- **Children as independent rights holders under international law:**

The term *children's rights* does not have a single universally agreed definition. Broadly, it refers to the human and legal rights of individuals under the age of eighteen years. These rights include the fundamental human rights that apply to all people, as well as specific protections granted to children because of their physical, emotional, and cognitive development.

Although formal recognition of children's rights emerged mainly in the twentieth century, their foundations can be traced to earlier human rights documents. Historical texts such as the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration of the Rights of Man and of the Citizen (1789), and the United States Bill of Rights contributed to the development of modern human rights principles that later influenced the recognition of children's rights.

During the twentieth century, international organisations began acknowledging the importance of protecting children through declarations such as the 1924 League of Nations, Declaration of the Rights of the Child and the 1959 United Nations Declaration of the Rights of the Child. At that time, children's rights were primarily viewed as protective measures, and children were rarely considered independent holders of rights.

A major shift occurred in 1989 with the adoption of the UN Convention on the Rights of the Child (CRC). This convention recognised children as individuals with their own rights rather than merely recipients of care and protection. Following the CRC, many countries incorporated children's rights into their national constitutions and legal frameworks, acknowledging children as a distinct group entitled to rights such as equality, protection, and non-discrimination.<sup>6</sup>

Despite their recognition in laws and constitutions, the practical implementation of children's rights remains uneven. Legal recognition does not always guarantee that children experience or benefit from these rights in their everyday lives due to social, economic, and political barriers.

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<sup>5</sup> <https://www.mdpi.com/1660-4601/9/9/3298>

<sup>6</sup> Binford, W. Warren Hill, Rights of Children (June 9, 2016). Max Planck Encyclopedia of Comparative Constitutional Law, 2016, Available at SSRN: <https://ssrn.com/abstract=2792513>

- **The Principle of the Best Interests of the Child:**

When children are unable to make decisions independently, actions concerning them should follow the “best interests of the child” principle. This involves evaluating potential benefits and risks, considering likely outcomes, listening to the child’s views when possible, and taking into account family perspectives while ensuring that the child’s future opportunities remain open.

Children should not be viewed simply as smaller versions of adults or as merely vulnerable individuals. They are developing persons who require protection, support, and guidance as they grow toward adulthood and gradually gain the capacity to exercise their rights independently.

- **Climate Change as a Threat to Children’s Rights:**

Climate change poses significant threats to children’s rights, including the rights to health, education, and development. This vulnerability is compounded by factors such as poverty, gender inequality, disability, geographic location, and migration status. Children are particularly at risk because their bodies and organs are still developing, which influence their susceptibility to illness and response to treatment. Recognising children as rights-holders is essential, even though their ability to make independent decisions develops gradually as they grow.<sup>7</sup>

- **Long-Term Developmental Impacts:** Climate change can trigger interconnected disruptions in systems essential for human development, including education, healthcare, transportation, food supply, and waste management. Some impacts may appear only over time. For example, prolonged malnutrition caused by famine can lead to neurological damage, reduced cognitive development, and long-term physical disabilities.<sup>8</sup>

- **Disruptions to Education:** Environmental challenges linked to climate change are increasingly disrupting education systems. According to the UNICEF 2024 report, approximately 242 million students worldwide experienced interruptions to their schooling due to extreme weather events such as floods, typhoons, and heatwaves. These disruptions demonstrate how climate change directly threatens the realisation of children’s rights.<sup>9</sup>

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<sup>7</sup> Larcher, V. (2025). Children Are Not Small Adults: Significance of Biological and Cognitive Development in Medical Practice. In: Schramme, T., Walker, M.J. (eds) Handbook of the Philosophy of Medicine. Springer, Dordrecht. [https://doi.org/10.1007/978-94-024-2252-8\\_16](https://doi.org/10.1007/978-94-024-2252-8_16)

<sup>8</sup> Sanson, A. V., & Masten, A. S. (2024). Climate change and resilience: Developmental science perspectives. *International Journal of Behavioral Development*, 48(2), 93-102.

<sup>9</sup> Hirju, I. (2025). Human rights and the impact of environmental challenges. Ensuring the right to education in the context of climate change. *Law Review*, (Supplement), 254-266.

- **Violence Against Children:** Achieving the Sustainable Development Goals, particularly SDG 16 and target 16.2 on ending violence against children, requires addressing the impacts of climate change. Slow-onset disasters and recurring climate events such as droughts, floods, and crop failures, can lead to food and water shortages, rising prices, and declining incomes for agricultural households. These pressures intensify poverty and gender inequality, increasing both existing and emerging risks of violence against children.<sup>10</sup>
- **Exploitation and Trafficking Risks:** Climate-related displacement further heightens children's vulnerability to exploitation and trafficking, especially when they are separated from their families. Boys are often trafficked into hazardous labour such as mining and construction, while girls face greater risks of sexual exploitation, forced domestic work, and child marriage.
- **Gender Inequality and Child Labour:** From a rights perspective, climate crises often deepen gender inequalities because environmental pressures combine with economic hardship and existing social inequalities. Evidence also suggests that climate change contributes to an increase in child labour, particularly in agriculture, where nearly 70% of global child labour occurs.<sup>11</sup>
- **Health Impacts of Climate Change on Children:** Climate change is already affecting human health through multiple pathways. Environmental disruption increases the likelihood of viruses spreading from wildlife to humans, while rising temperatures expand the habitats of mosquitoes and ticks, leading to the spread of vector-borne diseases. Flooding can spread water-borne pathogens, and drought can weaken sanitation and disease prevention systems. Poor air quality, extreme weather events, and climate-related migration also place additional pressure on healthcare systems. Children are particularly vulnerable because of their developing immune systems, physiological characteristics, and reliance on caregivers.<sup>12</sup>
- **Children in conflict-affected areas:** Rising temperatures and changing rainfall patterns may increase the risk of conflict and violence. Such situations can expose children to displacement, family separation, and disruption of education and healthcare. Children in conflict-affected areas often experience injuries, malnutrition, and psychological trauma, which can have long-term effects on their development. Although climate change may contribute to these risks, the

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<sup>10</sup> Marcus, R. (2020). Ending violence against children while addressing the global climate crisis.

<sup>11</sup> A. Mwendwa, K., M. Aurah, C., Atieno Opiyo, R., & Warri, A. (2024). Climate Change, Environmental Stressors, and Child Labor: The (In) Visible Links. In *The Palgrave Handbook on Modern Slavery* (pp. 31-51). Cham: Springer Nature Switzerland.

<sup>12</sup> Chitre, S. D., Crews, C. M., Tessema, M. T., Plėštytė-Būtienė, I., Coffee, M., & Richardson, E. T. (2024). The impact of anthropogenic climate change on pediatric viral diseases. *Pediatric research*, 95(2), 496-507.

relationship between climate change and conflict remains complex and requires further research to identify effective policy responses to particularly protect children.<sup>13</sup>

Considering the significant impact of climate change on children's rights, it is essential to examine how both international norms and domestic legal frameworks respond to these challenges. While international instruments recognise children as rights-holders and emphasise their protection from environmental harm, their effectiveness depends on national implementation. In India, the constitutional framework, supported by legislative measures and policy initiatives, forms the foundation of climate governance and plays a key role in safeguarding environmental and child rights.

### III. INDIA'S LEGAL AND POLICY FRAMEWORK ADDRESSING CLIMATE CHANGE AND CHILD RIGHTS:

- **Constitutional Provisions and Intergenerational Justice:**

The judiciary in India has played a pivotal role in expanding the scope of fundamental rights to advance public welfare, environmental protection, and public health. Environmental conservation has been recognised as an integral component of constitutional rights through judicial interpretation of the provisions forming the "golden triangle" of the Constitution, namely Article 14, Article 19 and Article 21 of the Constitution of India. Through landmark decisions such as *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*<sup>14</sup> and *M.C. Mehta v. Union of India*<sup>15</sup>, and more recently in *Rajinder Singh v. State of Himachal Pradesh*<sup>16</sup>, the Supreme Court of India has strengthened environmental jurisprudence by affirming the State's responsibility to protect ecological balance and public health. At the same time, the Constitution also imposes a duty upon citizens to protect and improve the natural environment, recognising that environmental protection requires collective responsibility.

Sustainable and environmentally conscious choices are essential to uphold the principle of intergenerational justice and to safeguard the rights of children, who represent the most immediate future generation. Therefore, it is essential that children are placed at the centre of environmental governance and climate policy to effectively realise the principle of intergenerational justice. The following constitutional provisions provide the legal foundation for environmental protection and the safeguarding of children's rights in India.

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<sup>13</sup> Akresh, R., 2016. Climate change, conflict, and children. *The future of children*, pp.51-71.

<sup>14</sup> 1985 AIR 652, 1985 SCR (3) 169; 1985 SCC (2) 431;

<sup>15</sup> AIR 1987 SC 1086;

<sup>16</sup> 2024 SCC OnLine SC 570;

<b>Constitutional Provision</b>	<b>Scope and Key Features</b>	<b>Relevance to Child Rights and Environmental Protection</b>
<b>Article 21</b>	Guarantees the right to life and personal liberty. <sup>17</sup> Interpreted by the Supreme Court of India to include dignity, health, and a clean and healthy environment.	Provides a constitutional basis for protecting children from environmental harm, as pollution and climate change directly affect their health and quality of life.
<b>Article 24</b>	Prohibits employment of children below 14 years in factories, mines, and hazardous occupations. <sup>18</sup>	Protects children from exposure to environmental toxins, pollutants, and unsafe industrial conditions that harm their development.
<b>Article 39(e)</b>	Directs the State to ensure that the health and strength of workers, including children, are not abused. <sup>19</sup>	Encourages protection of children from exploitative and environmentally harmful conditions, ensuring safer living and working environments.
<b>Article 39(f)</b>	Directs the State to ensure children develop in a healthy manner with dignity and protection from exploitation and abandonment. <sup>20</sup>	Supports the creation of environmental conditions necessary for children's physical and mental development.
<b>Article 48A</b>	Directs the State to protect and improve the environment and safeguard forests and wildlife. <sup>21</sup>	Strengthens environmental governance, ensuring ecological balance essential for children's survival and future wellbeing.
<b>Article 51A(g)</b>	Imposes a duty on citizens to protect and improve the natural environment and show compassion for living beings. <sup>22</sup>	Promotes public responsibility for environmental conservation, indirectly benefiting children and future generations.

<sup>17</sup> Article 21 of the Constitution of India

<sup>18</sup> Article 24 of the Constitution of India

<sup>19</sup> Article 39(e) of the Constitution of India

<sup>20</sup> Article 39(f) of the Constitution of India

<sup>21</sup> Article 48A of the Constitution of India

<sup>22</sup> Article 51A(g) of the Constitution of India

<b>Article 253</b>	Empowers Parliament to enact laws to implement international agreements and conventions. <sup>23</sup>	Enables incorporation of global environmental commitments into domestic law, supporting child rights in the context of climate change.
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Although this development through 42nd Constitutional Amendment has significantly strengthened environmental jurisprudence in India, the non-enforceable nature of Directive Principles and Fundamental Duties may sometimes limit their direct legal application. This raises important questions about how effectively the existing constitutional framework can support long-term environmental protection and contribute to the goals of intergenerational justice and the protection of children's rights in the context of climate change.

- **Legislative Instruments:**

India has taken several steps to address climate change and has shown commitment to global climate action. The government has introduced policies that encourage low-carbon development in different sectors, promote cleaner technologies, and strengthen institutional systems to support sustainable growth. As part of its commitments for 2030, India has pledged to reduce the emission intensity of its economy, ensure that around 40% of its installed electricity capacity comes from non-fossil fuel sources, and create an additional carbon sink of about 2.5–3 billion tonnes of CO<sub>2</sub> through increased forest and tree cover.

However, India does not yet have a single comprehensive law that specifically deals with climate change. Instead, different environmental laws address certain aspects related to climate protection. Despite this, India is widely recognised for its strong environmental jurisprudence, largely developed through the proactive role of the judiciary. In many climate-related cases, courts deal with climate concerns indirectly through constitutional rights, environmental principles, and the enforcement of existing environmental laws. Some scholars classify climate litigation in India into three categories: climate-conscious cases, where courts acknowledge climate issues; climate accountability cases, where responsibility for environmental harm is examined; and climate futurity cases, which focus on protecting the interests of future generations. This approach connects climate litigation in India with broader sustainability goals and the global Sustainable Development Goals (SDGs).<sup>24</sup>

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<sup>23</sup> Article 253 of the Consitution of India

<sup>24</sup> Gill, G. N., & Ramachandran, G. (2021). Sustainability transformations, environmental rule of law and the Indian judiciary: Connecting the dots through climate change litigation. *Environmental Law Review*, 23(3), 228-247.

<b>Legislation</b>	<b>Purpose and Key Provisions</b>	<b>Relevance to Child Rights and Environmental Protection</b>
<b>Water (Prevention and Control of Pollution) Act, 1974</b>	Aims to prevent and control water pollution; establishes Pollution Control Boards. <sup>25</sup> And for prevention and control of water pollution through regulatory mechanism.	Ensures access to clean water, reducing water-borne diseases affecting persons, including children.
<b>Air (Prevention and Control of Pollution) Act, 1981</b>	Provides for prevention and control of air pollution through regulatory mechanisms. <sup>26</sup>	Reduces risks of respiratory illnesses and pollution-related diseases in persons, including children.
<b>Environment (Protection) Act, 1986</b>	Umbrella environmental law empowering the government to regulate pollution, set standards, and control hazardous activities. <sup>27</sup>	Protects air, water, and soil quality, indirectly safeguarding persons, including children's health and development.
<b>Child Labour (Prohibition and Regulation) Act, 1986</b>	Prohibits child labour in hazardous occupations and regulates working conditions. <sup>28</sup>	Protects children from exposure to environmental toxins and unsafe industrial conditions.
<b>Public Liability Insurance Act, 1991</b>	Mandates insurance for industries handling hazardous substances to provide immediate relief. <sup>29</sup>	Ensures compensation and relief for persons, including children affected by industrial accidents.
<b>Disaster Management Act, 2005</b>	Provides a framework for disaster preparedness,	Helps protect persons, including children during climate-related disasters through relief and rehabilitation mechanisms.

<sup>25</sup> Sections 3 and 4 of the Water (Prevention and Control of Pollution) Act, 1974

<sup>26</sup> Chapter IV of the Air (Prevention and Control of Pollution) Act, 1981

<sup>27</sup> Sections 3, 5 and 6 of the Environment (Protection) Act, 1986

<sup>28</sup> Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986

<sup>29</sup> Sections 7, 7A and 8 of the Public Liability Insurance Act, 1991

	mitigation, response, and rehabilitation. <sup>30</sup>	
<b>Right of Children to Free and Compulsory Education Act, 2009</b>	Guarantees free education (ages 6–14) in a safe and conducive environment. <sup>31</sup>	Highlights the need for environmental stability to ensure uninterrupted education for children.
<b>National Green Tribunal Act, 2010</b>	Establishes the National Green Tribunal for speedy resolution of environmental disputes and compensation. <sup>32</sup>	Strengthens environmental justice and accountability, benefiting children affected by environmental harm.
<b>Juvenile Justice (Care and Protection of Children) Act, 2015</b>	Provides care, protection, and rehabilitation for children in difficult circumstances. <sup>33</sup>	Supports children affected by environmental disasters, displacement, and crises.

Collectively, these legislative measures contribute to protecting children from environmental degradation, pollution, and climate-related risks. Although these laws do not explicitly recognise environmental protection as a child-specific right, they nevertheless establish an important legal framework that supports children’s right to live in a safe, healthy, and sustainable environment.

At present, India does not have a single comprehensive climate change law that specifically addresses the rights and vulnerabilities of children. However, several legislative instruments indirectly provide protection by regulating environmental pollution, managing disasters, and safeguarding public health. These laws therefore play a significant role in mitigating environmental harm and reducing climate-related risks that disproportionately affect children.

• **Legal Policies**

In addition to constitutional and legislative measures, policy frameworks play a crucial role in shaping India’s response to climate change. Legal policies provide strategic direction for mitigation, adaptation, and resilience-building efforts at both national and state levels. They

<sup>30</sup> Sections 12, 13 and 19 of the Disaster Management Act, 2005

<sup>31</sup> Section 3 of the Right of Children to Free and Compulsory Education Act, 2009

<sup>32</sup> Section 15 of the National Green Tribunal Act, 2010

<sup>33</sup> Chapter VII of the Juvenile Justice (Care and Protection of Children) Act, 2015

also influence how environmental concerns are integrated into sectors such as health, education, and child welfare. However, the extent to which these policies adequately address the specific vulnerabilities of children requires closer examination.

<b>Policy / Initiative</b>	<b>Scope and Key Features</b>	<b>Relevance to Children and Environmental Protection</b>
<b>National Action Plan on Climate Change (NAPCC)</b>	Comprehensive strategy by the Government of India with missions on solar energy, energy efficiency, sustainable agriculture, water conservation, and sustainable habitats. <sup>34</sup>	Promotes climate resilience and sustainable development, indirectly protecting children from risks like water scarcity, food insecurity, and climate disasters.
<b>National Policy for Children, 2013</b>	Recognises children as a national asset and emphasises rights to survival, health, nutrition, education, and development in a safe environment. <sup>35</sup>	Highlights the importance of safe living conditions, indirectly linking environmental protection with children's wellbeing.
<b>National Institute of Disaster Management – Child-Centric DRR Initiatives</b>	National Institute of Disaster Management conducts training, awareness programmes, and develops guidelines for protecting children during disasters. <sup>36</sup>	Focuses on preparedness and protection of children, reducing their vulnerability to climate-induced disasters.
<b>National Disaster Management Authority – School Safety &amp; Climate Resilience Initiatives</b>	National Disaster Management Authority implements school safety programmes, disaster preparedness plans, and infrastructure guidelines. <sup>37</sup>	Enhances safety of children in schools and builds awareness and resilience against environmental and climate risks.

<sup>34</sup> <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2021/dec/doc202112101.pdf>

<sup>35</sup> <https://missionvatsalya.wcd.gov.in/public/pdf/children-related-law/NATIONAL%20POLICY%20ON%20CHILDREN%202013.pdf>

<sup>36</sup> [https://nidm.gov.in/ccdrr\\_about.asp](https://nidm.gov.in/ccdrr_about.asp)

<sup>37</sup> [https://ndma.gov.in/sites/default/files/PDF/school\\_safety/Final\\_NSSP\\_brochure\[2\]%20English.pdf](https://ndma.gov.in/sites/default/files/PDF/school_safety/Final_NSSP_brochure[2]%20English.pdf)

According to the Global Climate Risk Index developed by Germanwatch, India ranks among the most affected countries globally, standing seventh in terms of climate change impacts. Further, the WorldRisk Index 2024 places India third among 193 countries with the highest disaster risk, highlighting its significant vulnerability to climate-related hazards. India's geographical and climatic conditions further increase its exposure to extreme weather events. A report titled "*Including Young Children in Climate Actions in India*" finds that climate policies and action plans across several vulnerable states—including Maharashtra, Bihar, Assam, Gujarat, Uttar Pradesh, Punjab, and Karnataka—remain limited in their focus on young children, with minimal integration of child rights considerations. The report also notes that climate change poses growing economic risks, with projected financial losses expected to increase in the coming decades. It emphasizes the need for stronger policy integration, including interdepartmental coordination and the incorporation of early childhood care within climate frameworks, to support effective mitigation, adaptation, and resilience-building strategies.<sup>38</sup>

#### **IV. EMERGING RECOGNITION OF CHILDREN'S RIGHTS:**

On 21st March 2024, the Hon'ble Supreme Court of India, in *M.K. Ranjitsinh v Union of India*<sup>39</sup>, very recently observed that although India does not yet have a comprehensive legislation specifically addressing climate change, the harmful effects of climate change directly impact fundamental rights. The Court held that protection against the adverse effects of climate change is intrinsically linked to the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, along with the principle of equality under Article 14 of the Constitution of India. It further recognized that environmental degradation and climate change can lead to severe consequences such as food and water shortages, which disproportionately affect vulnerable communities.

Before explicitly linking climate change to fundamental rights under Article 21, the Supreme Court of India had already laid down important principles to further environmental justice.

The Supreme Court has, over time, developed key environmental principles such as a polluters pay principle, precautionary principle, public trust doctrine and sustainable development by expanding the scope of Article 21 and laying the foundation for contemporary climate jurisprudence. The doctrine of sustainable development was recognised in *Vellore Citizens*

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<sup>38</sup> Knowledge, E.C.D.A.N. and Balel, O., 2025. INCLUDING YOUNG CHILDREN IN CLIMATE ACTIONS IN INDIA.

<sup>39</sup> 2024 SCC OnLine SC 570;

*Welfare Forum v. Union of India*<sup>40</sup>, where the Court emphasised that economic development must take place in a manner that does not compromise environmental protection. The Court stressed that development should meet the needs of the present generation without compromising the ability of future generations to meet their own needs, thereby linking environmental protection with long-term sustainability.

A significant development in this context is, *Ridhima Pandey v. Union of India*<sup>41</sup>, which raises important questions concerning climate change and the protection of children's rights. The petition, filed by a minor climate activist, argued that inadequate state action on climate change violates the fundamental rights of present and future generations, particularly children, and sought greater governmental accountability. However, as the matter remains sub judice, its final determination by the Supreme Court is awaited, and its full impact on climate change litigation in India, particularly in relation to children's rights and intergenerational justice, will become clearer over time.<sup>42</sup>

The *Ridhima Pandey v. Union of India*<sup>43</sup>, the Court acknowledged climate change as an issue linked to the right to life under Article 21 and referred to the constitutional directive to protect the environment under Article 48A. It also made limited references to children's rights and international developments, including initiatives under the United Nations Convention on the Rights of the Child. However, these references were largely illustrative in nature and did not form the basis of a substantive legal analysis.

In many ways, the climate crisis has reached a crescendo. Referencing foreign judgements on climate refugees, climate change's effects on children and greenhouse gas emissions, Chief Justice Chandrachud remarked last year that "these cases, all instituted and decided in the past decade, indicate the type of concerns which will travel to the courts in the next few years." It was "judicial adventurism" which pushed the Court to shift its treatment of environmental violations from merely tortious to an infraction of a fundamental right. Perhaps deploying the procedural device of the continuing mandamus in *M.C. Mehta*<sup>44</sup> and *T.N. Godavarman*<sup>45</sup> can also be considered an instance of "judicial adventurism". The fact is that these improvisations have allowed the Court to enforce and expand environmental law.<sup>46</sup>

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<sup>40</sup> (1996) 5 SCC 647; AIR 1996 SC 2715; 1996 (5) SCR 241.

<sup>41</sup> (Original Application No. 187/2017); Civil Appeal No(s). 388/2021

<sup>42</sup> [Climate Change Obligations of the State - Supreme Court Observer](#)

<sup>43</sup> Supra 18

<sup>44</sup> AIR 1987 SC 1086;

<sup>45</sup> (1997) 2 SCC 267

<sup>46</sup> [Giving the green signal: The Supreme Court and the environment - Supreme Court Observer](#)

Despite these developments, children's rights have not been explicitly recognised as a central concern in environmental and climate jurisprudence. While courts refer to intergenerational equity, these principles remain broadly framed and do not translate into a clear child-centred approach. As the most immediate future generation, children are likely to bear the long-term consequences of environmental degradation, highlighting the need to prioritise their rights within climate governance.

International instruments increasingly recognise children as a vulnerable group and emphasise the need for targeted protection, offering a useful benchmark to assess domestic frameworks. Examining these frameworks helps in understanding how far they respond to children's vulnerabilities in the context of climate change and where they fall short.

## **V. Global Responses to Climate Change and Children's Rights:**

World Health Organization and the Intergovernmental Panel on Climate Change reports indicate that climate change impacts children's health through multiple pathways, including air pollution, extreme weather events, heatwaves, declining water quality, and food insecurity. These conditions increase the risk of malnutrition, infectious diseases, respiratory illnesses, and mental health problems among children.

- **Climate Change and Human Well-being:**

Climate change and the global effort to limit temperature rise to 1.5°C by 2030 have significant implications for human well-being across present and future generations. Human well-being and human dignity, together represent the fundamental principles that ensure human rights. Among these, the right to education is especially important because it enables individuals to develop their potential and participate fully in society. Climate change is also affecting global public health, and its impacts are expected to increase. Although efforts to mitigate climate change may require substantial initial investments, the resulting health benefits and long-term economic gains are likely to outweigh these costs. Most importantly, such actions help preserve the environmental conditions necessary for human survival and well-being.<sup>47</sup>

- **Strengthening Health Systems for Climate Challenges:**

The complex health risks associated with climate change make it difficult for health systems to respond effectively. A focused approach can help by promoting actions that reduce carbon emissions while improving health, building resilient and sustainable health systems, and

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<sup>47</sup> Campbell-Lendrum, D., Neville, T., Schweizer, C., & Neira, M. (2023). Climate change and health: three grand challenges. *Nature medicine*, 29(7), 1631-1638.

implementing public health strategies to protect communities from climate-related health threats.

The response from the health sector must match the seriousness of the climate crisis. While some progress has been made, greater action is required. Many of the barriers to progress are political rather than technical, highlighting the need for strong leadership and public engagement. Health professionals can play an important role by improving healthcare delivery, reducing emissions within the sector, protecting environmental and social determinants of health, and advocating for climate action.

- **United Nations International Children’s Emergency Fund - PER Model:**

The Normative Reform Framework, guided by UNICEF’s PER Model, emphasises three key actions; Protect, Empower, and Reduce, to address the intersection of climate change, human rights, and child well-being. “Protect” focuses on ensuring climate-resilient essential services, such as healthcare, education, water, and sanitation, so that children remain safe and healthy despite environmental shocks. “Empower” highlights the importance of climate literacy and meaningful child participation. However, the concept of child participation is complex and interpreted in many ways. It is closely linked to broader ideas such as children’s agency, citizenship, and their best interests, and is shaped by social and cultural understandings of childhood that influence how both children and adults experience everyday life. Although many policies recognise the value of participation, they often provide limited practical guidance, leading to varied interpretations and sometimes weakening its real meaning. As a result, children are frequently excluded from decision-making, creating a gap between the rights promised to them and the opportunities they actually receive, particularly when it comes to helping define their own best interests. Nevertheless, Article 12 of the United Nations Convention on the Rights of the Child affirms that children have the right to express their views and actively participate in decisions affecting them, including shaping what is considered to be in their best interests. Finally, “Reduce” calls for emissions mitigation and just transition strategies to limit climate impacts, ensuring that current and future generations of children can enjoy a healthy and sustainable environment.<sup>48</sup>

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<sup>48</sup> Montà, C. C. (2023). The meanings of ‘child participation’ in international and European policies on children’s rights): A content analysis. *European Educational Research Journal*, 22(1), 3-19. <https://doi.org/10.1177/14749041211034971>

- **European Convention on Human Rights:**

The European Convention on Human Rights (ECHR) is one of the most effective systems for protecting human rights. However, its role in protecting children's rights has not been fully explored because more attention has been given to the UN Convention on the Rights of the Child (CRC).

The decisions related to children's rights in areas such as education, protection from abuse, identity, child care, juvenile justice, health care, immigration, family life, etc., made by the European Court of Human Rights about children's rights are important because they can be used in the legal systems of many European countries.

Although social and economic rights are mainly covered by the European Social Charter, the ECHR also protects some of these rights, such as the right to education and property rights. Even though the Convention does not clearly mention rights like health care or a good standard of living, the Court often interprets the Convention broadly and flexibly. This has helped expand protection for children, especially in matters related to life, health, and well-being.

Overall, the Convention has strong potential to improve the protection of children's rights in Europe.<sup>49</sup>

- **South Asian Association for Regional Cooperation:**

The regional framework of the South Asian Association for Regional Cooperation (SAARC), contributes to safeguarding children's environmental rights, through a number of regional instruments, even though there is no single treaty devoted solely to this issue. The SAARC "Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (2002)" calls on member states to promote safe and healthy environments for children by ensuring access to clean water, sanitation, healthcare, and protection from environmental risks. In a similar vein, the "SAARC Social Charter (2004)" underscores the need to strengthen environmental quality, public health systems, and social welfare measures to support children's survival, growth, and development.<sup>50</sup> Regional collaboration has also been advanced through the "Malé Declaration on Control and Prevention of Air Pollution and Its Likely Transboundary Effects for South Asia (1998)", which encourages monitoring and policy responses to tackle transboundary air pollution; an issue that significantly affects children's

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<sup>49</sup> Kilkelly, U. (1999). *The Child and the European Convention on Human Rights* (1st ed.). Routledge. <https://doi.org/10.4324/9781003579427>

<sup>50</sup> Sangroula, G. P. (2022). A human rights approach to first call for children: Mapping the perils and promises in South Asia. *Kathmandu Sch. L. Rev.*, 11, 1.

health. Additionally, bodies such as the “SAARC Disaster Management Centre” work to improve disaster risk reduction and climate resilience across the region, acknowledging that children are particularly vulnerable to the impacts of environmental degradation and climate-related disasters. Collectively, these regional efforts demonstrate SAARC’s commitment to protecting children’s well-being by fostering safer and healthier environments throughout South Asia.<sup>51</sup>

## **VI. CRITICAL SHORTCOMINGS IN CHILD-CENTRIC ENVIRONMENTAL GOVERNANCE:**

- **Recent Recognition of Climate Rights under the Constitution**

The recognition of protection from the adverse effects of climate change as part of the fundamental right to life under Article 21 of the Constitution of India has emerged only recently through judicial interpretation by the Supreme Court of India. As a result, legislative and policy frameworks have not yet fully evolved to incorporate this right, particularly in relation to the protection of children.

- **Lack of Explicit Recognition of Children’s Environmental Rights.**

Although environmental protection is recognised under Article 21, there is no explicit recognition of a child-specific right to a clean and healthy environment. Existing protections rely largely on judicial interpretation, with limited focus on child-centric environmental rights. This reflects a significant gap, as the absence of a clearly defined and enforceable child-centric environmental right limits the effectiveness of legal protection for children in the context of climate change.

- **Fragmented Framework and Absence of Child-Centric Climate Legislation**

The current framework remains fragmented, with responsibilities divided across multiple institutions, limiting a coordinated response to climate risks affecting children. Further, there is no comprehensive legislation recognising children as a distinct vulnerable group in the context of climate change. This limits the development of an integrated response to climate-related risks affecting children

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<sup>51</sup> Behera, N. C. (2012). SAARC and beyond: civil society and regional integration in South Asia. In *Regional integration and economic development in South Asia*. Edward Elgar Publishing.

- **Weak Monitoring, Accountability and Enforcement Mechanism**

The existing framework reveals significant limitations in monitoring, accountability, and enforcement mechanisms, which undermine its effective implementation. As a result, the realisation of existing rights and protections for children remains limited in practice.

- **Limited Child Participation in Climate Governance**

International frameworks recognise children's right to participate in climate-related decision-making; however, the existing framework in India lacks institutional mechanisms at the national level to facilitate such participation. As a result, children remain minimally involved in policy formulation and decision-making processes, and levels of awareness among children regarding climate change and their participatory rights remain limited.

## **VII. CONCLUSION AND RECOMMENDATIONS:**

Though child-focused climate policies exist, their success depends on effective implementation and integration with child rights and welfare systems; without prioritising children's protection and future, climate action in India remains incomplete.<sup>52</sup> While India has taken important steps toward addressing the intersection of climate change and child welfare, significant gaps remain in translating policy intent into meaningful outcomes. The effectiveness of existing child-focused climate measures depends on stronger legal recognition, better institutional coordination, and robust implementation. To ensure that climate action is inclusive and future-oriented, it is essential to prioritise children's rights, address their specific vulnerabilities, and integrate their needs into environmental governance. The following measures provide a roadmap for strengthening a child-centric approach to climate policy in India:

- **Explicit Legal Recognition of Child-Specific Climate Rights**

As reflected in existing literature and this study, children's rights in the context of climate change remain underdeveloped. Recognising children as distinct rights-holders is essential for developing targeted laws and policies that address their specific vulnerabilities and long-term interests. It is recommended that the climate-related rights of children be explicitly recognised and articulated within legal and policy frameworks.

- **Child-Specific Climate Research and Data**

Promote the collection of child-specific data on climate impacts to support evidence-based policymaking. Strengthening research and data availability is essential to better understand the

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<sup>52</sup> [Why 2025 Proved Children Must Be Central to Climate Change Solutions](#)

effects of climate change on children and to study its intergenerational implications, thereby enabling the development of more effective and informed policies.

- **Child-Centred Climate Policies, Legislation, and Institutional Coordination:**

To address the fragmented framework, it is recommended that a coordinated and integrated approach be adopted by clearly defining institutional roles and strengthening collaboration across environmental, child welfare, health, and disaster management sectors. Further, there is a need to develop comprehensive child-centred climate legislation that explicitly recognises children as a distinct vulnerable group, enabling a more effective and unified response to climate-related risks.

- **Strengthening Implementation and Resilience and Adaptation Measures**

Strengthen monitoring, accountability, and enforcement of existing environmental and climate laws by establishing clear indicators, designating responsible authorities, and ensuring regular compliance and review mechanisms. Integrate and strengthen child-focused strategies across sectors such as healthcare, education, nutrition, and disaster management, including child-specific disaster preparedness and response. Further, enhance resilience and adaptation measures through climate-resilient infrastructure, accessible early warning systems, and community-based programmes, supported by improved data collection and local-level implementation.

- **Awareness and Participation**

Promote climate awareness among children through the integration of climate education within school curricula and community-based programmes. Establish institutional platforms at the national level to facilitate meaningful participation of children in climate policy and environmental decision-making processes, ensuring that their perspectives and innovative ideas are included in matters affecting their present and future.

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