

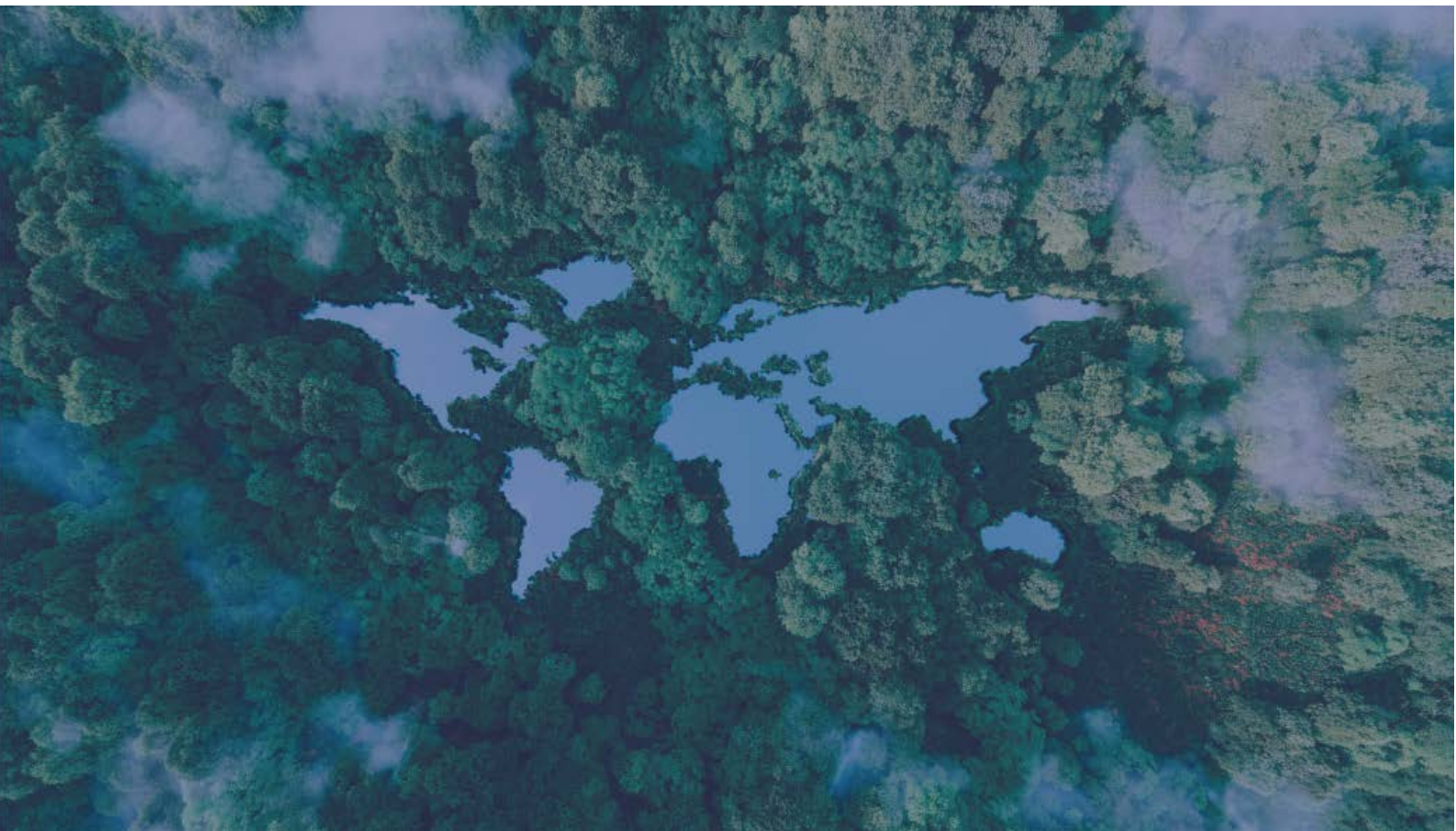


**British Institute of
International and
Comparative Law**

Global Toolbox on Corporate Climate Litigation: India National Conference

1-2 June 2024 | Event Report

Prof Dr Madhuri Parikh





**British Institute of
International and
Comparative Law**

Mission Statement

The British Institute of International and Comparative Law exists to advance the understanding of international and comparative law, and to promote the rule of law in international affairs.

Vision

To be a leading research institute of international and comparative law and to promote its practical application by the dissemination of research through publications, conferences and discussion.

Table of Contents

Mission Statement.....	2
Vision	2
Introduction.....	5
Day One Session1: Opening Remarks	7
Dr. Madhuri Parikh - Introduction	7
Hon’ble Mr. Justice Swatanter Kumar – Keynote Address	7
Hon’ble Mr. Justice Brian Preston – Expert Keynote Speech	7
Prof. (Dr.) Gitanjali Nain Gill.....	8
Prof. (Dr.) Alexander Zahar	8
Dr. Ivano Alogna.....	9
Dr. Anup K.Singh	9
Dr. Parna Mukherjee	9
Session 2: Presentation of Papers.....	11
Theme 1 - Climate Change and its Impact.....	11
Theme 2 - Environmental Jurisprudence: Shaping Sustainable Future	12
Theme 3 - Green Finance and Environmental Clearance	14
Theme 4 – Role of Stakeholders	15
Theme 5 – Environmental Jurisprudence: Shaping Sustainable Futures	16
Session 3: Roundtable.....	18
Theme: - Procedural issues related to Litigation	18
Day 2 Session 1: Roundtable	22
Theme: - Role of Different Stakeholders towards Climate Litigation and Climate Change & What Different Stakeholders Can Do for Climate Change.....	22
Session 2: Paper Presentations.....	27
Theme 1: – Climate Change and its Impact	27
Theme 2: - Environmental Jurisprudence: Shaping Sustainable Future	28
Theme 3: – Green finance and Environmental Clearance	30
Theme 4: - Role of Stakeholders.....	32

Theme 5: - Environmental Jurisprudence: Shaping Sustainable Futures34
Session 3: - Valedictory and Report Discussion35

Introduction

The International Conference on Climate Change Litigation: Emerging Issues and Concerns, was held on 1st and 2nd June at the Institute of Law, Nirma University (ILNU), India in collaboration with the British Institute of International Comparative Law, UK. The conference served as a platform for critical examination and exploration of the legal dimensions surrounding Climate Change Litigation. The conference was attended by more than 100 persons. It was attended by various stakeholders, for example Judges, Lawyers, the Chairperson and members of the State Human rights Commission of Gujarat, academics, researchers, the media, Labour Commissioner (retired), Income Tax Commissioners (retired), NGO, scientists, policy analysts, and the Vice President and Director General of Nirma University.

The sessions in the conference were divided into expert talks, presentations and roundtable meetings for deliberations on emerging issues related to corporate climate litigation and role of various stakeholders.

Details regarding the Corporate Climate Litigation Toolbox were shared with participants in the conference.

This report encapsulates the key insights and highlights from two days of intensive discussions, presentations, and collaborations among esteemed experts, scholars, and practitioners in the field of climate change law and litigation in the form of brief report as below.

The Conference was supported by the valuable knowledge of partners like Paryavaran Mitra NGO, media partner EBC, and Nirma Corporate House.

Aims of the Conference

- Foster discussion and deliberation on the challenges posed by climate change, its impacts, and potential solutions.
- Facilitate dialogue among various stakeholders (lawyers, policymakers, activists, researchers, etc.) regarding legal and policy frameworks for addressing climate change, the rise of climate change litigation, and the roles of different stakeholders.
- Spark an exchange of ideas, encourage the development of new projects, and establish a network of climate change researchers.
- Promote the integration of traditional ecological practices and indigenous knowledge systems into mainstream climate change adaptation and mitigation strategies.
- Empower young people and future generations to become agents of change in tackling climate change through education, capacity building, and youth-led initiatives.

Programme

The conference spanned two days and included the following activities:

Day 1

- Session 1 Inauguration and Expert Talks [9.00 am to 12.30 pm.]:
- Session 2 Paper Presentation [1.30 pm to 3.45 pm.]
- Round Table Discussion [4.00pm to 6.30 pm]: Interactive session with experts, focusing on a specific theme related to climate change litigation (e.g., Legal Strategies for Climate Litigation).

Day 2

- Session 1 Round Table Discussion [9.00 am to 11.30 am]: Another interactive session with experts on a different theme related to climate change litigation (e.g., The Role of Courts in Climate Change Adjudication).
- Session 2 Paper Presentation Session[11.30 am to 1.15 pm]: Presentations on a variety of climate change litigation topics.
- Valedictory Ceremony [1.00pm to 2.00pm]: Closing remarks and vote of thanks.

Day One

Session 1: Opening Remarks

Dr. Madhuri Parikh – Introduction

Dean and Director (I/c), Institute of Law, Nirma University, National rapporteur for Project on Corporate Climate Litigation under BIIICL

Dr Parikh shared a brief about the conference, the Corporate Climate Litigation Toolbox and the legal concerns in corporate climate litigation in India.

Hon'ble Mr. Justice Swatanter Kumar – Keynote Address

Former Judge, Supreme Court of India and Former Chairperson of National Green Tribunal of India

Justice Kumar's presentation focused on the duty of care in tort law, particularly relating to Absolute Liability and its incorporation into various jurisprudences. He emphasised that climate change poses a uniquely ecological problem requiring a heightened duty of care under the law. The doctrine of non-regression, which prohibits regression in environmental law, was discussed in relation to international agreements like the UN Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement. Despite these agreements, targets often get postponed, and he stressed the need to achieve them even minimally.

He highlighted specific environmental issues such as the pollution at Rohtang Pass and the impact of diesel vehicles. Problems like plastic waste and open defecation in natural habitats were also noted. He warned that glaciers are shrinking annually due to human activities, and stressed the need for international cooperation beyond just signing agreements. Justice Kumar concluded by emphasising that while nature can exist without humans, humans need nature for survival.

Hon'ble Mr. Justice Brian Preston – Expert Keynote Speech

FRSN SC Chief Judge of the Land and Environment Court of NSW

Justice Preston discussed trends in climate litigation, focusing on government accountability, corporate responsibility, and human rights compliance. He illustrated these trends with several cases:

- **Government Accountability:** Cases like *Urgenda Foundation v. the Netherlands* and *Bushfire Survivors for Climate Action v. Environment Protection Authority* show courts compelling governments to take stronger climate action.

- **Corporate Responsibility:** Climate litigation against companies aims to influence corporate behaviour and raise public awareness. Early cases targeted fossil fuel companies, but more recent litigation covers a broader range of corporate practices.
- **Human Rights Compliance:** Climate litigation increasingly uses human rights arguments to hold governments and corporations accountable. Examples include the Torres Strait Eight case against the Australian government and the Great Indian Bustard case in India.

Justice Preston noted the future trends identified by the Grantham Institute, including the protection of biodiversity, ocean protection, and the focus on short-lived climate pollutants.

Prof. (Dr.) Gitanjali Nain Gill

Professor of Environmental Law, FAcSS, Northumbria University, Newcastle upon Tyne

Prof. Gill's presentation focused on Climate Change Attribution, which links human activities to extreme climate events. She discussed the intersection of law and science, noting the challenges of attributing specific events to climate change due to the complexity and lack of data. Despite these challenges, attribution studies are crucial for understanding the impact of human activities on the environment.

She highlighted several cases where attribution played a role, such as the International Tribunal of Law of Seas advisory opinion on greenhouse gases and the Swiss Women case, where the European Court of Human Rights recognised the vulnerability of older women to climate change. In India, climate change attribution is still developing, with cases like the Great Indian Bustard highlighting the need for scientific evidence and causal links to support litigation.

Prof. (Dr.) Alexander Zahar

Professor, China-ASEAN Legal Research Center, Southwest University of Political Science and Law, Chongqing, China

Prof. Zahar critiqued the Swiss Seniors Judgment, which scrutinised the Swiss Federal Council's commitments under the updated Climate Act. He questioned the effectiveness of the Act, noting that legislative commitments without concrete measures fail to protect individuals from climate change impacts. He emphasised the need for practical, enforceable measures over theoretical commitments.

Dr. Ivano Alogna

Research Leader in Environmental and Climate Change Law, British Institute of International and Comparative Law, and Project Leader, Global toolbox on Corporate Climate Litigation

Dr. Alogna discussed Corporate Climate Litigation (CCL), emphasising the importance of terminology and the need for companies to mitigate climate change problems. He highlighted the scientific basis for CCL, referencing key reports and research. The presentation introduced the Global Toolbox on Corporate Climate Litigation, aimed at guiding effective corporate climate governance.

He noted the increasing number of CCL cases against a broader range of high-emitting sectors and discussed notable international cases such as *Milieudefensie v. Shell* and *Lliuya v. RWE*. Dr. Alogna emphasised the importance of comparative perspectives and innovative legal strategies in climate litigation. He concluded with a discussion on a research project examining global corporate climate legal tactics, aiming to produce a comprehensive toolbox for effective climate law implementation.

Dr. Anup K.Singh

Director General, Nirma University.

Dr Singh discussed about the academic initiatives taken at the Nirma University to study the impacts of climate change.

Dr. Parna Mukherjee

Associate Professor at Institute of Law, Nirma University

Dr Mukherjee presented the summary of the session and gave information about the sessions to follow later in the programme.



Session 2: Presentation of Papers

The papers were presented on five thematic areas in parallel sessions.

Theme 1 – Climate Change and its Impact

Paper 1: **Harsimrat Kaur**, “Climate Change Impact on Coral Reefs: Vegetation Strategy to Prevent Loss of Ecosystem Services”

- Discusses the detrimental impact of climate change on coral reefs, essential for marine biodiversity.
- Emphasizes the need for effective implementation of existing policies under the Wildlife Protection Act and Environment Protection Act.
- Highlights the importance of public awareness, local participation, and private sector involvement for coral reef conservation.

Paper 2: **Mrinalini Kaur**, “Ignoring the Burns of Climate Change: A Study of the Discourse of the Climate and the Refugee Nexus”

- Explores the political and social discourse surrounding climate-induced displacement, focusing on terms like Climate Refugees and Environmental Refugees.
- Uses framing theory and discourse analysis to examine societal perceptions and policy implications.
- Stresses the importance of accurate framing for compassionate and effective policymaking.

Paper 3: **Ritika Dattana**, “Impact of Climate Change on Children with Disabilities”

- Highlights the unique challenges faced by children with disabilities due to climate change.
- Discusses heightened vulnerability, health risks, displacement, and barriers to adaptation.
- Calls for inclusive policies that consider the needs of children with disabilities in climate adaptation and disaster risk reduction strategies.

Paper4: **Pratiksha Laheri**, "The Hunger Crisis and Individual Adaptations to Climate: A Case Study of Jan Jan Me Bhojna Yojna in Ahmedabad"

- Examines the impact of climate change on agricultural productivity and food security in India.
- Highlights legal recognition of protection against climate change as a fundamental right.
- Discusses the interplay between hunger crises, climate change, and sustainable agricultural practices.

Paper 5: **Jhalak Nandwani**, "The Gender-Differentiated Exposures and Vulnerabilities of Women to Climate Change Impacts"

- Addresses the intersection of climate change and gender inequality, focusing on women's vulnerabilities.
- Discusses the impact of cultural norms and limited resource access on women's ability to cope with climate-related challenges.
- Advocates for empowering women through education, resources, and participation in decision-making processes to enhance resilience.

Theme 2 – Environmental Jurisprudence: Shaping Sustainable Future

Paper 1: **Dr. Vikas Trivedi and Dr. Foram Patel**, "Greenwashing in India: Curbing Strategies and the Way Ahead"

The authors discussed the issue of greenwashing, where companies mislead the public about the environmental benefits of their products. They emphasized the need for better compliance and transparency to protect the environment. The presentation cited cases like **Hamdard Davakhana v Union of India**, **Tata Press v. MTNL**, and discussed the lack of protection for commercial speech under Article 19(1)(a) of the Indian Constitution. They provided examples of misleading advertising by brands such as Surf Excel, IKEA, Godrej, and Volkswagen.

The presentation proposed draft guidelines for preventing greenwashing, including the need for proper disclosures and avoiding false claims. They called for better regulation, industry standards, and increased transparency and accountability. The judges discussed the importance of compliance and transparency, with the authors noting the limitations of the Advertising Standards Council of India and the need for enforcement rather than mere directives.

Paper 2: **Dr. Neeraj Kumar Gupta**, "Role of National Green Tribunal in Internalising the Negative Environmental Externalities through Environmental Compensation Charges: A Critical Analysis"

Dr. Neeraj Kumar Gupta analyzed the National Green Tribunal (NGT)'s role in addressing negative environmental externalities through compensation charges. He

discussed the theoretical foundations, historical context, and the need for expertise and speedy trials in environmental litigation. The presentation highlighted various cases and the NGT Act, 2010, which provides the legal framework for environmental compensation.

The author critiqued the inconsistent application of environmental compensation charges and suggested improvements, including a constitutional framework, specific financial tools, and international law integration. The judges inquired about potential amendments to the NGT Act, to which the author responded by emphasizing the need for a comprehensive framework and better utilization of collected funds.

Paper3: Mr. Arunkumar Parikh, "A Study on the Procedural Concerns while Securing Environmental Justice: With Specific Reference to the Indian Judiciary"

Mr. Arunkumar Parikh highlighted the proactive role of the judiciary in environmental justice, citing landmark cases and the importance of renewable energy. He discussed government efforts, procedural hurdles, and the need for a comprehensive approach to climate change litigation, suggesting the establishment of a National Climate Change Commission.

The judges appreciated the research and asked about the Competition Commission of India's role and legislative challenges. The author emphasized the need for wider and more robust institutional frameworks.

Paper 4: Bhavya Sinha, "Legal Battlegrounds: Climate Litigation & Contemporary Challenges in India"

Bhavya Sinha traced the historical and judicial evolution of climate litigation in India, citing various landmark cases and highlighting the challenges such as administrative influence and lack of balance between conservation and development. The presentation also discussed India's commitments under the Paris Agreement and the need for comprehensive mitigation strategies.

The judges inquired about India's compliance with international commitments and the potential for criminalizing environmental offenses. The author supported stronger enforcement measures to deter environmental violations.

Paper 5: Srishti Chaturvedi & Dr. Nivedita Chaudhary, "Bringing Climate Change Discussions to the Classrooms"

The authors emphasized the importance of climate change education from an early age. They discussed international and national frameworks, such as the Stockholm Declaration and the Paris Agreement, and various educational initiatives in India. They introduced the term 'Climate Denial' and suggested ways to integrate climate education into school curriculums.

The judges asked about reaching illiterate and formally educated populations, to which the authors highlighted state government initiatives and awareness campaigns beyond school environments.

Paper 6: **Banveer Jhinger**, "Climate Litigation in the Context of Business Reporting and Sustainability Reporting (BRSR)"

Banveer Jhinger discussed the need for mandatory disclosure mechanisms in business reporting related to environmental, social, and governance (ESG) aspects. He highlighted the principles of BRSR and provided examples like Nestle's Maggie noodles controversy. The presentation suggested that BRSR reports could help monitor compliance with environmental laws and promote corporate responsibility.

The judges questioned the potential for increased litigation due to transparency, to which the author responded by emphasizing the role of deterrence and accountability in mitigating climate change.

Theme 3 – Green Finance and Environmental Clearance

Paper 1: **Ayushman Shrivastava & Kartik Bhargava**, "Green Bonds and Environmental Law: Integrating Global Finance, CSR and ESG"

Discussed SEBI's complex guidelines on Green Bonds and India's robust environmental framework, including the Water Act and commitments under the Paris Agreement. They highlighted CSR's mandate by Indian Company Law and the importance of ESG criteria in finance. Challenges included balanced regulations and stakeholder education. The potential of green finance for sustainable development was emphasized, with suggestions to adopt green bonds for increased environmental consciousness.

Paper 2: **Ashish Porwal & Shivani Mehta**, "Nexus between Green Finance and Sustainable Development"

They discussed various forms of green finance and their role in promoting eco-friendly initiatives. Recommendations included establishing more green finance initiatives and raising awareness. They noted the absence of a standard framework for green finance in India and emphasised the need for awareness of sustainable development and green finance.

Paper 3: **Abhay Nandan**, "CSR and Green Finance and Environmental Clearance"

The presentation emphasized the intersection of finance and environmental protection, highlighting the significant funding required for environmental protection. They discussed the importance of green finance instruments like green bonds and green insurance, and the role of environmental impact assessment (EIA) in achieving net-zero targets.

Paper 4: **Dipti Ohja**, "Enhancing Corporate Law to Embrace Green Finance in India"

Emphasised the need for companies to be accountable for environmentally friendly projects and the challenge of integrating green finance into existing legal frameworks. Recommendations included mandating allocation of CSR towards environmental projects and clear guidelines for environmental reporting.

Paper 5: **Chandan Chandra**, "Public-Private Partnerships and Risk Allocation in Green Finance Project"

Discussed the role of PPP in financing green projects and effective risk management. Recommendations included using financial instruments like green bonds and improving risk assessment tools.

Suggestions from the Judges Panel included citing the latest resources and addressing the contemporary issue of the riskiness of green bonds with proper care.

Theme 4 – Role of Stakeholders

Paper 1: **Siddarth Tyagi & Mayuri H. Pandaya**, "The Role Of Environmental Impact Assessment In Shaping Water Resource Management Policies In India"

It delves into the historical context of water management policies in India, emphasizing the necessity for environmental safeguards. The Environmental Impact Assessment (EIA) process, its principles, and successful cases like the Sardar Sarovar dam project are highlighted. Additionally, policy implications and areas for further study are discussed.

Paper 2: **Bharat Rathor & Jayesh Rathor**, "Corporate Governance to Climate Governance: Analyzing The Transition Through Net Zero Commitments"

It underscores the importance of achieving net zero emissions to mitigate climate change impacts and discusses corporate net zero commitments, investor influence, and recommendations for enhanced regulatory clarity.

Paper 3: **Ashna Siddiqui**, "Social Responsibility and Environmental Sustainability by Corporates"

It discusses India's mandate for Corporate Social Responsibility (CSR) activities, challenges faced in CSR implementation, and recommendations for improving CSR effectiveness.

Paper 4: **Bhavyaa Sharma**, "Climate Justice and Corporate Social Responsibility: A Comparative Analysis Of India And Global Practices"

It discusses the importance of equitable climate justice, CSR practices in India, Norway, and the USA, and recommendations for enhancing CSR effectiveness.

Paper 5: **Neelam Rai**, "Role of Multilateral Environmental Agreements On Global Climate Policy"

It highlights the significance of international environmental agreements such as the UNFCCC, challenges in global climate policy, and recommendations for strengthening international cooperation.

Paper 7: **Vagisha Anand & Bhawini Jha**, "Navigating the Intersection Of Climate Change and Intellectual Property Rights: Challenges and Opportunities"

It discusses the role of Intellectual Property Rights (IPR) in fostering innovation and investment in green technology, challenges faced in IP protection, and recommendations for promoting technology transfer.

Paper 8: **Vidaya Jagadale**, "The Nexus Of Ancient Philosophies And Modern Law Rta Dharma And Judicial Activism In Global Environmental Governance"

It discusses concepts of Rita and dharma in environmental governance, the importance of integrating traditional knowledge with modern legal frameworks, and recommendations for a holistic approach to environmental governance.

Theme 5 – Environmental Jurisprudence: Shaping Sustainable Futures

Paper 1: **Amulya Nigam**, "Climate Justice as a Fundamental Right"

In this paper, the author delves into the pressing issue of climate change and its intersection with human rights, particularly focusing on the right to life and a clean environment as enshrined in Article 21 of the Indian Constitution. The author emphasizes recent judicial interventions and notable cases that highlight the judiciary's role in upholding environmental rights. Legislative measures, international agreements, and recent climate events in India underscore the urgent need for judicial and legislative action to recognize climate justice as part of the right to life.

Paper 2: **Mayank Agnani**, "Climate Change the Day After Tomorrow"

This paper focuses on the impacts of dams on natural resources, habitats, and local communities. It discusses the negative consequences of dam construction, such as greenhouse gas emissions, habitat destruction, and displacement of people. The author highlights the inadequacies in dam safety legislation and emphasizes the need for sustainable practices, clearer guidelines, and community engagement in dam management.

Paper 3: **Gunjan Agarwal**, "Environmental Jurisprudence: In light with the polluter pays principle"

The paper explores the Polluter Pays Principle (PPP) as a cornerstone of environmental law, tracing its origins and adoption in India. It discusses legislative and judicial support

for the PPP, alongside challenges in its implementation, such as assessing damages and ensuring transparency. The author underscores the importance of effective enforcement of the PPP to uphold environmental laws and ensure sustainable development.

Paper 4: Manoj Bajpai and Tanmay Meshram, "Sustainable Climate Goals"

This paper advocates for a comprehensive educational framework to address climate change, emphasizing environmental awareness, sustainable practices, and leadership development. The authors discuss key components and innovative pedagogical approaches to climate change education, alongside recommendations for sustainable practices and implementation strategies in educational institutions.

Paper 5: Anjana Hazarika, "Climate change and Coastal areas: A case for urgent intervention"

The paper highlights the significant challenges posed by climate change to coastal and island communities worldwide, emphasizing rising sea levels, increased storm surges, and saltwater intrusion. It discusses adaptive strategies and advocacy efforts by vulnerable communities and the importance of collaborative international efforts to address climate impacts on coastal areas.

Paper 6: Saanvi Tully, "Contours of environmental jurisprudence an analytical exploration of contemporary issues"

In this paper, the author explores environmental jurisprudence in the context of contemporary environmental challenges, drawing parallels with ancient wisdom and ethical teachings. The paper discusses legal frameworks, international agreements, and philosophical models promoting environmental justice and preservation, emphasizing the need for behavioral changes and localized solutions to environmental issues.

Paper 7: Shretima Dwivedi, "Climate change and sustainability disputes: perspective from energy sector"

The paper discusses the role of the energy sector in addressing climate change and transitioning to renewable energy sources. It highlights international frameworks like the Paris Agreement and national initiatives in India to promote renewable energy development. The paper emphasizes the importance of comprehensive regulatory frameworks, aligned policies, and legal strategies in achieving global climate goals and fostering a sustainable energy sector.

Session 3: Roundtable

Theme: – Procedural issues related to Litigation

Guest Speakers

Prof. Usha Tandon

- Started with how the adverse impact of Climate Change affects both living and non-living beings.
- Then talked about the role of the Constitution mainly Articles 32 & 226 and NGT in dealing with environment-related matters.
- Further, talked about how Sustainable development is problematic as it is a slogan for development, not the environment because protects the environment to the extent that it will not affect the development.
- Further, emphasized that the current approach to the protection of the environment is anthropocentric, not eco-centric.

Suggestions: -

- The anthropocentric approach to protecting the environment is politically weak.
- Ecological integrity pre-condition for environmental development.
- Need to move toward sustainable development to sustainable ecology.

Prof. (Dr.) Philippe Cullet

- It is the state's responsibility to protect the environment which is not used effectively.
- There was a limited Statutory Framework to address climate change.
- The principle of environmental protection is not applied systematically.
- It is important to hold corporations accountable for their actions.

Suggestions: -

- Move beyond the current basis of environmental development i.e. Sustainable development which focuses on economic growth rather than environmental growth that is a problem in itself.
- Focus on a Human-centric approach to environmental protection

Prof. Bini

- Talked about Aesthetics and Ethics of Environment Justice.
- Survivalist Framework: - Humans protect the environment for their survival, not the environment.
- Satyam Shivam and Sundaram and its correlation with environment.

Suggestions: -

- Increase awareness to children, students, and the public at large.

Prof. (Dr.) A.P. Singh

- Talked about the undermentioned and unmentioned angle of climate Change.
- Justice angle: emphasized that the idea of climate change involves a sense of injustice.
- Further talked about Common but differentiated responsibility. And its applicability on the national level.
- Talked about Environmentalism: the act of global thinking and local action.
- Quoted *Atharveda*- *“Right to receive assistance from mother earth but no right exploit”*
- Everything around us is given by God we have to take it as gratitude and have to give it back to society.
- Further quoted *Yagyachakra*: - *“Human beings have added responsibility towards others”*
- Nature is the ultimate teacher of the human race.

Suggestions: -

- Have to dig deeper and find solutions from wherever we get.

Dr. JP Gupta

- Litigation & Environment is not at the meeting point.
- First, we create the problem and then find the solution.
- Mitigation is something that is less discussed.

Suggestions: -

- Green Energy
- Circular Economy
- Global peace
- Climate change mitigation cannot take place unless there is global peace.

Prof. Gitanjali N Gill

- Talked about the right-based approach to environmental protection.
- Quoted *Ranjitsinh Judgement*: Right to be free from adverse environmental effects.

Suggestions: -

- Need for environmental protection and due care, protection of women, vulnerable communities, old men, and children.
- "In the name of climate justice do not propagate climate injustice."
- Need to evidence creating a relation between defendant emissions and plaintiff claims.

Dr. SP Rathore

- Discussed and did a historical analysis of climate change.
- Also talked about state sovereign right over its resources.

Suggestion: -

- Urbanization plays an important role in environmental change need to focus more on this.

Mr. Mahesh Pandya

- Talked about EIA report fraud, Lack of policy, CAMPA fund and Polluter pay principle.

Suggestions: -

- There is a need for Behavioral change in the attitude of individuals, corporations, and government.

Dr. Madhuri Parikh

Talked about the initiatives taken by communities to combat the climate change issues. There are procedural delays in climate litigations. In such circumstances the communities have started mitigation and adaptation measures. She discussed the case studies of self-help groups in Gujarat who have been taken initiatives to adopt climate smart agricultural practices.

Ms. Kanchi Kohli

- Need to move towards a **Technocentric approach** to climate change.
- Need a solution-centric mindset from the law, sociology, and ecological perspective.

Suggestions: -

- Focus on Energy Transmission & Emission centric approach.
- Energy vs Ecology

- Clean energy vs Community Governance.
- Along with Science and law Society needs to be included.
- Local problems will lead to global solutions.
- Initiatives need to encourage vulnerable communities to take the benefits of policy measures declared.
- Mitigation and Litigation both required in case of climate change related legal issues.

Day 2

Session 1: Roundtable

Theme: – Role of Different Stakeholders towards Climate Litigation and Climate Change & What Different Stakeholders Can Do for Climate Change

Expert Speakers

Justice K.J. Thakkar

- There is a thin line of difference between Environmental and Climate issues.
- Climate change like environmental law is part of the Human Rights regime.
- Talk about the cost of development stating “GDP is working very hard to reach 50 degrees Celsius.
- The agenda set for 2030 will not be achieved unless drastic steps are taken.
- The deterrence effect has its role in the administration of justice.

Suggestions:

- Have to work more on mitigation so the current situation gets into control.
- There is a need to bring effectiveness to legal sanctions.
- Need for scientific data to tackle climate change.

Shri Sanjeev Kumar

- Climate Change Biggest problem the universe is facing.
- If you destroy nature, nature will destroy you.
- The more we consume, the more fossil fuel and power are used which have a drastic effect on climate.

Suggestion:

- Wind power generation.
- Development of Green Belt.
- Have to develop mechanisms for climate improvement and water recycling.
- Compel industry to use Hybrid energy.
- Need to focus on human human-based approach.
- Need to do selfless service.

Dr. JP Gupta

- Misnomer relationship between climate change and environment.
- Climate change is a result of changes in the environment.
- We are on ventilation not to forget what happened in covid 19.
- Wars are the third largest emitter of carbon.
- Green energy and green fuels seem the only solution.

Suggestions:

- Focus should be on mitigation not on litigation.
- We have to stop the blame game countries have to support each other.
- Three fundamental pillars of Climate Change Mitigation:
- Green Energy: Create a World Bank for technology and make it available to everyone.
- Circular Economy: Focus more on recycling or how we can reuse the products.
- Global Peace: Ministry of Peace in every country and reduction in expenditure on defense and military.
- Need for Soul searching.

Prof. Amar Pal Singh

- Litigation is itself a mitigation.
- Climate Change Litigation is not intended to lose or win. It is an effort to change the dynamics of climate change to articulate the rights of people who suffer from climate change. Hence, the role of Climate change litigation has a different role than normal litigation.
- Climate Change litigation complementary to other systems.

Challenges in Climate Change Litigation:

- Identification of the right forum.
- Confronting economic enterprises against the rights of the community.
- Problem of proof and evidence.
- Greenhouse gases major factor in climate change.

Dr. SP Rathore

- Both Litigation and Mitigation are important for Climate Change. But litigation is not the answer.
- People are less concerned about litigation and mitigation but more adaptive to change.

Suggestion:

- Not sure where to go and what to achieve.

- Need for integration of Climate Change study into the education system.

Ashish Sir

- Nature doesn't need human beings; human beings need nature to survive.
- Society has a crucial role to play in Climate Change.
- Industry only has 3% role in climate change, more role of transportation in climate change.

Suggestions:

- Have to reduce energy consumption and carbon footprints.
- Have to educate society about the effects of climate change.
- Have to advocate for policy changes and have to plant more trees.
- Incentive to employees to use sustainable practices.
- Require constant efforts from individuals and society.
- We have to act now; the future will depend on the choices we make today.

Usha Ramanathan

- Assessment of what we have done till now to the queries that people brought to court.
- The court has its way of understanding wrongs related to climate change.
- Problem to Climate litigation we ask the judiciary to give solutions that have less time to deal with cases in a nuanced way because of a greater number of cases. This led to no concrete solution.
- We are asking the courts to push us more.
- Philanthropists have a say in every question around us and we have to adopt it to get the funds. This is also a problem.
- Popular opinion is also a danger as judges believe it is a solution once they believe popular opinion is a solution it is difficult to go away with it.
- Coal, gas, and Mining are also the biggest problems.
- Corporation have negotiated their way out through limited liability
- Climate Change is the cost that we are paying to become a developed country.
- Courts focus more on causation.
- Legality and illegality of something is in the hands of lawmakers.

Suggestion:

- People's thinking has to change.
- Mitigation over Litigation.
- Along with courts, the State also has an important role in addressing climate change.

- Stop depending on Article 14 and other articles. Less regulatory. Not much benefit.

Jyotsana Yagnik

- Climate change is connected with Human Rights issues.

Suggestion:

- Create a Climate Litigation Manual, where all courts work on similar principles to bring uniformity and equality.
- The role of lawyers, judiciary, and academicians is most important.
- No war should be an international call.
- Adopt to ADR before litigation.
- Effective training of judges and lawyers who want to practice in this area.

Kanchi Kohli

- Suggested four "S" approach i.e.
 - i. Science
 - ii. Statue/Law
 - iii. Society
 - iv. Subsidy
- All solutions are blended from these four S.
- Have to adopt a step-by-step approach to reach goal collectively.

Manish Pandya

- Talked about the role of civil society towards climate change.
- Create a Green Audit Committee.
- Awareness and education will play a major role.
- Technology is not connected with the Human rights aspect of climate change.

Prof. Ruchi

- Raised the issue of drying small rivers in Bihar. Ex- Champa
- Science, Policy, and Law together have to guide the community.

My Suggestion: -

Need to focus more on human centric approach.

Mitigation over litigation.

Create proper regulatory measures so the need for litigation doesn't arise,

Take Climate Litigation for Climate as a last resort to make the government liable for not fulfilling its duty.

Need more strict regulations for EIA hearings where the public participates, in EIA hearing public works as a puppet of the company.

The best way to heal the environment is to plant more trees, reduce energy consumption, and pollution, and let the environment heal itself.

Constitution and Human rights-based approach came into play when something has happened, we should have to focus more on stopping climate change & its impact from happening at first place.

Stopping climate change from happening is not only the responsibility of industrialist, government or courts but of every individual.

Session 2: Paper Presentations

Theme 1: – Climate Change and its Impact

- 1) **Simran Bhaskar:** *Confronting the Multifaceted Challenges of Climate Change: A Holistic Approach to Safeguarding Society and the Environment*

Emphasises the existential threat of climate change and the need for holistic approaches involving policy interventions, technological innovations, and sustainable practices.

Highlights the importance of international cooperation, research investment, and community empowerment.

- 2) **Dadlani Manush Ashokkumar:** *Exploring the Fast Fashion Industry and Mapping Its Implications and Contribution to Climate Change in the Light of India's Environmental Policy*

Discusses the environmental impact of the fast fashion industry, driven by consumer demand and technological advancements.

Calls for sustainable alternatives and legal regulations to mitigate the environmental impact of fast fashion in line with India's sustainability commitments.

- 3) **Riya Banerjee:** *Climate Change and Its Impact on the Scheduled Tribes in India*

Highlights the adverse effects of climate change on the livelihoods, health, and stability of scheduled tribes in India.

Discusses the socioeconomic and cultural displacement caused by environmental degradation and resource scarcity.

- 4) **Swati Mawandia:** *Rights of Nocturnal & Migratory Species in View of Rising Light Pollution: Locating Remedies in Indian Legal Context*

Examines the impact of light pollution on nocturnal and migratory species and argues for the recognition of their rights within environmental jurisprudence.

Proposes mechanisms for mitigating light pollution impacts, aligning with India's environmental protection laws.

- 5) **K. Sri Harsha Deep:** *Climate Change and Society: Navigating Toward Resilience*

Explores the socioeconomic impacts of climate change on marginalized groups, emphasizing the need for social justice in climate action.

Identifies pathways to social resilience through governance responses, cultural norm changes, and grassroots community actions.

- 6) **Shivani Sharma and Harsh Amipara:** *Environmental Epigenetics in the Era of Climate Change: Mechanisms, Impacts, and Regulatory Challenges*

Investigates the epigenetic impacts of climate change on health, highlighting the need for climate change litigation and policy reforms.

Stresses the importance of understanding epigenetic mechanisms to protect public health and assign liability for climate-related health impacts.

7) **Sanjana S.:** *Critical Analysis of Climate Emergency in Light of the Redefined National Security*

Discusses the integration of climate considerations into military preparedness to address climate-induced security threats.

Theme 2: – Environmental Jurisprudence: Shaping Sustainable Future

1) **Tina Kanted:** *Towards Harmony: Rethinking Indian Environmental Law from an Eccentric Perspective*

Tina Kanted's paper offered a comprehensive and critical view of Indian environmental law, emphasizing public participation and addressing environmentally unfriendly attitudes. It drew on global and national environmental legal developments, scrutinizing doctrinal concepts and advocating for a "deep-level inquiry" integrating both anthropocentric and ethical perspectives. The paper highlighted the significant increase in greenhouse gas concentrations due to human activities, pointing out that developed countries bear the primary responsibility and must take decisive actions to mitigate further damage.

Kanted delved into legal frameworks and prior court judgments, particularly referencing *MC Mehta v. Union of India* and *CSR Dynamism*, to examine the evolving legal landscape and challenges posed by environmental concerns. The role of the Indian judiciary, especially through Public Interest Litigation (PIL), was discussed in establishing climate justice as a fundamental human right. The paper concluded that addressing the climate crisis requires an integrated approach involving multiple stakeholders. The judges appreciated the efforts and discussed the polluter pays principle, using the Bhopal gas tragedy as an example, and the interlink between CSR and litigation, emphasizing the importance of maintaining CSR reports to mitigate litigation risks.

2) **Durgesh Kumar Chaudhary:** *Climate Change Litigation in India: Unveiling Vital Role, Challenges and Remedies*

Durgesh Kumar Chaudhary's presentation familiarized the audience with the current state of climate change litigation in India, referencing relevant case laws such as *M.K. Ranjit Singh v. Union of India*, and highlighting the right to be free from adverse effects of climate change. The presentation noted that while climate litigation in India is still recent, international agreements like the Kyoto Protocol and the Paris Agreement have been influential.

Chaudhary identified several challenges, including conflicts between government organs, policy implementation issues, resource limitations, and balancing environmental protection with economic development. He emphasized the importance of an integrated and proactive approach to combat climate change, involving all stakeholders. The judges inquired about how India could improve its litigation framework and the institutional challenges, to which Chaudhary responded with examples of government projects and international alliances aimed at reducing emissions and promoting renewable energy.

3) **Yashodhara Pattanaik:** *Protection of Human Rights During Natural Disasters in Odisha: Hit or Miss*

Yashodhara Pattanaik's presentation focused on the human rights issues during natural disasters in Odisha, citing the 1999 Super Cyclone and subsequent cyclones. The presentation discussed the rights violated during such disasters, including the right to life, liberty, and security, and identified reasons for the failures in assistance, such as lack of preparedness and poor infrastructure.

Pattanaik highlighted the assistance provided by the government, NGOs, and the community, and emphasized the need for better disaster management and climate refugee recognition. The judges asked for a distinction between climate-affected people and climate refugees, with Pattanaik using the recent cyclone Bhimal as an example to explain the differences.

4) **Allam Tony:** *Litigation for a Livable Future: The Right Against Climate Change in India*

Allam Tony highlighted the proactive role of the Indian judiciary in protecting the environment through PILs and key case laws, including the Sriram fertilizer case and the Oleum gas leak case. The presentation discussed the Public Trust theory and the precautionary principle, referencing the *M.C. Mehta v. Union of India* case.

Tony emphasized the importance of addressing the global climate crisis caused by increased greenhouse gas concentrations and discussed landmark judgments such as *MK Ranjitsinh & Ors. V. Union of India*, which emphasized environmental concerns under Articles 14 and 21 of the Constitution of India. The paper called for an integrated approach involving multiple stakeholders to achieve climate justice and sustainable development. The judges sought clarity on the precautionary principle and the differences between environmental and climate litigation.

5) **Priyanshi Jain:** *Recognised Fundamental Right to Be Free from Adverse Effects of Climate Change: Assessing Efficacy of Climate Change Litigation as A Tool for Environmental Justice*

Priyanshi Jain's paper evaluated the efficacy of climate change litigation in achieving climate justice through a comparative study of models from Europe, the US, and France.

The presentation highlighted the role of renewable energy and the responsibility of corporations to adhere to climate laws.

Jain referenced the Pandey vs. India case, discussing the state's duty as a public trust holder to protect against adverse climate effects. The paper outlined challenges and limitations in climate litigation and provided suggestions for improvement. The judges inquired about the adequacy of the existing judicial structure and the need for new bodies, to which Jain responded by emphasising the need for increased judicial and scientific capacity.

Theme 3: – Green finance and Environmental Clearance

1) **Mark Reuben** and **Priyanshi Jain**: *Comparative Analysis of Green Finance Legislation in India and China*

Their study explored the integration of green finance in the context of sustainable agricultural practices, economic benefits, and environmental impacts in both countries. In India, they highlighted commitments under the Paris Agreement, focusing on renewable energy targets and sustainable agriculture efforts outlined in National Action Plans on Climate Change. China's comprehensive regulatory framework, spearheaded by the People's Bank of China, prioritized green credit, fostering its position as a leading issuer of green bonds and enhancing renewable energy capacities. Environmental clearance regulations in India, governed by the Ministry of Environment, Forest and Climate Change, were discussed, emphasizing the linkage between green finance and environmental clearance for sustainable development. Despite progress, challenges like insufficient financial incentives and limited stakeholder awareness hindered effective green finance implementation. A comparison of agricultural green finance revealed disparities between India and China, with opportunities identified for comprehensive green finance legislation, particularly in the agricultural sector, to foster sustainable transformation.

2) **Rekha Rani**: *Nexus between Green Consumerism, Greenwashing, and Environmental Consciousness*

The study explored the factors driving green consumerism, such as ethical considerations and awareness of environmental impact, amidst rising environmental consciousness. However, it also addressed the rise of greenwashing, where companies falsely claim environmental benefits, eroding trust. Objectives included understanding green consumerism drivers, analyzing greenwashing methods, investigating its impact on consumer trust, and providing recommendations to mitigate it. Key terms like green consumerism, greenwashing, and sustainability were defined, with examples illustrating deceptive marketing practices. Recommendations included transparent communication by companies, consumer education, and robust regulatory frameworks to ensure

genuine sustainability efforts, fostering a trustworthy green marketplace for long-term environmental goals.

3) **Pranav Saraswat and Vineet Chouhan:** *Green Accounting: Benefits, Challenges, and its Impact on Financial Statements*

The study defined green accounting as integrating environmental costs into traditional financial accounting, highlighting its connection to sustainable development and corporate sustainability reporting. Despite India's adoption of International Financial Reporting Standards (IFRS), a green accounting framework has yet to be adopted. Case examples of companies claiming adoption of green accounting were discussed, with a lack of reported financial statements reflecting these practices. Recommendations included integrating policy, sustainable development, and circular economy principles, along with regulatory frameworks to establish comprehensive green accounting standards, fostering transparency and accountability in financial reporting for long-term environmental goals.

4) **Ravi Luhar and Rakesh Kumar:** *Case Study: Vadodara Leverages Green Bonds for Sustainable Development Initiatives*

The case study examined Vadodara Municipal Corporation's issuance of green municipal bonds worth ₹100 crore in March 2024. The bonds aimed to fund projects like sewage water treatment, aligning with Sustainable Development Goal 6 (Clean Water and Sanitation). Future impacts included improvements in water and air quality, economic benefits, and climate resilience against heat waves. Challenges like declining green cover and reliance on diesel buses were addressed, with recommendations for transitioning to electric buses. The case highlighted the strategic use of green bonds to address climate challenges and promote a sustainable future for Vadodara.

5) **Mili Gupta and Shreyashi Shah:** *Legal Frameworks for Green Finance in Sustainable Waste Management: A Focus on Plastic and Biomedical Waste under the Basel Convention*

The study examined legal and financial mechanisms supporting sustainable waste management, emphasizing the Basel Convention's role in minimizing hazardous waste movement. Green finance's definition and its role in promoting environmental sustainability and a low-carbon economy were discussed, along with financial instruments like green bonds and loans. Challenges like greenwashing and misallocation of funds were addressed, with solutions proposed to establish clear standards, enhance transparency, strengthen regulatory frameworks, and promote investor education for a trustworthy green marketplace.

6) **Malavika Ajith and Smruthi Narayan:** *Green Finance as a Catalyst for Sustainable Transformation*

They defined green finance as investments promoting a transition to a low-carbon, climate-resilient economy, highlighting its diverse applications and practicality. Challenges like greenwashing and misallocation of funds were addressed, with solutions proposed to establish clear standards, enhance transparency, and strengthen regulatory frameworks. The importance of technology, collaboration, and investor education in fostering a transparent and trustworthy green marketplace was emphasized, aligning with long-term environmental goals.

7) **Anjali Viswanaathan and Swathi S:** *Harmonizing Green Finance and Environmental Clearance: Forging the Path to a Sustainable Tomorrow*

They highlighted the significance of integrating green finance with environmental clearance procedures to promote sustainable development amidst environmental degradation and climate change. Objectives included analyzing environmental clearance policies, evaluating their effectiveness, and examining the role of green finance in environmental conservation. The study emphasized the importance of rigorous environmental impact assessments and robust financial structures to transition toward a sustainable economy, fostering resilience against climate change and biodiversity decline for future generations.

Theme 4: – Role of Stakeholders

1) **Arjoo Tailor & Dr. Kavita Sharma:** *Beyond Compliance: Navigating The Hurdles Of ESG Adoption For Environmental Progress In India*

It distinguishes between Corporate Social Responsibility (CSR) and Environmental, Social, and Governance (ESG) frameworks in the Indian context. While CSR is mandatory in India under the Companies Act of 2013, ESG encompasses a broader range of practices applicable to the top 1000 listed companies under SEBI guidelines. The presentation outlines India's regulatory landscape governing environmental responsibilities and sustainability reporting, including various acts and regulations. It identifies challenges in ESG adoption, such as compliance issues and greenwashing concerns, while also highlighting opportunities arising from mandated disclosures and environmental activism. By drawing cross-country perspectives, the presentation suggests strategies for effective ESG implementation, including comprehensive legislation, regular audits, transparency, and alignment with international standards. In conclusion, it advocates for a unified approach to ESG adoption in India to ensure sustainable environmental progression.

2) **Purnima Shukla:** *Fly Net Zero: India's Vision Towards Guilt-Free Trip*

Examination of India's endeavours to achieve net zero carbon emissions in its aviation sector by 2070. It analyses legislative provisions, policy frameworks, and industry

initiatives aimed at this goal. The presentation highlights the challenges posed by aviation's contribution to global carbon emissions and outlines the significance of sustainable aviation fuel (SAF) in reducing carbon footprints. By evaluating India's aviation policies, international frameworks like CORSIA, and biofuel initiatives, the presentation aims to assess the feasibility of India's net zero target and suggests additional strategies for achieving it. Overall, it underscores the importance of aligning aviation policies with climate action goals to ensure guilt-free travel in the future.

3) **Neha Balakrishnan:** *Climate Change As A Peremptory Norm: Balancing Obligations And Challenges In Global Environmental Governance*

It traces the historical understanding of climate change, emphasizing its anthropogenic causes and the urgency of addressing it. The presentation outlines international efforts through conventions and treaties like the UNFCCC and the Paris Agreement but highlights the inadequacy of voluntary commitments in achieving climate goals. It advocates for recognizing climate change as a peremptory norm and stresses the importance of balancing economic development with environmental protection. By exploring indigenous knowledge systems and the role of stakeholders, the presentation suggests avenues for meaningful climate action. Overall, it underscores the need for robust policies and collective responsibility to address the climate crisis effectively.

4) **Dibakar Karmakar:** *Climate Change In India- A Death Threat From Future-Challenges And Possible Solutions Way Forward*

focuses on the role of academicians in mitigating climate change. It discusses the impacts of climate change on India and identifies reforestation, waste management, industrialization, and agriculture as key contributors. The presentation highlights the role of academicians in conducting research, developing technologies, and influencing policymakers to address climate change. It outlines challenges such as funding, policy, and societal impact, and suggests strategies like creating environmental cells in colleges and collaborating with the government. Overall, it emphasizes the crucial role of academia in driving climate change mitigation efforts in India.

5) **Priyanshu Raj:** *States Mitigating Climate Change: Scope Of Accountability*

Discusses the global challenge of climate change and the accountability of states, corporations, and communities in addressing it. The presentation emphasizes the role of governments in prioritizing climate action through policies and laws. It also highlights the significance of indigenous knowledge systems and climate change litigation in holding stakeholders accountable. By suggesting policy measures like carbon pricing mechanisms and corporate disclosures, the presentation advocates for a comprehensive approach to climate mitigation. Overall, it underscores the importance of collaborative efforts and regulatory frameworks in combating climate change effectively.

6) **Dr. Amit Kumar Kashyap & Dr. Anjana Dave:** *Law & Policy Reforms Establishing Green Finance Ecosystem In India*

It explores the evolution of green finance and India's initiatives in this realm, such as the National Action Plan on Climate Change and green bonds. The presentation identifies challenges like high borrowing costs and regulatory complexities and suggests measures to promote green finance effectively. By advocating for think tanks, ISO standards, and retail investor participation, the presentation underscores the importance of financial strategies in addressing climate change. Overall, it highlights India's progress in green finance while emphasizing the need for continuous improvement and policy support to achieve sustainability goals.

Theme 5: – Environmental Jurisprudence: Shaping Sustainable Futures

1) **Prabhav Tripathi & Shivani Mehta:** *To Strike an Effective Ecological Balance: Addressing Implications and Sustainable Development Challenges in Bioprospecting*

This paper examines concerns regarding overharvesting of natural resources, particularly in the context of bioprospecting, and its implications for ecological balance and biodiversity. It discusses the Biodiversity Act of 2002 in India and international frameworks like the Nagoya Protocol and WIPO standards aimed at regulating resource use and protecting biodiversity. The authors propose recommendations to strengthen international agreements, educate stakeholders, adopt global best practices, enhance access and benefit-sharing mechanisms, and establish effective dispute resolution mechanisms to address contemporary issues related to resource overharvesting.

2) **Sumit Bakoliya & Aayush Inwati:** *Climate Literacy for Tomorrow: Innovation in Education and Action*

This paper explores innovative approaches to climate change education, emphasizing the importance of education and awareness in addressing the global issue of climate change. It discusses the role of international frameworks like Sustainable Development Goal (SDG) 13 in mobilizing global action on climate change and evaluates teaching methods, such as gamification, to promote climate literacy and behavior changes. The authors highlight the urgent need for effective climate education and propose recommendations for integrating climate change education into government frameworks and encouraging participation in disaster risk reduction measures.

3) **Dr. Madhuri Parikh, Parna Mukherjee, & Deb Ranjan Hota:** *The Chardham Yatra Pandemonium Glancing Through Sustainability Optics*

This study examines the iconic Chardham Yatra pilgrimage in India through a sustainable lens, analyzing its environmental impact and suggesting alternatives to

ensure its future sustainability. It discusses the economic benefits of the pilgrimage and its ecological costs, such as heat islands, glacier breaks, landslides, deforestation, and plastic waste generation. The authors propose recommendations to promote sustainable pilgrimage, address transportation and local sustainability issues, and encourage environmental planning to balance economic gains with ecological preservation.

4) **Avinay Pandey & Shalini Diwedi:** *A Comparative Analysis of Sustainable Energy Consumption Policies and Practices: Global Insights from Diverse Nations*

This comparative analysis evaluates sustainable energy policies in five countries: the United States, China, Germany, Brazil, and South Africa. It highlights variations in pricing mechanisms, demand-side management approaches, and renewable energy adoption rates and emphasizes the need for more robust and resilient energy policies. The authors propose recommendations to establish ambitious policy targets, invest in technological innovations, and enhance global collaboration to facilitate a cohesive transition to sustainable energy.

5) **Sayali Telang:** *Exploring the Interplay Between Green Technology and the Patent Regime*

This paper examines the role of green technology in mitigating climate change and the importance of intellectual property rights in protecting environmentally friendly innovations. It discusses initiatives like WIPO Green and fast-tracking green patent applications to accelerate the dissemination of green technologies. The author emphasizes the need for further fast-tracking of green patents, effective IP-sharing mechanisms, and the adoption of radical green technologies to achieve net-zero targets and promote sustainable innovation.

6) **Johnson & P.R.L Raja Venkatesan:** *Abstaining the Cries of the Future: Ensuring Intergenerational Equity Principle Through Climate Change Mitigation*

This paper discusses the importance of intergenerational equity in climate change mitigation efforts, highlighting the role of international agreements and sustainable development goals in addressing climate change impacts. It emphasizes basic ways to contribute to the planet's health and cites legal frameworks in India that recognize the right to a clean and healthy environment as part of the right to life. The authors underscore the need for ethical conduct and fairness in addressing climate change and emphasize the judiciary's role in recognizing the right against climate change as part of the right to life.

Session 3: - Valedictory and Report Discussion

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