

ITEM NO.41

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 388/2021

RIDHIMA PANDEY

Appellant(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

Mr. Jay Cheema and Mr. Sudhir Mishra Amicus Curie and Mr  
Gaichargpou Gargmei Advocate on record will assist Amicus Curie  
IA No. 16419/2025 - INTERVENTION/IMPLEADMENT  
IA No. 15919/2025 - INTERVENTION/IMPLEADMENT

Date : 21-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) : Mr. Rahul Choudhary, Adv.  
Ms. Sanjana Grace Thomas, Adv.  
Mr. D. P. Singh, Adv.  
Ms. Srishti Agnihotri, AOR

For Respondent(s) : Mr. Vikramjit Banerjee, A.S.G.  
Ms. Swarupma Chaturvedi, Sr. Adv.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Nachiketa Joshi, Adv.  
Mr. Ayush Anand, Adv.  
Ms. Ruchi Kohli, Adv.

Mr. Jatinder (jay) Cheema, Adv.(AC)  
Mr. Sudhir Mishra, Adv. (AC)  
Mrs. Petal Chandhok, Adv.  
Ms. Ritwika Nanda, Adv.  
Ms. Swasti Mishra, Adv.  
Mr. Ashish Bassi, Adv.  
Mr. Gaichangpou Gangmei, AOR

Mr. Hemant Sahai, Adv.  
Ms. Amrita Narayan, Adv.  
Ms. Molshree Bhatnagar, Adv.  
Mr. Paritosh Bisen, Adv.  
Mr. Punyam Bhutani, Adv.  
Ms. Sukanya Lal, AOR

Mr. Raju Ramachandran Sr. Adv.  
Mr. Hemant Sahai, Adv.  
Ms. Amrita Narayan, Adv.  
Ms. Molshree Bhatnagar, Adv.  
Mr. Paritosh Bisen, Adv.  
Mr. Punyam Bhutani, Adv.  
Mr. Vikram Aditya, Adv.  
Ms. Sukanya Lal, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Considering the importance of the matter relating to carbon emissions and coupled with the larger issue of climate change, this Court issues notice on 12.02.2021 and by our order dated 05.12.2024, we have appointed Mr. Jay Cheema and Mr. Sudhir Mishra, learned counsels as Amici Curiae to assist the Court.
2. Today, we have heard Mr. Vikramjit Banerjee, learned ASG assisted by Swarupma Chaturvedi for the Union and Mr. Rhaul Choudhary, learned counsel for the petitioner.
3. The learned Amici Curiae has submitted that it is absolutely necessary to adopt a coordinated effort for which there must be convergence of certain important Ministries dealing with Energy, Power, Transport, Petroleum and Natural Gas, Textiles and Science and Technology.
4. We will indicate the need for adopting such a measure.
5. Climate change has ascended as one of the most existential global predicament, wielding profound ramifications beyond mere environmental degradation. Escalating temperatures, erratic weather patterns, and the proliferation of extreme climatic events such as floods, droughts, and heatwaves not only imperil ecosystems but

also disrupt human life, livelihoods and socio-economic structures. The economic ramifications are equally profound, as climate change exacerbates vulnerabilities to public health, low per acre yield leading to declining agricultural productivity and increase in energy consumption amongst many other effects. The socio-economic repercussions are particularly acute in fast developing nations like India, where vast populations depend on climate-sensitive sectors for subsistence. Thus, addressing climate change transcends environmentalism, emerging as an exigent matter of economic resilience, social justice, and sustainable development.

6. Acknowledging the inadequacies of extant legal framework confronting the multifaceted challenges posed by climate change, the international community has coalesced under the aegis of UN framework which has developed the Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, 2015 along with many other protocols from time to time. India, as a conscientious global player, has ratified these conventions and incorporated their ethos into its domestic policy and framework i.e. Pivotal initiatives include the National Action Plan on Climate Change (NAPCC), National Clean Air Programme, and the State Action Plans on Climate Change (SAPCCs). However, while these policies delineate directional framework, their enforceability and binding force is to be examined, for such status could augment accountability and catalyse efficacious implementation. This necessitates a meticulous reassessment of existing statutes, such as the Environment Protection Act, 1986, and the Air (Prevention and Control of

Pollution) Act, 1981, and other similar legislations with a view to incorporating climate-centric enforceable mandates.

7. The efficacious implementation of climate change policies is contingent upon the robustness and synchronization of institutional framework under various ministries of the Government of India. In India, the primary entities entrusted with climate governance include the Ministry of Environment, Forest and Climate Change (MoEF&CC), the Central Pollution Control Board (CPCB), the State pollution control Boards (SPCB) and the Commission for Air Quality Management (CAQM). However, these institutions encounter significant impediments pertaining to capacity, resources, and its enforcement. For instance, the CAQM-constituted to mitigate air pollution in the National Capital Region lacks jurisdictional competence beyond delineated territories, thereby circumscribing its operational efficacy. Moreover, inter-ministerial coordination among entities overseeing such as Ministries of Environment, Renewable Energy, Power, and Urban Development, Petroleum & Natural Gas, Textile, and Department of Science and Technology appears to be working in silos. This institutional lacuna undermines comprehensive climate action and engenders accountability deficit. Additionally, regulatory bodies often grapple with fiscal constraints, staffing inadequacies, and restricted access to real-time empirical data, further attenuating their operational effectiveness.

8. The operationalization of climate policies mandates the convergence of ideas, collaborative governance, and institutional

synergy. We direct i) Ministry of New and Renewable Energy (MNRE); ii) Ministry of Power; iii) Ministry of Urban Development; iv) Ministry of Road Transport and Highways (MORTH); v) Ministry of Petroleum and Natural Gas (MOPNG); vi) Ministry of Textiles; and vii) Department of Science and Technology; viii) Ministry of Mines be impleaded as party respondents. The Registry shall amend the cause title accordingly.

9. Let notice be issued to the newly impleaded respondents. Mr. Vikramjit Banerjee, learned Additional Solicitor General takes notice on behalf the newly impleaded respondents.

10. Liberty is granted to learned ASG for filing response to the reports submitted by learned amici.

11. Learned counsel for the appellant is also permitted to file reply/additional documents.

12. List on 28<sup>th</sup> March, 2025.

(KAPIL TANDON)  
COURT MASTER (SH)

(NIDHI WASON)  
COURT MASTER (NSH)