



CORPORATE RESPONSIBILITY IN THE ERA OF CLIMATE CRISIS: LEGAL ACCOUNTABILITY THROUGH CLIMATE LITIGATION

By Alakammai G

LLM from Christ university, Bengaluru

ABSTRACT

The accelerating climate crisis has intensified the need to create strong legal instruments to combat the negative impact of corporations on the environment. This paper, titled “Corporate Responsibility In The Era Of Climate Crisis: Legal Accountability Through Climate Litigation,” attempts to analyze the concept of corporate responsibility vis-à-vis climate litigation and focuses on the global developments and their relevance to the Indian constitutional and statutory environment. The research examines how international corporate climate accountability precedents, especially the USA and the Netherlands, have strengthened climate accountability and explains how these developments can be integrated into the Indian legal system. It pertains to assessing the relevance of constitutional provisions, particularly Article 21, Article 48A, and Article 51(g), and the Environment Protection Act, 1986, the National Green Tribunal Act, 2010, and the Companies Act, 2013, as well as others, on the climate protection obligations of the corporations.

The study's primary focus is to analyze and explain the shortcomings and difficulties in the Indian legal and judicial system regarding the attribution of corporate responsibility for climate harm. This research also

attempts to evaluate the impact of climate litigation as an emerging instrument of accountability, and to emphasize the gaps in and the growing need for environmental jurisprudence in India. This paper attempts to explain the concept of corporate accountability, which has been examined in a cross-national context and its relevance to the Indian legal system, to show that climate litigation, if effectively utilized, could be instrumental in the accountability of corporations for climate harm and the advancement of environmental justice in India.

KEYWORDS: Climate Crisis, Corporate Responsibility, Legal Accountability, Climate Litigation, Environmental Law, Indian Constitution

1. INTRODUCTION

In today's world, climate change has propelled to become a global concern and emergency. The effects of climate change can be seen through increasing global temperatures, natural calamities and ecological disturbances. Scientific consensus confirms that companies' greenhouse gas (GHG) emissions play an undisputed role in driving climate change.¹ At the same time, climate change exposes companies to various risks, including risks related to asset damage (e.g., due to climate-induced floods or droughts), risks from shifts in policies and markets, and legal risks.² Certain corporations, single-handedly contribute to global warming and greenhouse gas emissions. These corporations primarily engage in fossil fuels, energy and heavy industries. Voluntary initiatives, such as the Task Force on Climate-related Financial Disclosure, try to mitigate corporate GHG emissions and the

¹ Heede, R. (2014). Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers. *Climatic Change*, 122(1–2), 229–241. Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010 | *Climatic Change*

² Kreibiehl, S., Jung, T. Y., Battiston, S., Carvajal, P. E., Clapp, C., Dasgupta, D., Dube, N., Jachnik,

R., Morita, K., Samargandi, N., & Williams, M. (2022). Investment and finance. In IPCC (Ed.), *Climate change 2022: Mitigation of climate change. Working Group III contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press. <https://www.ipcc.ch/report/ar6/wg3/>



associated risks.³ Voluntary climate pledges given by companies have proven to be ineffective globally. Many corporations are committed to the sustainable development goals, but the gap between pledges and action remains vague and broad. Companies' climate pledges are inadequate to meet the Paris Agreement's temperature goal of keeping global warming below 2°C above pre-industrial levels.⁴

In the past 2 decades, two significant arenas have tried to strike a balance to address the gaps in corporate climate accountability.

- First, a global surge in lawsuits targeting companies' inaction on climate change has occurred.⁵
- Second, various governments, mainly in the Global North, have adopted mandatory due diligence (MDD) legislation, requiring companies to identify, prevent, mitigate, and remedy the adverse human rights and environmental impacts of their operations, including climate-related impacts.⁶

Together, these mechanisms are reforming how corporate accountability is understood in these recent times of the climate crisis.

By implementing ideas like "Polluter Pays" and "Sustainable Development," the Indian judiciary has already made significant progress toward environmental justice. Nevertheless, the legal structure that regulates the corporations is still fragmented despite the implementation of these measures. The main query at this point is whether India can fortify its environmental and constitutional

laws, especially by implementing a climate litigation system to hold businesses responsible for environmental harm they cause.

STATEMENT OF PROBLEM

In the 21st century, there is a rise in environmental pollution and damage, leading to the climate crisis. Most of the damage done to the environment is due to industrial activities by leading corporations. The release of toxic effluents and gases such as carbon monoxide, sulfur dioxide, and chloro-fluorocarbons contributes to the global rise in temperature, resulting in global warming, acid rains, melting of ice-caps, flooding of oceans, natural disasters, and permanent, irreversible climate damage leading to a state of climate crisis.

To preserve the environment and prevent climate damage, legal mechanisms must be adopted to hold the corporations and private actors causing climate damage liable and accountable for their actions. In India, the only mechanism currently available is public interest litigation. Though this can be used as a tool to hold the offenders liable for their activities, it cannot be used against private corporate actors contributing to the climate crisis. The PIL mechanism can be used only against the state and not private corporations. The Indian Constitution, through various constitutional provisions, has provided a legal duty to the States and the citizens to protect the environment. However, it doesn't contain any specific provisions to hold corporations responsible for the climate damage caused by them. Even legislations

³ LoPucki, L. M. (2022). Corporate greenhouse gas disclosures. *UC Davis Law Review*, 56(1), 405–466. Law Journal Library - HeinOnline.org

⁴ Day, T., Mooldijk, S., Smit, S., Posada, E., Hans, F., Fearnough, H., Kachi, A., Warnecke, C., Kuramochi, T., & Höhne, N. (2022). *Corporate climate responsibility monitor 2022*. NewClimate Institute. <https://newclimate.org/wp-content/uploads/2022/02/CorporateClimateResponsibilityMonitor2022.pdf>

⁵ Eskander, S., Fankhauser, S., & Setzer, J. (2021). Global lessons from climate change

legislation and litigation. In National Bureau of Economic Research (Ed.), *Environmental and energy policy and the economy* (Vol. 2, pp. 44–82). National Bureau of Economic Research. Environmental and Energy Policy and the Economy Stock J. H., Kotchen M. J., Deryugina T.,

⁶ Gustafsson, M.-T, Schilling-Vacaflor, A., & Lenschow, A. (2023). Foreign corporate accountability: The contested institutionalization of mandatory due diligence in France and Germany. *Regulation and Governance*, 17, 891–908. <https://doi.org/10.1111/regg.12498>.



such as *the Environment Protection Act, 1984, the National Green Tribunal Act, 2010, and the Companies Act, 2013*, don't contain provisions for holding corporations accountable for the climate crisis due to corporate practices like limited liability, complex structure, and regulatory gaps.

Globally, there has been a rise in the usage of a new legal mechanism called climate litigation to hold corporations directly accountable for the climate damage they have caused. Climate Litigation cases in the USA have begun shaping corporate responsibility by imposing direct liability for climate damage, which India lacks. Although India has progressive environmental jurisprudence and legal remedies, particularly public interest litigation, they are narrow in scope since they deal better with the state than private companies. This poses severe problems in holding corporations accountable, imposing corporate liability, and mitigating the mounting environmental destruction by industries. In this regard, climate litigation can be discussed as a legal instrument that may enhance corporate responsibility, reduce the impact of climate threats, and update the Indian legal system according to global practice.

The research problem, therefore, lies in examining how global precedents in climate litigation can be applied to the Indian statutory and constitutional context, whether the already existing laws are effective, identifying the key challenges, and assessing how climate litigation may be considered a transformative mechanism to hold corporations accountable in India.

OBJECTIVES OF THE STUDY

- To explore how the global legal precedents from climate litigation cases in leading countries such as the USA have contributed to corporate climate accountability, and to understand how it can be adapted within the Indian statutory framework in addressing corporate-induced climate change.
- To assess how effective the Indian Constitutional provisions, particularly Article 21 and 49A, and

Statutes such as the Environment Protection Act, 1986, the National Green Tribunals Act, 2010, and the Companies Act, 2013, and judicial interpretations are in holding corporations accountable for climate damage.

- To investigate the gaps and key challenges in the current Indian laws and judicial mechanisms in holding corporations legally accountable for climate damage caused by them.
- To test the effectiveness of climate litigation as a tool for combating the climate crisis caused by corporations.

RESEARCH QUESTIONS

- How have global legal precedents from climate litigation cases in countries such as the USA shaped corporate climate accountability, and in what ways can it be adapted to the Indian statutory framework to address corporate-induced climate change?
- How effective are the Indian Constitutional provisions—notably Article 21 and Article 48A—alongside statutes such as the Environment Protection Act, 1986, the National Green Tribunal Act, 2010, and the Companies Act, 2013, including judicial interpretations, in holding corporations accountable for climate damage?
- What are the key gaps and challenges in the current Indian legal framework and judicial mechanisms that hinder effective corporate accountability for climate damage?
- To what extent is climate litigation an effective legal tool in combating the climate crisis caused by corporations, and how can its impact be strengthened in the Indian context?

HYPOTHESIS

If corporations are held legally accountable through successful climate litigation, it can be a powerful legal tool for enforcing corporate accountability in India and mitigating the climate crisis.



2. REVIEW OF LITERATURE

I. Civil Society, Corporate Accountability and the Politics of Climate Change ⁷

Author: Peter Newell

Journal: *Global Environmental Politics* (2008)

DOI: <https://doi.org/10.1162/glep.2008.8.3.122>

This Article is highly relevant to corporate accountability in the era of the climate crisis. It explores how civil society engages with corporate and public institutions to demand climate accountability, directly exerting pressure on corporations. The study is conducted on corporate accountability frameworks, civil laws, and governance. It reviews existing climate regulations and applies international relations and political science concepts. To examine the shifting role of civil society in holding private corporations accountable for the climate crisis and to assess the efficacy of accountability mechanisms. Non-Empirical Methodology using comparative case analysis and climate governance reports. Civil society is critical in initiating civil regulations for corporations. The study suggests that non-state actors must be considered essential components of climate governance frameworks. Accountability efforts have been more successful with governments than with corporations. Civil Society has moved from reliance on public institutions to directly holding corporations liable for the climate crisis. The success of civil regulation depends on corporate vulnerability to social pressure and loss of reputation: civil society strategies, institutional frameworks, Corporations, Corporate accountability, and Political Regime.

While the study outlines civil society efforts, it does not analyse legal mechanisms for corporate climate responsibility. The potential of climate litigation is not explored. It lacks focus on domestic contexts in the Global South Jurisdiction (Particularly India).

⁷ Newell, P. (2008). Civil Society, Corporate Accountability and the Politics of Climate Change. *Global Environmental Politics*, 8(3), 122–153. <https://doi.org/10.1162/glep.2008.8.3.122>

This article helps frame civil society as an essential controller of corporate liability. This article can be used to understand how the legal framework of civil regulation can be adopted in countries like India. It highlights the need to assess the need for judicial mechanisms for corporate climate responsibility.

II. Climate Litigation in India ⁸

Author: Shibani Ghosh

Published in: *Comparative Climate Change Litigation: Beyond the Usual Suspects* (2021)

Pages: 347–367

The chapter analyses climate litigation in the Indian context, critically evaluating whether Indian statutory laws are equipped to hold corporations accountable for the climate crisis. It is critical for research on corporate responsibility, environmental constitutionalism, and climate litigation in India. This chapter reviews the Environment Protection Act, 1986, the Indian Forest Act, 1927, the Air (Prevention and Control of Pollution) Act of 1981, Constitutional provisions related to environmental protection, cases handled by the National Green Tribunal, the Supreme Court, and the High Courts, and Global Comparative insights from other jurisdictions. To analyse and evaluate legal opportunities for assessing the potential of Indian courts to adjudicate climate claims effectively. Doctrinal legal research is adopted based on statutory analysis and review of case laws. A comparative study of climate litigation laws in other countries is drawn to analyse them in the Indian context. Climate Litigation can be used in India, but is not utilized correctly. Courts need to play a stronger role by introducing adaptation mechanisms. This chapter provides insights into the strategic usage of Article 21 for climate litigation.

⁸ Ghosh, S. (2021). Climate Litigation in India. In *Comparative Climate Change Litigation: Beyond the Usual Suspects* (pp. 347–367). Springer. https://doi.org/10.1007/978-3-030-47920-4_14



No Indian Court has passed a decision that explicitly mandates mitigation for climate change. Courts call climate concerns Public Interest Litigation, but lack direct judicial engagement with climate action claims. The NGT has not ruled on accountability for corporations either. Indian Statutes related to Environmental Protection, judicial engagement, extent of corporate responsibility, political influence, and public interests. There is a lack of binding judicial decisions on climate change in India, and there is no clear climate litigation precedent for holding corporations liable for the climate crisis. There is a limited application of constitutional environmental rights directly relating to climate disputes. This paper determines the legal possibilities and restrictions of climate litigation in India. There is a need to advocate for stronger judicial readings of constitutional rights in the context of climate, particularly Article 21. To suggest a framework of corporate climate responsibility, it is possible to implement a comparative analysis.

III. Climate Litigation's Pathways to Corporate Accountability⁹

Author: Mackenzie Kern

This article is essential for analysing the application of climate litigation or climate action lawsuits to misdoings by private corporations. It analyses the futuristic impact of climate litigation and its growing trends in modern society. The article reviews literature about recent climate science and laws parallel to climate litigation with tobacco industry lawsuits. It examines global legal developments and integrates shareholder-based claims with climate litigation. Identifying and analyzing emerging legal strategies and scientific developments opens new pathways to hold corporations responsible for the climate crisis.

⁹ Mackenzie Kern, Climate Litigation's Pathways to Corporate Accountability, 54 CASE W. RES. J. INT'L L. 477 (2022) Climate Litigation's Pathways to Corporate Accountability

¹⁰ Chytil, David. *Corporate Responsibility and Human Rights: A Way Forward for Climate Litigation?*

This article uses a doctrinal and comparative case study reviewing evolving global trends in climate litigation by using international precedents. It outlines how litigation can deter corporate behaviours that harm the environment and force corporations to use risk management practices.

Two key findings outlined here are litigation based on climate risk disclosures and shareholder suits, and attribution science that can prevent futuristic harms using regulatory mechanisms. Though not widely applied, these tactics increase legal pressure on corporations: attribution science, litigation, jurisdiction, and judicial responses. There is a lack of established precedents and uncertainty over whether courts are the best forums to adjudicate complex climate action lawsuits. Scientific evidence and shareholder-based claims can be studied in this article. They can be applied to understand how they can be integrated into the current study to formulate climate litigations to hold corporations liable.

IV. Corporate Responsibility and Human Rights: A Way Forward for Climate Litigation?¹⁰

AUTHOR: Chytil, David

This thesis talks about expanding corporate responsibility through climate litigation. It targets private entities for climate-related impacts, especially carbon emissions. This thesis reviews legal theories, human rights law, environmental law case studies, and real-world consequences on the Global South. To assess whether human rights law can be expanded to establish corporate accountability in climate litigation and offer future guidance for related disputes. The doctrinal method of research is combined with the case study methodology. The thesis analyses legal

Diploma Thesis. Charles University, Faculty of Law, Department of Environmental Law, 2025. Corporate responsibility and human rights: A way forward for climate litigation? | CU Digital Repository



doctrines, principles, landmark cases, and human rights based on case laws. Suggests a framework where human rights can bridge the accountability gap between the climate crisis and private corporations' responsibility in jurisdictions lacking clear regulatory mandates. Human rights frameworks are more frequently used against states. They are relevant against corporations that directly or indirectly harm the environment and cause its degradation and climate change: corporate emissions, Corporate responsibility, Legal liability, human rights violations, and Jurisdictions.

There is a limited understanding of applying human rights norms to private corporations. The role of human rights instruments in making corporations accountable for the climate crisis remains unclear and ambiguous. The models used in this thesis concerning corporate social responsibility and integrating international human rights laws in domestic jurisdictions to hold corporations liable for the climate crisis can be analyzed, and relevant points can be utilized for the current study.

V. The Essential Role of Climate Litigation and the Courts in Averting Climate Crisis¹¹

AUTHOR: Carlarne, Cinnamon Piñon

This article is critical to understanding the judiciary's expanding role in addressing global climate change due to increasing state inaction. It supports research on climate litigation as necessary in today's society. The work has reviewed recent developments in international Climate laws, judicial precedents in the U.S. Supreme Court, and political failures after comparing statutory laws in developed countries. To emphasize the urgent need for judicial intervention in climate governance and to assess the legal basis for the justification of formulating climate litigation. The

¹¹ Carlarne, Cinnamon Piñon, *The Essential Role of Climate Litigation and the Courts in Averting Climate Crisis* (January 7, 2021). Ohio State Legal Studies Research Paper No. 592, DEBATING CLIMATE

methodology used for this paper is primarily doctrinal and analytical legal research. This article also analyses the US Supreme Court's judicial precedents and international global precedents. Highlights the judiciary's potential to establish binding legal obligations through a rights-based approach.

Courts have the power to compensate for political failures and enforce climate litigation. Judicial Activism, Climate accountability, global precedents on climate litigation. Limited exploration of the limitations in the judiciary's authority in climate governance. An empirical evaluation of climate litigation outcomes is needed to address the long-term effectiveness of this process. The suggestion provided by this author for adopting a climate litigation framework where courts act as catalysts for forcing regulatory changes can be studied and used for the current paper.

RESEARCH METHODOLOGY

The subject is referenced across various material resources to understand the problems, needs, approaches, and possible solutions. The points gathered from these references were arranged in a sequential manner to provide a logical approach to the analysis of the chosen subject. Furthermore, each of these points was studied in detail to gain a deeper understanding of the selected subject. With the help of the deeper analytic points and main points, the research has been conducted, and the study has been conducted.

3. Global Trends In Climate Litigation And Corporate Accountability

In recent years, researchers and scholars are working to study the causes for rise of climate litigation and how the corporations can be held liable for environmental damages. Their research ultimately

LAW, Benoit Mayer & Alexander Zahar, eds., Cambridge University Press, 2021 Forthcoming, Available at SSRN: <http://dx.doi.org/10.2139/ssrn.3761850>



reveals that climate litigations have emerged as lawsuits concerning climate related disputes at the national and international levels, brought before the domestic, international or quasi-judicial bodies. These lawsuits involve constitutional and human rights mandates globally governed through various international agreements and conventions. Fossil fuel corporations and GHG-intensive sectors such as food, agriculture, transport, and finance have increasingly become central targets in corporate climate litigation cases.

These climate action lawsuits employ a variety of tactics. Some of these actions are based on corporate responsibilities or obligations, while others fall under tort law or environmental jurisprudence. For instance, 16 corporate climate lawsuits invoking rights enshrined in international soft law instruments, such as the UN Guiding Principles on Business and Human Rights (UNGPs) and the Organization for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises (MNE Guidelines). These lawsuits typically argue that companies are responsible for reducing GHG emissions, including those produced by their own activities and by their subsidiaries, their products and services, and their suppliers—as well as supporting, rather than opposing, climate policies.¹²

Across the globe, new trends in litigation are emerging. Based on due diligence requirements, these early cases appear to show a growing willingness to creatively use a variety of hard and soft law tools to challenge corporations in climate change litigation. This litigation must be viewed in the context of broader efforts to bridge the enforcement and

accountability gaps plaguing climate change law and policy at the national and international levels.¹³

3.1. Global Precedents In Climate Litigation With Special Reference To The USA

Climate litigation-related matters are still a characteristic aspect of the climate change response. By 2024, there were more than 2900 cases involving climate change in more than 60 countries, involving a wide range of legal theories, stakeholders, and tactical frameworks. Other than the government, which is still the highest user of the services, there is a worrying trend toward litigation against the business sector for the reckless emissions of greenhouse gases, climate change disinformation, and climate change greenwash.

Litigation serves two functions: (i) to increase the level of government action or to impose action on a slack government, and (ii) to litigate against climate-reckless private corporations. Even the loss of a case has its place in the fabric of the case since it helps in setting the foreshadowing work for litigation, educating the public on the case, and how it influenced the corporate disclosure climate.

The centre of gravity in climate litigation is still the USA. In 2024, it had 226 new cases, a small portion.¹⁴ The USA has hosted many flagship litigation cases against ExxonMobil, BP, Chevron, and Shell. What makes the climate litigation in the USA so extensive is the legal framework with contingent fees, open access to courts, and the right of a citizen to litigate under federal legislation.

¹² Savaresi, A., & Setzer, J. (2022). Rights-based litigation in the climate emergency: Mapping the landscape and new knowledge frontiers. *Journal of Human Rights and the Environment*, 13(1), 7–34. Rights-based litigation in the climate emergency: mapping the landscape and new knowledge frontiers in: *Journal of Human Rights and the Environment* Volume 13 Issue 1 (2022)

¹³ Hartmann, J., & Savaresi, A. (2021). Corporate actors, environmental harms and the draft UN treaty on business and human rights: History in the making? *Questions of International Law*, 83, 27–46. Microsoft Word - 03_Business & HR_HARTMANN-SAVARESI FIN.docx

¹⁴ NEWSPAPER REPORT- 226 Climate Litigation Cases Filed in 2024 As Global Impact Grows



One of the initial and essential business cases is the *Native Village of Kivalina v. ExxonMobil Corporation*.¹⁵ The plaintiffs sought compensation based on the theory of public nuisance. Nevertheless, the case was almost immediately dismissed, first because of the political question doctrine, and later, because the Clean Air Act displaced federal common law claims. Still, Kivalina is often remembered because it highlighted the climate changes and the slow-to-admit reality of climate risk management, which the business and its corporates were long silent about.

The case *City of New York v. BP p.l.c.*¹⁶ Has shown the limitations of tort claims' practicality against corporations in the U.S. The city tried to sue five major oil companies for the effects of climate change, like increased heat and rising sea levels, claiming public nuisance and trespass. The federal courts dismissed the case because the claims were preempted by the Clean Air Act, which has broad jurisdiction over the emission of greenhouse gases. The courts also pointed out that the emissions primarily occurred outside the borders of the United States, and raised issues of extraterritoriality and foreign policy. Though the case was dismissed, it was, in a sense, quite a bit of a symbol by analogy to the litigation around tobacco, as it shed light on the corporation's strategies of misinformation and propped up the discussion about the accountability of the corporations for their actions.

*Conservation Law Foundation v. ExxonMobil*¹⁷

Displays a more novel approach. The issue in this case was not global emissions, but Exxon's inaction in preparing its Massachusetts fuel terminal for anticipated climate threats like sea-level rise and severe storms. The plaintiffs argued that this contravened the Clean Water Act, the Resource

Conservation and Recovery Act, and the risks inherent in their assets and the people surrounding them.

*Juliana v The United States*¹⁸ It was one of the first cases where climate litigation was used to hold corporations accountable for climate damages they caused in the United States of America. Climate litigation was instituted as a Public Interest Litigation, which can be used to hold corporations accountable for the climate crisis and damage directly caused by them.

All together, these cases demonstrate the advancement of climate change litigation against corporations in the U.S. While the claims in tort for damages caused by global emissions have largely been unsuccessful because of displacement and the political question doctrine, the claims have still furthered the project of corporate accountability. The United States litigation has been necessary to the global discourse regarding climate accountability because it has revealed corporate knowledge of the risks of climate change, has drawn public concern to the consequences of climate change, and has sought the theories of adaptation and disclosure-based claims. These cases, even if lost, have always been successful in pressuring corporations, shaping investor behavior, and providing more foundational strategies to hold corporations accountable for their actions, which add to the climate crisis.

4. Constitutional And Statutory Provisions In India For Corporate Climate Accountability

The Indian Constitution contains strong provisions that act as a base for environmental protection, which can be expanded judicially to include corporations and induce responsibility in them.

¹⁵ *Native Village of Kivalina v. ExxonMobil Corp.*, No. 4:08-cv-01138 (N.D. Cal.)

¹⁶ *City of New York v. BP P.L.C.*, 325 F. Supp. 3d 466, 471-476 (S.D.N.Y. 2018)

¹⁷ *Conservation Law Foundation v. Exxon Mobil Corp.* ELR Citation: 51 ELR 20129

¹⁸ *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020)



- **Article 21:**¹⁹ It has been interpreted by the Supreme Court to encompass the right to a clean and healthy environment. The landmark case of *Subhash Kumar v. State of Bihar*²⁰ and *M.C. Mehta v. Union of India*²¹ has extended the scope of Article 21, holding that environmental damage directly threatens the quality of life and imposes legal duties on the states and corporations.
- **Article 48A:**²¹ This article mandates the State to protect and preserve the environment.
- **Article-51A(g):**²² This article imposes a fundamental responsibility on the citizens to safeguard the natural resources and the environment. Though these provisions are not directly enforceable, they have been judicially interpreted to strengthen environmental jurisprudence in India and create corporate responsibility.

Key statutory provisions include:

- **Environment Protection Act, 1986:** This legislation empowers the central government to oversee industrial activities and penalize corporations for environmental harm.
- **National Green Tribunal (NGT) Act, 2010:** This legislation creates special tribunals that act as quasi-judicial authorities that effectively dispose of environmental disputes, ensuring speedy redressal against corporations violating environmental norms.
- **Companies Act, 2013:** This legislation established Corporate Social Responsibility (CSR) requirements, which require some businesses to set aside a portion of

their earnings for environmental sustainability. Accountability for climate impacts has been indirectly strengthened in recent years by aligning ESG (Environmental, Social, and Governance) reporting frameworks with corporate disclosure requirements.

To hold corporations responsible, Indian courts have taken the initiative to interpret statutory and constitutional provisions:

- **The Polluter Pays Principle**, which was established in the *Indian Council for Enviro-Legal Action v. Union of India*²³ In this case, it holds businesses accountable for damages to the environment.
- **The precautionary principle**, in *Vellore Citizens Welfare Forum v. Union of India*²⁴, was applied by the court, which mandates that businesses take preventive action when environmental risks are unknown but could be severe.
- **Public Trust Doctrine:** The Supreme Court ruled in *M.C. Mehta v. Kamal Nath*²⁵ That corporations cannot exploit natural resources at the expense of ecological balance because they are held in trust by the state.

4.1. Effectiveness Of The Indian Legal Framework In Corporate Accountability

Critics have pointed to the lack of robust mechanisms in Indian legislation to ensure that violators face meaningful consequences, leading to a regulatory environment where corporate interests often supersede environmental safeguards.²⁶

¹⁹ **ARTICLE 21. Protection of life and personal liberty**

No person shall be deprived of his life or personal liberty except according to procedure established by law.

²⁰ *Subhash Kumar v. State of Bihar* AIR 1991 SC 420, 1991 SCR (1) 5

²¹ **ARTICLE 48A. Protection and improvement of environment and safeguarding of forests and wild life**

The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

²² **ARTICLE-51A(g):** to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

²³ *Indian Council for Enviro-Legal Action v. Union of India* AIR (1996) 3 SCC 212

²⁴ *Vellore Citizens Welfare Forum v. Union of India* AIR (1996) 5 SCC 647

²⁵ *M.C. Mehta v. Kamal Nath* AIR (1997) 1 SCC 388

²⁶ MENON, MANJU, and KANCHI KOHLI. "Environmental Regulation in India: Moving 'Forward' in the Old Direction." *Economic and Political Weekly*, vol. 50, no. 50, 2015, pp. 20–23. *JSTOR*, <http://www.jstor.org/stable/44002954>



Over the past two decades, Indian environmental law has witnessed significant growth and development, with the constitutional courts in India establishing foundational principles for climate justice. While the evolution of torts, criminal, and civil liability frameworks has strengthened corporate climate accountability, several limitations persist.

4.1.1. Public Interest Litigations as the Primary Mechanism in India

Due to an absence of climate-specific laws and the limited functionality of regulatory bodies like the National Green Tribunal and Pollution Control Boards, *Public Interest Litigations*, or PILs, represent the sole mechanism for pursuing climate accountability in India. The right to a clean and healthy environment has been incorporated under Article 21 of the Constitution, and the relaxation of locus standi has been in the interest of concerned and impacted people. PILs remain the only option for sought after legal remedies for environmental loss caused by corporate actors within the existing legal framework.

That said, the high volume of PILs submitted to the court results in long delays in case resolution, and the court's direction regarding the enforcement of a given order is primarily located within the hands of an administrator who is either unable or unwilling to support its implementation. PILs are typically filed after the problem has already been addressed, and in such cases, the impacted corporate parties tend to incur legal process delays to further postpone the results or diminish their value. Although the Polluter Pays Principle and Precautionary Principle have been applied through the courts, there is an absence of relevant and aligned case law and the overall lack of a clear, focused doctrine on climate matters. Consequently, though PILs are the only mechanism

available in India, they are not enough to be used to achieve substantial and systemic corporate responsibility for climate damage.

4.1.2. Tortious Liability and the Principle of Absolute Liability

The law of torts in India has evolved significantly from the English common law landscape. However, modifications have been made to address the exceptional cases in India effectively.²⁷ Common law principles such as nuisance, negligence, strict liability, trespass, and other remedies for tort form the basis for modern environmental tort remedies.²⁸

The principle of strict liability, originating from the case of *Rylands v. Fletcher*,²⁹ constitutes a private law mechanism concerning environmental hazards. It stipulates that someone removing dangerous substances to their land is liable for any damage occasioned in case these materials escape, notwithstanding fault. The strict liability has been used in India involving escaping water or fire that inflicts harm on property. However, in the context of modern industrial society and its inherently dangerous activities, the Supreme Court in *the Oleum Gas Leak case* expanded the principle of strict liability into the doctrine of absolute liability. Absolute liability imposes responsibility without exceptions, particularly in inherently hazardous industries.³⁰

In the case of *Sterlite Industries (India) Ltd. v. Union of India & Ors*³¹ The Supreme Court held that, although there were constant violations such as groundwater contamination, toxic gas leakages, and non-observation of safety standards, Sterlite Industries survived because of the lax approach of the regulating bodies. The Supreme Court later fined the company 100 crores, although it declared it liable.

²⁷ Baxi, U. (1986). The Indian Supreme Court and politics. *Law & Society Review*, 20(4), 765–798. <https://doi.org/10.2307/3053478>

²⁸ Ratanlal, & Dhirajlal. (2019). *The law of torts* (28th ed.). LexisNexis

²⁹ *Rylands v. Fletcher* (1868) LR 3 HL 330 (HL)

³⁰ *M.C. Mehta v. Union of India*, (1987) 1 SCC 395

³¹ *Sterlite Industries (India) Ltd. v. Union of India & Ors.*, AIR (2013) 4 SCC 575



This jurisprudence highlights the weaknesses and strengths of tortious liability. As much as courts have been creative in developing doctrines to hold them liable, the lack of uniformity in their enforcement protects those who violate.

4.1.3. Corporate Criminal Liability

The evolution of corporate criminal liability characterizes the change in the legal practices of the 20th century due to the principles of the common law and the doctrine of respondent superior. Firstly, this was not welcomed because corporations lacked the Mens rea. Slowly, Indian courts formulated principles to make corporations responsible for the crimes committed by their agents. Despite scepticism about applying criminal law to abstract entities, the trend in developed nations is towards establishing equitable criminal justice systems encompassing corporations.³²

In recent years, there has been a significant surge in the reporting of environmental crimes. For example, in India, there was a staggering 78% increase in environmental law violations in 2020, with 61,767 cases recorded. Despite this spike in reported incidents, achieving convictions remains a formidable challenge. From 2019 to 2021, out of 1,737 environmental law cases brought to trial in India, only 39 resulted in successful convictions.³³

Cases such as the **Bhopal Gas Leak tragedy**³⁴ and the **LG Polymer Gas Leak**³⁵ Exemplify the weakness of

prosecuting companies owing to the intricacy of organizations and the difficulty of proving the existence of mens rea; however, milestone decisions like *Iridium India Telecom Ltd. v. Motorola Inc.* have underlined the parent firms' responsibility. Parent companies have been able to abuse such doctrines by claiming themselves as a separate legal entity, as held in the case of **Salomon v. Salomon**.³⁶ This still acts as a hindrance to effective punishment. This underscores the importance of initiatives like **Corporate Social Responsibility (CSR)** under **Section 135 of the Companies Act, 2013**, urging companies to protect the environment.³⁷ Thus, effective legislation targeting environmental crimes is essential to ensure corporate accountability.³⁸ The principle of **Corporate Social Responsibility** is crucial to identify those responsible for offenses and address crimes committed under the guise of corporate identity.³⁹

To reduce the abuse of limited liability, Indian courts formulated the principle of **doctrine of piercing the corporate veil**. This doctrine can be useful in certain situations where directors or shareholders are found to be personally culpable or liable for corporate misconduct.

On an international scale, the leading indices like the S&P 500 ESG Index evaluate companies based on environmental, social, and governance (ESG) criteria, influencing investor decisions. India's commitment to the Mission 2070 Net Zero underscores its dedication to a green revolution spanning five decades.⁴⁰ The

³² United Nations Environment Programme. (n.d.). *Illegal trade in environmental goods and services*. Convention on Biological Diversity. <https://www.cbd.int/financial/monterreytradetech/une-p-illegaltrade.pdf>

³³ Bhat S., Kamath R. R. Comparative Enforcement Mechanisms and Pinning of Liability in Environmental Crimes in India and the Asia Pacific Region. Available at: <https://Lawasia.Asn.Au/>

³⁴ **Union Carbide Corporation v. Union of India** 1990 AIR 273 1989 SCC (2) 540

³⁵ **LG Polymers India Private Limited vs Andhra Pradesh Pollution Control Board** Original

Application No. 73/2020, National Green Tribunal (Order dated 8 May 2020)

³⁶ **Salomon v. Salomon** AC 22 UKHL 1

³⁷ Singh V, "Criminal Liability of Corporations – An Environmental Perspective", Social Science Research Network (SSRN) Available at: pdf.ssrn.com

³⁸ R. K. Jain, *the Bhopal Gas Tragedy: A Case Study in Industrial Disaster*, New Delhi: Oxford University Press, 2003, p.no.45 *The Bhopal Gas Tragedy: A Case Study in Industrial Disaster and Corporate Accountability* by Navin Kumar :: SSRN

³⁹ Section 135 of the Companies Act, 2013

⁴⁰ S&P Dow Jones Indices. (2021). *S&P 500 ESG Index methodology*. Retrieved from



increased use of **ESG-based investing in India**,⁴¹ For example, Quantum Advisors divesting in 2019 of a company due to issues with its governance and environmental practices indicates market accountability.

Holding corporations accountable for environmental crimes is always challenging because corporations have a sophisticated institutional nature, and it is not always easy to prove the mens rea of a juristic person.⁴² As a result, criminal liability for corporate environmental crimes may have negligible effects, while civil penalties typically have little effect on discouraging business misconduct.

In order to be held accountable, the legal system should place a higher value on environmental degradation and broaden the definition of mens rea to include collective and systemic negligence within an organization. To deter corporate environmental misconduct and advance environmental justice, laws must be strengthened and enforced with due diligence.

4.2. Areas Of Strengths And Effectiveness:

- **Strong Constitutional Basis:** The expansion of Article 21 of the Indian Constitution, 1950 provides protection to the environment by making it a fundamental right for the citizens' right to life and health.
- **Doctrines:** Principles like the precautionary principle, public trust doctrine, and polluter pays have been formulated by the Indian courts while interpreting various environmental cases. These principles have been used to act as a deterrence for the corporations in

<https://www.spglobal.com/spdji/en/documents/methodologies/methodology-sp-esg-family-indices.pdf>

⁴¹ Government of India. (2021). *India's long-term low-emission development strategy: Achieving the Net-Zero Vision by 2070*. United Nations Framework Convention on Climate Change (UNFCCC). Retrieved from <https://unfccc.int/lt-leds>

⁴² Gobert, J., & Punch, M. (2003). *Rethinking corporate crime*. Cambridge University Press Rethinking Corporate Crime - James Gobert, Maurice Punch - Google Books

order to prevent them from committing any harm to the environment and have also introduced financial accountability for their actions.

- **National Green Tribunals:** For environmental disputes, the National Green Tribunal acts as a forum that provides faster, cheaper and prompt justice to victims affected by climate damages caused by the corporations. They also serve to hold corporations accountable for their actions.
- **Environmental Statutes:** The statutes such as the Environment Protection Act (1986) allow the central government to regulate hazardous activities. The Companies Act (2013) introduced CSR duties, which, although limited, create scope for corporate accountability for climate damage. Further, state wide pollution control boards also ensure the protection of the environment.

The lack of binding commitments in national and international frameworks further complicates efforts to hold corporations accountable for environmental violations.⁴³

5. Gaps And Challenges In Indian Legal And Judicial Mechanisms

Despite strong environmental statutes and constitutional provisions, climate change litigation in India faces significant challenges. These limitations reveal the structural, political, and several jurisprudential barriers that restrict the effectiveness of corporate accountability in climate-related matters:

- **Enforcement gap:**⁴⁴ NGT orders and court directives are frequently not carried out properly. Enforcement

⁴³ Shearer, C. Russell H. "INTERNATIONAL ENVIRONMENTAL LAW AND DEVELOPMENT IN DEVELOPING NATIONS: AGENDA SETTING, ARTICULATION, AND INSTITUTIONAL PARTICIPATION." *Tulane Environmental Law Journal*, vol. 7, no. 2, 1994, pp. 391–430. *JSTOR*, <http://www.jstor.org/stable/43291244>

⁴⁴ Varottil, U. (2025). *Corporate climate litigation in India: Traversing the private-public law divide* (NUS Law Working Paper No. 2025/009). National



may be delayed or only partially implemented as a result of regulatory agencies' lack of funding, political independence, or willingness to keep an eye on compliance.

- **Evidentiary and causation barriers:** The systematic nature of climate damage shows a clear link between corporate emissions and legal harms. There are very few legal precedents in Indian courts pertaining to attribution-based climate harms.
- **Aggressive development policies:**⁴⁵ For the judiciary, striking a balance between environmental preservation and social and economic advancement continues to be one of the most difficult tasks. In certain instances, the courts have limited pollution activities, while in others, they have given preference to large commercial operators and industries. In the case of **Narmada Bachao Andolan v. Union of India**⁴⁶ Despite its environmental concerns, the court permitted dam construction, reasoning that dams do not equate to climate damage.

The government has recently pushed to open the coal mining sector by privatizing coal. This move is bound to increase carbon emissions, and, despite criticism, the government has justified this move by pointing to India's need for energy security.⁴⁷

Aggressive development policies, including the reliance on coal and the interlinking of rivers, create a political climate where environmental considerations rank towards the bottom of the government's list of priorities.⁴⁸

- **Exclusionary conservation:**⁴⁹ Climate litigation becomes more hostile and divisive when preservation and community rights cannot be reconciled, especially

in land-use and forest governance cases that have a direct bearing on climate mitigation.

- **Fragmentation of laws:** Several statutes, agencies, and forums (central and state pollution control boards, NGT, civil courts, and criminal provisions) create jurisdictional overlaps, regulatory gaps, and opportunities for regulatory capture.
- **Limited reach over supply chains and MNCs:**⁵⁰ Indian law governs conduct within its borders. Legally holding multinational corporations accountable for emissions resulting from global supply chains or the activities of foreign subsidiaries remains difficult.
- **Corporate governance gaps:** While corporate disclosure practices exist in various countries, there are no established and legally binding regulations in India for disclosures on climate-related harms and disclosures on the accountability of businesses for the climate harms of their activities such as disclosures of climate harms.
- **Political economy constraints:** Due to the significant economic reliance on particular industries and businesses, this can obscure the enforcement of such frameworks for climate harm, and it allows them to keep playing a positive role in the economy of the Nation.

6. Climate Litigation As A Tool For Corporate Accountability In India

India's approach to climate litigation and accountability for corporate climate damages is extremely complex. In the US and other countries, corporate climate damage accountability is well regarded. U.S. scholars have suggested the use of torts

University of Singapore, Faculty of Law.
<https://law.nus.edu.sg>

⁴⁵ Svilecic, O. (2020). *The use of climate litigation as a corporate accountability tool* (Master's thesis, Wageningen University & Research). WUR E-depot. <https://edepot.wur.nl/531999>

⁴⁶ *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664

⁴⁷ Rajamani, L., & Ghosh, S. (2020). India's climate change policies: The interplay of energy, development, and environment. *Oxford Handbook of Comparative Environmental Law*

⁴⁸ BLOG POST: Mayank Agarwal, 'What Modi's and BJP's Return Means for India's Environmental Laws', *Huffington Post*, 25 May 2019

⁴⁹ Svilecic, O. (2020). *The use of climate litigation as a corporate accountability tool* (Master's thesis, Wageningen University & Research). WUR E-depot. <https://edepot.wur.nl/531999>

⁵⁰ BLOG POST: Bhardwaj, N. (2025, August 29). *ICJ ruling spurs corporate climate accountability in India*. King Stubb & Kasiva. <https://ksandk.com/energy/icj-ruling-spurs-corporate-climate-accountability-in-india/>



and contracts to hold corporations accountable for climate damage. In the U.S. torts, and contracts remedies, and enforcement are relatively easy. In India, however, prospects for accountability using private law are extremely limited. While some torts and corporate law remedies are possible, most of them are subject to several enforcement constraints.

The only public law remedy available for environmental harms and climate-related disputes in India is the Public Interest Litigations (PILs). The constitutional and statutory powers of Indian courts are broadly worded, allowing them to exercise jurisdiction in innovative ways in situations not necessarily governed by black letter law. Indian courts have not shied away from using this discretionary space in adjudicating environmental disputes, and they are likely to extend this proactive approach to climate claims. The framework of ecological rights and legal principles that the Indian judiciary has developed over the past three decades is well placed to support climate litigation.⁵¹

The Supreme Court has expanded the private law regime in our country by incorporating polluter pays, precautionary, and absolute liability principles into the modern, codified enactment, i.e., The National Green Tribunals Act, 2010. The Indian judiciary, through a step-change or a small win process underpinned by the environmental rule of law, contributes towards an evolving climate change transformation.⁵²

⁵¹ Shibani Ghosh, 'Litigating Climate Claims in India' in Symposium on Jacqueline Peel & Jolene Lin, 'Transnational Climate Litigation: The Contribution of the Global South' (2020) 114 *American Journal of International Law Unbound* 45, 49. https://www.researchgate.net/publication/338993159_Litigating_Climate_Claims_in_India

⁵² Gitanjali N. Gill and Gopichandran Ramachandran, 'Sustainability transformations, environmental rule of law and the Indian judiciary: Connecting the dots through climate change litigation' (2021) 23 *Environmental Law Review* 228, 239 *Sustainability Transformations, Environmental Rule of Law and the Indian Judiciary: Connecting the Dots through*

Private laws can render help if they are backed by jurisprudence regarding tort law, absolute liability, corporate law, and environmental risk assessments majorly. As India continues to evolve its climate policies, the role of international cooperation, particularly in financing and technology transfer, will be critical in overcoming these barriers.⁵³

Finally, corporate climate litigation in India will strike a balance between social and economic duties associated with public and private law regimes. However, the country's progress is uneven, with challenges in translating national strategies into effective local action. This disparity and the pressures of balancing development with environmental sustainability highlight the need for a more integrated, regionally sensitive approach to climate governance.⁵⁴ Ultimately, India's journey toward a sustainable and climate-resilient future requires a concerted effort to integrate social, economic, and environmental considerations in its national and global climate strategies.⁵⁵

7. CONCLUSION

The study demonstrates that the accelerating climate crisis, mainly due to corporate activities, requires a strong legal framework to hold corporations accountable directly. While India has developed a progressive body of environmental jurisprudence through constitutional mandates under *Articles 21, 48A, and 51(g)* and statutory frameworks such as the

Climate Change Litigation - Northumbria University Research Portal

⁵³ Kumar, V., & Chaturvedi, S. (2025). India's approach to climate change policies, strategies, and challenges in the post-Paris Agreement era. *Indian Journal of Society and Politics*, 12(1), 51–62. DOI: 10.1177/0020881717719352

⁵⁴ Barua, M. (2014). India's Environmental Strategy in the Global Climate Negotiations. *International Politics Journal*, 22(4) DOI: 10.1177/0020881717719352.

⁵⁵ Godara, A. K. (2025). Addressing Climate Change in India: Public Policies, Challenges, and Opportunities. *Social Science and Humanities Journal*, 9(1), DOI: 10.18535/sshj.v9i01.1617



Environment Protection Act, 1986, the National Green Tribunal Act, 2010, and the Companies Act, 2013, these mechanisms remain insufficient to hold private corporations accountable for climate damage directly. While PILs do hold the state accountable for negligent climate damages, they do not compel the corporation responsible for the negligent climate damages to step up.

Analyzing global climate litigation, especially in the US, courts have started to hold corporations liable for failing to protect the climate in a climate-defensive way and have begun to establish precedents that hold them responsible for harmful acts of broad-spectrum environmental harm. Such a mechanism, for example, in the Indian context, could respond to the most critical void(s) in the law and greatly enhance corporate liability. The result corroborated the hypothesis that, for example, climate litigation, when operationalized and institutionalized in the Indian context, could be a path-defining instrument for transforming the Indian legal system to bring corporate accountability, legislative gaps, and climate governance frameworks of India in line with the global set standards on climate governance.

Ultimately, the operationalization of climate litigation as a legal instrument will increase corporate accountability and bring India closer to its goals of environmental justice and sustainable development.

8. REFERENCES

A. PEER-REVIEWED JOURNAL ARTICLES

- a) Heede, R. (2014). Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers. *Climatic Change*, **122**(1–2), 229–241. Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010 | Climatic Change
- b) LoPucki, L. M. (2022). Corporate greenhouse gas disclosures. *UC Davis Law Review*, **56**(1), 405–466. Law Journal Library - HeinOnline.org
- c) Gustafsson, M.-T, Schilling-Vacaflor, A., & Lenschow, A. (2023). Foreign corporate accountability: The contested institutionalization of mandatory due diligence in France and Germany. *Regulation and Governance*, **17**, 891–908. <https://doi.org/10.1111/rego.12498>.
- d) Newell, P. (2008). Civil Society, Corporate Accountability and the Politics of Climate Change. *Global Environmental Politics*, **8**(3), 122–153. <https://doi.org/10.1162/glep.2008.8.3.122>
- e) Savaresi, A., & Setzer, J. (2022). Rights-based litigation in the climate emergency: Mapping the landscape and new knowledge frontiers. *Journal of Human Rights and the Environment*, **13**(1), 7–34. Rights-based litigation in the climate emergency: mapping the landscape and new knowledge frontiers in: *Journal of Human Rights and the Environment* Volume 13 Issue 1 (2022)
- f) Hartmann, J., & Savaresi, A. (2021). Corporate actors, environmental harms and the draft UN treaty on business and human rights: History in the making? *Questions of International Law*, **83**, 27–46. Microsoft Word - 03_Business & HR_HARTMANN-SAVARESI_FIN.docx
- g) MENON, MANJU, and KANCHI KOHLI. “Environmental Regulation in India: Moving Forward’ in the Old Direction.” *Economic and Political Weekly*, vol. 50, no. 50, 2015, pp. 20–23. *JSTOR*, <http://www.jstor.org/stable/44002954>
- h) Baxi, U. (1986). The Indian Supreme Court and politics. *Law & Society Review*, **20**(4), 765–798. <https://doi.org/10.2307/3053478>
- i) Shearer, C. Russell H. “INTERNATIONAL ENVIRONMENTAL LAW AND DEVELOPMENT IN DEVELOPING NATIONS: AGENDA SETTING, ARTICULATION, AND INSTITUTIONAL PARTICIPATION.” *Tulane Environmental Law Journal*, vol. 7, no. 2, 1994, pp. 391–430. *JSTOR*, <http://www.jstor.org/stable/43291244>
- j) Gitanjali N. Gill and Gopichandran Ramachandran, ‘Sustainability transformations, environmental rule of law and the Indian judiciary: Connecting the dots through climate change litigation’ (2021) 23 *Environmental Law Review* 228, 239 Sustainability Transformations, Environmental Rule of Law and the



Indian Judiciary: Connecting the Dots through Climate Change Litigation - Northumbria University Research Portal

- k) Kumar, V., & Chaturvedi, S. (2025). India's approach to climate change policies, strategies, and challenges in the post-Paris Agreement era. *Indian Journal of Society and Politics*, 12(1), 51–62 1201_07.pdf
- l) Barua, M. (2014). India's Environmental Strategy in the Global Climate Negotiations. *International Politics Journal*, 22(4) DOI: 10.1177/0020881717719352.
- m) Godara, A. K. (2025). Addressing Climate Change in India: Public Policies, Challenges, and Opportunities. *Social Science and Humanities Journal*, 9(1), DOI: 10.18535/sshj.v9i01.1617
- n) Shibani Ghosh, 'Litigating Climate Claims in India' in Symposium on Jacqueline Peel & Jolene Lin, 'Transnational Climate Litigation: The Contribution of the Global South' (2020) 114 *American Journal of International Law Unbound* 45, 49. https://www.researchgate.net/publication/338993159_Litigating_Climate_Claims_in_India
- o) Mackenzie Kern, Climate Litigation's Pathways to Corporate Accountability, 54 CASE W. RES. J. INT'L L. 477 (2022) Climate Litigation's Pathways to Corporate Accountability

B. BOOKS AND COMMENTARIES

- a) Ratanlal, & Dhirajlal. (2019). *The law of torts* (28th ed.). LexisNexis
- b) Gobert, J., & Punch, M. (2003). *Rethinking corporate crime*. Cambridge University Press Rethinking Corporate Crime - James Gobert, Maurice Punch - Google Books
- c) R. K. Jain, the Bhopal Gas Tragedy: A Case Study in Industrial Disaster, New Delhi: Oxford University Press, 2003, p.no.45 The Bhopal Gas Tragedy: A Case Study in Industrial Disaster and Corporate Accountability by Navin Kumar :: SSRN

C. EDITED VOLUMES AND BOOK CHAPTERS

- a) Kreibiehl, S., Jung, T. Y., Battiston, S., Carvajal, P. E., Clapp, C., Dasgupta, D., Dube, N., Jachnik, R., Morita, K., Samargandi, N., & Williams,

M. (2022). Investment and finance. In IPCC (Ed.), *Climate change 2022: Mitigation of climate change. Working Group III contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press. <https://www.ipcc.ch/report/ar6/wg3/>

- b) Eskander, S., Fankhauser, S., & Setzer, J. (2021). Global lessons from climate change legislation and litigation. In National Bureau of Economic Research (Ed.), *Environmental and energy policy and the economy* (Vol. 2, pp. 44–82). National Bureau of Economic Research. Environmental and Energy Policy and the Economy Stock J. H., Kotchen M. J., Deryugina T.,
- c) Ghosh, S. (2021). Climate Litigation in India. In *Comparative Climate Change Litigation: Beyond the Usual Suspects* (pp. 347–367). Springer. https://doi.org/10.1007/978-3-030-47920-4_14
- d) Rajamani, L., & Ghosh, S. (2020). India's climate change policies: The interplay of energy, development, and environment. *Oxford Handbook of Comparative Environmental Law*
- e) Bhat S., Kamath R. R. Comparative Enforcement Mechanisms and Pinning of Liability in Environmental Crimes in India and the Asia Pacific Region. Available at: <https://Lawasia.Asn.Au/>

D. THESES

- a) Svilecic, O. (2020). *The use of climate litigation as a corporate accountability tool* (Master's thesis, Wageningen University & Research). WUR E-depot. <https://edepot.wur.nl/531999>
- b) Chytil, David. *Corporate Responsibility and Human Rights: A Way Forward for Climate Litigation?* Diploma Thesis. Charles University, Faculty of Law, Department of Environmental Law, 2025. Corporate responsibility and human rights: A way forward for climate litigation? | CU Digital Repository

E. WORKING PAPERS

- a) Carlarne, Cinnamon Piñon, The Essential Role of Climate Litigation and the Courts in Averting Climate Crisis (January 7, 2021). Ohio State Legal Studies



Research Paper No. 592, DEBATING CLIMATE LAW, Benoit Mayer & Alexander Zahar, eds., Cambridge University Press, 2021 Forthcoming, Available at SSRN: <http://dx.doi.org/10.2139/ssrn.3761850>

- b) Varottil, U. (2025). *Corporate climate litigation in India: Traversing the private-public law divide* (NUS Law Working Paper No. 2025/009). National University of Singapore, Faculty of Law. <https://law.nus.edu.sg>

F. INDIAN CASE LAWS

- a) Subhash Kumar v. State of Bihar, AIR 1991 SC 420
 b) Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446
 c) Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715
 d) M.C. Mehta v. Kamal Nath, AIR 1997 SC 388
 e) M.C. Mehta v. Union of India (Oleum Gas Leak), (1987) 1 SCC 395
 f) Sterlite Industries (India) Ltd. v. Union of India, AIR 2013 SC 456
 g) Union Carbide Corp. v. Union of India, AIR 1990 SC 273
 h) LG Polymers India Pvt. Ltd. v. APPCB, NGT OA No. 73/2020
 i) Narmada Bachao Andolan v. Union of India (2000) 10 SCC 664

G. FOREIGN CASE LAWS

- a) Rylands v. Fletcher (1868) LR 3 HL 330
 b) Salomon v. Salomon & Co. [1897] AC 22
 c) Native Village of Kivalina v. ExxonMobil Corp., No. 4:08-cv-1138
 d) City of New York v. BP P.L.C., 325 F. Supp. 3d 466 (2018)
 e) Conservation Law Foundation v. Exxon Mobil Corp., 51 ELR 20129
 f) Juliana v. United States, 947 F.3d 1159 (9th Cir. 2020)

H. LEGISLATIONS AND STATUTES

- a) The Constitution of India, 1950
 b) The Companies Act, 2013

- c) The Environment Protection Act, 1984,
 d) The National Green Tribunal Act, 2010

I. REPORTS BY INTERNATIONAL AND GOVERNMENT ORGANIZATIONS

- a) Day, T., Mooldijk, S., Smit, S., Posada, E., Hans, F., Fearnough, H., Kachi, A., Warnecke, C., Kuramochi, T., & Höhne, N. (2022). *Corporate climate responsibility monitor 2022*. NewClimate Institute. <https://newclimate.org/wp-content/uploads/2022/02/CorporateClimateResponsibilityMonitor2022.pdf>
 b) United Nations Environment Programme. (n.d.). *Illegal trade in environmental goods and services. Convention on Biological Diversity*. <https://www.cbd.int/financial/monterreytradetech/unep-illegaltrade.pdf>
 c) S&P Dow Jones Indices. (2021). *S&P 500 ESG Index methodology*. Retrieved from <https://www.spglobal.com/spdji/en/documents/methodologies/methodology-sp-esg-family-indices.pdf>
 d) Government of India. (2021). *India's long-term low-emission development strategy: Achieving the Net-Zero Vision by 2070*. United Nations Framework Convention on Climate Change (UNFCCC). Retrieved from <https://unfccc.int/lt-leds>

J. NEWSPAPER ARTICLES, BLOGS, AND ONLINE COMMENTARY

- a) *NEWSPAPER REPORT- 226 Climate Litigation Cases Filed in 2024 As Global Impact Grows*
 b) Mayank Agarwal, 'What Modi's and BJP's Return Means for India's Environmental Laws', *Huffington Post*, 25 May 2019
 c) Singh V, "Criminal Liability of Corporations – An Environmental Perspective", Social Science Research Network (SSRN) Available at: pdf.ssrn.com
 d) Bhardwaj, N. (2025, August 29). *ICJ ruling spurs corporate climate accountability in India*. King Stubb & Kasiva. <https://ksandk.com/energy/icj-ruling-spurs-corporate-climate-accountability-in-india/>
