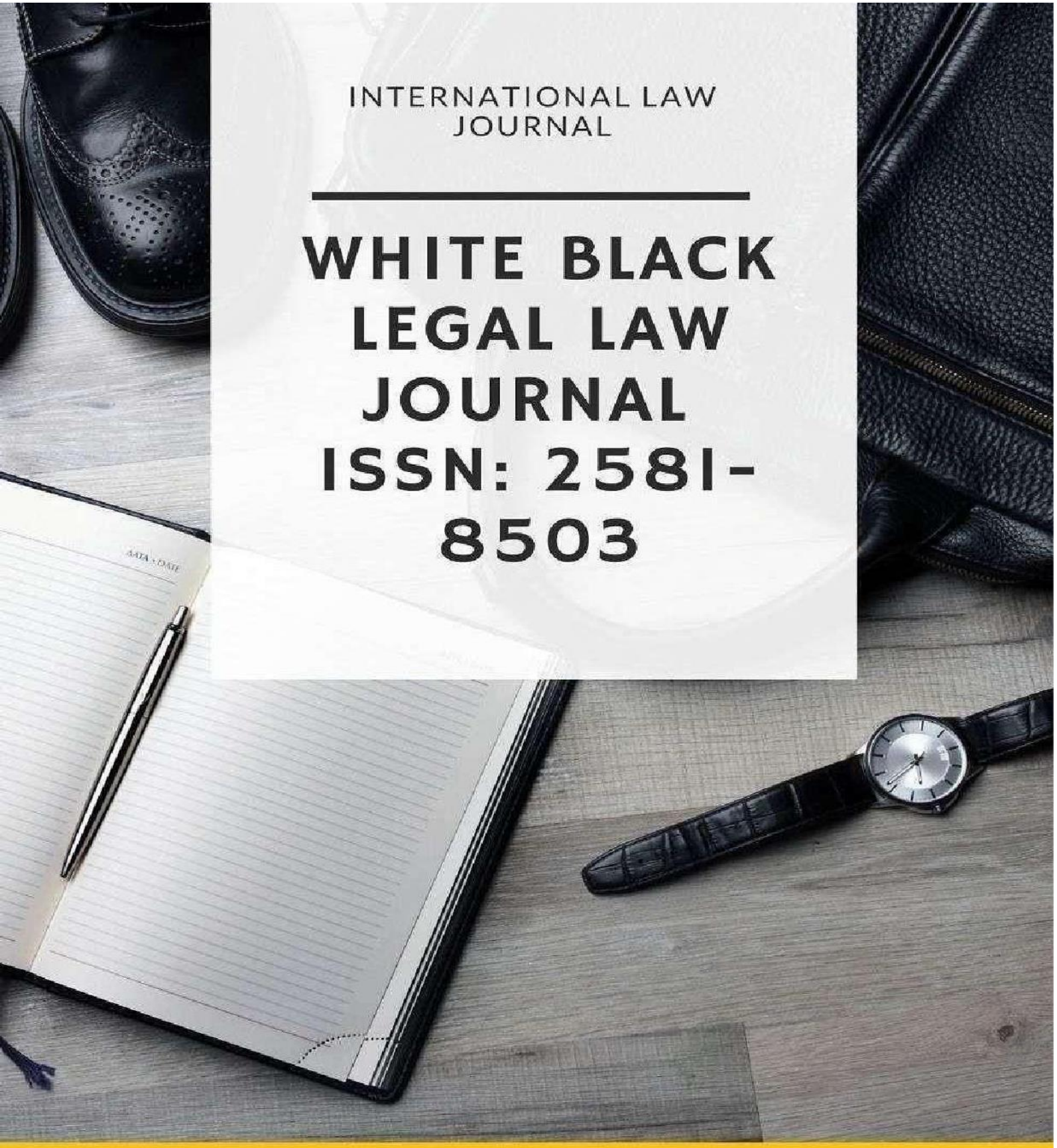


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A CRITICAL ANALYSIS OF CLIMATE CHANGE AND GENDER JUSTICE

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ABSTRACT

Climate change is one of the most pressing global challenges, affecting human rights, social equality, environmental sustainability, and economic development. Its impacts are not distributed equally among individuals and communities, as gender, socioeconomic status, education, and access to resources significantly influence vulnerability and resilience. Women, particularly those belonging to marginalized and economically disadvantaged communities, often experience disproportionate consequences due to unequal access to land, employment, healthcare, education, and decision-making opportunities. This study critically examines the relationship between climate change and gender justice within the Indian constitutional and legal framework. It explores how climate-induced disasters, environmental degradation, water scarcity, agricultural instability, and displacement intensify existing gender inequalities and increase women's economic, social, and caregiving burdens. The study further analyses the relevance of constitutional principles, including equality, dignity, the right to life, and environmental protection, in addressing gender-based climate vulnerabilities. It evaluates the effectiveness of existing environmental laws, government policies, and institutional mechanisms in promoting gender-responsive climate governance and ensuring equitable access to adaptation resources and climate finance. The research adopts a doctrinal and analytical approach, drawing upon constitutional provisions, judicial decisions, legal principles, policy frameworks, and relevant scholarly literature. It also highlights the importance of women's participation in climate decision-making, gender-sensitive budgeting, effective legal accountability, and inclusive adaptation strategies. The study ultimately emphasizes the need to integrate gender justice into climate policies and legal institutions to ensure substantive equality, environmental sustainability, and the protection of vulnerable communities. It seeks to contribute to a more inclusive and rights-based approach to climate governance in India.

KEYWORDS

Climate Change, Gender Justice, Feminist Climate Justice, Gender Equality, Human Rights, Climate Adaptation, Climate Litigation, Intersectionality, India, Environmental Justice.

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1	M.K. Ranjitsinh v. Union of India	2024	Right against adverse effects of climate change; Articles 14 and 21
2	Vellore Citizens' Welfare Forum v. Union of India	(1996) 5 SCC 647	Precautionary principle, polluter pays andsustainable development
3	Subhash Kumar v. State of Bihar	(1991) 1 SCC 598	Right to pollution-free water and air under Article 2
4	M.C. Mehta v. Union of India	Environmental jurisprudence	Article 21, environmental protection and state responsibility
5	Vishaka v. State of Rajasthan	(1997) 6 SCC 241	Gender equality, dignity and protection from gender-based harm
6	Joseph Shine v. Union of India	(2019) 3 SCC 39	Women's autonomy, dignity and substantiveequality
7	Justice K.S. Puttaswamy v. Union of India	(2017) 10 SCC 1	Privacy, dignity, autonomy and constitutional personhood
8	Paris Agreement	2015	Climate action, equity, participation andhuman-rights context
9	UNFCCC Gender Action Plan	COP25 / later updates	Gender-responsive climate governance and women's participation
10	CEDAW	1979	Non-discrimination and substantive equality for women

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CHAPTER – I

INTRODUCTION

1.1 Background of the Study

Climate change has emerged as one of the most significant environmental, social, and legal challenges of the twenty-first century. It causes rising temperatures, floods, droughts, cyclones, and environmental degradation. These impacts are not equally distributed, as gender, socioeconomic status, and access to resources influence vulnerability. Women, particularly those from rural and economically disadvantaged communities, face greater challenges due to unequal access to land, education, employment, and healthcare. In India, climate change affects women's livelihoods, increases unpaid care responsibilities, and intensifies existing gender inequalities. The Constitution of India guarantees equality, dignity, and environmental protection through Articles 14, 15, 21, and 51A(g). This study examines the relationship between climate change, environmental protection, and gender justice within the Indian legal framework.

1.2 Significance of the Study

The study is significant because climate change is not merely an environmental issue but also a matter of human rights, social equality, and justice. It examines how gender inequalities increase climate vulnerability and highlights the importance of gender-responsive climate policies. The research also emphasizes constitutional protection, legal accountability, women's participation, equitable access to resources, and sustainable development. It contributes to understanding the need for integrating gender justice into environmental governance and legal institutions.

1.3 Review of Literature

Existing literature highlights the unequal impacts of climate change on women and marginalized communities. The IPCC recognizes that gender, poverty, and socioeconomic conditions influence climate vulnerability. The UNFCCC emphasizes gender-responsive climate policies and women's participation in decision-making. Bina Agarwal's feminist environmental scholarship highlights women's access to natural resources and participation in governance. Martha Nussbaum's capability approach emphasizes human dignity and substantive equality. Indian environmental jurisprudence has developed principles relating to the right to life, environmental protection, and sustainable development. However, the integration of gender justice into climate-related legal accountability requires further examination.

1.4 Research Gap

Although existing studies recognize the unequal impacts of climate change on women, the relationship between climate change and gender justice remains insufficiently integrated into the Indian legal framework. There is a need to examine how constitutional provisions, environmental legislation, and judicial decisions can address gender-based climate vulnerabilities. This study seeks to bridge the gap by analysing legal protections, institutional accountability, and women's participation in climate governance.

1.5 Research Objectives

1. To examine the relationship between climate change and gender inequality.

2. To analyse the differential impacts of climate change on women and vulnerable communities.
3. To examine constitutional provisions relating to equality, dignity, and environmental protection.
4. To analyse environmental laws and judicial decisions concerning gender justice.

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5. To identify legal gaps and suggest reforms for gender-responsive climate governance.

1.6 Research Questions

1. How does climate change affect women and vulnerable communities differently?
2. To what extent does the Indian Constitution protect gender equality in the context of climate change?
3. What role do environmental laws and judicial decisions play in promoting climate justice?
4. What legal and policy reforms are necessary to strengthen gender justice in India?

1.7 Research Methodology

This study adopts doctrinal research methodology and relies exclusively on secondary sources. It examines constitutional provisions, environmental legislation, judicial decisions, international legal instruments, books, academic journals, and institutional reports. The research involves legal interpretation and critical analysis of existing laws, judicial principles, and institutional frameworks. It does not include surveys, interviews, fieldwork, or empirical data collection.

1.8 Limitations of the Study

The study is limited to the Indian legal and constitutional framework, with relevant international references. It relies on published legal materials and does not include empirical research or field investigations. The analysis focuses primarily on gender justice, environmental protection, and climate governance. Changes in legislation and judicial interpretation may affect the continuing relevance of certain findings.

1.9 Scheme of the Study

The study is organized into five chapters. Chapter I introduces the research topic, objectives, methodology, and scope. Chapter II examines the conceptual and theoretical foundations of climate change and gender justice. Chapter III analyses the constitutional and legal framework. Chapter IV critically evaluates climate-related gender inequalities and existing legal mechanisms. Chapter V presents the findings, suggestions, and conclusion.

CHAPTER – II

CLIMATE CHANGE AND GENDERED IMPACTS

2.1 MEANING AND NATURE OF CLIMATE CHANGE

Climate change refers to long-term changes in climate patterns, including changes in temperature, precipitation and the frequency or intensity of certain extreme events. Contemporary climate change is primarily driven by human activities that increase greenhouse-gas concentrations. The physical science establishes the environmental problem, but climate justice requires analysis of its social consequences.

[1] *"M.K. Ranjitsinh v. Union of India" (2024) - Right against adverse effects of climate change; Articles 14 and 21*

2.2 GENDERED VULNERABILITY AND CLIMATE RISK

Gendered vulnerability is produced through social institutions rather than by gender alone. Where women have less control over land, income, transport, information or household decisions, their ability to respond to drought, floods or heat may be constrained. Social expectations may also place responsibility for children, older persons and sick family
members on women, increasing their exposure to care-related burdens during disasters. The IPCC specifically recognizes intersecting socio-economic inequalities and gender relations as drivers of vulnerability. [2]
The concept of vulnerability should not become a stereotype. Women may possess strong coping networks and ecological knowledge, while men may face risks associated with dangerous livelihood activities or migration. A gender analysis therefore examines relationships of power and responsibility rather than assuming that one sex is inherently more vulnerable.

2.3 WOMEN, WATER, FOOD AND LIVELIHOODS

Climate variability can affect agricultural productivity, livestock, fisheries, forests and water availability. In rural households where women are responsible for food preparation and water collection, scarcity can increase time poverty and reduce opportunities for paid employment or education. Where women have limited land titles or access to institutional credit, recovery after a crop or livestock loss may be slower.
Gender-responsive adaptation should therefore combine climate-resilient infrastructure with land rights, credit, extension services, social protection and women's participation in resource governance. Without these measures, adaptation investment can reproduce existing inequalities.

2.4 HEALTH, CARE WORK AND CLIMATE CHANGE

Climate change affects health through heat stress, air pollution, changing disease patterns, malnutrition, water insecurity and disruption of health systems. Pregnancy and reproductive health may be affected when heat, food insecurity, disasters or reduced access to medical services increase health risks. A rights-based response must therefore integrate climate adaptation into public health and reproductive health systems rather than treating them as separate policy fields.

Unpaid care work is a central but often invisible dimension. After floods, cyclones or heatwaves, households may require additional cleaning, water collection, caregiving and emotional support. If public services fail, these tasks frequently shift into unpaid household labour. Because women perform a large share of unpaid care in many societies, climate shocks can deepen gender inequality even when women are not directly employed in climate-sensitive sectors.

[2] *"Vellore Citizens' Welfare Forum v. Union of India" (1996) 5 SCC 647 - Precautionary principle, polluter pays and sustainable development*

2.5 CLIMATE DISASTERS, VIOLENCE AND DISPLACEMENT

Disasters can heighten risks of gender-based violence, exploitation, trafficking and insecurity. Displacement may separate families from support networks and disrupt access to sanitation, housing and health services. UN Women notes that climate-related disasters can amplify risks of violence against women and girls, especially when livelihoods and public services are disrupted. [4]

A gender-just disaster response must therefore include safe shelters, private sanitation facilities, accessible health care, protection mechanisms, complaint systems and gender-sensitive relief distribution. Women's participation in disaster committees and local planning is equally important because safety risks are often identified most effectively by those who experience them.

The central conclusion of this chapter is that climate impacts become gendered through social organization. Justice therefore requires changing the conditions that turn environmental hazards into unequal human consequences.

CHAPTER – III

FEMINIST CLIMATE JUSTICE AND GENDER JUSTICE

3.1 MEANING OF GENDER JUSTICE

Gender justice is a comprehensive concept that seeks to eliminate gender-based discrimination, unequal power relations, and structural disadvantages while ensuring that every individual can enjoy rights, opportunities, resources, and social protection with dignity. It extends beyond the mere recognition of equality before the law and requires the creation of social, economic, political, and institutional conditions in which substantive equality can be achieved. Gender justice recognizes that formally granting identical rights to all individuals does not necessarily produce equal outcomes when existing social structures systematically disadvantage particular groups.

The distinction between formal equality and substantive equality is particularly significant in the context of climate change. Formal equality requires that women and men receive equal treatment under the law. Substantive equality, however, recognizes that women may experience climate-related risks differently because of unequal access to land, income, education, technology, healthcare, public services, and political representation. Therefore, gender justice requires measures that address the underlying causes of inequality rather than merely prohibiting discriminatory treatment.

Climate change is not exclusively an environmental or scientific problem; it is also a social justice issue that affects people's ability to access basic necessities, protect their livelihoods, exercise fundamental rights, and participate in decisions concerning their future. Women in many communities undertake substantial responsibilities for collecting water, obtaining fuel, producing food, caring for children, supporting older persons, and maintaining household well-being. Droughts, floods, heatwaves, cyclones, and other climate-related hazards can intensify these responsibilities while simultaneously reducing the resources available to perform them.

For example, prolonged drought may force women in rural communities to travel greater distances to obtain drinking water. This increases their physical workload, reduces the time available for education or paid employment, and may expose them to additional safety risks. Similarly, when floods destroy houses, agricultural land, or local infrastructure, women engaged in informal employment may lose their income without receiving adequate insurance, compensation, or institutional support. These consequences demonstrate that environmental damage can reinforce existing gender inequalities.

Gender justice in climate governance therefore requires equal access to climate adaptation programmes, disaster relief, rehabilitation, climate finance, land ownership, livelihood assistance, healthcare, information, and decision-making institutions. It also requires recognition of women's contributions to environmental protection, agriculture, natural-resource management, and community resilience.

Furthermore, gender justice must not be understood as a matter concerning women alone. Gender relations affect individuals and communities differently, and climate policies should address discriminatory social expectations, unequal care responsibilities, and institutional practices that restrict people's opportunities. At the same time, specific attention must be given to women and girls where historical and structural disadvantages place them at greater risk.

From a legal perspective, gender justice is connected with equality, non-discrimination, dignity, participation, access to remedies, and the protection of fundamental rights. In India, Articles 14 and 15 of the Constitution guarantee equality before the law and prohibit specified forms of discrimination, while Article 15(3) permits special provisions for women and children. Article 21 protects life and personal liberty and has been interpreted by the Supreme Court to encompass important dimensions of a dignified life, including environmental protection. Article 39(a) addresses adequate means of livelihood, and Article 51A(g) establishes a fundamental duty to protect and improve the natural environment.

These constitutional principles provide an important foundation for examining gender equality in environmental governance. However, their effective application requires institutions to identify the unequal consequences of environmental degradation and climate-related disasters. Gender justice must therefore combine legal equality with effective implementation, adequate resources, institutional accountability, and accessible remedies.

In conclusion, gender justice in the context of climate change means ensuring that women and other disadvantaged groups are not disproportionately burdened by environmental harm, excluded from climate decision-making, or denied the resources necessary to adapt to changing environmental conditions. It requires climate policies that protect rights, correct structural inequalities, and distribute environmental benefits and burdens fairly.

3.2 DEVELOPMENT OF FEMINIST CLIMATE JUSTICE

Feminist climate justice emerged from the growing recognition that environmental degradation, climate change, gender inequality, and unequal economic and political power are interconnected. Traditional approaches to climate policy have frequently concentrated on greenhouse gas emissions, technological innovation, energy transitions, economic efficiency, and the protection of physical infrastructure.

Although these measures are essential, they do not necessarily address the social inequalities that determine who is exposed to climate risks, who possesses the resources to respond, and who participates in decisions concerning environmental protection.

Feminist climate justice challenges the assumption that climate change affects all people in the same manner. It argues that the consequences of environmental change are mediated by existing inequalities involving gender, class, caste, race, ethnicity, disability, age, occupation, land ownership, and geographical location. Consequently, climate vulnerability cannot be understood solely by examining exposure to environmental hazards. It must also be examined through the social and institutional conditions that determine people's capacity to anticipate, withstand, and recover from those hazards.

The development of feminist climate justice can be understood through several interconnected stages.

First, feminist environmental movements drew attention to the relationship between women's everyday lives and environmental degradation. In agricultural, forest-dependent, fishing, and rural communities, women often participate in collecting natural resources, managing household consumption, maintaining food security, and supporting subsistence livelihoods. Environmental degradation can therefore directly affect their economic security and daily responsibilities.

Second, feminist scholarship challenged the separation between environmental issues and social inequalities. Climate change was increasingly understood as a problem involving not only the atmosphere but also questions of ownership, distribution, labour, representation, and historical responsibility. For instance, a renewable energy project may reduce emissions while simultaneously displacing a community or restricting access to common resources. Its environmental benefits must therefore be assessed alongside its social consequences.

Third, international environmental governance increasingly recognized the importance of gender equality and women's participation. Principle 20 of the 1992 Rio Declaration on Environment and Development emphasizes the essential role of women in environmental management and development and calls for their full participation. The United Nations Framework Convention on Climate Change (UNFCCC) subsequently became an important institutional framework for integrating gender considerations into climate negotiations and implementation.

The Paris Agreement of 2015 also recognizes the importance of gender equality and women's empowerment in its preamble. It further refers to human rights, the rights of Indigenous Peoples, local communities, migrants, children, persons with disabilities, and people in vulnerable situations. Although these references do not independently guarantee gender equality in every climate programme, they provide important normative support for rights-based and inclusive climate action.

Fourth, feminist climate justice expanded from a focus on women's vulnerability to a broader examination of structural transformation. Rather than treating women merely as victims requiring protection, feminist approaches recognize them as rights-holders, knowledge producers, political participants, workers, community leaders, and agents of environmental change. This perspective emphasizes that women must participate meaningfully in defining climate priorities and evaluating the consequences of climate policies.

Contemporary feminist climate justice also examines the unequal distribution of unpaid care work. Climate-related disasters frequently increase the time required to obtain water, prepare food, care for injured relatives, and maintain household health. Where public infrastructure and social protection are inadequate, these responsibilities may be transferred to households and disproportionately performed by women. Climate adaptation that depends on this unpaid labour can conceal its true economic and social costs.

Another important development is the incorporation of historical responsibility into climate justice. Industrialized economies have contributed substantially to cumulative greenhouse gas emissions, while many communities in developing countries have limited financial resources to respond to climate-related losses. Women in these communities may experience the combined effects of environmental vulnerability, poverty, unequal property rights, and limited access to public institutions. Feminist climate justice therefore connects gender equality with international distributive justice and the responsibility of states and other actors to address climate harm.

UN Women has articulated feminist climate justice through four interconnected dimensions: recognition, redistribution, representation, and reparation. These dimensions provide a useful framework for identifying gender inequalities and developing transformative climate policies.[3]

Recognition requires identifying the different ways climate change affects people and acknowledging the contributions, rights, experiences, and knowledge of marginalized communities. Redistribution requires fairer allocation of resources, including climate finance, land, technology, public services, and social protection. Representation requires meaningful participation in decision-making and access to institutional power. Reparation concerns measures to address losses, damages, rights violations, and historical injustices.

These dimensions are mutually reinforcing. Recognition without redistribution may identify inequality without correcting it. Redistribution without representation may produce programmes that do not reflect the needs of affected communities. Representation without recognition may result in symbolic participation, while reparation without accountability may fail to provide effective remedies.

Thus, feminist climate justice represents a shift from a narrowly technical understanding of climate policy towards an integrated approach that addresses environmental sustainability, social equality, historical responsibility, democratic participation, and human rights.

3.3 THEORIES RELEVANT TO CLIMATE JUSTICE

Feminist climate justice draws upon multiple theoretical approaches to explain how gender inequality is produced, maintained, and intensified by environmental change. No single theory can adequately explain all dimensions of climate injustice. Liberal feminism examines equality of rights and opportunities; radical feminism investigates patriarchal power; care ethics highlights the importance of dependency and unpaid labour; ecofeminism examines relationships between social domination and environmental exploitation; postcolonial and decolonial feminism question historical and colonial inequalities; and intersectional feminism examines the interaction of multiple forms of disadvantage.

These approaches provide complementary analytical tools for assessing climate legislation, environmental institutions, adaptation policies, disaster management, development projects, and international climate negotiations.

3.3.1 LIBERAL FEMINISM

Liberal feminism is based on the principles of individual liberty, equality before the law, equal opportunities, and the removal of discriminatory barriers. It argues that women should enjoy the same legal rights and institutional opportunities as men and should not be excluded from education, employment, political participation, property ownership, or public decision-making because of their gender.

In climate governance, liberal feminism examines whether women have equal access to the institutions, resources, and opportunities necessary to participate in climate action. It supports women's representation in environmental committees, local government bodies, climate negotiations, disaster management authorities, and renewable energy programmes. It also emphasizes equal access to climate-related employment, vocational training, financial services, agricultural technology, and scientific education.

For example, a government may introduce a subsidy programme to encourage farmers to adopt solar-powered irrigation systems. If the eligibility requirements recognize only formally recorded landowners, women who cultivate family land but lack ownership documents may be excluded. A liberal feminist

analysis would question whether such administrative requirements create indirect barriers to equal access and would recommend appropriate legal and institutional reforms.

Similarly, women seeking employment in renewable energy industries may encounter discriminatory recruitment practices, unequal training opportunities, workplace harassment, and inadequate childcare facilities. Liberal feminism supports the enforcement of equal opportunity protections and the removal of barriers that prevent women from benefiting from the green transition.

The theory also emphasizes legal participation. Women should have opportunities to express their concerns during environmental impact assessments, public consultations, climate adaptation planning, and decisions concerning the use of community resources. Their participation should not depend exclusively on the willingness of existing authorities to hear their views; it should be supported by transparent procedures and effective institutional safeguards.

However, liberal feminism has certain limitations. Formal equality does not automatically eliminate material inequality. If women have fewer financial assets, less access to credit, insecure land tenure, limited mobility, or disproportionate household responsibilities, identical programmes may produce unequal outcomes. A policy that provides the same financial assistance to every household may be inadequate for households facing different levels of vulnerability.

Therefore, liberal feminist principles should be supplemented by substantive equality measures, targeted assistance, social protection, and institutional reforms. Equal treatment is important, but genuine gender justice may require differentiated support to overcome historically produced disadvantages.

3.3.2 RADICAL FEMINISM

Radical feminism examines how patriarchal structures influence social institutions, economic relationships, political authority, and control over resources. It argues that gender inequality cannot be fully understood as a collection of isolated discriminatory acts because unequal power relations may be embedded within family structures, workplaces, public institutions, and cultural expectations.

Applied to climate justice, radical feminist analysis asks who controls natural resources, who determines development priorities, whose interests are represented in environmental institutions, and who bears the consequences of decisions made by powerful actors.

For example, a large infrastructure project intended to protect a coastal region from flooding may require the relocation of fishing communities. If decisions are made primarily by government officials, developers, and male community representatives, the particular concerns of women involved in fish processing, marketing, household management, and informal trade may remain unrecognized. The project may achieve its engineering objectives while disrupting women's livelihoods and weakening their economic independence.

Radical feminist analysis also draws attention to the relationship between disasters, displacement, and gender-based violence. In some emergency settings, the breakdown of public services, insecure temporary shelters, economic dependency, and overcrowded living conditions can increase risks of harassment, exploitation, and violence. These risks are not inevitable consequences of climate change; they are influenced by institutional failures, existing inequalities, and inadequate protection mechanisms.

Consequently, disaster management should incorporate safe shelters, accessible sanitation facilities, confidential reporting systems, appropriate security arrangements, healthcare, and gender-responsive relief services. Measures should also address the specific needs of pregnant women, adolescent girls, older women, and women with disabilities.

Another important concern is the distribution of decision-making power. Women may be invited to attend climate consultations without having the authority to influence final decisions. They may be expected to contribute local knowledge without receiving compensation, access to resources, or representation in leadership positions. Radical feminist analysis identifies this difference between symbolic participation and actual control. Nevertheless, radical feminism should not be interpreted as suggesting that all men possess identical power or that all women experience oppression in the same way. Gender relations intersect with class, caste, race, disability, and other social structures. A comprehensive feminist analysis must therefore examine how power operates across different institutions and social groups.

The principal contribution of radical feminism is its emphasis on structural change. It requires climate governance to challenge discriminatory power relations rather than simply adding women to existing institutions without changing their rules, priorities, or accountability mechanisms.

3.3.3 CARE ETHICS AND ECOFEMINISM

Care ethics and ecofeminism provide important insights into the relationship between human dependency, social reproduction, environmental sustainability, and gender inequality. Although they are distinct approaches, both question social and economic arrangements that undervalue activities essential to maintaining human and ecological well-being.

A. Care Ethics

Care ethics emphasizes that human beings are interdependent and that care is essential to individual and collective survival. Human life depends on activities such as raising children, caring for older persons, supporting individuals with disabilities, maintaining household health, preparing food, and assisting people during illness or emergencies.

Much of this work is unpaid or underpaid and is frequently performed by women. Conventional economic measures may fail to adequately account for its value because it does not always appear in formal employment statistics or market transactions.

Climate change intensifies the importance of care work. During extreme heat, family members may need additional assistance to prevent dehydration and heat-related illness. During floods, households may require more time for cleaning, obtaining drinking water, preparing food, and caring for displaced relatives. Following disasters, women may undertake additional responsibilities for children whose schools have closed and family members who have lost access to healthcare.

If public authorities fail to provide sufficient emergency services, childcare, healthcare, drinking water, sanitation, and social protection, these responsibilities may be transferred to households. The result is an unequal distribution of climate-related costs: institutions may report that a community has adapted to a disaster even though women are absorbing the additional burden through unpaid labour.

Care ethics therefore challenges climate policies that measure success only through infrastructure, investment, or economic growth. A flood protection programme should also consider whether households can access essential services, whether caregivers receive support, and whether the policy reduces or increases unequal workloads.

Practical measures informed by care ethics include accessible childcare, reliable public transport, safe drinking water, community healthcare, emergency support for caregivers, and social protection for

informal workers. Such measures strengthen climate resilience by reducing the pressure placed on individual households.

Care ethics also emphasizes that care should be treated as a collective social responsibility rather than an obligation naturally belonging to women. Governments, communities, employers, and families all have roles in supporting care systems.

B. Ecofeminism

Ecofeminism examines the connections between environmental exploitation and systems of domination, including patriarchal, colonial, and economic hierarchies. Some ecofeminist perspectives argue that social structures that devalue women and marginalized communities may also encourage the exploitation of forests, water, land, animals, and other ecological resources.

The approach draws attention to hierarchical ways of thinking that separate human society from nature and treat environmental resources as instruments of unlimited economic development. It questions development models that disregard ecological limits, community livelihoods, and the rights of those who depend directly on natural resources.

For example, deforestation may affect women who rely on forests for food, fuel, medicinal plants, and livelihood activities. Industrial pollution may affect the health of entire communities while imposing additional care responsibilities on family members. Similarly, poorly designed energy projects may restrict access to common lands or undermine the livelihoods of forest-dependent communities.

Ecofeminist analysis therefore encourages environmental policies that recognize ecological interdependence, protect community resources, and consider the social distribution of environmental costs.

However, contemporary feminist climate justice must avoid the assumption that women are naturally closer to nature or inherently more environmentally responsible than men. Such assumptions can reinforce traditional gender roles and justify placing additional environmental responsibilities on women.

Women's environmental knowledge is better understood in relation to their occupations, experiences, resource access, cultural practices, and participation in community life. Not all women possess the same knowledge, and not all communities manage resources in identical ways.

The combined contribution of care ethics and ecofeminism is to demonstrate that sustainable climate action must protect both ecological systems and the social relationships that sustain human life.

Environmental policy should not rely upon invisible labour or disregard the unequal costs imposed on marginalized communities.

3.3.4 POSTCOLONIAL AND DECOLONIAL FEMINISM

Postcolonial and decolonial feminism examine how colonial histories, unequal international economic relationships, racial hierarchies, and dominant models of development influence contemporary gender and environmental inequalities.

These approaches challenge the assumption that a single development model or climate policy can be applied uniformly across all countries and communities. They argue that environmental problems must be understood in their historical, political, economic, and cultural contexts.

Climate change provides a particularly important example of global inequality. Industrialization, resource extraction, and the use of fossil fuels have contributed to the accumulation of greenhouse gases in the atmosphere. However, countries and communities differ significantly in their historical contributions to

emissions, present-day consumption patterns, financial resources, and capacity to respond to climate-related harm.

Many communities in the Global South face severe climate risks despite having limited resources to finance adaptation and recovery. Within these communities, women may experience additional disadvantages because of unequal land rights, poverty, limited access to public services, and exclusion from political decision-making. Postcolonial feminist analysis also questions the representation of women in developing countries as a single, helpless, or uniformly vulnerable group. Such representations may overlook their leadership, ecological knowledge, political activism, and capacity to develop locally appropriate adaptation strategies.

Indigenous women, forest-dependent communities, small-scale farmers, and coastal populations may possess detailed knowledge concerning seasonal changes, local biodiversity, water management, traditional agriculture, and environmental risks. This knowledge can contribute significantly to climate adaptation, but it may be disregarded when policy decisions are made exclusively through centralized technical institutions.

For instance, a conservation programme may restrict access to forest areas in the name of environmental protection without adequately consulting communities that depend on those areas for their livelihoods. A decolonial feminist approach would question whether the policy recognizes community rights, respects local knowledge, distributes benefits fairly, and provides meaningful opportunities for participation.

The same analysis applies to climate finance. Financial assistance should not impose conditions that ignore local priorities or reproduce unequal relationships between donors and recipient communities. Climate projects should be developed through transparent processes that respect the rights and priorities of affected populations. International climate justice also raises questions of historical responsibility and the distribution of financial obligations. The principle of common but differentiated responsibilities and respective capabilities, reflected in international climate law, recognizes that states have common responsibilities to address climate change while acknowledging differences in their contributions and capacities.

A feminist perspective adds that financial commitments and adaptation programmes should also consider inequalities within countries. Climate finance must be accessible to local communities, women's organizations, and vulnerable groups rather than remaining concentrated in institutions that are distant from those experiencing climate harm.

Thus, postcolonial and decolonial feminism broadens climate justice beyond gender representation. It connects environmental protection with historical accountability, economic sovereignty, community rights, knowledge diversity, and the need to avoid reproducing colonial patterns through contemporary climate governance.

3.3.5 INTERSECTIONAL FEMINISM

Intersectional feminism examines how different systems of inequality interact to shape people's experiences, opportunities, and vulnerabilities. The concept of intersectionality is particularly associated with the legal scholarship of Kimberlé Crenshaw, who demonstrated that examining discrimination through a single category may fail to capture the experiences of individuals situated at the intersection of multiple forms of disadvantage.

In climate justice, intersectionality recognizes that gender does not operate independently of class, caste, race, ethnicity, disability, age, sexuality, migration status, occupation, or geographical location. These factors interact to influence exposure to environmental hazards and access to protection, finance, healthcare, housing, and political representation.

For example, a wealthy urban woman and a landless rural woman may experience the same heatwave very differently. The urban woman may have access to air-conditioned housing, reliable electricity, private transport, medical care, and paid assistance. The rural woman may work outdoors, lack secure housing, depend on daily wages, and have limited access to cooling facilities or healthcare.

Similarly, women with disabilities may face additional difficulties when emergency shelters are inaccessible or evacuation information is not provided in appropriate formats. Migrant women may be excluded from relief programmes because they lack local documentation. Older women living alone may experience greater difficulty accessing emergency services. Women from marginalized caste communities may encounter social discrimination when seeking water, shelter, employment, or public assistance.

These examples demonstrate that a general policy directed at women may not adequately address the needs of those experiencing the most severe disadvantages.

Intersectional climate justice therefore requires disaggregated data. Climate-related information should, where appropriate and consistent with privacy protections, distinguish the experiences of different social groups. Data concerning disaster mortality, displacement, access to relief, employment losses, health outcomes, and climate finance can help identify inequalities that aggregate statistics may conceal.

It also requires targeted and accessible measures. Examples include accessible early-warning systems, multilingual disaster information, safe shelters, legal assistance for displaced families, support for informal workers, and financial assistance that does not depend exclusively on formal land ownership.

Intersectionality is equally relevant to participation. Women from disadvantaged communities may face barriers not experienced by more privileged women, including language barriers, financial constraints, social exclusion, lack of transport, and limited access to institutional networks. Effective consultation must therefore be designed to enable participation by a diverse range of affected people.

An intersectional approach does not imply that every individual belonging to a particular group has identical experiences. Rather, it requires institutions to investigate how specific social and economic circumstances shape vulnerability and access to remedies.

Its principal contribution is the rejection of a universal category of 'women' that conceals internal differences. By recognizing diversity, intersectional feminism supports more accurate climate assessments, fairer resource allocation, and policies that respond to the actual circumstances of affected communities.[2]

3.4 FEMINIST CRITIQUE OF CLIMATE GOVERNANCE

Climate governance refers to the institutions, laws, policies, financial arrangements, decision-making processes, and international agreements through which governments and other actors respond to climate change. It includes mitigation, adaptation, disaster risk reduction, climate finance, renewable energy development, emissions regulation, and mechanisms for addressing loss and damage.

A feminist critique examines whether these arrangements address structural inequalities or unintentionally reproduce them. It questions whose knowledge is accepted, who participates in decisions,

who receives financial benefits, who bears environmental costs, and whether affected communities can hold decision-makers accountable.

First, feminist analysis questions the assumption of gender neutrality. A climate policy may appear neutral because its rules apply equally to everyone. However, the practical consequences of those rules may differ according to existing inequalities. For example, an agricultural adaptation scheme that provides assistance only to registered landowners may exclude women who perform agricultural work without holding legal title to the land.

Consequently, climate policies should be assessed not only according to their stated objectives but also according to their actual distributional effects. Gender-responsive assessments can identify indirect discrimination and reveal whether programmes improve or worsen access to essential resources.

Second, feminist climate justice examines representation and decision-making power. Women's presence in a committee does not necessarily mean that they can influence its decisions. Meaningful participation requires access to information, opportunities to set agendas, the ability to express disagreement, and institutional procedures that take participants' views seriously.

Consultation may become symbolic when meetings are held at inaccessible locations, conducted in unfamiliar languages, scheduled without regard to care responsibilities, or organized after major decisions have already been made. Therefore, public participation must occur early enough to influence outcomes and must be supported by appropriate institutional arrangements.

Third, feminist analysis highlights the unequal distribution of climate finance. Climate finance is essential for reducing emissions, strengthening adaptation, and responding to climate-related losses. However, financial resources do not automatically reach those who need them most. Complex application procedures, collateral requirements, inadequate documentation, and limited access to financial institutions may prevent women-led households and community organizations from obtaining assistance.

Gender-responsive climate finance should include transparent eligibility criteria, accessible application procedures, adequate monitoring, and mechanisms to assess who actually benefits. It should also examine whether funded projects improve women's access to livelihood support, technology, public services, and decision-making.

Fourth, feminist climate governance addresses unpaid care work. Disaster management plans frequently prioritize evacuation, infrastructure restoration, and economic recovery without adequately considering the additional responsibilities imposed on caregivers. When water supplies fail, schools close, or healthcare services become inaccessible, households must find alternative arrangements. These arrangements may depend heavily on unpaid work performed by women.

Climate resilience should therefore include investment in care infrastructure, public healthcare, childcare, sanitation, drinking water, accessible transport, and social protection. Such investment is not merely a welfare measure; it strengthens the capacity of communities to withstand environmental shocks.

Fifth, feminist critique examines the social consequences of climate mitigation projects. Renewable energy development, forest conservation, carbon-offset projects, and large infrastructure schemes can contribute to environmental objectives, but their design and implementation may create land conflicts, displacement, livelihood losses, or unequal access to benefits.

A feminist assessment asks whether affected communities have been consulted, whether land and livelihood rights are respected, whether compensation is adequate, and whether women have equal

opportunities to participate in and benefit from the project. Climate mitigation should not be pursued in a manner that transfers environmental or economic burdens to already disadvantaged groups.

Sixth, feminist climate governance emphasizes accountability and remedies. Participation and consultation are insufficient if affected persons cannot challenge unlawful decisions or obtain appropriate relief. Effective climate governance requires accessible complaint mechanisms, transparent administrative procedures, independent review where appropriate, and effective judicial or other legal remedies.

In India, these issues are relevant to environmental impact assessment, disaster management, land acquisition, rehabilitation, forest governance, and the implementation of environmental legislation. Institutions should consider whether their decisions comply with constitutional principles, statutory obligations, and applicable environmental and human rights standards.

The feminist critique of climate governance ultimately demands a shift from measuring success exclusively through emissions reductions, financial expenditure, or infrastructure development to assessing whether climate action is equitable, participatory, accountable, and socially sustainable.

3.5 FEMINIST CLIMATE JUSTICE

Feminist climate justice is a transformative approach that integrates environmental sustainability with gender equality, human rights, social justice, and democratic participation. It recognizes that climate change operates within existing systems of economic and political inequality and that effective climate action must address both environmental harm and the social structures that determine vulnerability.

Rather than treating women only as victims of climate change, feminist climate justice recognizes them as rights-holders, workers, decision-makers, environmental defenders, knowledge producers, and agents of social transformation. It also emphasizes that climate policies should not impose additional responsibilities on women without providing adequate resources, protection, and institutional support.

The framework can be explained through four interconnected principles: recognition, redistribution, representation, and reparation.[3]

3.5.1 RECOGNITION

Recognition requires acknowledging the different experiences, rights, contributions, and vulnerabilities of people affected by climate change. It challenges policies that assume all individuals experience environmental hazards in the same way.

Recognition includes identifying gender-differentiated effects on health, livelihood, education, safety, displacement, food security, and access to public services. It also requires acknowledging unpaid care work, informal employment, local ecological knowledge, and the contributions of women to community adaptation.

For example, a flood assessment should examine not only the number of houses damaged but also the effects on women's livelihoods, access to sanitation, healthcare, safety, and responsibilities for displaced family members.

Recognition also requires avoiding stereotypes. Women should not automatically be classified as vulnerable solely because of their gender, nor should they be assumed to possess identical experiences or interests. Their circumstances must be assessed in relation to social, economic, cultural, and geographical conditions.

In legal and institutional terms, recognition can be promoted through gender-sensitive environmental assessments, disaggregated data, public consultation, accessible information, and the inclusion of affected communities in policy development.

3.5.2 REDISTRIBUTION

Redistribution addresses the unequal allocation of resources, opportunities, responsibilities, and environmental costs. It recognizes that climate resilience depends not only on awareness or participation but also on access to material resources.

Women may be unable to adapt to climate change when they lack secure land rights, savings, credit, insurance, agricultural inputs, technology, or access to markets. Even where adaptation programmes are formally available, these barriers may prevent them from benefiting.

Redistributive climate justice therefore supports equitable access to climate finance, disaster relief, healthcare, drinking water, sanitation, education, livelihood assistance, renewable energy, and social protection.

Redistribution also concerns the allocation of responsibilities. If climate adaptation depends on women performing additional unpaid work, the policy may transfer the costs of climate change to households rather than addressing them through public investment. Governments should strengthen public services and social infrastructure to ensure that care responsibilities are not unfairly concentrated on women.

For example, a drought adaptation programme that provides reliable community water infrastructure may reduce the time required to collect water, improve public health, and create opportunities for education and paid employment. The benefit is therefore both environmental and social.

Redistribution should also extend to climate-related employment. Women should have fair opportunities to access training, finance, leadership positions, and decent work in renewable energy, energy efficiency, sustainable agriculture, environmental management, and other emerging sectors.

3.5.3 REPRESENTATION

Representation requires meaningful participation by women and marginalized communities in climate-related decision-making. It challenges institutional arrangements in which affected people are expected to accept decisions made without their effective involvement.

Women should have opportunities to participate in the development of climate policies, environmental impact assessments, disaster preparedness plans, adaptation programmes, natural-resource management, and decisions concerning displacement or rehabilitation.

However, representation should not be measured solely by the number of women attending meetings. Effective representation requires that participants have access to relevant information, the opportunity to influence priorities, adequate institutional support, and the ability to raise concerns without intimidation or discrimination.

Representation must also be intersectional. Women from disadvantaged caste groups, Indigenous communities, rural areas, informal occupations, and disability groups may experience barriers even within institutions that include women in leadership positions. Appropriate measures are therefore necessary to ensure that participation is broad, accessible, and meaningful.

At the international level, women's participation in climate negotiations and environmental institutions can contribute to the development of policies that better reflect diverse experiences. At the local level,

women's participation in village institutions, disaster management committees, and water management bodies can improve the relevance and effectiveness of climate programmes.

Representation strengthens democratic legitimacy and institutional accountability. Climate decisions are more likely to address actual community needs when affected people can influence their design and implementation.

3.5.4 REPARATION

Reparation concerns the obligation to address harm, loss, and rights violations through appropriate legal, financial, administrative, and social measures. In feminist climate justice, it requires attention to the unequal consequences of climate-related disasters, displacement, environmental degradation, and poorly designed development projects.

Climate-related loss and damage may include the destruction of homes, agricultural land, livelihoods, cultural heritage, ecosystems, and community resources. It may also involve non-economic losses, such as the disruption of social networks, the loss of cultural practices, and damage to places of community significance.

The consequences of such losses may differ according to gender and social position. Women who depend on informal employment or lack formal ownership documents may experience difficulties obtaining compensation after disasters. Displacement may also interrupt education, healthcare, social support, and access to livelihood opportunities.

A gender-responsive approach to reparation should therefore examine who has suffered harm, who is eligible for compensation, whether administrative requirements exclude disadvantaged groups, and whether remedies adequately address livelihood losses and social consequences.

Reparation can involve compensation where legally appropriate, rehabilitation, restoration of livelihoods, access to essential services, legal remedies, institutional reform, and guarantees against the repetition of harmful practices. The precise form of relief depends on the applicable legal framework, the nature of the harm, and the responsibility of the relevant actors.

It is important to distinguish the broader normative concept of climate reparation from an automatic legal entitlement to compensation for every climate-related loss. Questions of legal responsibility, causation, applicable law, jurisdiction, and available remedies must be examined in each relevant context.

Nevertheless, feminist climate justice insists that climate-related harm should not be addressed exclusively through aggregate economic calculations. The social distribution of losses, the rights of affected communities, and the accessibility of remedies must also be considered.

3.5.5 INTEGRATION OF THE FOUR PRINCIPLES

The four principles operate together and should not be treated as independent objectives.

Recognition identifies the groups and rights affected by climate change. Redistribution provides the resources necessary to reduce unequal vulnerability. Representation enables affected communities to influence decisions. Reparation addresses existing harm and seeks to prevent its recurrence.

For example, when a coastal community is relocated because of severe erosion or repeated flooding, recognition requires identifying the different livelihood and safety needs of women and men.

Redistribution requires access to adequate housing, public services, livelihood assistance, and financial support. Representation requires the meaningful participation of affected residents in relocation decisions.

Reparation requires appropriate remedies where rights have been violated or legally compensable harm has occurred.

This integrated framework demonstrates that feminist climate justice is not limited to improving the position of women within existing policies. It seeks to transform the structures that distribute environmental risks, economic resources, political power, and social responsibilities.

3.6 GENDER JUSTICE AND INTERGENERATIONAL EQUITY

Intergenerational equity is the principle that present generations have responsibilities towards future generations and should not make decisions that unnecessarily undermine their ability to enjoy a healthy environment, access essential resources, and exercise their rights.

Climate change raises profound intergenerational concerns because greenhouse gas emissions can remain in the atmosphere for extended periods, while their consequences may continue to affect ecosystems, public health, agriculture, water availability, and human settlements long after the activities responsible for those emissions have occurred.

Present-day decisions concerning fossil fuel consumption, deforestation, industrial development, energy systems, and environmental conservation can therefore create long-term consequences for children, young people, and future generations. These consequences raise questions of fairness because future generations will experience environmental risks without having participated in the decisions that produced them.

Intergenerational equity is closely connected with sustainable development. Development should meet present needs without compromising the ability of future generations to meet their own needs. This requires governments to balance economic development with environmental protection, social well-being, and long-term ecological sustainability.

A feminist perspective adds an important dimension to this principle. Future generations inherit not only environmental conditions but also social institutions, economic inequalities, cultural expectations, and systems of political power. If present climate policies reproduce gender discrimination, unequal care responsibilities, or exclusion from economic opportunities, these inequalities may continue into the future even when environmental conditions improve.

For example, a transition towards renewable energy may reduce greenhouse gas emissions and create new employment opportunities. However, if women lack access to technical training, financial resources, and leadership positions, they may receive fewer benefits from the transition. The environmental system may become more sustainable while existing social inequalities remain unchanged.

A gender-just energy transition should therefore provide equitable access to education, skills development, decent employment, social protection, and decision-making opportunities. It should also support workers and communities affected by changes in energy production, ensuring that the transition does not create new forms of economic insecurity.

Intergenerational equity is also relevant to the protection of children and young people. Climate-related disasters, extreme heat, food insecurity, water shortages, and environmental pollution can affect children's health, education, and development. Girls may face additional barriers in settings where economic hardship, displacement, or inadequate public services reinforce existing gender discrimination.

For example, climate-related displacement may interrupt schooling and increase household responsibilities. In some circumstances, families facing severe economic pressure may make decisions

that disproportionately affect girls' education or opportunities. Such outcomes are not inevitable consequences of climate change, but they demonstrate how environmental shocks can interact with existing inequalities.

A gender-responsive intergenerational approach therefore requires climate policies that protect education, healthcare, nutrition, safe housing, and social protection while addressing discrimination that limits opportunities for girls and young women.

3.6.1 INTERGENERATIONAL EQUITY AND THE LEGAL FRAMEWORK

International environmental law provides important support for the idea that present generations have responsibilities towards the future.

The Stockholm Declaration of 1972 emphasized the responsibility to protect and improve the environment for present and future generations. The Rio Declaration of 1992 similarly recognizes the need to safeguard environmental and developmental interests across generations. Principle 3 of the Rio Declaration states that the right to development must be fulfilled so as to equitably meet the developmental and environmental needs of present and future generations.

The Paris Agreement also establishes a framework for strengthening the global response to climate change, including through mitigation, adaptation, and financial and technological cooperation. Its preamble refers to intergenerational equity in the context of climate action, alongside human rights and gender equality.

In India, Article 21 of the Constitution has been interpreted by the Supreme Court in environmental cases to include important protections relating to life and environmental quality. Article 48A directs the State to protect and improve the environment and safeguard forests and wildlife, while Article 51A(g) establishes a fundamental duty concerning environmental protection.

These constitutional provisions are relevant to the long-term protection of environmental resources. A gender-just interpretation also requires attention to the unequal effects of environmental degradation on different communities and the need to ensure that present policies do not perpetuate structural discrimination.

Intergenerational equity does not mean that future interests must always override every present development need. Rather, it requires decisions to consider long-term consequences, avoid unnecessary environmental harm, and distribute the benefits and burdens of development fairly across time.

3.6.2 INTERDEPENDENCE, CARE, AND COMMUNITY RESILIENCE

Feminist climate justice recognizes that human well-being depends on relationships among individuals, communities, public institutions, and ecosystems. People rely on functioning natural systems for food, water, shelter, health, and livelihoods. They also rely on public infrastructure, healthcare services, social protection, and networks of care.

Climate resilience must therefore be understood as more than the ability of physical infrastructure to withstand environmental hazards. A city may possess flood barriers and emergency roads while still leaving low-income households without adequate shelter, healthcare, or access to relief. Similarly, a rural community may receive climate-resilient agricultural technology but remain vulnerable if households lack secure land rights, affordable credit, or access to markets.

A comprehensive understanding of resilience must include the ability of people to maintain their dignity, protect their rights, sustain their livelihoods, and recover from environmental shocks.

Care systems are particularly important in this context. During disasters, people may depend on relatives, community organizations, healthcare workers, and public institutions for assistance. When these systems are underfunded, the burden of recovery may fall disproportionately on women and other unpaid caregivers.

Climate policies should therefore invest in public services and social infrastructure that support both immediate disaster response and long-term adaptation. Reliable drinking water, accessible healthcare, childcare, public transport, sanitation, education, and social protection can reduce vulnerability and improve community resilience.

Interdependence also requires recognition of the relationship between human societies and ecosystems. The destruction of forests, wetlands, coastal ecosystems, and other natural systems can undermine livelihoods and increase exposure to environmental hazards. Protecting these ecosystems should be accompanied by respect for community rights and fair participation in decisions concerning natural-resource management.

3.6.3 INTERGENERATIONAL RESPONSIBILITY AND TRANSFORMATIVE CLIMATE ACTION

A transformative approach to climate justice requires present generations to pursue environmental policies that reduce long-term risks while promoting social equality. This involves moving beyond short-term economic calculations and examining whether present decisions create durable benefits or transfer disproportionate costs to future populations.

Governments should consider the long-term effects of energy policy, industrial development, urban planning, agricultural practices, and environmental conservation. Climate adaptation should be designed to reduce future vulnerability rather than merely responding to immediate disasters. Similarly, climate mitigation should contribute to a transition that protects workers, respects community rights, and expands access to sustainable livelihoods.

Gender equality must be integrated into these processes from the planning stage. It should not be treated as a secondary objective to be addressed only after environmental decisions have been made. Early consideration of gender-related impacts can help prevent exclusion, reduce social conflict, and improve the effectiveness of climate programmes.

The same principle applies to the use of climate finance and public resources. Investments should be assessed according to their environmental outcomes, social consequences, distributional effects, and long-term sustainability. Monitoring should determine whether intended beneficiaries actually receive the promised support and whether projects create new inequalities.

Ultimately, gender justice and intergenerational equity are mutually reinforcing principles. Environmental protection that ignores gender inequality may preserve ecosystems while leaving social injustice intact. Gender equality that ignores ecological limits may improve some immediate opportunities while undermining the environmental foundations of future well-being.

A just climate transition must therefore protect the environment, recognize historical responsibility, distribute resources fairly, support care systems, enable meaningful participation, and safeguard the rights and opportunities of future generations.

CHAPTER – IV

LEGAL FRAMEWORK FOR CLIMATE CHANGE AND GENDER JUSTICE IN INDIA

4.1 CONSTITUTION OF INDIA

The Indian Constitution does not contain a single express climate-rights provision. Nevertheless, environmental protection and gender equality emerge from several constitutional provisions and their judicial interpretation. Articles 14, 15 and 21 are especially important, while Articles 48A and 51A(g) expressly refer to environmental protection and duties.

4.1.1 ARTICLE 14 – RIGHT TO EQUALITY

Article 14 requires equality before law and equal protection of laws. In climate governance, equality requires the State to consider whether apparently neutral policies produce disproportionate burdens for women or marginalized groups. Substantive equality permits differentiated measures where unequal starting conditions make identical treatment inadequate.

4.1.2 ARTICLE 15 – PROHIBITION OF DISCRIMINATION

Article 15 prohibits discrimination on specified grounds including sex and permits special provisions for women and children. This constitutional architecture can support gender-responsive climate programmes, particularly where climate vulnerability is connected with pre-existing discrimination in education, employment, property or access to public services.

4.1.3 ARTICLE 21 – LIFE, HEALTH, DIGNITY AND CLIMATE PROTECTION

Article 21 has been interpreted broadly to protect life and personal liberty, including environmental conditions necessary for human well-being. The Supreme Court's climate jurisprudence has strengthened the constitutional significance of protection from climate-related harm. This provides a potential foundation for gender-sensitive climate claims where climate impacts threaten health, livelihood, safety or dignity.

4.1.4 ARTICLES 48A AND 51A(g)

Article 48A directs the State to protect and improve the environment, while Article 51A(g) places an environmental duty on citizens. These provisions reinforce the constitutional commitment to ecological protection and can be read alongside fundamental rights and principles of sustainable development.

4.2 ENVIRONMENTAL LAWS AND INSTITUTIONS

India addresses climate and environmental issues through a network of statutes, rules, regulatory institutions and policy instruments rather than one comprehensive climate statute. The Environment (Protection) Act, 1986 provides a broad regulatory framework. The National Green Tribunal Act, 2010 establishes a specialized forum for environmental disputes and relief. Disaster governance operates principally through the Disaster Management Act, 2005 and related institutions.

The legal significance of this fragmented architecture is that climate harms may need to be translated into existing categories such as environmental degradation, health risk, livelihood loss, disaster vulnerability or constitutional rights.

A gender-sensitive interpretation can ensure that these categories do not ignore unequal impacts.

4.3 CLIMATE POLICY AND DISASTER MANAGEMENT

India's National Action Plan on Climate Change established national missions addressing areas such as solar energy, energy efficiency, sustainable habitat, water, Himalayan ecosystems, green India, sustainable agriculture and strategic knowledge. State Action Plans on Climate Change provide additional policy space. The Ministry of Environment, Forest and Climate Change continues to coordinate national climate policy. [9]

Disaster management must similarly integrate gender. Relief and recovery programmes should identify sex-disaggregated needs, protect against violence, maintain maternal and reproductive health services, ensure safe sanitation and provide livelihood recovery for women. The legal existence of a disaster framework does not itself guarantee gender-responsive implementation.

4.4 INTERNATIONAL CLIMATE AND GENDER FRAMEWORK

International climate governance increasingly recognizes gender. The UNFCCC has a dedicated gender workstream and Gender Action Plan. The Paris Agreement's preamble refers to human rights, gender equality and empowerment of women, creating an interpretive context for inclusive climate action. [5][10]

4.4.1 UNFCCC AND GENDER ACTION PLAN

The UNFCCC Gender Action Plan promotes systematic integration of gender into climate policy, capacity-building, knowledge management, communication, participation and women's leadership. Its continuing work emphasizes full, equal and meaningful participation of women in the climate process. [5][6]

4.4.2 PARIS AGREEMENT

The Paris Agreement establishes the global framework for limiting warming and strengthening adaptation. Its implementation must be interpreted alongside equity, sustainable development and human-rights considerations. Gender-responsive implementation means that mitigation and adaptation measures should be designed so that benefits and burdens do not deepen existing inequalities.

4.4.3 CEDAW AND HUMAN RIGHTS

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides a broader equality framework. Its principles support the removal of discriminatory barriers to women's participation and access to resources. A climate policy that systematically excludes women from land, credit, employment or decision-making may therefore raise gender-equality concerns even where the policy is formally environmental.

4.5 CLIMATE LITIGATION AND JUDICIAL DEVELOPMENTS

Indian environmental cases have progressively constitutionalized environmental protection. In Vellore Citizens' Welfare Forum v. Union of India, the Supreme Court recognized sustainable development, precaution and polluter-pays principles as important components of Indian environmental law. [7] Such

[3] "*Subhash Kumar v. State of Bihar "- (1991) 1 SCC 598 - Right to pollution-free water and air under Article 2*

[4] *"M.C. Mehta v. Union of India" - Environmental jurisprudence - Article 21, environmental protection and state responsibility*

principles are relevant to climate justice because prevention, responsibility and restoration have distributive consequences. In M.K. Ranjitsinh v. Union of India (2024), the Supreme Court articulated a right against the adverse effects of climate change linked to Articles 14 and 21. The case is significant because climate harm was connected with constitutional rights rather than being treated only as a policy question. A gender-responsive reading can build on this development by asking whether unequal climate burdens violate substantive equality and dignity.

The challenge is to transform broad constitutional principles into accessible remedies. Climate litigation can address systemic failure, but ordinary people also require administrative mechanisms, local participation, social protection and timely grievance redressal.

CHAPTER – V

SECTORAL DIMENSIONS OF CLIMATE AND GENDER JUSTICE

5.1 AGRICULTURE AND RURAL LIVELIHOODS

Agriculture is climate-sensitive, and women contribute significantly to farming, livestock, seed management, household food security and unpaid agricultural work in many communities. Yet women's land ownership and access to institutional credit can be limited. Climate-resilient agriculture should therefore include women as producers and rights-holders, not merely as beneficiaries of household schemes.

5.2 WATER, SANITATION AND ENERGY

Water scarcity can increase the time spent collecting and managing water. Energy poverty can similarly increase household labour when clean cooking and electricity are unavailable. Climate adaptation through reliable water infrastructure, decentralized renewable energy, clean cooking and safe sanitation can reduce time poverty and improve women's health and economic opportunities.

5.3 HEALTH AND REPRODUCTIVE JUSTICE

Heat, food insecurity, disaster displacement and interrupted health services can affect maternal health and access to reproductive care. A gender-just climate policy should integrate climate resilience into primary health centres, emergency transport, maternal care, nutrition programmes and disease surveillance. Reproductive justice also requires respect for autonomy rather than treating women only as mothers or vulnerable populations.

5.4 UNPAID CARE AND TIME POVERTY

Climate shocks can increase cooking, cleaning, water collection, childcare and eldercare. These tasks are economically valuable even when unpaid. Climate budgets should therefore consider care infrastructure such as water systems, childcare, public health, transport and community kitchens. Measuring only paid employment can hide the true economic burden of climate change.

5.5 DISASTERS, MIGRATION AND CLIMATE SECURITY

Disaster displacement can expose women and girls to unsafe accommodation, loss of documents, violence and interruption of education and health care. Migration can also create new opportunities and should not be described only as victimization. Policies must protect rights while supporting safe mobility and livelihood reconstruction.

5.6 URBAN HEAT AND INFORMAL WORK

Urban heat affects outdoor workers, street vendors, domestic workers, waste workers and other informal workers who may have limited access to cooling, health insurance and paid leave. Women in informal employment may face additional constraints because of caregiving, sanitation access and insecure workplaces. Heat action plans should therefore include occupational protection, water, shaded spaces, public toilets, health alerts and social protection.

5.7 GREEN JOBS AND JUST TRANSITION

The transition to a low-carbon economy can create employment in renewable energy, public transport, energy efficiency, ecological restoration and climate-resilient infrastructure. But a green economy is not automatically gender-just. Occupational segregation, skills gaps, safety concerns and unequal access to finance can exclude women from higher-paid green jobs. Training, apprenticeships, procurement targets, workplace protections and childcare can improve participation. A just transition must also consider workers and communities dependent on carbon-intensive sectors. Women may experience indirect effects when household employment changes or public revenues decline. Transition planning should therefore include gender impact assessments and social-protection measures.

5.8 WOMEN'S LEADERSHIP AND CLIMATE SOLUTIONS

Women participate in local water governance, forest management, agriculture, disaster preparedness, social movements and environmental advocacy. The UNFCCC notes that meaningful participation by women can improve climate-policy responsiveness and project outcomes. [6] Women's leadership should consequently be treated as an institutional resource, not as symbolic representation.

The sectoral analysis shows that climate justice is connected to everyday systems of work, care, health, mobility and resource governance. Gender-responsive policy should be integrated across these systems rather than isolated in a separate 'women's component'.

CHAPTER – VI

CRITICAL ANALYSIS AND LEGAL CHALLENGES

6.1 RECOGNITION AND INVISIBILITY

A first legal challenge is recognition. Climate policy often measures emissions, infrastructure and economic losses but may not adequately capture unpaid care, violence, informal work or loss of community support. What is not measured can remain invisible in budget allocation and legal remedies. Gender-disaggregated climate data is therefore an accountability tool.

6.2 DISTRIBUTION OF CLIMATE BURDENS

Climate justice requires asking who pays for adaptation and who receives its benefits. A flood-control project may protect commercial property but leave informal settlements exposed. A renewable-energy project may reduce emissions while causing displacement if social safeguards are weak. A gender lens asks whether burdens and benefits are distributed fairly and whether affected women have meaningful consent and participation.

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[5] *"Vishaka v. State of Rajasthan" - (1997) 6 SCC 241 - Gender equality, dignity and protection from gender-based harm*

[6] "Joseph Shine v. Union of India - (2019) 3 SCC 39 - Women's autonomy, dignity and substantive equality

6.3 REPRESENTATION AND PARTICIPATION

Formal representation does not guarantee influence. Women may attend committees without controlling budgets or decisions. Meaningful participation requires accessible information, safe meeting environments, decision-making authority, leadership opportunities and feedback mechanisms. International climate governance recognizes gender balance and women's leadership as continuing priorities. [5]

6.4 CLIMATE FINANCE AND ACCOUNTABILITY

Gender-responsive climate finance should identify intended beneficiaries, set measurable outcomes and track actual expenditure. A gender label in a project document is insufficient if women cannot access the funds. Public financial management should therefore connect climate budgets with gender indicators and independent monitoring.

6.5 GENDER DATA AND EVIDENCE

Sex-disaggregated data should be supplemented by information on age, disability, location, income, caste and other relevant conditions were legally and ethically appropriate. Intersectional evidence helps identify which groups are excluded from adaptation benefits. Privacy safeguards are essential because vulnerable communities should not be exposed to new risks through data collection.

6.6 REMEDIES AND ACCESS TO JUSTICE

Climate-related harms can be diffuse, cumulative and difficult to attribute to a single actor. Women may face additional barriers to justice, including limited mobility, lack of information, economic dependence and fear of retaliation. Effective remedies therefore require accessible administrative complaints, legal aid, community-based mechanisms, environmental tribunals and constitutional remedies where appropriate. The distinction between formal and effective rights is central to feminist legal analysis. A constitutional right has limited practical value if a woman cannot reach an authority, present evidence or obtain timely relief. Climate justice should therefore be evaluated through outcomes: reduced exposure, restored livelihoods, protected health, meaningful participation and accountability.

6.7 JUST TRANSITION AND LABOUR RIGHTS

Climate mitigation policies may change labour markets. Without safeguards, women can be concentrated in insecure low-paid green work while men dominate technical and managerial roles. Labour law, skills policy and social protection should be integrated into climate transition planning. Equal pay, safe workplaces, maternity protection, childcare and collective voice are not secondary issues; they shape whether the transition is just.

6.8 IDENTIFICATION OF LEGAL AND POLICY GAPS

The Indian framework has important constitutional and environmental principles but remains dispersed across multiple laws and policies. There is no single comprehensive statute that systematically integrates climate obligations, gender equality, adaptation, loss and damage, participation and accountability. This fragmentation can make responsibility unclear and can weaken access to remedies.

A further gap is implementation. National and state plans may mention vulnerable groups without establishing enforceable gender indicators, ring-fenced budgets or participation standards. Disaster responses may focus on immediate relief while overlooking longer-term livelihood and care burdens. These

gaps do not mean that existing law is irrelevant; rather, they demonstrate the need for coordinated interpretation and stronger institutional mechanisms.

6.9 A FEMINIST TEST FOR CLIMATE POLICY

A practical feminist test can ask six questions. First, recognition: does the policy identify differentiated gender impacts? Second, redistribution: does it allocate resources to reduce unequal burdens? Third, representation: do affected women have meaningful decision-making power? Fourth, reparation: are there mechanisms for remedy and restoration? Fifth, intersectionality: does the policy address differences among women and other vulnerable groups? Sixth, accountability: are outcomes measured and publicly reviewable?

This test converts broad principles into governance questions. For example, a water project should identify who currently collects water, whether women participate in site selection and management, whether access is affordable and safe, and whether time savings actually translate into education or livelihood opportunities. A disaster shelter should assess privacy, sanitation, lighting, safety, menstrual health, disability access and protection from violence. The feminist test also guards against tokenism. A policy should not be considered gender-responsive merely because women are mentioned in its objectives. The relevant question is whether institutional design changes power, resources and outcomes. UN Women's current climate-policy scorecard similarly emphasizes measurable dimensions including economic security, unpaid care, gender-based violence, health, participation and gender mainstreaming. [11]

6.10 OVERALL CRITICAL ASSESSMENT

The central weakness of climate governance is not necessarily the absence of gender language but the distance between recognition and implementation. Gender justice requires legal enforceability, public finance, institutional capacity, data, participation and remedies. Climate policy must move from vulnerability narratives to structural transformation. This is consistent with the IPCC's understanding that climate justice requires equitable decision-making and distribution of benefits, burdens and risks. [2]

CHAPTER – VII

FINDINGS, SUGGESTIONS AND CONCLUSION

7.1 MAJOR FINDINGS OF THE STUDY

First, climate change is socially differentiated. Gender inequality can increase exposure and reduce adaptive capacity, but gender interacts with other inequalities and cannot be treated in isolation.

Second, women are both disproportionately burdened in some contexts and important agents of climate action. A rights-based approach must avoid portraying women solely as vulnerable beneficiaries.

Third, unpaid care work is a major hidden climate cost. Water scarcity, disasters, heat and health disruptions can shift additional work into households, reinforcing gender inequality.

Fourth, India's constitutional framework provides significant principles for climate and gender justice. Articles 14, 15 and 21 can support substantive equality, dignity and protection from climate-related harm, while Articles 48A and 51A(g) reinforce environmental responsibility. Fifth, the Supreme Court's climate-

[7] "*Justice K.S. Puttaswamy v. Union of India" - (2017) 10 SCC 1 - Privacy, dignity, autonomy and constitutional personhood*

[8] *"Paris Agreement" – 2015 - Climate action, equity, participation and human-rights context*

rights jurisprudence creates an important constitutional foundation, but broad recognition must be translated into accessible remedies and gender-responsive implementation.

Sixth, international frameworks such as the UNFCCC Gender Action Plan, Paris Agreement and CEDAW provide a strong normative basis for integrating gender into climate action.

7.2 SUGGESTIONS AND RECOMMENDATIONS

1. Adopt gender-responsive climate impact assessments for major mitigation, adaptation and infrastructure programmes.
2. Establish measurable gender indicators in climate budgets and publish sex-disaggregated outcomes.
3. Strengthen women's land, livelihood, credit, insurance and technology access in climate-sensitive sectors.
4. Treat care infrastructure, water, sanitation, health and public transport as climate-adaptation investments.
5. Guarantee meaningful participation of women, including marginalized women, in climate and disaster decision-making. 6. Integrate prevention of gender-based violence into disaster preparedness, displacement and recovery systems.
7. Expand gender-responsive green employment, skills, childcare, workplace safety and equal-pay measures.

7.2 SUGGESTIONS AND RECOMMENDATIONS – CONTINUED

8. Develop accessible grievance and legal-aid mechanisms for climate-related rights violations and livelihood losses.
9. Require climate institutions to coordinate with women's commissions, local governments, health agencies, labour authorities and disaster-management bodies.
10. Strengthen gender-disaggregated and intersectional climate data while maintaining privacy and protection safeguards.
11. Ensure that renewable-energy and infrastructure projects include participation, livelihood restoration and social-impact safeguards.
12. Support women's environmental leadership and community knowledge through direct funding and institutional recognition.

7.3 EVALUATION OF HYPOTHESIS

The analysis supports the Alternative Hypothesis. Existing constitutional principles and policy instruments provide a substantial foundation for gender-sensitive climate action, but protection is not fully adequate in practice. Fragmentation, uneven implementation, limited gender budgeting, weak data, participation gaps and barriers to remedies demonstrate the need for further reform.

7.4 ANSWERS TO THE RESEARCH QUESTIONS

The research questions are answered affirmatively in substance: climate impacts are gendered through social inequality; constitutional equality and life protections can support climate claims; existing policies do not consistently address care and resource inequalities; meaningful participation remains uneven; and legal and institutional reforms are required to close the implementation gap.

7.5 CONCLUSION

Climate change is fundamentally a question of justice as well as environmental protection. Gender justice adds the essential insight that climate burdens are distributed through existing systems of power, labour and resource access. A climate policy can reduce emissions and still be unjust if it increases unpaid care, excludes women

from decisions, displaces marginalized communities or fails to provide remedies.

The appropriate response is therefore transformative. Recognition, redistribution, representation and reparation should guide climate governance. India's constitutional commitment to equality, dignity and environmental protection provides a foundation for such an approach. The emerging constitutional recognition of protection against adverse climate effects creates further space for courts, legislatures and administrators to insist that climate action be equitable and rights-based.

7.6 SCOPE FOR FUTURE RESEARCH

Future research should examine state-level climate plans through gender-budgeting indicators; collect empirical evidence on women's experiences of heat, floods and drought; study climate litigation involving marginalized communities; evaluate the gender effects of renewable-energy projects; and develop stronger methods for measuring unpaid care and loss and damage. Comparative research across Indian states and Global South jurisdictions would also clarify which institutional models produce more equitable outcomes.

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