

FEMINIST PERSPECTIVES ON ENVIRONMENTAL JUSTICE: NEED FOR GENDER EQUITY IN LEGAL FRAMEWORKS IN COMBATING CLIMATE CHANGE

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I. INTRODUCTION

The menace of climate change is real and upon us, the wildfires, prolonged draughts, heat waves, and early onset of summers, rising levels of sea, melting glaciers and the consequent floods, other climate related disasters all over the world have been a constant reminder of the need to adaptive and mitigative measure to combat climate change. However, the said adaptive and mitigative measures need to be proportionate and accessible to those who are touted to be the worst victims of climate change.¹ At the same time, communities need to be helped to become more resilient to the unavoidable effects of climate change. It is necessary to expand the scope and availability of assistance to help underprivileged populations adjust to the effects of climate change. The existing susceptibilities of certain disadvantaged groups make them all the more vulnerable to the exigencies of climate change and related disasters.² While on one hand it has been established that those who have the least contribution towards environmental degradation and the resultant climate emergency are the worst victims of climate change.³ One such traditionally disadvantaged group is women.

Feminist perspectives bring an essential analytical framework to the study of environmental law and policy. The theory of intersectional feminism challenges the archetypal legal paradigm that have been long established under an androcentric worldview, which often ignores the female identity of a victim, in this case the burden of female identity of victims of climate injustices. The intersection of feminist theory and environmental justice within the context of legal frameworks addressing climate change in India need to be explored. Integrating feminist theory into environmental justice frameworks would ensure social equity while creating more effective legal responses to climate change. This article critiques the systemic ignorance of the role played by gender in climate change related injustices which is also absent from our legal frameworks, such as the National Action Plan on Climate Change (NAPCC), Nationally Determined Contributions (NDCs) etc.

The purpose of this article is to contribute to discussions on climate change and policy-making by offering insights on the perspectives and experiences of Indian women. This article addresses the theoretical underpinnings of feminist perspectives on environmental justice while analyzing how India's legal frameworks have addressed, or neglected, gender equity in combating climate change. It also proposes innovative, gender-responsive legal reforms to enhance environmental resilience and social equity.

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¹ Julie-Anne Richards and Simon Bradshaw, *Uprooted by Climate Change: Responding to The Growing Risk of Displacement* 3 (Oxfam, UK, 2017).

² *Ibid.*

³ Ashfaq Khalfan, Astrid Nilsson Lewis, *et.al.*, *Climate Equality: A Planet for the 99%* 8 (Oxfam, UK, 2023).

While examining feminist perspectives on environmental justice within the milieu of India's environmental and climate change challenges it is pertinent to analyze how gender inequalities intersect with environmental degradation, focusing on the disproportionate burdens faced by women in agriculture, water collection, and caregiving roles. The shortcomings of legal frameworks like the NAPCC and the transformative impact of gender sensitive climate action can be assessed by integrating feminist theory with doctrinal legal analysis and case studies to suggest gender-responsive legal reforms for sustainable climate resilience.

The NAPCC⁴ recognizes climate change as an imminent challenge before the world and the adverse impact that could be caused by climate change on the disproportionate distribution of resources between different groups, thus aggravating disparities and affecting the livelihood of the people. In 2008, this was a great step towards recognizing the far-fetched impacts of climate change on the marginalized groups. The foremost principle enshrined under the document is to protect the poor and vulnerable sections of the society from the impacts of climate change, however, that does not seem to take any tangible form under the policies formulated. The NAPCC has, under its aegis, eight national missions that simultaneously cater to different fronts through mitigation and adaptation. The document does not specifically cater to women as a marginalized group.

A review of India's NDCs⁵ under the Paris Agreement also paints a similar picture as the NAPCC. The NDCs do not make any binding commitments in any specific sectors rather makes an all-encompassing commitment to reduce its overall emission and improve its energy efficiency. The target is to achieve a net zero by 2070. In 2023, as a party to the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement, India achieved its first NDC in the year 2015 comprising, *inter-alia*, of following two quantifiable targets⁶:

- i. To reduce the emissions intensity of its GDP by 33 to 35 percent by 2030 from 2005 level; and
- ii. To achieve about 40 percent cumulative electric power installed capacity from non-fossil fuel-based energy resources by 2030.

With reference to the NDCs, and National Adaptation Policies, a recent report of the UNFCCC secretariat has showcased how the performance of four-fifths of the parties to the UNFCCC has improved on the front of gender inclusivity as evident in the documents submitted to the secretariat. The report⁷ focuses on reporting of gender-responsive climate policies, plans, strategies and action in nationally determined contributions, national adaptation plans, national communications, long-term low-emission development strategies

⁴ Harshal T. Pandve, "India's National Action Plan on Climate Change" 13 *Indian Journal of Occupational And Environmental Medicine* 17-19 (2009).

⁵ Government of India, India's Updated First Nationally Determined Contribution under Paris Agreement (2021-2030), available at: <https://unfccc.int/sites/default/files/NDC/2022-08/India%20Updated%20First%20Nationally%20Determined%20Contrib.pdf> (last visited on May 19, 2024).

⁶ Press Information Bureau, "India achieves two targets of Nationally Determined Contribution well ahead of the time", Dec. 18, 2023, available at: <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1987752> (last visited on May 21, 2024).

⁷ U.N. Framework Convention on Climate Change, *Implementation of Gender-Responsive Climate Policies, Plans, Strategies and Action as Reported by Parties in Regular Reports and Communications Under the UNFCCC*, U.N. Doc. CP/2024/5 (2024).

and biennial transparency reports. In this context, it becomes a more imperative for India to evaluate its performance on the parameters of feminist perspectives of climate justice.

A. Environmental Justice and Gender

Climate change is inherently gendered. Women, especially in developing countries, are often more vulnerable to its impacts due to social, economic, and cultural factors. For instance, in many rural communities, women are already responsible for securing water, managing household energy needs like collecting firewood and cooking on environmentally degrading fuel, and ensuring food security. When climate change disrupts these essential services, the burden of adaptation and mitigation disproportionately falls on them.⁸ This gendered impact of climate change extends beyond immediate resource management to affect women's education, health, and economic opportunities. In times of climate-induced scarcity or disaster, girls are often the first to be pulled out of school to assist with household duties or to be married off as a coping strategy. Additionally, women's health can be compromised due to increased exposure to water-borne diseases, indoor air pollution from traditional cooking methods, and malnutrition when food becomes scarce. In general, women are disproportionately harmed by climate change, disasters, and related displacement – particularly women living in poverty or those who are marginalized because of their social status, race, ethnicity, or other factors. During extreme situations like drought, women in poorer communities are typically responsible for travelling increasing distances to collect water and food, and traditionally, in such difficult scenarios where food is rationed, women are the last to receive food, in turn impacting their overall nutrition.⁹

Moreover, women often face barriers in accessing climate information, resources, and decision-making processes that could help them adapt to changing conditions. This exclusion from climate-related planning and policy-making at local, national, and international levels, amounting to distributed injustice, further exacerbates their vulnerability and limits their capacity to contribute their valuable knowledge and perspectives to climate solutions.¹⁰ A Report¹¹ published by the Women's Environment Centre in 2010 pointed out that the intersection between gender and climate change reveals profound inequities. Women, frequently experiencing higher poverty rates and constrained by traditional gender roles, face unique climate-related vulnerabilities. Climate disasters disproportionately claim female lives while survivors often endure heightened workloads, economic hardship, deteriorating health, and increased exposure to violence.¹² When climate pressures force displacement or male migration, women bear additional burdens. Their responsibilities for resource gathering particularly water and fuel collection intensify under environmental stress, triggering cascading health consequences. During food shortages, women typically sacrifice their own nutrition first, while simultaneously managing the effects of price volatility on household

⁸ Matt McGrath, "Climate Change 'Impacts Women More than Men' *BBC News*, Mar. 08, 2018, available at: <https://www.bbc.com/news/science-environment-43294221> (last visited on May 21, 2024).

⁹ Christine Haigh, Bernadette Vally, *et.al.*, "Gender and the Climate Change Agenda: The Impacts of Climate Change on Women and Public Policy" *Women's Environmental Network, London* 22 (2010).

¹⁰ Karen Bell, "Bread and Roses: A Gender Perspective on Environmental Justice and Public Health" 13(10) *International Journal of Environmental Research and Public Health* 1005 (Oct. 12, 2016).

¹¹ Women's Environmental Network, *Gender and the Climate Agenda: The Impacts of Climate Change on Women and Public Policy* 1 (2010), available at: <https://genderclimatetracker.org/sites/default/files/Resources/Gender-and-the-climate-change-agenda-212.pdf>. (last visited on May 19, 2024).

¹² *Ibid.*

food security.¹³ Pre-existing health disparities worsen under climate pressures. Meanwhile, competition for dwindling resources frequently sparks conflicts where women face elevated risks of violence, including sexual assault. Society simultaneously expects women to implement climate adaptation strategies while managing increased domestic responsibilities.¹⁴ Paradoxically, certain climate solutions, including commercial reforestation and biofuel initiatives, can inadvertently harm women by restricting access to resources they depend on for subsistence and livelihoods.¹⁵ This demonstrates how gender-blind approaches to both climate problems and solutions can reinforce ever more strongly existing inequalities rather than address them.

The inconsistency in addressing gender-specific climate impacts is evident across various sectors and regions within India. For instance, agricultural policies may fail to account for the unique challenges faced by women farmers, who often have limited access to land ownership, credit, and agricultural technologies. Similarly, disaster risk reduction strategies may overlook the specific needs of women and other marginalized gender groups during extreme weather events, such as their increased vulnerability to violence in evacuation centers or their role as primary caregivers. This disconnect between policy and practice has far-reaching consequences. It perpetuates existing gender inequalities and exacerbates the vulnerability of women and other marginalized gender groups to the adverse effects of climate change. For example, women in rural areas may face increased water scarcity due to climate-induced droughts, leading to greater time poverty and health risks as they travel longer distances to collect water.

Additionally, climate-related migration may disproportionately affect women, who often bear the burden of maintaining households and communities when male family members migrate for work to bridge this gap and ensure more effective climate adaptation strategies, it is crucial for policymakers and implementing agencies to prioritize gender mainstreaming across all levels of climate action. This includes conducting comprehensive gender impact assessments, promoting gender-responsive budgeting, and actively involving women and diverse gender groups in the design and implementation of climate policies and programs. By addressing these shortcomings, India can work towards a more inclusive and equitable approach to climate change adaptation, ultimately enhancing the resilience of all its citizens in the face of environmental challenges. In the following sections, the paper discusses specific instances of gender biases in policy formulations of Climate Change.

II. THEORETICAL FRAMEWORK: LAW AND POLICY ANALYSIS VIS-À-VIS THE GENDER-CLIMATE NEXUS

The evolution of legal frameworks addressing climate change has seen a shift away from traditional regulatory methods and toward more comprehensive, rights-based approaches. International agreements like the UNFCCC and the Paris Agreement have served as a foundation for global collaboration, but they frequently fail to explicitly recognize gender inequities.

A. International Legal Framework

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Intergovernmental Panel on Climate Change (IPCC), “Summary for Policymakers”, *Climate Change 2022 – Impacts, Adaptation and Vulnerability: Working Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* 3–34 (Cambridge University Press, 2023).

The evolution of legal frameworks addressing climate change has transitioned from traditional command-and-control regulatory models to more holistic, rights-based approaches that emphasize human rights, equity, and sustainability. International agreements such as the UNFCCC¹⁶ and the Paris Agreement¹⁷, along with the NDCs, represent landmark shifts in global climate governance. A report¹⁸ of the OHCHR, in 2015, had particularly highlighted the need to inculcate equitable, equal, and non-discriminatory climate action that celebrates human rights while prioritising vulnerable communities. The Paris Agreement that followed this report embodies a rights-based paradigm by linking climate action with broader human rights objectives, encouraging transparency, accountability, and stakeholder participation, including women. The Sustainable Development Goals (SDGs) also aid in combating climate change through integration of climate action into national policies, strengthening resilience, and promoting mechanisms for effective climate-related planning and management, ultimately aiming for a low-carbon, climate-resilient world.¹⁹ These instruments have been instrumental in fostering global collaboration, driving policy reforms, and setting ambitious emission reduction targets. However, despite their transformative potential, they often fall short in explicitly addressing the gendered dimensions of climate change.

A glance at the UNFCCC's website takes one to a link wherein a sub-topic titled 'Women' has been listed under the 'Explainer' section.²⁰ The section explains how women being a large section of consumers, farmers, first care-givers in a family and the first responders in a disaster have to be the 'agents of change' in combating climate injustices. However, the words feel hollow as it just burdens the women with more roles without giving them more autonomy in decision making and a louder and decisive say in policy making. This approach merely treats women as pawns in the hands of an essentially male dominated political discourse on climate action.

From a feminist perspective, the failure to integrate gender considerations into these international instruments is significant. Women, particularly those in marginalized communities, are disproportionately affected by climate change due to pre-existing inequalities in social, economic, and political spheres. Their roles in agriculture, mostly as farm labourers and seldom as farm owners,²¹ water collection, and community caregiving expose them to unique vulnerabilities, yet the language of these international instruments rarely acknowledges these gender-specific challenges. The UNFCCC, while it has gradually opened up space for discussions on gender and climate, typically treats gender as an ancillary

¹⁶ United Nations Framework Convention on Climate Change, May 09, 1992, 1771 U.N.T.S. 107, *available at*: <https://unfccc.int/resource/docs/convkp/conveng.pdf> (last visited on May 22, 2024).

¹⁷ Paris Agreement, Dec. 12, 2015, 3156 U.N.T.S. 3, *available at*: https://unfccc.int/sites/default/files/english_paris_agreement.pdf (last visited on May 26, 2024).

¹⁸ Human Rights Council, *Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship Between Climate Change and Human Rights*, U.N. Doc. A/HRC/10/61 (Jan. 15, 2009).

¹⁹ United Nations, "Climate Action & Synergies", U.N. Department of Economics & Social Affairs, *available at*: <https://sdgs.un.org/topics/climate-action-synergies> (last visited on May 26, 2024).

²⁰ United Nations, "Women & Climate Change", *available at*: <https://www.un.org/en/climatechange/science/climate-issues/women> (last visited on May 26, 2024).

²¹ Charu Jain, Disha Saxena, *et.al.*, "Women's Land Ownership in India: Evidence from Digital Land Records" 133 *Land Use Policy* 106740 (2023). This article presents data on land ownership by women over a period of time and states that the maximum ownership of agricultural land in women has been 13.9 % in 2015-16 as per the agricultural census. This data is not disaggregated for single and joint ownership; the Agriculture Census data considers only the sex of the head of household, meaning that the actual ownership and authority of women on their land might be even lesser. The authors also point out that where the agricultural land was owned by women, it would either be smaller in size or inferior in quality or both.

issue rather than a core component of its framework. Similarly, the Paris Agreement, despite its inclusive rhetoric and emphasis on human rights, does not contain binding provisions or robust mechanisms to ensure gender-responsive policies are implemented at the national level.

Feminist critiques argue that for these legal frameworks to be truly transformative, they must go beyond abstract commitments to human rights and integrate gender-disaggregated data, explicitly recognize women's traditional ecological knowledge, and mandate the inclusion of women in environmental decision-making processes. For instance, incorporating binding gender-responsive measures within international climate treaties could catalyze national governments to design policies that directly address the gendered impacts of climate change. Such measures might include women-specific strategies, enhanced support for women-led community initiatives, and mechanisms for monitoring and reporting on gender-specific outcomes.

B. National Policies

The NAPCC introduced by the Government of India in 2008, outlines eight missions addressing various dimensions of climate change.²² The eight missions of the NAPCC are: National Solar Mission, National Mission for Enhanced Energy Efficiency, National Mission on Sustainable Habitat, National Water Mission, National Mission for Sustaining the Himalayan Ecosystem, National Mission for a Green India, National Mission for Sustainable Agriculture, and National Mission on Strategic Knowledge for Climate Change.²³ While the policy outlines technological and economic strategies, a closer look reveals major gaps in gender inclusion. For example, the National Mission on Sustainable Agriculture focuses on modern farming techniques and increasing productivity but overlooks the crucial roles women play as farm laborers, primary cultivators, water collectors, and caregivers in rural India. It also fails to address the deep-rooted issue of land ownership, which remains concentrated in the hands of upper-caste men, leaving the women and marginalized communities working on these farms without recognition or support.²⁴ The mission's objectives and operational guidelines lack targeted interventions to mitigate the gender-differentiated impacts of climate variability on agricultural communities.

Gender-biases in policy design is a recurring theme across the NAPCC's missions. Taking the National Water Mission as an example, the policy framework prioritizes efficient water usage and infrastructure development. Yet, it fails to address the disproportionate burden on women responsible for water management or the gendered role of women in walking to far off places in extreme weather conditions to collect water for household chores.²⁵ This oversight is not isolated; the National Mission for Enhanced Energy Efficiency similarly concentrates on industrial and urban energy needs while neglecting household energy dynamics, where women's consumption patterns are starkly absent or overlooked while formulating policies. Such policies mostly subsidise cleaner energy in industries, energy-efficient machinery in factories etc. but it fails to improve energy efficiency where

²² National Action Plan on Climate Change, India (2008), available at: <https://moef.gov.in/wp-content/uploads/2018/04/NAPCC.pdf> (last visited on May 20, 2024).

²³ *Ibid.*

²⁴ Bina Agarwal, *Gender and Green Governance: The Political Economy of Women's Presence Within and Beyond Community Forestry* 31-53 (Oxford University Press, 2010).

²⁵ U.N. Women, *Gender Equality in the Context of Climate Change* (2014), available at: <https://www.unwomen.org/sites/default/files/2024-10/feminist-climate-justice-a-framework-for-action-overview-en.pdf> (last visited on May 24, 2024).

women are the primary consumers. Moreover, the absence of gender-specific language and metrics in these missions underlines a systemic failure to integrate gender perspectives, thereby perpetuating existing inequalities.

Structurally, the NAPCC exhibits limitations arising from its top-down formulation. The plan was primarily developed by central governmental agencies with a strong focus on technological innovation and economic growth, relegating socio-cultural dimensions such as gender equity to a secondary status. The introductory sections and strategic objectives of the NAPCC do not mention gender or identify women as key stakeholders in climate mitigation or adaptation.²⁶ This omission is significant because it leaves no room for the integration of feminist insights or the validation of women's traditional ecological knowledge—elements that have been shown to enhance community resilience and sustainable development.

The NDCs, under the Paris Agreement to the UNFCCC, are a Country's self-decided commitments, reflected in the form of their national policies and legal instruments, on how they aim to contribute to the global goal of limiting temperature rise to well below 2°C and pursuing efforts to limit it to 1.5°C. NDCs represent the cornerstone of the Paris Agreement's implementation strategy. These country-specific climate action plans establish the foundation for fulfilling the Agreement's ambitious objectives, particularly accelerating toward peak global emissions followed by substantial and swift reductions. The iterative design of the NDCs requires nations to revisit and strengthen their commitments on a five-year cycle, progressively escalating their emission reduction targets and associated climate actions to collectively address the growing urgency of the climate crisis. India, particularly, updated her NDCs in 2022.

A recent synthesis report by the Secretariat to the UNFCCC presented a study on gender integration in the policy documents submitted by 195 parties to the Paris Agreement between July, 2022 and 2024.²⁷ The report states that gender was referenced by 85.2 % of the all the documents and 81.5% of the NDCs referred to during the study. However, the updated NDCs submitted by India in August, 2022 the said period doesn't mention the terms 'gender' or 'women' even once, making us part of the less than 19% of the parties not referencing gender bias or women centric issues and policies in our NDCs. India's (NDCs assert a commitment to mobilizing resources for gender equality and women's empowerment. However, this declaration remains largely rhetorical—vague and generic in nature. When examining the operative sections of the document, which detail India's eight specific commitments, there is a conspicuous absence of concrete measures addressing gender concerns.²⁸ While India has shown great leadership in climate action of other fronts like International Solar Alliance (ISA), Coalition for Disaster Resilient Infrastructure (CDRI) and industry transition track to promote voluntary action for low carbon transition (LeadIT), it has significantly lacked in gender inclusivity in climate action. Another report by Ministry of Environment, Forest and Climate Change²⁹ submitted to UNFCCC in 2022 has fleeting

²⁶ *Supra* note 22.

²⁷ *Supra* note 7.

²⁸ Kanika Jamwal, "Accounting for Gendered Vulnerabilities to Climate Change in India's Nationally Determined Contributions" *FeminismInIndia.com*, Feb. 04, 2022, available at: <https://feminismindia.com/2022/02/04/where-are-the-women-accounting-for-gendered-vulnerabilities-to-climate-change-in-indias-nationally-determined-contributions/> (last visited on May 24, 2024).

²⁹ Ministry of Environment, Forest and Climate Change, "India's long-term low-carbon development strategy", Government of India (2022), available at: https://unfccc.int/sites/default/files/resource/India_LTLEDS.pdf (last visited on May 22, 2024).

mentions of the term women and gender without any significant reference to any substantial policies to address the disproportionate impact borne by women pursuant to climate change.

While the afore-mentioned policy documents exude gender bias, often times it is not the law/rules/policy itself that sets out the bias, rather the bias exists in its implementation. One example where the policy itself is not biased, however the bias is evident in the implementation is the Environmental Impact Assessment Notification, 2006. The notification establishes that for Category A and B1 projects, barring certain exceptions, there ought to be public consultation before granting environmental clearance, a process which would allow the stakeholders to express their concerns regarding the proposed project. The public consultation usually happens in traditionally male-dominated spaces like gram sabhas or public meetings. What is mostly seen is that such public gathering is devoid of female voices either entirely or the token female representation in such public gathering is negligible or not enough to make any significant difference. In such cases it becomes all the more imperative upon policymakers to formulate such policies and establish such processes that account for societal bias against women and already include provisions to engage women in decision-making processes and encourage an inclusive environmental governance.

III. LESSONS FROM WOMEN LED ENVIRONMENTAL MOVEMENTS

The Chipko Movement and the Narmada Bachao Andolan serve as powerful examples of how female leadership can redefine environmental justice in India. The Chipko Movement's strategy of "tree hugging" symbolized a nonviolent resistance against deforestation, mobilizing rural women and emphasizing community-based resource management. Similarly, the Narmada Bachao Andolan challenged the developmental paradigms that prioritized large-scale infrastructure projects over the rights and livelihoods of local communities.

These movements demonstrate that when women lead environmental struggles, they often call for a more holistic approach that integrates social, cultural, and ecological dimensions. Their success underscores the importance of embedding feminist principles in environmental policy to foster sustainable and inclusive development. Women-led movements have consistently pushed for broader definitions of who can bring environmental cases to court, moving beyond property ownership to usage rights and community impacts. These movements have expanded legal conceptions of environmental harm to include social impacts, cultural losses, and women's health concerns previously invisible in environmental law. Women-led movements have consistently advocated for and won legal requirements for community consultation and participation in environmental decision-making.

Women in India have developed rainwater collection systems during monsoons, securing water for crops during dry periods and safeguarding food production to combat drought and similar situations.³⁰ These efforts of Indian women in rainwater harvesting are a key strategy for ensuring water availability during dry periods. These systems help secure water for crops during dry spells, safeguarding food production and enhancing agricultural resilience.³¹

³⁰ United Nations Development Programme, *Women Water Champions* (UNDP India, Delhi, 2021), available at: https://nwm.gov.in/sites/default/files/Women%20Water%20Compendium_July%2021.pdf (last visited on May 29, 2024).

³¹ *Ibid.*

IV. CONCLUSION AND SUGGESTIONS

While gender concerns are explicitly mentioned in India's climate policy discourse, their operationalization at the subnational level remains uneven and inconsistent. In most State Action Plans on Climate Change in India, significant gaps persist between normative goals³²—such as reducing differential vulnerability and empowering women—and the policy approaches adopted, which range from gender-blind and gender-neutral to, at best, gender-specific, gender-sensitive, or even gender-transformative measures. These disparate approaches underscore a critical disconnect between the rhetoric of gender equity and the substantive integration of gender considerations in environmental governance. To be truly effective, the conceptualization of gender must evolve beyond a narrow focus on the binary differences between women and men. Instead, it requires a comprehensive engagement with the intersecting dimensions of sex, caste, class, and access to resources, recognizing that these intersections significantly shape vulnerability and adaptive capacity in the face of climate change.³³

The rights-based approach inherent in international instruments and national policies ideally offers an avenue for integrating feminist insights into climate governance. A rights-based framework can empower women by recognizing their agency, securing their rights, and promoting their participation in decision-making processes. In practice, however, the absence of explicit gender language and concrete targets in the UNFCCC and the Paris Agreement means that national policies derived from these instruments often mirror the gender-blindness of their international templates. This gap undermines efforts to ensure that climate adaptation and mitigation strategies are equitable and inclusive. To ensure a more gender inclusive environmental governance, below are a few suggestions:

- i Mandatory gender impact assessments alongside environmental impact assessments;
- ii Substantive representation requirements (beyond quotas) in environmental decision-making bodies;
- iii Legal recognition of use-based and commons-based rights alongside property ownership;
- iv Procedural accommodations recognizing women's time constraints and mobility limitations;
- v Redefinition of "expertise" to include traditional ecological knowledge often held by women;
- vi In the light of this information, the report of Women's Environmental Network, "The impacts of climate change on women and public policy"³⁴ concludes that remedial action is required on three fronts:
 - a) Gender-sensitive strategies to mitigate climate change
 - b) Addressing gender inequality
 - c) Gender-sensitive strategies for adapting to climate change – the more radical the cuts in emissions in the next few years, the better chance there is of limiting the negative effects of climate change on women. to suffer climate injustice – until gender inequality is addressed, women will continue strategies adequately take account of women's considerations.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Supra* note 9.

Countries such as Bangladesh, Nepal, and Uruguay are emerging as global exemplars in formulating gender-inclusive climate action policies, offering valuable lessons for India. In Bangladesh, for instance, climate adaptation programs explicitly integrate gender considerations by involving women at the community level, ensuring that their unique knowledge and needs are addressed in disaster risk reduction strategies. Bangladesh has also specifically targeted two fronts to involve women in their climate action, namely, ensuring food security, social protection and health are prioritized for marginalized communities like women and secondly capacity building.³⁵ Nepal has similarly pioneered the integration of gender-responsive budgeting in its climate policies, thereby directing resources specifically to women-led initiatives and ensuring that the impacts of climate change are mitigated through an inclusive approach.³⁶ Uruguay, on the other hand, has developed participatory platforms that bring together diverse stakeholders, including women from marginalized communities, to co-create climate resilience strategies. These initiatives emphasize the transformative potential of inclusive governance, where decision-making processes are designed to reflect the lived experiences of women and promote equitable access to climate finance.³⁷

India can draw significant insights from these examples. By adopting gender-responsive budgeting mechanisms similar to Nepal's, India could allocate dedicated resources to women-focused projects, thereby directly addressing the gender-specific impacts of climate change. Furthermore, as Bangladesh has demonstrated, empowering local communities by incorporating women's traditional ecological knowledge into disaster preparedness and adaptation measures can enhance resilience and promote sustainable development. India's climate action framework could also benefit from establishing participatory platforms modeled on Uruguay's approach, ensuring that women and other marginalized groups are actively involved in policy formulation and implementation.

By learning from these global pioneers, India can move beyond a merely rhetorical commitment to gender equality, as is seen in the fleeting mentions of women empowerment and gender inclusivity in our policy documents, by integrating concrete, transformative measures into its climate policies. Such an approach would not only strengthen climate resilience but also promote social equity and inclusiveness in the face of escalating environmental challenges.

In conclusion, while the evolution of climate change legal instruments has marked a significant departure from conventional regulatory models towards more rights-based approaches, a feminist review reveals persistent shortcomings in addressing gender inequities. To fully realize the potential of these instruments, there is an urgent need for a more explicit incorporation of gender considerations that recognizes the intersectional vulnerabilities and capacities of women, ensuring that global climate governance becomes truly inclusive and just. While explicitly mentioned, gender concerns are unevenly operationalized in India's subnational climate policy.³⁸ This research paper reinforces with compelling evidence the pervasive indifference and apathy toward women within the realm

³⁵ UNDP, *Bangladesh Climate Change Strategy and Action Plan* (2018), available at: https://www.adaptation-undp.org/sites/default/files/resources/bangladesh_climate_change_actiona_plan.pdf. (last visited on May 29, 2024).

³⁶ Asian Development Bank, *Gender Responsive Climate Change Policy in Nepal* (2019), <https://lpr.adb.org/resource/climate-change-policy-2019-nepal>. (last visited on May 29, 2024).

³⁷ Maria Tanyag "Feminist governance and climate change" in Marian Sawyer, Lee A. Banaszak, *et.al.* (eds.), *Handbook of Feminist Governance* 262-273 (Edward Elgar Publishing, 2023).

³⁸ Chandni Singh, Divya Solomon, *et.al.*, "How Does Climate Change Adaptation Policy in India Consider Gender? An Analysis of 28 State Action Plans" 21 *Climate Policy* 958 (2021).

of climate justice, urging policymakers to rethink and reformulate strategies in new, more inclusive ways.

By broadening the lens through which gender is understood, there exists a transformative potential for gender-inclusive environmental governance that not only addresses the immediate inequities but also lays the foundation for long-term, equitable climate resilience. This vision for equitable climate resilience demands a systemic rethinking of policy frameworks, where the transformative power of inclusive governance is harnessed to ensure that marginalized voices, particularly those of women, are not merely acknowledged but are actively involved in the formulation and implementation of climate action strategies.