

# Law and mitigation: A comparative analysis of Moroccan and Indian Legal systems

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**Abstract.** There has been international recognition of the burgeoning climate change crisis, with numerous conventions attempting to foster collaboration and cooperation between countries. However, it has been established that there exists a discrepancy, with certain countries historically polluting more, while other countries bear the brunt of these erratic changes with specific categories of people having to bear even more. Through this there arises a requirement to analyze the efforts countries make to alleviate climate change, especially their interaction with other nations in terms of forming alliances or adopting similar measures. The utopian ideation behind law is to provide a voice for the voiceless and to safeguard the interests of the masses. Though corruption and sheer inefficiency has riddled this powerful tool with deficits. The current rate of environmental degradation demarcates the failure of the law, as marginalized communities continue to face mass discrimination and struggle to mobilize to courts. It is important to understand the bodies involved in governance and the unique manner in which an issue gets addressed through the system. Only through this understanding can gaps be bridged and functional legislation enacted. Moreover, as there is a shift in global politics and a need to deconstruct Western hegemony, it is crucial to understand the Global South's perspectives in dealing with the contention of climate change. In particular, countries like India and Morocco that are distinct but share certain common intricacies as developing countries with torrid pasts. This paper aspires to explore and examine Indian and Moroccan environmental acts or laws towards protection in juxtaposition to the surmounting levels of pollution. **Keywords:** Climate Change, Law, India, Morocco, Comparative approach.

## 1 Introduction

The burgeoning climate change crisis, with numerous conventions attempting to foster collaboration and cooperation between countries [1] has fostered international attention finally over the years. Although the intentions are good, some countries bear the brunt of international tactics [2] [3] with specific categories of people having to bear even more [4,5]. Through this there arises a requirement to analyze the efforts countries make to alleviate climate change [6], especially their interaction with other nations in terms of forming alliances or adopting similar measures [7].

The current rate of environmental degradation [8] demarcates the failure of the law [9], as marginalized communities continue to face mass discrimination and struggle to mobilize to courts [10,11]. It is important to understand the bodies involved in governance and the unique manner in which an issue gets addressed through the system [12-14]. Only through this understanding can gaps be bridged and functional legislation enacted. The deconstruction of Western hegemony is crucial in understanding the Global South's perspectives in dealing with the contention of climate change [15]. In particular, countries like India and Morocco with similar pasts have a lot to lose.

Laws, legal systems, methods, and adjudication fiercely regulate, govern, and protect the rights of individuals to establish the smooth functioning of society. However, jurisprudence and legal statutes are often decorated in optimistic language [16,17] which may not translate into reality, or there is often a failure of the system to implement the same [18], both bolster an impression of ignorance. This is where legal precedents imbued with interpretation take precedence over the bare clauses [19], leading to fluctuations in social orders and norms. The implementation of these laws and precedents, which are influenced by corruption [20-22] of governmental authorities [23] and the inefficient safeguarding of the rights of the marginalised or voiceless by the Justice system [24], is glaringly apparent. One such area that these distortions have historically impacted is environmental issues [25] [26,27].

Ecosystems, wildlife, and other such biodiversity cannot mobilise to the court for restitution; neither can tribes or indigenous people due to numerous shortcomings. Countries like India, termed as 'developing', require more analysis [28] [29] as there is a need at this pivotal moment to deconstruct Western cultural hegemony and dominance [30-33]. By highlighting the methods that countries utilise to attempt to resist, mitigate or ease climate change, it is relevant to structure policies and

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regulations all over the world. As such, this paper endeavours to draw parallels between the countries of India and Morocco, showcasing how they organise laws and regulations to safeguard the environment and enforce the same.

### 1.1 Law, Policy and Global Politics

As per the IPCC's recent reports [34], the world is experiencing unprecedented statistics indicating irreversible damage as more species become extinct or endangered, weather conditions become erratic, coral reefs bleach, animals alter their behavioural patterns and more. If law is to be an instrument of change [35,36] or if we subscribe to the sociological capacity of law, then where exactly can we place dogmatically destroying habitats? Moreover, individuals who do not have access to alter consumer patterns or create any large-scale disruptions cannot be held accountable for the widespread ecological devastation [37,38]. With the establishment of the International Panel on Climate Change in 1988 [39], it was acknowledged that rising temperatures and pollution would have a disastrous effect on the world.

Therefore, culpability can be placed on governments and corporations that fuel various initiatives that desecrate ecological harmony [40]. There are numerous facets of global politics that showcase a sociological theory put forth by Immanuel Wallerstein of the World Systems Theory [41], where the world is segregated into a hierarchical structure with three states, the core, semi-periphery, and periphery.

The core states are developed, stable governments dominating productivity, export, import (pricings) and control economies [42]. These states buy from the periphery or semi-periphery states cheap raw materials and labour, and then flood their markets with inferior goods that they export [43]. This system must be analysed also to understand the newer ideation of waste colonisation.

It is of vital significance to examine the legality behind these imbalanced global conditions, to which a parallel can be drawn within every nation as well. The consequences of pollution have sufficiently begun to wreak havoc around the world. Wildfires in numerous countries have debilitated the economy, people, and infrastructure. There has been a destruction of around 15.9 million hectares of tree cover from 2020-21 [44]. The rampage of the fires in Maui has destroyed entire cities and reinforces the demand for united global attention towards tackling this predicament.

As mentioned before, courts [45] and the law [46,47] are appraised as tools of justice that can create change and halt any institutional exploitation. In Montana, USA, kids aged from 5 to 22 won a lawsuit that deemed that the state's approval for fossil fuel projects amidst climate change was unconstitutional [48]. There has been an advent of awareness and mobilisation of citizens who are actively using legal forums to urge their governments or corporations to take responsibility for the situation. States and cities are suing companies like Exxon, Chevron and Shell, seeking damages from climate disasters and claiming that the companies have

known for decades that their products are responsible for global warming. These cases, especially the one in Montana, deal with constitutional terminology to gain relief. The European Union, as it has a consolidated court of the European Court of Justice, already has citizens moving to gain relief for environmental issues that their countries do not adequately rectify or even take notice of. Similarly, the International Court of Justice is hearing environmental cases like the *Costa Rica v. Nicaragua* [49].

By tracing the local governance of India and Morocco, two leading entities of the Global South that are striving to alleviate climate change, the intricacies of environmental jurisprudence can be accurately identified to assist in the formulation of policies.

## 2 The Indian framework

In any country and even globally, it is important that one must identify the driving force behind the worsening conditions of the environment; at the heart of it lies capitalistic, profit-maximizing, western industrial notions [50]. The Indian tradition ascribes and amounts substantial attention towards nature, as they are aware of the holistically reciprocal relationship that exists between man and nature [51]. From the *Vedas*, *Upanishads*, *Smritis* and other ancient literature we find that man lived in complete harmony with nature [52].

As such, there has been inherently more awareness towards preserving biodiversity through traditional knowledge [53], and as many indigenous communities still rely on natural resources [54,55] because of which there is impetus for the country to spearhead real change in this regard.

There then came in India, an abundance of environmental legislation, decrees and acts passed and amended in India, which features aspects of proper waste disposal [56], compensation guidelines [57], pollution control in all forms [58], conserving forests [59], and protecting tribal communities and knowledge. The Indian constitution contains an article clearly demarcating responsibility towards our habitat; article 48A states that "the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country" [60].

The citizens of India have utilised the law, especially following certain landmark judgements or devastating disasters. Public interest Litigation (PIL) has championed this area of litigation, influencing environmental principles and inspiring benchmark precedents that have elucidated the terminology concerning the environment and pollution. In the *Vellore Citizens Welfare Forum v. Union of India*, a PIL under section 32 of the Indian constitution was invoked to oppose factories and tanneries in Vellore that were polluting the Palar River, which is a lifeline for many villages in the area.

The Supreme Court's judgement favoured the Vellore citizens, but the compensation granted was a fine of 10000 to the Collector's office. The court stipulated that Green Benches should be established to succinctly and expeditiously address cases that discuss the environment

and climate change [61]. The tragedy of the Bhopal Gas plant [62,63] shook the country's legal framework, as the concept of absolute liability arose, attributing more accountability to those industries that deal with hazardous substances [64].

Another case *Tarun Bharat Sangh, Alwar v. Union of India*, where the government of Rajasthan was illegally issuing mining licenses in areas that were demarcated as Reserve Forests. Under section 3 of the Environmental Protection Act, 1986, the Supreme Court counseled the Centre to create a committee to supervise the administration of environmental laws in India [65]. Previous cases [66-68] explicitly condoned environmental degradation and upheld safeguarding precious natural resources above all else. Environmental Impact Assessment or EIA [69,70] regulations ensure that all industries must examine their impact on the ecosystem they coexist around. The reports are viewed by committees and, moreover, allow the government and concerned citizens to keep tabs and be informed about potential environmental degradation.

In 2023, the case of *Pahwa Plastics Ltd. V. Dastak Ngo*, which was an issue of clearance as the company utilises and manufactures formaldehyde in the state of Haryana, is directed by law to request for clearance which is assessed and follows a procedure to determine the impact of the chemical. The court ruled in favour of the company, claiming that the economic and employment benefits negated the ecological impact, discussing in particular the term '*post facto*' in clearances [71]. Clearances, for these corporations, are of fundamental value, as they dictate and supervise further environmental damage or the impact on the ecosystem. The Supreme Court aligned itself with the company, setting an irregular precedent for future environmental litigation, especially in terms of the age-old contention of development versus sustainability or the environment.

As heat waves overtake the entire world, India also experiences longer and more extreme summers that disrupt crop schedules and usher food scarcities or inflated prices that debilitate the emerging economy, especially for those less economically stable [72]. 2023 witnessed a surge in the price of tomatoes of more than 400% as the country has been gripped by a nationwide shortage [73]. Tomatoes are essential for Indian cuisine, even multinational corporations like McDonald's have been induced not to provide tomatoes in their stores across India [74].

This goes to showcase that even with the various distinct forms of acts, statutes, or committees, there remains and exacerbates a critical issue of climate change.

Globally climate activists are officially relying on legal solutions to increase action by governments and curb and force companies to be mindful of their impact on ecosystems and how they can help alleviate the situation.

The circumstance demands immediate action, but mobilising every citizen of the world to pay attention to this problem is arduous, especially since a large sect of public opinion still does not believe in climate change [75,76].

### 3 The Moroccan Framework

As mentioned before, the predicament of climate change is a complex, comprehensive, and arduous task to dismantle and begin to mitigate. The purpose of consolidating data on how so-called "third world" or "developing" countries attempt to alleviate this crisis is imperative to even embark upon global solutions. Moreover, the narrative surrounding these countries has been predominantly biased, with little to no recognition given to the herculean task that these countries have accomplished. What is more outstanding is how they accept responsibility and propagate sustainability, providing essential traditional knowledge and in-depth, disentangled research from the normative Western-dominated narratives.

The form of governance followed in Morocco diverges from India, though both share an accentuation on the constitution to uphold the rights of the people and the ecosystem. Morocco is a constitutional monarchy that includes an elected parliament, consisting of a King of Morocco who is empowered with the ability to pass Royal Decrees; moreover, the contemporary constitution allows citizens to submit legislation motions [77]. The main clauses of the constitution that can be invoked to protest the environment or preserve a certain standard of living is article 31, which ascribes that all citizens have the right to water and to a healthy environment along with development that is sustainable. Articles 71 and 152 then describe how the above rights are to be upheld and achieved [78].

Morocco has always spearheaded climate change activism as they hosted both the COP7 [79] and COP22 [55], which are the largest international conference working towards alleviation. The Conference of Parties (COP) are a part of the United Nations Framework Convention on Climate Change. It is important when analysing Global South countries, especially those that have been colonised, to take into consideration their turbulent history of being exploited and massacred for their resources [80].

De-colonization of prevalent opinions has yet to occur in a fruitful manner where it has deconstructed the perception of the environment or sufficiently brought traditional sustainable knowledge into the discourse. Contemporary research in arid lands ecology and pastoral studies likewise has questioned the destructiveness of traditional land uses assumed in this declensionist narrative [81].

The COP22, at Marrakesh, had Morocco taking the helm in mitigation policies for assuaging climate change. The adoption of the Marrakesh Action Proclamation for Climate and Sustainable Development celebrated the unstoppable global momentum on climate change and sustainable development action by governments, businesses, investors, sub-regional government and cities [82].

Moreover, Morocco spearheaded the Africa Action Summit [83] and other partnerships, essentially providing other countries with a road map for sustainability and calling for serious action towards the same. King Mohammed VI, in the year of 2001 founded a Foundation for the protection of the Environment

called the Mohammed VI Foundation [84]. This foundation, now overseen by Princess Lalla Hasnaa, generates awareness, eco-tourism, conservation and sustainability. Within the country there are many functional environmental policies and movements National Municipal Solid Waste Management, National Sanitation and Wastewater Treatment, Collection and Disposal of Plastic Bags, Environmental Upgrading of Rural Schools, and Prevention of and Fight against Industrial Pollution [85]. To counter plastic pollution, a bill was passed in 2016 to ban all plastic bags [86]. The country is in the middle of a 15-year plan for waste management begun in 2008.

Environmental impact assessment, which is a huge component to even consider achieving sustainable development, is practiced in both nations. Through EIA's, any new plans for development or industries have to file a report of the damage they will do or could do to the ecosystem they circumvent. This is crucial as it is a direct way in which countries can govern polluting projects, but also to limit future devastation. In Morocco, this feature has been solidified in legislation and other policies like Compensation and Resettlement Plan (CRP) [87], ensure a holistic approach to dealing with impact assessment. It includes effects on biodiversity, not merely physically, but also through sound and waste, where the local animals or nature are forced to deviate from their existing shelters or migratory practices. Morocco goes further than environmental and examines social impact as well, which should be adopted by India as well. There have been two major oil drilling campaigns approved whose impact can be detrimental and beneficial, as it would provide energy for the nation.

The country is filled with rich biodiversity and like-minded people, maintaining a deep relationship with nature [88]. In the city of Sale, there is a school called Bouregreg Med-O-Med Gardening School that has a free three-year course on gardening. As it is run by an NGO, it is a philanthropic initiative for at-risk youth [89]. However, in 2023, the Country experienced its worst heatwave as temperatures crossed 50 degrees Celsius [90]. Just like in India, there are vulnerable areas that are facing severe effects, which impacts especially the agricultural sector [91]. As is the case in India, it is clear that primarily the work done by the countries towards mitigating climate change is insufficient as there are other countries and corporations that continue to worsen the situation.

#### **4 Analysis of the Indian Moroccan connection**

This comparative analysis of the India and Morocco functions to highlight the severe environmental crisis that the world is undergoing [92]. The climate legislation of the two developing or rather colonized nations reveals a similar tradition of communities that come from harmonious living with nature which has slowly evolved into modern-day life out of colonial rule and pressure. This has then evolved into a gradual shift towards environmental legislation forcing a reversal of

sorts. Climate change cannot be countered through further aggressive development or Western solutions. [93] It requires societal deconditioning or rather unlearning, to remove from hyper consumeristic lifestyles. India has been spearheading the initiative to emphasize traditional knowledge and protect its indigenous communities. It is crucial to study what the two developing nations decide to condone as a requirement for development. This could be where developed countries could provide support, in terms of technology and monetary reparation. Environmental impact assessment has taken a hit in both nations as development has been preferred over preventive measures against ecological degradation.

So, while Morocco has focused on international summits and climate advocacy through its stellar work in the COP's, India has been focusing on internal policy changes. India has begun to rally other Asian countries to form alliances to deconstruct the western hegemony that dominates. Both nations understand the importance of beginning at the ground level and nationally. Waste and resource management is of core importance for both. Morocco has placed a large emphasis on increasing its use of renewable energy to 52% by 2030 but is struggling to meet this goal. India's work in the International Solar Alliance and its sheer size has made it possible for the Country to focus on generating renewable energy. Here we can identify the necessity and importance of comparing countries and sharing sustainable technology and knowledge.

The legislation, although not similar in drafting styles, has similar content based on international environmental law. Most of the law is Western centric with exceptions of local/rural level initiative which are local to the respective regions. More of such local initiatives even at national level are necessary to ensure each country is doing its best to counter the eventual climate change. Another significant issue is implementation and mindset shift in both the countries reacting to climate change. There has been significant growth in how the two countries focus on awareness and new initiatives that propel integrating eco-friendly and sustainability. All new endeavors are required to take into consideration, indigenous lifestyles, and the fragile state of the ecosystem, if any real impact can be made on the crisis. However, with new statistics and data that clearly exhibit the repercussions of unlimited growth or development, environmental law in both countries requires more of a direct approach by the judiciary. As the government is failing to act briskly or substantially, the judiciary is the only recourse for those who are aware of the situation. Public knowledge and the official position of the Supreme court is vital in dictating the pace and manner of redressal or norms within society and towards issues.

The countries are unique in their colonized past, which is noteworthy due to the recalibration of knowledge and resource management that was intrinsic to their way of life. Developed countries now must be accountable for both the pollution they have already caused, as well as the current waste exploitation they subject to the African and Indian continent. The best efforts of colonized hence developing countries like India and Morocco are

futile without the major contribution of the so-called developed world. Most of the Western world has failed to live up to their promises under International Climate Change Conventions (COP). Both nations are closer to accomplishing their sustainable goals that they have ratified at international levels, than countries that claim to be more powerful. These two nations are key players and will be at the forefront of mitigation efforts globally. Be it through their local efforts, or through the excellent academia that is educating and highlighting the disparate nature of international normative outlooks.

## 5 Conclusion

Heat waves and weather extremities grapple the world, inhibiting daily life. In the horizon, serious resource shortage can be predicted, water, food, breathable air, all essential commodities that are at risk. The devastation that has been done to the natural world by human activity is horrendous. The high amounts of pollution, dwindling species of flora and fauna, lack of forest land are things that cannot be reversed. Environmental protection and countering the adverse effects of climate change remains a herculean task yet to be mitigated satisfactorily by the entire world.

Law and society enjoy a complementary relationship, with either one causing transformations into the other. India and Morocco are countries that recognize the desperate requirement to address climate change, and that are actively working to create awareness for the same. Morocco has been more internationally involved than India, but both nations are leading by example. There is now more than ever a need to be both more intersectional and aware while addressing these predicaments in legislation, as corporate entities and industries rarely adhere to much governmental control. Moreover, in the global economy there must be a recalibration of the essence of profit-maximization. There must be a tending to the crisis from both a macro and micro perspective. The urgency of the crisis has been sidelined as people focus on allocating blame and other economic-political aspects that derail swift mend the current situation. This paper hopes to have shed light on the climate crisis through the examination of the countries of India and Morocco, emphasizing their efforts at mitigation through legal recourse.

## References

1. D. Bodansky et al., *Int'l Climate Change L.*, 111(4), 118-157 (2017). <https://doi.org/10.1017/ajil.2017.54>.
2. K. Odeku, *Climate Injustices due to the Unequal and Disproportionate Impacts of Climate Change, Perspectives of Law and Public Administration*, **11**, 103-110 (2022). URL: <https://EconPapers.repec.org/RePEc:sja:journl:v:11:y:2022:i:1:p:103-110>.
3. R. K. Tougas, *Global Warming and the disproportionate impacts of Climate Change on the Global South*, MA Educational Studies, Concordia University, (2021). URL: chrome-

extension://efaidnbmnnnibpcajpcglefindmkaj/https://renee.tougas.net/media/files/RENEE\_TOUGA\_S\_Global\_Warming\_and\_the\_Disproportionate\_Impacts\_of\_Climate\_Change...pdf

4. R. Tsosie, *Indigenous People and Environmental Justice: The impact of Climate Change*, *U. Colo. L. Rev.*, **78**, 1625 (2007). <https://ssrn.com/abstract=1399659>.
5. S. F. Swanston, *Race, Gender, Age and disproportionate impact: What can we do about the failure to protect the most vulnerable?*, *Fordham Urb. L.J.*, **21**, 577 (1993-1994). <https://ir.lawnet.fordham.edu/ulj/vol21/iss3/7>.
6. D. T. Hornstein, *Reclaiming Environmental Law: A normative critique of comparative risk analysis*, *Colo. L. Rev.* **92**(3), 562-633 (1992). <https://doi.org/10.2307/1122954>.
7. W.J. Kamba, *Comparative Law: A Theoretical framework*, *Int'l & Comp. L.Q.*, **23** (3), 485-519 (1974). <https://api.semanticscholar.org/CorpusID:261753817>.
8. W.E. Wagner, *Commons Ignorance: The Failure of Environmental Law to Produce Needed Information on Health and the Environment*, *Duke L.J.*, **53**, 1619 (2003-2004). <https://scholarship.law.duke.edu/dlj/vol53/iss6/1>.
9. D. Owen, *Probabilities, Planning Failures, and Environmental Law*, *Tul. L. Rev.* **84**, 265 (2009-2010). <https://ssrn.com/abstract=1353628> or <http://dx.doi.org/10.2139/ssrn.1353628>.
10. M. Montini, *The Double Failure of Environmental Regulation and Deregulation and the need for Ecological Law*. *ItYBIL* **26**(1), 265-285 (2017). <https://usienna-air.unisi.it/handle/11365/1057978>.
11. G.L. Scott, *Success and Failure components of Global Environmental Cooperation: The making of International Environmental Law*. *ILSA J. Int'l & Comp. L.* **2**(1), 23 (1995-1996). <https://nsuworks.nova.edu/ilsajournal/vol2/iss1/2>.
12. V.P. Nanda, *International Environmental Protection and Developing Countries' Interests: The Role of International Law*, *Tex. Int'l L. J.* **26**, 497 (1992). <https://heinonline.org/HOL/P?h=hein.journals/tlj26&i=507>.
13. W.L. Andreen, *Environmental Law and International Assistance: The Challenge of Strengthening Environmental Law in the Developing World*. *Colum. J. Env'tl. L.* **25**, 17 (2000). [https://scholarship.law.ua.edu/fac\\_articles/12](https://scholarship.law.ua.edu/fac_articles/12).
14. G.C. Lim, *Theory and practice of EIA implementation: A comparative study of three developing countries*. *Environ. Impact Assess. Rev.* **5**(2), 133-153 (1985). [https://doi.org/10.1016/0195-9255\(85\)90039-3](https://doi.org/10.1016/0195-9255(85)90039-3)
15. D. French, *Developing States and International Environmental Law: The Importance of Differentiated Responsibilities*. *ICLQ*, **49**(1), 35-60

- (2000).  
<https://doi.org/10.1017/S0020589300063958>.
16. D.H. Joseph, *Juristic Idealism and Legal Practice*. *MichLRev.* **25**(6), 571-95 (1927).  
<https://doi.org/10.2307/1279957>.
17. S. Coyle, *Positivism, Idealism and the Rule of Law*. *OJLS.* **26**(2), 257-288 (2006).  
<https://doi.org/10.1093/ojls/gql003>.
18. K.E. Davis, M. Trebilcock, *The relationship between law and development: Optimists versus Skeptics*. *Am. J. Comp. L.* **56**(4), 895-946 (2008).  
<https://doi.org/10.5131/ajcl.2007.0031>.
19. R.A. Heiner, *Imperfect Decisions and the Law: On the evolution of Legal Precedent and rules*, *JLS Univ. of Chicago*, **15**(2), 227 - 261 (1986).  
<https://doi.org/10.1086/467812>.
20. B.A. Olken and R. Pande, *Corruption in Developing Countries*. *Annu. Rev. Econ.*, **4**, 479-509, (Sept 2012). <https://doi.org/10.1146/annurev-economics-080511-110917>.
21. K. Jalal and M. Mustapha, *Corruption Impacts on Growth and Development of the Moroccan Society*. *IOSR-JEF*, **7**(1), 2321-5933 (2016).  
<https://doi.org/10.9790/5933-07112031>.
22. B. Seth, *Institutionalized Corruption in India: Justice Systems, Ineffective Mechanism and Movements of reform*. *Touro Int'l L. Rev.* **15**, 169 - 192, (2012).  
<https://heinonline.org/HOL/P?h=hein.journals/touint15&i=170>.
23. C. Fijnat and L. Huberts, *Corruption, Integrity and Law Enforcement*, Brill, Chapter **1**, 3-34 (2000).  
[https://doi.org/10.1163/9789004481213\\_002](https://doi.org/10.1163/9789004481213_002).
24. S. Dam, *Why is Judicial Corruption Invisible?*. *Pub. L. Rev.* **33**(3), 1-33 (2022).  
<https://search.informit.org/doi/abs/10.3316/agispt.20221110077884>.
25. E. J. Z. Robinson, A. M. Kumar, & H. J. Albers, *Protecting Developing Countries' Forests: Enforcement in Theory and Practice*, *J. Nat. Resour. Policy. Res.* **2**(1), 25-38 (2010).  
<https://doi.org/10.1080/19390450903350820>.
26. S. Gupta, S.Saksena, & O. F. Baris, *Environmental enforcement and compliance in developing countries: Evidence from India*. *World Development*, **117**, 313-327 (2019).  
<https://doi.org/10.1016/j.worlddev.2019.02.001>.
27. E. Ostrovskaya, *Enhancing compliance with Environmental Laws in developing countries: Can better enforcement strategies help?*, 9th INECE Conference, 20-24 (2011).  
<https://doi.org/10.13140/2.1.4413.0249>.
28. J. Mayda, *Environmental Legislation in Developing Countries: Some Parameters and Constraints Perspective*. *Ecol. Law. Q.* **12**, 997-1025 (1984-85).  
<https://doi.org/10.15779/Z383F9Q>.
29. D. B. Magraw, *Legal Treatment of Developing Countries: Differential, Contextual, and Absolute Norms* *Doman Colloquium on Global Change and International Law. Colo. J. Int'l Envtl. L. & Pol'y.* **1**, 1-10 (1990).  
<https://heinonline.org/HOL/P?h=hein.journals/colenvlp1&i=77>.
30. M. Fonseca, *Global IR and Western Dominance: Moving Forward or Eurocentric Entrapment?*. *Millennium.* **48**(1), 45-59 (2019).  
<https://doi.org/10.1177/0305829819872817>.
31. M. Koskeniemi, *International law and hegemony: a reconfiguration*. *Camb. Rev. Int. Aff.* **17**(2), 197-218 (2004).  
<https://doi.org/10.1080/0955757042000245852>.
32. L. Alvarez and Brendan Coolsaet, *Decolonizing Environmental Justice Studies: A Latin American Perspective*. *Capitalism Nature Socialism.* **31**(2), 50-69 (2020).  
<https://doi.org/10.1080/10455752.2018.1558272>.
33. C. G. Gonzalez, *Environmental Justice, Human Rights, and the Global South*. *Symposium: Environment and Human Rights, Santa Clara J. I. L.* **13**, 197-203 (2015).  
<https://digitalcommons.law.scu.edu/scujil/vol13/iss1/8>.
34. O. Portner & D.C. Roberts, E.S. Poloczanska, K. Mintenbeck, M. Tignor, A. Alegria, M. Craig, S. Langsdorf, S. Lösckke, V. Möller, A. Okem, *Summary for Policymakers, Climate Change 2022: Impacts, Adaptation, and Vulnerability*, 3-33, (2022).  
[https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC\\_AR6\\_WGII\\_SummaryForPolicymakers.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf).
35. A. Mittal, *Role of Judiciary in Protecting and Preserving the Environment*. *Int'l J.L. Mgmt. & Human.* **4** (3), 4001 (2021).  
<https://doi.org/10.1000/IJLMH.11902>.
36. L. Rickards, J. Wiseman and Y. Kashima, *Barriers to effective climate change mitigation: the case of senior government and business decision makers*, *WIREs Climate Change*, **5**(6), 753-773 (2014).  
<https://doi.org/10.1080/1943815X.2022.2163665>.
37. I. A. Smith, *On Explaining Individual and Corporate Culpability in the Global Climate Change Era*. *J. Bus. Ethics.* **112**, 551-558, (2013).  
<https://doi.org/10.1007/s10551-012-1556-3>.
38. S. Hormio, *Collective Responsibility for climate change*. *WIREs Climate Change.* **14** (4), (2023).  
<https://doi.org/10.1002/wcc.830>.
39. S. Agarwal, *Context and Early Origins of the Intergovernmental Panel on Climate Change*. *Clim. Change.* **39**, 605-620, (1998).  
<https://doi.org/10.1023/A:1005315532386>.
40. A.H. Jonathan, *The Fable of Federal Environmental Regulation: Reconsidering the Federal Role in Environmental Protection Symposium: The Roles of Markets and Governments*, *Case W. Res. L. Rev.* **55**, 93-114 (2007-08).  
<https://ssrn.com/abstract=3651360>.
41. D. Chirot and T.D. Hall, *World-System Theory*. *Annu. Rev. Sociol.* **8**, 81-106 (1982).

- <https://doi.org/10.1146/annurev.so.08.080182.000501>.
42. Immanuel Wallerstein, *The Modern World-System: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*. New York: Academic Press, **229**, 229-233 (1976).  
<https://doi.org/10.1017/S0008423900039573>.
  43. J. MacCarthy, J. Richter, S. Tyukavina, M. Weisse and N. Harris, *The Latest Data Confirms: Forest Fires Are Getting Worse*, World Resources Institute, (2023).  
<https://www.wri.org/insights/global-trends-forest-fires#:~:text=Climate%20Change%20Is%20Making%20Fires,the%20planet%20continues%20to%20warm>.
  44. M. Nayati, *Judicial Activism for Environment Protection in India*. *Int. res. J. Social Sci.* **4**(4), 7-14 (2015). [www.isca.in](http://www.isca.in).
  45. S. Shrotira et. al., *Good Governance and Environment Protection: The role played by the Judiciary in India*. *Indian J. Hum. Dev.* **6**(2), 285-297 (2012).  
<https://doi.org/10.1177/097370302012020>.
  46. D. A. Brown, *The Role of Law in Sustainable Development and Environmental Protection Decisionmaking*. *Sustainable Development: Science, Ethics and Public Policy*, **3**, 64-76 (1995).  
[https://doi.org/10.1007/978-94-015-8492-0\\_5](https://doi.org/10.1007/978-94-015-8492-0_5).
  47. David Gelles & Miker Baker, *Judge Rules in Favor of Montana Youths in a Landmark Climate Case*. *The New York Times*. (2023).  
<https://www.nytimes.com/2023/08/14/us/montana-youth-climate-ruling.html>.
  48. *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, ICJ.  
<https://www.iucn.org/news/world-commission-environmental-law/201804/icj-renders-first-environmental-compensation-decision-summary-judgment>.
  49. E. Katz, *Ethics and Philosophy of the Environment: A Brief Review of the Major Literature*. *Environ. Hist. Rev.* **15**(2), 79-86 (1991).  
<https://doi.org/10.2307/3984972>.
  50. M. Baindur, *Nature in Indian Philosophy and Cultural Traditions*. *SCPT.* **12**, (2015).  
<https://doi.org/10.1007/978-81-322-2358-0>.
  51. B. K. Chakravarty, *Environmentalism: Indian Constitution and Judiciary*. *J. Indian. J. L. Inst.* **48**(1), 99-105 (2006).  
<https://www.jstor.org/stable/43952020>.
  52. B. Jasmine Y. Singh, M. Onial, V B Mathur, *Traditional Knowledge systems in India for biodiversity conservation*, *Indian J. Tradit. Knowl.* **15**(2), 304-312 (2016)
  53. P. Priyadarshini, P.C. Abhilash, *Promoting tribal communities and indigenous knowledge as potential solutions for the sustainable development of India*. *Environ. Dev.* **32**, (2019).  
<https://doi.org/10.1016/j.envdev.2019.100459>.
  54. M. Gadgil, F. Berkes and C. Folke, *Indigenous Knowledge for Biodiversity Conservation*. *Ambio.* **22** (2/3), 151-156 (1993).  
<https://www.jstor.org/stable/4314060>.
  55. *Environmental Protection Act, 1986; The Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; The Plastic Waste (Management and Handling) Rules, 2011; Bio-Medical Waste (Management and Handling) Rules, 1998; The E-Waste (Management and Handling) Rules, 2011; The Batteries (Management and Handling) Rules, 2001.*
  56. *Determination of Environmental Compensation to be recovered for violation of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.*
  57. *Environmental Protection Act, 1986; The Water (Prevention and Control of Pollution) Act, 1974; The Air (Prevention and Control of Pollution) Act, 1981, The Public Insurance Liability Insurance Act, 1991.*
  58. *Forest (Conservation) Act, 1980; The Indian Forest Act, 1927; The Wildlife Protection Act 1972 and Amendment 1991.*
  59. *India Const. art. 48, cl. A.*
  60. *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715v5 SCC 647, (India). (1996)
  61. S. Sriramachari, *The Bhopal gas tragedy: An environmental disaster*, *Current Sci.* **86**(7), 905-20 (2004). <https://doi.org/10.1186/1476-069X-4-6>.
  62. J.P. Gupta, *The Bhopal gas tragedy: could it have happened in a developed country?*, *J. Loss Prev. Process Ind.* **15**(1), 1-4 (2002).  
[https://doi.org/10.1016/S0950-4230\(01\)00025-0](https://doi.org/10.1016/S0950-4230(01)00025-0)
  63. *Hazardous Waste Management Regulations; The Public Liability Insurance Act. (1991)*
  64. *Tarun Bharat Sangh, Alwar v. Union of India*, (1998) SUPP (3) SCC 115, (India).
  65. G. G. Gill et al., *Sustainability transformations, environmental rule of law and the Indian judiciary: Connecting the dots through climate change litigation*, *Environ. Law Rev.*, **23** (3), 228-247, (2021). DOI:  
<https://doi.org/10.1177/14614529211031203>.
  66. A. Dias, *Judicial Activism in the Development and Enforcement of Environmental Law: Some Comparative Insights from the Indian Experience*, *J. Envntl. L.*, **6**, 243 (1994). URL:  
<https://www.jstor.org/stable/44247997>.
  67. N. Mahajan, *Judicial Activism for Environment Protection in India*, *Int. Res. J. Social Sci.*, **4** (4), 7-14, (April 2015). URL:  
<https://www.isca.in/IJSS/Archive/v4/i4/2.ISCA-IRJSS-2014-327.pdf>.
  68. A.K.A. Rathi, *Evaluation of project-level environmental impact assessment and SWOT analysis of EIA process in India*. *Environ. Impact Assess. Rev.*, **67**, 31-39, (Nov 2017); DOI: 10.1016/j.eiar.2017.08.004.

69. A. Dilay et al., Environmental justice in India: a case study of environmental impact assessment, community engagement and public interest litigation, *Impact Assessment and Project Appraisal*, 38 (1), 16-27, (2020). DOI: <https://doi.org/10.1080/14615517.2019.1611035>.
70. Ritwick Dutta, Two Recent Judgments Risk Damaging The SC's Envious Track Record on Environmental Law, *The Wire*, 8 April, (2022). URL: <https://thewire.in/environment/supreme-court-environmental-law-pahwa-plastics>.
71. Jagdish Krishnaswamy, From Western disturbances to El Niño, climate change is affecting India's food security, *The Hindu*, September 11, (2023). URL: <https://www.thehindu.com/sci-tech/energy-and-environment/summer-monsoon-impact-india-food-security/article67291707.ece>.
72. H. Ellis-Petersen & A. Hassan, Tomato crisis hits India as rain ravages crops and prices rise 400%. *The Guardian*. (2023). <https://www.theguardian.com/world/2023/jul/10/tomato-crisis-hits-india-as-rain-ravages-crops-and-prices-rise-400-percent>.
73. BBC Reporter, After McDonald's, Burger King India drops tomatoes from its menu, *BBC News*, (2023). <https://www.bbc.com/news/world-asia-india-66519700>.
74. J. Jeon, R. Gurney, M.M. Bell, From Non-Believer to Believer: What Leads People to Change Their Climate Views. *Sociol. Inq.* 93(3), 440-464 (2022). <https://doi.org/10.1111/soin.12527>.
75. B.D. Zaleha and A. Szasz, Why conservative Christians don't believe in climate change. *Bulletin of the Atomic Scientist*, 71(5), 19-30 (Nov 2015). <https://doi.org/10.1177/0096340215599789>.
76. M. Madani, D. Maghraoui, S. Zerhouni, *The 2011 Moroccan Constitution: A Critical Analysis*, IDEA, (2012)
77. Moroccan Const. art. 71 and 152.
78. COP7, UNFCC, <https://unfccc.int/event/cop-7>.
79. COP 22, UNFCC, <https://unfccc.int/event/cop-22>.
80. A. Mahboob, Colonisation 3.0, *Writings on Subaltern*, 115-125, (2023). <https://doi.org/10.1007/978-3-031-43710-6>.
81. Diana K. Davis. *Potential Forests: Degradation Narratives, Science, and Environmental Policy in Protectorate Morocco*. Environ. Hist. Oxford University Press. 10, (2005). <https://www.jstor.org/stable/3986113>.
82. COP 22: Marrakesh Action Proclamation for our Climate and Sustainable Development. (2016)
83. 8th Annual subcommittee of the CPR Morocco's intervention on Agenda item 4 (b): Announcements of draft resolutions Draft resolutions introduced by the African group, (2023). URL: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://wedocs.unep.org/bitstream/handle/20.500.11822/37276/Morocco%20on%20african%20group%20draft%20resolutions.pdf?sequence=1&isAllowed=y>.
84. Fondation Mohammed VI Pour La Protection De L'Environnement. <https://fm6e.org/en/lafondation/>.
85. D. K. Davis, *Potential Forests: Degradation Narratives, Science, and Environmental Policy in Protectorate Morocco*. Environ. Hist. 10(2), 1912–1956 (2005). <https://www.jstor.org/stable/3986113>.
86. A. Alami, Going green: Morocco bans use of plastic bags. *Al Jazeera*, (2016). <https://www.aljazeera.com/news/2016/7/1/going-green-morocco-bans-use-of-plastic-bags>.
87. L.V. Praag, Perceptions and Explanations of Environmental Change in Morocco, *Migration and Environmental Change in Morocco*, 85-104 (2021). [https://doi.org/10.1007/978-3-030-61390-7\\_5](https://doi.org/10.1007/978-3-030-61390-7_5).
88. N. Benfadil. The Environmental Impact Assessments in Morocco: Strengths and Weaknesses. *Int. J. Adv. Res.* 4, 398-409 (2016). <https://www.journalijar.com/article/8328/the-environmental-impact-assessments-in-morocco:-strengths-and-weaknesses/>.
89. Redaction Africa News, In Morocco, a gardening school blends inclusion and ecological awareness. (2023) <https://www.africanews.com/2023/12/05/in-morocco-a-gardening-school-blends-inclusion-and-ecological-awareness/>.
90. S. Zouiten, Morocco Records New Heat Record as Temperature Surpasses 50°C for First Time. *Morocco World News*. 12, (2023). <https://www.morocoworldnews.com/2023/08/357026/morocco-records-new-heat-record-as-temperature-surpasses-50-deg-c-for-first-time>.
91. J. Schilling, K. P. Freier, E. Hertig, J. Scheffran, Climate change, vulnerability and adaptation in North Africa with focus on Morocco, *Agr. Ecosyst. Environ.* 156, 12-26 (2012). <https://doi.org/10.1016/j.agee.2012.04.021>
92. M-S. Karrouk, *Climate Change and its Impacts in Morocco. Regional Climate Variability and its Impacts in The Mediterranean Area*, NATO Science Series: IV: Earth Environ. Sci. 79, (2007). [https://doi.org/10.1007/978-1-4020-6429-6\\_18](https://doi.org/10.1007/978-1-4020-6429-6_18)