

**Constitutionalising Climate Protection in India: The Right against the
Adverse Effects of Climate Change between Judicial Innovation and
Legislative Silence**

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Abstract

The Supreme Court of India, in *M.K. Ranjitsinh v. Union of India* (2024), read into Articles 14 and 21 of the Constitution a right to be free from the adverse effects of climate change. The declaration placed India among a small group of jurisdictions in which climate protection has acquired an explicitly constitutional status, and it did so in a proceeding that was, on its face, about the survival of a critically endangered bird. This paper examines what that right actually contains once it is separated from its rhetorical framing. Adopting a doctrinal and comparative method, the study traces the antecedents of the new right in four decades of Indian environmental jurisprudence, analyses the reasoning of the 2024 judgment alongside the Court's final directions of December 2025, and evaluates the right against the institutional conditions ordinarily required for a fundamental right to be enforceable. The central argument is that the recognition of the right has outrun the architecture needed to give it effect. Four deficits are identified: an indeterminate normative content; the absence of any standard of review by which state climate conduct can be tested; unresolved questions of causation, attribution and horizontal application; and a remedial repertoire ill-suited to polycentric distributive disputes. These deficits are aggravated by the absence of framework climate legislation in India, which leaves courts to derive obligations from executive policy documents that are neither justiciable nor stable. Drawing on Urgenda, Neubauer, Leghari and Verein KlimaSeniorinnen Schweiz, and on the International Court of Justice's advisory opinion of 23 July 2025, the paper argues that the durability of the Indian climate right depends less on further judicial elaboration than on a statutory framework supplying carbon budgets, an independent expert body, statutory adaptation duties and just transition safeguards. Absent such an architecture, the right risks settling into a declaratory form: constitutionally significant, practically thin, and unevenly available to precisely those populations whose vulnerability supplied its justification.

Keywords: Climate change; Article 21; Article 14; *M.K. Ranjitsinh*; environmental constitutionalism; climate litigation; framework climate legislation; International Court of Justice advisory opinion; just transition; India.

Introduction

Constitutional adjudication in India has long absorbed environmental concerns without a dedicated environmental right. Articles 48A and 51A(g), inserted by the Constitution (Fortysecond Amendment) Act, 1976, are respectively a directive principle and a fundamental duty, and neither is directly enforceable. What made Indian environmental law distinctive was the willingness of the higher judiciary to read those provisions into Article 21, converting an aspiration into a claim. The right to a clean and healthy environment emerged from that

manoeuvre and has been reiterated so often that its constitutional pedigree is no longer contested.

Climate change, however, is not simply a larger instance of pollution. It is diffuse in its causation, global in its geography, intergenerational in its distribution of burdens, and inseparable from decisions about energy, land use, agriculture and industrial policy that courts are institutionally ill-equipped to make. For most of the period in which Indian courts were developing environmental doctrine, climate change appeared only obliquely in judicial reasoning, usually as background context in disputes about forests, coastal regulation or air quality. That changed on 21 March 2024, when a three-judge Bench of the Supreme Court, deciding a petition concerning the Great Indian Bustard, held that Articles 14 and 21 are the source of a right to be free from the adverse effects of climate change.

The declaration is remarkable in three respects. First, it goes beyond the right to a clean environment recognised in other jurisdictions; protection against climatic harm imposes positive obligations of mitigation and adaptation rather than a negative duty of non-pollution. Second, it emerged from a dispute in which the climate question arose defensively: The State argued that undergrounding transmission lines in bustard habitat would impede renewable energy deployment and, by extension, India's climate commitments. The right, in other words, was articulated in the course of justifying a project of energy transition against a conservation claim, rather than in response to a petitioner alleging climatic injury. Third, the Court derived the right partly from India's international commitments, notwithstanding that treaty obligations are not self-executing in Indian law absent enabling legislation.

This paper is concerned with what follows from that declaration. Recognition of a right is the beginning of an enquiry, not its conclusion. A fundamental right becomes operative when a court can say, with reasonable determinacy, who owes what to whom, by what standard the obligation is measured, and what remedy attends its breach. On each of those questions the Indian climate right is presently underspecified. The problem is compounded by a legislative vacuum: India has no framework climate statute, and its mitigation architecture rests on executive plans, mission documents and internationally communicated targets that create no domestic legal entitlements. The paper argues that this combination — an ambitious constitutional right resting on a thin statutory base — is unstable, and that its resolution lies principally in the legislative rather than the judicial domain.

Statement of the Problem, Objectives and Methodology

The research problem may be stated thus: the Supreme Court has recognised a fundamental right against the adverse effects of climate change without specifying its content, its addressees, or the standard against which state conduct is to be assessed; and the Indian statutory framework supplies none of these. The result is a right that is constitutionally declared but institutionally unsupported. The study pursues four objectives. It seeks, first, to situate the new right within the doctrinal trajectory of Indian environmental constitutionalism and to determine how far it represents continuity and how far a departure. Second, it analyses the reasoning of M.K. Ranjitsinh and the Court's subsequent directions in order to identify the operative content of the right. Third, it evaluates the justiciability of that right against comparative experience in

jurisdictions where climate obligations have been enforced against the state. Fourth, it proposes the elements of a framework climate statute capable of rendering the right effective.

The corresponding research questions are: (i) What is the doctrinal basis and juridical status of the right against the adverse effects of climate change in Indian constitutional law? (ii) What standards, if any, has the Court supplied for testing state climate conduct? (iii) How do comparative and international developments inform the enforceability of such a right? (iv) What legislative architecture is required to operationalise it?

The methodology is doctrinal and analytical, supplemented by a comparative dimension.

Primary sources comprise the Constitution of India, central environmental and energy legislation, subordinate rules and schemes, judgments of the Supreme Court and High Courts, decisions of the National Green Tribunal, and instruments of international law including the United Nations Framework Convention on Climate Change, the Paris Agreement and the advisory opinion of the International Court of Justice of 23 July 2025. Secondary sources include monographs, peer-reviewed scholarship and institutional reports. The comparative component draws on the Netherlands, Germany, Pakistan and the European Court of Human Rights, selected because each has adjudicated the adequacy of state climate action against a rights-based standard, and because their institutional settings span both codified climate statutes and their absence. The study is confined to the constitutional and statutory dimensions of climate protection in India; it does not undertake empirical fieldwork, and quantitative climate-science claims are relied upon only as reported in authoritative assessments.

Conceptual Framework: From Environmental to Climate Constitutionalism

Environmental constitutionalism describes the incorporation of ecological protection into the highest legal order of a state, whether by express textual guarantee, directive principle or judicial interpretation. Its Indian variant has been overwhelmingly interpretive. The absence of a textual environmental right did not restrain the courts; it supplied the occasion for an expansive reading of the right to life, which was progressively populated with entitlements to clean air, potable water, livelihood, shelter and dignity.

Climate constitutionalism is a narrower and more demanding idea. It asserts that the state's obligations in relation to greenhouse gas emissions and climatic risk are constitutional in character, and therefore subject to judicial supervision. The demands it makes on adjudication differ from those of conventional environmental litigation in at least four ways. The harm is cumulative and probabilistic rather than localised and demonstrable; the causal chain between any particular state decision and any particular injury is attenuated; the temporal horizon of the injury extends beyond the lifespan of present claimants; and remedies necessarily implicate budgetary and energy-policy choices reserved to the political branches.

Three theoretical strands frame the analysis that follows. The first is the theory of positive obligations, under which a right to life entails not only abstention from harm but reasonable protective action against known risks — a proposition familiar to Indian jurisprudence and central to European human rights adjudication. The second is intergenerational equity, which supplies the normative reason for treating present emissions as a matter of rights rather than policy preference, and which the Constitution accommodates through Article 21 read with

Articles 48A and 51A(g). The third is climate justice, which insists that both climatic harm and the burdens of transition fall unevenly, and which supplies the Article 14 dimension of the Indian right. These strands do not resolve the difficulties of justiciability, but they identify the constitutional interests at stake and explain why a purely policy-based treatment of climate risk is inadequate.

Doctrinal Antecedents in Indian Jurisprudence

The new right did not appear without precedent. In *Subhash Kumar v. State of Bihar* (1991) 1 SCC 598, the Supreme Court held that the right to life includes the enjoyment of pollution-free water and air, thereby confirming that environmental degradation could ground an Article 32 petition. The rule of absolute liability formulated in *M.C. Mehta v. Union of India* (1987) 1 SCC 395 established that enterprises engaged in hazardous activity bear non-delegable responsibility for harm, an early instance of the Court fashioning liability rules unmediated by statute. In *Vellore Citizens Welfare Forum v. Union of India* (1996) 5 SCC 647 the Court adopted the precautionary principle and the polluter pays principle as part of the domestic law, holding that customary international environmental norms not inconsistent with municipal law may be treated as incorporated. *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212 gave the polluter pays principle a remedial edge by making the cost of restoration recoverable from the polluter.

Two further lines of authority are directly relevant. The first concerns the public trust doctrine, imported in *M.C. Mehta v. Kamal Nath* (1997) 1 SCC 388, which characterises the state as trustee of natural resources rather than their proprietor, and which supplies a conceptual basis for obligations owed to future beneficiaries. The second is the sustainable development jurisprudence developed in *Karnataka Industrial Areas Development Board v. C. Kenchappa* (2006) 6 SCC 371 and *Bombay Dyeing & Mfg. Co. Ltd. (3) v. Bombay Environmental Action Group* (2006) 3 SCC 434, in which the Court explicitly acknowledged global warming, sealevel rise and their consequences for planning decisions. Procedurally, *Hanuman Laxman Aroskar v. Union of India* (2019) 15 SCC 401 insisted that environmental clearance requires genuine application of mind to ecological consequence, indicating a willingness to review the quality of environmental decision-making rather than merely its formal validity.

Climate-specific litigation, by contrast, remained sparse. *Ridhima Pandey v. Union of India*, filed before the National Green Tribunal in 2017, sought directions requiring the Union to prepare a carbon budget and to enforce climate commitments; the Tribunal dismissed the application in January 2019, reasoning that climate concerns were already subsumed within the environmental impact assessment process. The dismissal illustrates the pre-2024 position: climate change was treated as a matter comprehensively addressed by existing regulatory machinery, and therefore not an independent ground of relief. The doctrinal materials for a climate right thus existed — positive obligations, precaution, public trust, intergenerational concern — but had not been assembled.

M.K. Ranjitsinh and the Anatomy of the New Right

The petition in *M.K. Ranjitsinh & Ors. v. Union of India*, Writ Petition (C) No. 838 of 2019, sought protection for the Great Indian Bustard and the Lesser Florican, whose populations were

being depleted by collisions with overhead transmission lines in Rajasthan and Gujarat. By an interim order of 19 April 2021 the Court had directed that low-voltage and, subject to feasibility, high-voltage lines across a vast expanse of bustard habitat be laid underground, and that bird diverters be installed. Renewable energy generators sought modification, contending that undergrounding at that scale was technically infeasible and financially prohibitive, and that the direction imperilled projects central to India's non-fossil capacity targets.

By its judgment of 21 March 2024, the Court modified the 2021 order, confined the undergrounding injunction to a defined priority area, eased restrictions in the wider potential area, and constituted an expert committee to assess feasibility and recommend a conservation framework. The climate holding arises in the course of this recalibration. Reviewing India's international commitments and its own environmental jurisprudence, the Court held that the right to a healthy environment and the right against the adverse effects of climate change are, in its formulation, two facets of the same constitutional guarantee, sourced in Articles 21 and 14. The equality dimension was explained by reference to differential vulnerability: communities without adequate housing, energy access or health infrastructure cannot realise the equal protection of the laws where the state fails to act against climatic risk.

The juridical status of this holding merits attention. No party had pleaded a violation of a climate right; no factual record of climatic injury was before the Court; and the outcome would have been identical had the right not been articulated. On orthodox principles the pronouncement is therefore obiter, though it is obiter of the Supreme Court, delivered after argument on India's climate obligations, and has been treated by subsequent commentary and litigation as authoritative. The distinction matters less for precedential weight, which in Indian practice is generous, than for the paucity of reasoning available to guide application: because no violation was alleged, the Court had no occasion to specify the threshold at which state conduct becomes constitutionally deficient.

The Court's final judgment of 19 December 2025 in the same proceeding, reported as 2025 INSC 1472, is instructive on this point. Acting on the expert committee's reports, the Court demarcated revised priority areas for heightened protection, laid down a regime for the routing, undergrounding and corridor management of transmission lines, declined to accept bird diverters as a substitute for corridor compliance pending further scientific evaluation, and designated the Ministry of Environment, Forest and Climate Change as nodal agency for monitoring implementation. The reasoning is careful, evidence-led and administratively detailed — and it is conducted almost entirely in the vocabulary of wildlife conservation and technical feasibility rather than that of the climate right announced in 2024. The sequence is telling. Where the Court had a concrete question, an expert record and identifiable respondents, it produced enforceable directions; where it had declared a right in the abstract, it produced no operative standard. That asymmetry is the practical problem this paper addresses.

Four Deficits in the Justiciability of the Climate Right

Indeterminate normative content

A right against the adverse effects of climate change does not specify which effects, at what magnitude, attributable to whose conduct. Read broadly it would encompass every

consequence of a warming climate — heat stress, crop failure, vector-borne disease, coastal erosion, glacial retreat — and would render virtually every infrastructure, energy and land-use decision constitutionally reviewable. Read narrowly it collapses into the pre-existing right to a clean environment and adds nothing. Neither reading is satisfactory. The Court has not indicated which it prefers, and the December 2025 judgment did not require it to choose.

Absence of a standard of review

The decisive question in climate adjudication is not whether the state has a duty but whether it has discharged it. Foreign courts have answered by anchoring the enquiry to an external benchmark: in *Urgenda Foundation v. State of the Netherlands* the Hoge Raad relied on the scientific consensus reflected in reported emission-reduction ranges and on Articles 2 and 8 of the European Convention; in *Neubauer v. Germany* the Bundesverfassungsgericht relied on the residual carbon budget derived from the constitutionalised temperature limit, holding that insufficient near-term reduction unconstitutionally displaces the burden of abatement onto the freedoms of future persons. India possesses no equivalent domestic benchmark. Its nationally determined contribution — a reduction in the emissions intensity of gross domestic product, a non-fossil capacity share, and a net-zero horizon of 2070 — is communicated internationally and is not enacted in any statute. A court asked whether the Union has done enough has, at present, nothing against which to measure the answer except the Union's own assertions.

Causation, attribution and horizontality

Climate harm is cumulative and transboundary. Establishing that a claimant's injury is fairly traceable to an identified state omission, rather than to global emissions in the aggregate, is formidable. Indian public interest procedure mitigates this in part, since relaxed standing and the Court's continuing-mandamus practice reduce the need for individuated injury; but relaxed procedure does not answer the substantive question of what the state must do. A further complication is horizontal application. Emissions are overwhelmingly generated by private actors. Following the recognition in *Kaushal Kishor v. State of Uttar Pradesh* (2023) 4 SCC 1 that certain Article 21 rights may be asserted against non-state entities, it is arguable that the climate right binds private emitters. The consequences of that proposition — for corporate liability, for disclosure obligations, for the regulation of hard-to-abate sectors — are substantial and entirely unexplored.

Remedial capacity and polycentricity

Climate policy is the paradigm of a polycentric problem: each variable is connected to every other, and adjusting one displaces costs elsewhere. The *Ranjitsinh* litigation itself demonstrates the point. A conservation direction issued in 2021 to protect an endangered species was found to impose costs on renewable deployment; relaxing it protected the energy transition at some cost to the species; and reconciling the two required four years and an expert committee. Courts can convene expertise, compel disclosure, and supervise timelines, and the December 2025 judgment shows them doing so competently. What they cannot do is set a national carbon budget, allocate it across sectors and states, or design compensatory mechanisms for workers and regions dependent on fossil industries. Those are legislative functions, and a right whose vindication requires them cannot be fully judicially enforced.

The Statutory Vacuum

India regulates the environment through a sectoral architecture assembled between 1974 and 1986: the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986, supplemented by the National Green Tribunal Act, 2010 and rules made under the 1986 Act, including the environmental impact assessment notification. None of these instruments mentions greenhouse gases as such. Section 3 of the 1986 Act confers wide power on the Central Government to take measures for protecting and improving environmental quality, and it is arguable that emissions could be regulated under it; but that power has never been exercised to create economy-wide emission limits, and a residual delegated power is a fragile foundation for the discharge of a constitutional obligation.

Recent enactments have moved in the direction of climate regulation without occupying the field. The Energy Conservation (Amendment) Act, 2022 empowered the Central Government to specify a carbon credit trading scheme and to prescribe minimum non-fossil energy consumption for designated consumers; the resulting compliance mechanism, notified in 2023 and operationalised thereafter, is a significant instrument but is confined to energy consumption and designated entities. The Van (Sanrakshan Evam Samvardhan) Adhiniyam, 2023, which amended the forest conservation regime, expressly invokes the net-zero commitment in its preamble while narrowing the categories of land to which forest clearance requirements apply — a juxtaposition that has itself become contentious. On the financial side, the development of a climate finance taxonomy signals an intention to direct capital toward transition activities. What is absent from all of this is a statute that states a national emissions objective in binding terms, allocates responsibility between the Union and the States, establishes an independent body to advise on and monitor carbon budgets, imposes adaptation duties on public authorities, and creates rights of enforcement.

The policy layer — the National Action Plan on Climate Change with its constituent missions, the State Action Plans, the long-term low-emission development strategy, and the nationally determined contribution — is extensive but juridically inert. These instruments create no entitlements, impose no timelines enforceable at the instance of a citizen, and may be revised administratively. When the Ranjitsinh Court invoked India's climate commitments, it was invoking documents of this character. A constitutional right whose content is drawn from unenforceable executive undertakings inherits their indeterminacy.

Comparative and International Reference Points

Comparative experience suggests that rights-based climate adjudication succeeds where courts can attach a right to an existing legal or scientific benchmark. In *Urgenda* (Hoge Raad, 20 December 2019) the Dutch Supreme Court ordered a specified minimum reduction by a fixed date, relying on the state's positive obligations under the European Convention and on an internationally accepted reduction range for developed states. In *Neubauer* (Bundesverfassungsgericht, 24 March 2021) the German Constitutional Court did not question the adequacy of the 2030 target in isolation but held the statute unconstitutional for failing to specify the post-2030 reduction pathway, thereby imposing a disproportionate future burden

on fundamental freedoms; critically, the Court could reason in this way because a federal climate statute with statutory targets already existed. In *Verein KlimaSeniorinnen Schweiz v. Switzerland* (Grand Chamber, 9 April 2024) the European Court of Human Rights held that Article 8 imposes a duty to adopt and effectively apply measures capable of mitigating the present and future effects of climate change, and found a violation in the absence of a quantified national carbon budget and of a domestic regulatory framework adequate to the task.

Leghari v. Federation of Pakistan (Lahore High Court, 2015) offers a closer institutional analogue to India, since it arose in a common law jurisdiction without a dedicated climate statute. The Court there did not attempt to set targets. It held that the state's failure to implement its own national climate policy and framework offended the constitutional rights to life and dignity, and it responded institutionally, by constituting a climate change commission to supervise implementation. The *Leghari* technique — enforcing the state's existing commitments through a supervisory body rather than substituting the court's judgment for the executive's — is the model most readily available to Indian courts, and it corresponds closely to the continuing-mandamus practice with which they are already familiar.

Table 1. Benchmarks and remedies in rights-based climate adjudication: a comparative summary

Jurisdiction and decision	Constitutional or treaty basis	Benchmark against which state conduct was measured	Remedy and significance for India
Netherlands — <i>Urgenda</i> (2019)	Articles 2 and 8, European Convention on Human Rights	Reduction range for developed states reflected in scientific consensus	Order to achieve a specified minimum reduction by a fixed date; shows the need for an external quantified benchmark
Germany — <i>Neubauer</i> (2021)	Fundamental freedoms read with the constitutional environmental objective	Residual carbon budget derived from a statutory temperature limit	Statute struck down for failing to specify the post-2030 pathway; possible only because a climate statute existed
Council of Europe — <i>KlimaSeniorinnen</i> (2024)	Article 8, European Convention on Human Rights	Adequacy of the domestic regulatory framework, including a quantified national carbon budget	Violation found for regulatory gaps; confirms that procedural and framework failures are themselves justiciable

Pakistan — Leghari (2015)	Rights to life and dignity under the Constitution	The state's own national climate policy and implementation framework	Supervisory commission constituted; the model closest to Indian continuing-mandamus practice
Jurisdiction and decision	Constitutional or treaty basis	Benchmark against which state conduct was measured	Remedy and significance for India
India — M.K. Ranjitsinh (2024, 2025)	Articles 14 and 21 of the Constitution	None specified; internationally communicated targets are not enacted in domestic law	Right declared but not applied; final directions rested on species conservation and technical feasibility

International law has meanwhile hardened. The International Tribunal for the Law of the Sea, in its advisory opinion of 21 May 2024, held that anthropogenic greenhouse gas emissions constitute marine pollution within the meaning of the United Nations Convention on the Law of the Sea and that states owe obligations of due diligence in respect of them. The Inter-American Court of Human Rights, in its 2025 advisory opinion, affirmed that the right to a healthy environment entails a right to a healthy climate and that states must regulate corporate conduct accordingly. Most significantly, the International Court of Justice, in its unanimous advisory opinion of 23 July 2025 on the obligations of states in respect of climate change, held that obligations arise not only under the climate treaties but under customary international law, the law of the sea and international human rights law; that the duty to prevent significant harm to the climate system is one of due diligence assessed against the best available science; and that a failure to take appropriate action, including a failure to regulate private actors, may constitute an internationally wrongful act engaging state responsibility.

For India, whose courts have long treated customary international norms not inconsistent with municipal law as part of the domestic legal order, the advisory opinion is doubly relevant. It furnishes an interpretive anchor for the content of the constitutional right, and it raises the possibility that the standards it articulates — due diligence measured against scientific evidence, regulation of private emitters, procedural obligations of assessment and cooperation — may be received into Indian law through the same interpretive route that carried the precautionary principle into *Vellore Citizens*. This is the most plausible near-term source of determinacy for the Ranjitsinh right, and it is one that litigants have already begun to invoke.

The Equality Dimension: Climate Justice under Article 14

The Article 14 limb of the Ranjitsinh holding is the least developed and, potentially, the most consequential. Climatic harm in India is distributed along existing lines of disadvantage. Outdoor and informal workers — construction labour, street vendors, agricultural workers, waste pickers — bear heat exposure that indoor and formally employed populations do not. Households without reliable electricity cannot use cooling as an adaptive resource; households

without secure tenure cannot invest in resilient housing; women in agrarian households absorb the additional labour burdens of water scarcity and crop failure. Coastal and riverine communities face displacement without a statutory framework governing climate-induced internal displacement, since existing disaster management law addresses sudden-onset events rather than slow-onset habitability loss.

An equality-based reading of the climate right therefore does analytical work that a life-based reading does not. It converts questions about the sufficiency of national emissions targets — which courts are poorly placed to answer — into questions about the reasonableness and nonarbitrariness of the distribution of protective measures, which is a familiar Article 14 enquiry. Whether heat action plans exist and are funded, whether they identify vulnerable occupational groups, whether cooling and water provision reach informal settlements, whether compensation mechanisms respond to slow-onset loss: these are reviewable questions with identifiable respondents and administrable standards. Adaptation, in short, is more amenable to rights-based adjudication than mitigation, and the Article 14 dimension of the Indian climate right is the doctrinal route to it.

Towards a Framework Climate Law for India

If the analysis above is correct, the principal work of operationalising the climate right belongs to Parliament. Six elements are proposed.

First, a statutory long-term objective and a system of successive carbon budgets. Placing the emissions objective in primary legislation, with quantified budgets fixed for defined periods in advance, converts an internationally communicated intention into a domestic legal standard. It also supplies the benchmark whose absence presently disables review; Neubauer was possible only because a statute existed against which the adequacy of the pathway could be tested.

Second, an independent statutory climate commission charged with advising on budget levels, monitoring progress and reporting publicly to Parliament. Such a body would perform the evidentiary function that the Ranjitsinh Court had to improvise through an ad hoc expert committee, and would reduce judicial dependence on the executive's own account of its performance.

Third, statutory adaptation duties. Public authorities should be obliged to prepare, fund and periodically revise adaptation plans, with mandatory content in respect of heat, water stress, flooding and occupational exposure, and with the duty owed to identified vulnerable groups. This gives the Article 14 dimension of the right a determinate object.

Fourth, integration of climate assessment into the existing regulatory apparatus. The environmental impact assessment regime should be amended to require quantified assessment of the emissions and climate-resilience implications of proposed projects, so that climate considerations enter decision-making prospectively rather than through post hoc litigation.

Fifth, allocation of responsibility within the federal structure. Environment, forests and electricity fall within the Concurrent List while land, agriculture, water and public health are principally State subjects; adaptation is therefore substantially a State function, yet State Action Plans are neither statutory nor reliably financed. A framework statute should specify the respective obligations of the Union and the States and provide for fiscal transfer.

Sixth, just transition safeguards. The decline of coal-dependent regional economies will impose concentrated losses on workers and districts whose contribution to cumulative emissions has been negligible. Statutory provision for transition finance, retraining and land rehabilitation is not merely a policy preference; on the equality reading advanced here, it is a constitutional requirement flowing from the same right that mandates mitigation.

Pending such legislation, the appropriate judicial posture is the one exemplified by Leghari and by the Court's own December 2025 directions: enforcing the state's existing commitments, insisting on transparency and expert evidence, supervising implementation through continuing jurisdiction, and reviewing the reasonableness of adaptation measures — while declining to substitute judicial judgment for legislative choice on the allocation of the national carbon budget.

Conclusion

The recognition in *M.K. Ranjitsinh* of a right to be free from the adverse effects of climate change is a significant constitutional development. It confirms that climate protection in India is a matter of rights rather than of policy discretion alone, it locates the interest in the two most generative provisions of Part III, and it aligns Indian constitutional law with a rapidly consolidating body of international authority that now includes advisory opinions of the International Court of Justice, the International Tribunal for the Law of the Sea and the InterAmerican Court of Human Rights.

Its limitations are equally clear. The right was declared in a proceeding in which it was not in issue, without a factual record of climatic injury, and without any standard by which state conduct might be tested. The Court's own final judgment in the same litigation, delivered in December 2025, resolved the concrete dispute through detailed technical and administrative directions and had no occasion to apply the right it had announced. That outcome is not a criticism of the Court so much as a demonstration of the limits of adjudication in a polycentric field unaccompanied by legislation.

The argument of this paper is therefore not that the right is illusory, but that its future is legislative. A framework climate statute supplying carbon budgets, an independent commission, statutory adaptation duties, federal allocation and just transition guarantees would convert the right from a declaration into an entitlement, and would give courts the benchmarks without which review is either impossible or improper. Until that architecture exists, the right will do useful but modest work: strengthening the interpretive presumption in favour of climate-protective readings of statutes, supporting demands for transparency and expert evidence, and grounding adaptation claims by those most exposed to harm. The measure of the judgment's significance will not be the frequency with which it is cited, but whether it prompts the legislative response that alone can make the right it announced a real one.

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