

THE NEW FRONTIER OF ARTICLE 21: JUDICIAL RECOGNITION OF THE FUNDAMENTAL RIGHT TO BE FREE FROM CLIMATE CHANGE EFFECTS IN INDIA

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ABSTRACT

The Supreme Court's decision in M.K. Ranjitsinh v. Union of India (2024) crystallised a doctrinal shift by expressly recognising, within Articles 21 and 14 of the Constitution, a fundamental right to be free from the adverse effects of climate change, distinct from though closely related to the established right to a clean environment. This paper offers a constitutional reading of that judgment and argues that its significance lies less in the immediate relief it granted concerning power-line governance in Great Indian Bustard habitat than in the Court's reframing of climate harm as a justiciable constitutional injury. The decision tightens the interpretive circuitry between Article 21, Article 14 and the environmental ethic embedded in Articles 48A and 51A(g), recasting climate protection as a condition of dignified life and equal citizenship. The paper traces the doctrinal lineage from Francis Coralie Mullin through M.C. Mehta, Virender Gaur and Vellore Citizens' Welfare Forum to Ranjitsinh, situates the decision against comparative climate jurisprudence from the Netherlands, Pakistan and Germany, and advances a critical thesis: the right's breadth risks juridical indeterminacy and strategic capture unless courts develop enforceable standards that distinguish mitigation duties from adaptation entitlements and that operationalise Article 14's distributive logic for climate vulnerability. Drawing on the Supreme Court's own final disposal of the underlying dispute in December 2025 and its parallel supervisory intervention in Ridhima Pandey v. Union of India, the paper closes with concrete proposals for legislative and judicial follow-through.

KEYWORDS: Article 21; Climate Justice; Constitutional Environmentalism; Fundamental Rights; Comparative Climate Litigation

1. INTRODUCTION

Environmental protection entered India's constitutional order relatively early, notwithstanding the original text's silence on the subject. A series of statutes addressing air, water, forests and wildlife followed independence, reflecting a growing legislative awareness of ecological harm.¹ The Forty-Second Amendment of 1976 inserted Article 48A, a Directive Principle obliging the State to "endeavour to protect and improve the environment and to safeguard the forests and wildlife" of the country, and simultaneously added Article 51A(g), a fundamental duty of every citizen to protect and improve the natural environment.² Neither provision is judicially enforceable in the manner of a fundamental right, yet both supplied the interpretive scaffolding on which the judiciary would later build an expansive reading of Article 21.

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¹ Richard J. Lazarus, *The Making of Environmental Law* (Univ. of Chicago Press 2023).

² The Constitution of India, 1950, arts. 48A, 51A(g).

That expansion proceeded incrementally. In *Francis Coralie Mullin v. Union Territory of Delhi*, the Supreme Court held that the right to life is not confined to mere animal existence but includes the right to live with human dignity, an opening through which environmental considerations would later enter.³ By the mid-1980s the link had become explicit: in *M.C. Mehta v. Union of India*, arising from industrial pollution, the Court recognised a citizen's right to live in a pollution-free environment as an incident of Article 21.⁴ Subsequent decisions reinforced the principle. *Virender Gaur v. State of Haryana* treated a hygienic, unpolluted surrounding as an integral facet of the right to life, holding that environmental degradation amounting to a health hazard offends Article 21.⁵ *Vellore Citizens' Welfare Forum v. Union of India* went further, importing the precautionary principle and the polluter-pays principle into Indian environmental law and recognising clean air and water as inherent in the right to life.⁶ Alongside these substantive holdings, the judiciary developed doctrinal instruments to render environmental rights enforceable: the public trust doctrine, applied in *M.C. Mehta v. Kamal Nath* to hold the State a trustee of natural resources for the public, and an markedly liberalised standing rule that allowed public interest litigation to become the primary vehicle for environmental adjudication.⁷ By the turn of the century it was settled law that Article 21 encompasses a clean, healthy and safe environment, and Indian courts had positioned themselves, through continuing mandamus orders such as those issued in the Delhi vehicular pollution litigation, as active supervisors of environmental governance.⁸

What this jurisprudence had not confronted, until recently, was climate change as such. Environmental litigation in India addressed local pollution, deforestation, biodiversity loss and public health hazards; climate change remained peripheral, invoked at most as background context. This omission was not for want of opportunity. Petitions raising climate-specific claims had reached the National Green Tribunal as early as 2017, but tribunals and courts had generally treated climate change as subsumed within existing environmental impact assessment processes rather than as a distinct constitutional concern requiring its own doctrinal treatment, an approach that left India's most systemic environmental threat comparatively under-adjudicated even as the courts' clean-environment jurisprudence matured elsewhere. *M.K. Ranjitsinh v. Union of India* changed this, bringing climate change explicitly into the heart of constitutional adjudication and, in December 2025, reaching

³ *Francis Coralie Mullin v. Union Territory of Delhi*, (1981) 1 S.C.C. 608 (India).

⁴ *M.C. Mehta v. Union of India*, (1987) 1 S.C.C. 395 (India).

⁵ *Virender Gaur v. State of Haryana*, (1995) 2 S.C.C. 577 (India).

⁶ *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).

⁷ *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388 (India).

⁸ Navroz K. Dubash & Shibani Ghosh, *Towards Operationalising a New Climate Right for India: Unpacking the Ranjitsinh Judgment*, *The India Forum* (Sept. 19, 2024).

final disposition after nearly five years of litigation.⁹ This paper undertakes a constitutional reading of that judgment. It proceeds in three analytical movements: first, it reconstructs the case's unusual procedural history and the Court's reasoning; second, it interrogates the scope, force and comparative standing of the right the Court announced; third, it evaluates the judgment's strengths and structural limitations and proposes a path toward operationalising the right through legislative and judicial follow-through.

1.1 Objective of the Study

This paper critically evaluates how M.K. Ranjitsinh (2024) constructs a justiciable fundamental right to be free from the adverse effects of climate change by interlinking Articles 21 and 14 with the constitutional environmental ethic of Articles 48A and 51A(g), tests the internal coherence of this rights-derivation within Indian constitutional method, and situates the resulting doctrine within comparative climate jurisprudence to identify what would be required for the right to become operationally meaningful rather than aspirational.

1.2 Research Methodology

The paper adopts a doctrinal method, reading the text of the Ranjitsinh judgment alongside its constitutional antecedents and situating it within the broader corpus of Indian environmental jurisprudence from Francis Coralie Mullin to Vellore Citizens' Welfare Forum. It supplements this doctrinal reading with a comparative analysis of climate rights litigation in the Netherlands, Pakistan and Germany, and draws on subsequent Supreme Court orders in the same and related proceedings, including the Court's final disposal of the Ranjitsinh matter in December 2025 and its supervisory orders in *Ridhima Pandey v. Union of India*, to assess how the right has evolved in practice since its initial announcement.

2. THE M.K. RANJITSINH CASE: FACTS, CONTEXT AND JUDGMENT

The dispute that produced India's constitutional climate right did not begin as a climate case at all. The petitioners sought protection for two critically endangered bird species, the Great Indian Bustard and the Lesser Florican, from mass fatalities caused by collision with overhead power lines in their desert habitat. In April 2021, the Supreme Court had ordered wide-ranging conservation measures, including conversion of overhead power lines to underground cables across roughly 99,000 square kilometres of the Thar Desert

⁹ M.K. Ranjitsinh v. Union of India, 2024 INSC 280 (India); M.K. Ranjitsinh v. Union of India, 2025 INSC 1472 (India).

spanning Rajasthan and Gujarat.¹⁰ That area, however, overlaps substantially with India's richest zones for solar and wind energy generation, and the blanket undergrounding mandate threatened to make renewable transmission infrastructure prohibitively costly.

By 2022, the Union Ministries of Environment, Power, and New and Renewable Energy sought modification of the 2021 order, arguing that it exceeded what bird conservation required and risked undermining India's international climate commitments, including its Paris Agreement pledge to expand non-fossil electricity capacity to fifty per cent of installed capacity by 2030.¹¹ The case thus presented an unusual tension: biodiversity conservation against climate mitigation, two objectives ordinarily aligned under the broader banner of environmental protection but here placed in direct conflict. The Court's initial response, pending final resolution of the constitutional question, was procedural rather than substantive: it constituted an Expert Committee, drawing on the Ministry of New and Renewable Energy and independent conservation bodies, to devise a calibrated, site-specific alternative to the blanket undergrounding mandate, deferring the technical trade-off to specialist assessment while retaining the constitutional question of a climate right for the bench itself to resolve.¹² This bifurcation, technical calibration to an expert body, constitutional principle to the Court, is itself a notable structural choice and one to which Part 7 returns in assessing how the right might be operationalised more broadly. When the matter reached a three-judge bench led by Chief Justice D.Y. Chandrachud in March 2024, the Court used the occasion to address a far larger question latent in the dispute: whether the Constitution guarantees citizens a right against the harms of climate change, as it guarantees a right to a clean environment. The Court answered in the affirmative, holding that such a right exists as an integral part of the fundamental rights to life and equality.¹³

The Court's reasoning proceeded in identifiable steps. It first surveyed India's international and domestic climate commitments, noting India's status as a party to the United Nations Framework Convention on Climate Change and the Paris Agreement.¹⁴ It then observed that, notwithstanding a body of sectoral statutes including the Wildlife Protection Act 1972, the Water Act 1974, the Air Act 1981 and the Environment Protection Act 1986, India possesses no single, comprehensive climate change legislation.¹⁵ This legislative lacuna, the Court reasoned, does not leave climate change in a constitutional vacuum: Articles

¹⁰ M.K. Ranjitsinh v. Union of India, 2024 INSC 280, 5-8 (India).

¹¹ Id. 17.

¹² Shardul Amarchand Mangaldas & Co., Supreme Court Decision on the Great Indian Bustard (Dec. 2025).

¹³ M.K. Ranjitsinh v. Union of India, 2024 INSC 280, 27 (India).

¹⁴ Id. 13-16.

¹⁵ Id. 19.

48A and 51A(g), read in the light of Article 21 as the Court had earlier held in *M.C. Mehta v. Kamal Nath*, inform the interpretation of the fundamental rights to life and equality.¹⁶ Building on the established right to a clean environment, the Court held that Articles 21 and 14 are "important sources of the right to a clean environment and the right against the adverse effects of climate change," grounding the new right in two distinct constitutional guarantees rather than one.¹⁷ The invocation of Article 14 was doctrinally significant: the Court recognised that climate change discriminates in effect, disproportionately burdening the poor and marginalised who possess the fewest resources to adapt, and reasoned that this unequal burden implicates the guarantee of equal protection.¹⁸ The Court buttressed its conclusion by reference to international human rights materials, including a 2019 joint statement of United Nations human rights treaty bodies warning that failure to prevent foreseeable climate harm can itself violate states' human rights obligations, and the Office of the United Nations High Commissioner for Human Rights' own analysis of the relationship between climate change and the enjoyment of human rights.¹⁹ The Court further described climate change as a "threat multiplier" bearing on the rights to health, water, food and shelter, and invoked the UNFCCC's principle of common but differentiated responsibilities to frame climate protection as an obligation owed to both present and future generations.²⁰ By situating its holding within this international framework, the Court signalled that India's recognition of a climate right was not a doctrinal improvisation but an extension of a wider global convergence between human rights law and climate governance, even as the substantive content of the Indian right remained, as Part 3 demonstrates, considerably less defined than the international materials the Court cited.

3. THE RIGHT TO BE FREE FROM CLIMATE CHANGE EFFECTS: SCOPE AND MEANING

The Court's formulation raises an immediate interpretive question: is the newly announced right absolute and directly enforceable, or is it, in substance, aspirational despite its constitutional framing? Fundamental rights are ordinarily justiciable against the State, and the Court did not couch the climate right as a directive principle but as a constitutional guarantee inhering in

¹⁶ *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388 (India), cited in *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280, 20 (India).

¹⁷ *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280, 24 (India).

¹⁸ *Id.* 21-23.

¹⁹ Comm. on the Elimination of Discrimination Against Women et al., Joint Statement on Human Rights and Climate Change, U.N. Doc. HRI/2019/1 (Sept. 16, 2019); Office of the U.N. High Comm'r for Human Rights, Report on the Relationship Between Climate Change and Human Rights, U.N. Doc. A/HRC/10/61 (Jan. 15, 2009).

²⁰ *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280, 26, 28 (India).

Articles 21 and 14, language that implies an enforceable state duty.²¹ Yet the judgment stopped short of specifying the standard of review that would apply to alleged violations, whether inadequate climate action would be treated as a deprivation requiring the State to demonstrate reasonableness and scientific sufficiency, in the manner classically required for Article 21 deprivations. Nor did the Court clarify whether the right operates horizontally against private emitters or only vertically against the State, a gap that leaves unresolved whether affected communities could invoke the right directly against large private-sector contributors to greenhouse gas emissions.²²

The Article 14 dimension is doctrinally the more ambitious of the two anchors. Equality before law ordinarily requires the State not to discriminate arbitrarily and to protect persons equally; by linking this guarantee to differential climate vulnerability, the Court implied an affirmative obligation to shield disadvantaged populations from disproportionate climate harm, potentially encompassing targeted adaptation measures, resilience-building in low-income areas, and mechanisms for climate-related financial protection. The judgment, however, announced the principle without prescribing its remedial content, leaving to future litigation the task of translating "climate justice" from constitutional rhetoric into judicially manageable standards. Commentary on the decision has observed that the right, as framed, is broad enough that a claimant would face real difficulty proving its breach in the absence of clearer benchmarks, since the state can point to some measure of climate action across a diffuse policy landscape even where that action is inadequate in aggregate.²³

A further definitional question concerns the relationship between the newly announced climate right and the pre-existing right to a clean environment from which it is derived. The Court described the two as "two sides of the same coin," a formulation that leaves ambiguous whether climate harm is simply a subspecies of environmental harm generally, subject to the same doctrinal tests already developed in cases such as *Vellore Citizens' Welfare Forum*, or whether it constitutes an analytically distinct injury requiring its own tailored standard of review. The distinction matters in practice: the precautionary and polluter-pays principles developed in the conventional pollution context presuppose a identifiable polluter and a geographically bounded harm, features that map poorly onto a diffuse, globally sourced phenomenon like anthropogenic climate change, where India's own contribution to the problem, while substantial in absolute terms, is modest on a per capita basis relative to industrialised economies. Courts applying *Ranjitsinh* will eventually have to decide whether

²¹ Id. 27.

²² Parul Kumar & Abhayraj Naik, *India's New Constitutional Climate Right*, *Verfassungsblog* (2024).

²³ Aman Kumar, M.K. Ranjitsinh and Others v. Union of India and Others, 2024 INSC 280, 119(1) Am. J. Int'l L. 147, 151 (2025).

to import the pollution-era doctrinal toolkit wholesale or to develop climate-specific tests better suited to a harm that no single respondent can be said to have caused in the way a factory can be said to have discharged effluent into a river. The choice carries practical consequences for burden of proof: under the conventional toolkit, a petitioner alleging environmental harm typically must show a reasonably direct causal link between the respondent's conduct and the injury complained of, a standard workable for a discrete polluting facility but unworkable, without modification, against the cumulative and multi-source character of greenhouse gas emissions, where no litigant could realistically trace a specific harm to a specific emitter's marginal contribution.

The horizontal-versus-vertical question deserves closer scrutiny than the judgment gives it. Indian fundamental rights doctrine ordinarily applies against the State, with private actors bound only indirectly, through statutory intermediation or the doctrine of state action where a private body performs a public function. *Ranjitsinh* does not indicate whether a large private emitter, a cement or steel manufacturer whose operations contribute materially to national greenhouse gas output, could be said to infringe the climate right, or whether liability would run only against the State's failure to regulate such emitters. This is not a merely theoretical gap. Consider a coastal community displaced by accelerating erosion linked to sea-level rise: under the vertical reading, its remedy lies solely against the State for inadequate coastal management or emissions policy; under a horizontal reading, it might in principle seek relief directly against major industrial emitters whose contribution to the underlying harm can be evidenced. The judgment's silence leaves this choice, with significant consequences for future litigants, entirely to subsequent case law.

4. INTERNATIONAL AND COMPARATIVE CONTEXT

India's recognition of a constitutional climate right did not occur in isolation. Over one hundred and fifty countries recognise some form of right to a healthy environment in domestic law, and the United Nations General Assembly declared such a right universal in 2022.²⁴ India's own environmental rights jurisprudence predates much of this global movement, but *Ranjitsinh* goes further than most comparable decisions by naming climate change specifically rather than resting on a generic healthy-environment guarantee. The Netherlands' Supreme Court in *Staat der Nederlanden v. Stichting Urgenda* held that the State's inadequate mitigation effort violated the right to life and family life under Articles 2 and 8 of the European Convention on Human Rights, and ordered a specific, quantified emissions reduction.²⁵ Pakistan's Lahore High Court in *Asghar Leghari v. Federation of Pakistan* invoked the fundamental right to life to compel implementation of the country's climate policy

²⁴ G.A. Res. 76/300, U.N. Doc. A/RES/76/300 (July 28, 2022).

²⁵ *Staat der Nederlanden v. Stichting Urgenda*, ECLI:NL:HR:2019:2006 (Neth. 2019).

framework, appointing a standing commission to monitor compliance.²⁶ Germany's Federal Constitutional Court in *Neubauer v. Germany* held that the government's climate legislation, by deferring the bulk of emissions reduction to the period after 2030, imposed an unconstitutionally excessive burden on the fundamental freedoms of future generations.²⁷

These decisions share a common structural feature that Ranjitsinh's approach departs from: each attached the newly recognised or newly applied right to a specific, judicially manageable remedy, a quantified reduction target, a supervisory commission, or a finding of unconstitutionality tied to a concrete legislative provision. A further, more recent comparator sharpens this contrast. In *Verein KlimaSeniorinnen Schweiz v. Switzerland*, the European Court of Human Rights held, for the first time at the level of an international human rights tribunal, that Switzerland's inadequate climate mitigation framework violated Article 8 of the European Convention on Human Rights, the right to respect for private and family life, and articulated a structured test requiring states to adopt a carbon budget, demonstrate interim emissions targets consistent with that budget, and provide evidence of meeting those targets over time.²⁸ The Strasbourg Court thus supplied precisely the kind of quantifiable, auditable standard that Ranjitsinh withheld, even as it reached a substantive conclusion, that inadequate climate policy can itself violate a rights guarantee, closely analogous to the Indian Court's own holding. India's articulation, protecting citizens from "adverse effects of climate change" in the aggregate, is broader in its textual sweep than any of these but correspondingly less precise in its operative content. Beyond the judicial fora already discussed, the United Nations Human Rights Committee's 2022 views in *Daniel Billy and Others v. Australia*, the Torres Strait Islanders' petition, extended this comparative trend to a quasi-judicial international human rights body, finding that Australia's inadequate climate adaptation measures violated the petitioners' rights to enjoy their culture and to be free from arbitrary interference with private and family life under the International Covenant on Civil and Political Rights.²⁹ The Committee's approach, like the European Court's in *KlimaSeniorinnen*, focused on adaptation failure as much as mitigation shortfall, a balance the Indian judgment's overwhelming emphasis on renewable energy and mitigation infrastructure does not replicate despite the Court's own invocation of Article 14 as a vehicle for adaptation-oriented climate justice.³⁰ The comparison also

²⁶ *Asghar Leghari v. Federation of Pakistan*, W.P. No. 25501/2015 (Lahore High Court 2015) (Pak.).

²⁷ *Neubauer v. Germany*, BVerfG, Case No. 1 BvR 2656/18, Mar. 24, 2021 (Ger.).

²⁸ *Verein KlimaSeniorinnen Schweiz v. Switzerland*, App. No. 53600/20 (Eur. Ct. H.R. Apr. 9, 2024).

²⁹ *Daniel Billy and Others v. Australia*, U.N. Hum. Rts. Comm., Comm. No. 3624/2019, U.N. Doc. CCPR/C/135/D/3624/2019 (2022).

³⁰ *Verein KlimaSeniorinnen Schweiz v. Switzerland*, App. No. 53600/20 (Eur. Ct. H.R. Apr. 9, 2024).

reveals a structural feature of Indian public interest litigation that distinguishes it favourably from at least one significant comparative precedent: whereas the United States' *Juliana v. United States* climate litigation foundered on procedural standing and political-question doctrines despite substantial rights-based argumentation, India's liberalised locus standi rules make it considerably more likely that a rights-based climate claim will be heard on its merits rather than dismissed at the threshold.³¹ This procedural permissiveness is a double-edged advantage, however: it lowers the barrier to filing but, absent the doctrinal precision that *Urgenda*, *Leghari* and *KlimaSeniorinnen* each eventually supplied through sustained appellate litigation, it also risks generating a proliferation of climate-flavoured petitions that Indian courts are asked to resolve without a settled analytical framework, a risk Part 6 examines in greater detail.

5. STRENGTHS AND CONSTITUTIONAL SIGNIFICANCE OF THE JUDGMENT

Ranjitsinh's principal contribution lies in reaffirming, and arguably elevating, the primacy of environmental values within India's constitutional hierarchy. By rooting the climate right explicitly in Articles 21 and 14 rather than treating climate change as an incidental feature of the pre-existing clean-environment right, the Court signalled continuity with the doctrinal lineage running from *Virender Gaur* through *M.C. Mehta* while extending that lineage to a threat that earlier decisions had not squarely addressed.³² India's judicially constructed framework of environmental rights and state obligations is already regarded internationally as unusually developed, and Ranjitsinh reinforces that standing by offering protection that is, on its face, broader than the generic healthy-environment guarantees recognised in most other jurisdictions.³³ The decision's explicit incorporation of Article 14 is a further point of doctrinal originality: by tying climate protection to the equality guarantee rather than resting solely on Article 21, the Court supplied a textual foothold for climate justice claims centred on disproportionate impact, a dimension largely absent from the comparative jurisprudence surveyed above. This move aligns Indian constitutional law with an emerging international consensus that climate harm is not distributionally neutral and that equal protection doctrine has a role to play in allocating the burdens of both climate impact and climate response. The judgment also carries systemic value beyond its immediate parties: because Indian courts operate under a doctrine of precedent that binds subordinate

³¹ *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020).

³² See *Virender Gaur v. State of Haryana*, (1995) 2 S.C.C. 577 (India); *M.C. Mehta v. Union of India*, (1987) 1 S.C.C. 395 (India).

³³ Maya Nirula, *Pioneering Decision from the Indian Supreme Court Recognizing Freedom from the Adverse Effects of Climate Change as a Fundamental Right*, Sabin Ctr. for Climate Change L.: Climate L. Blog (Aug. 28, 2024).

courts and tribunals, including the National Green Tribunal, the climate right announced in *Ranjitsinh* now forms part of the interpretive baseline against which every future environmental clearance challenge, coastal regulation dispute, or industrial emissions case will be assessed, regardless of whether climate change was originally pleaded as a ground of challenge. This diffusion effect, quiet but structurally significant, may prove to be the judgment's most durable legacy even if its direct doctrinal content remains underspecified.

6. DOCTRINAL AMBIGUITIES AND STRUCTURAL LIMITATIONS

Set against these strengths, the judgment carries structural weaknesses serious enough to threaten its practical significance. The first is a want of operational clarity. The Court did not specify what the government must concretely do differently, nor did it set benchmarks or timelines comparable to Urgenda's quantified emissions target.³⁴ Within the case itself, the newly announced right was deployed principally to justify relaxing the 2021 undergrounding mandate in favour of renewable energy infrastructure, prompting the observation that the right functioned here as a sword clearing the path for development rather than a shield protecting the environment, an inversion of the role such rights typically play in comparative climate litigation.³⁵

A second and related weakness is the judgment's conflation of climate action with renewable energy promotion. The case's origin in a transmission-infrastructure dispute led the Court to frame mitigation narrowly around solar and wind deployment, with little attention to demand-side measures, energy efficiency, public transport, or decarbonisation of industry and agriculture, all of which are equally central to any credible mitigation strategy.³⁶ The judgment's optimistic assumption that renewable energy deployment straightforwardly benefits the poor, through reduced pollution and expanded energy access, likewise passed over the land-use and livelihood costs that utility-scale renewable infrastructure can itself impose on rural and pastoral communities. The Thar Desert dispute is itself a case in point: pastoralist communities in the very Priority Areas the Expert Committee later demarcated depend on the same land for grazing that utility-scale solar parks now occupy, an equity dimension the judgment's Article 14 reasoning could in principle have reached but did not, since the Court's equality analysis was directed at climate vulnerability generally rather than at the distributive consequences of the specific energy transition the case concerned.

³⁴ Sushovan Patnaik & Khushi Joshi, *Fatalities of Liberal Environmental Legalism: Examining Missed Opportunities and Flawed Framings in the Supreme Court's M.K. Ranjitsinh Decision*, 14 J. Indian L. & Soc'y XIII (2023).

³⁵ Stellina Jolly & Abhishek Trivedi, *M.K. Ranjitsinh v. Union of India: Climate Litigation as a Game-Changer to Place Human Concerns at the Core of Climate Crisis in India*, 9(1) Chinese J. Envtl. L. 107 (2025).

³⁶ *Id.*

Third, the judgment underemphasises adaptation relative to mitigation, a striking omission given the Court's own recognition of disproportionate climate vulnerability among the poor, an inherently adaptation-centred concern. Nothing in the judgment articulates state duties to develop heat action plans, climate-resilient agriculture, or disaster preparedness infrastructure, despite the Article 14 reasoning supplying an obvious doctrinal hook for precisely such obligations.³⁷ Fourth, because the right was announced in the broadest possible terms, it is available for invocation on multiple, potentially contradictory sides of future disputes: a polluting project could as plausibly be defended as advancing energy security and thus indirectly promoting climate resilience as it could be challenged as worsening the underlying crisis, and the Court's own use of the right to favour renewable infrastructure over species protection in *Ranjitsinh* itself illustrates how readily the right can be deployed to tip the balance in complex environmental trade-offs rather than to resolve them according to a stable principle.³⁸ Fifth, the judgment leaves unaddressed the separation-of-powers question inherent in constitutionalising a domain, climate policy, that is characteristically polycentric and better suited to legislative and executive management than case-by-case adjudication; the Court claimed a supervisory role by declaring the right but declined to construct the accountability architecture, such as periodic reporting obligations or a standing monitoring mechanism, that would allow it to exercise that role without displacing the political branches.³⁹ A sixth difficulty compounds the first five: the judgment does not indicate what evidentiary burden a claimant must discharge to establish that a given governmental act or omission caused, or materially contributed to, a specific climate-related harm. Climate change is, by its physical nature, a cumulative and globally diffuse phenomenon; unlike a discrete industrial discharge that can be traced to a single polluter, no single Indian policy decision can be shown, in isolation, to have caused a particular flood, heatwave or crop failure. Absent guidance on causation, and unlike the Strasbourg Court's *KlimaSeniorinnen* framework, which addressed this problem by focusing on systemic policy adequacy rather than discrete causal harm, Indian courts applying *Ranjitsinh* will have to improvise a causation standard largely from first principles.

³⁷ Varun Chhachhar et al., *Right Against Climate Change in India with Special Reference to M.K. Ranjitsinh and Ors. v. Union of India*, 13(3) J.L. & Sustainable Dev. e04348 (2025).

³⁸ Gyanvi Khanna, *A Moment for Just Transition Litigation to Take Wing*, *The Hindu* (Aug. 9, 2024).

³⁹ Parul Kumar & Abhayraj Naik, *India's New Constitutional Climate Right*, *Verfassungsblog* (2024).

7. TOWARDS OPERATIONALISING THE CLIMATE RIGHT: LEGISLATIVE AND JUDICIAL FOLLOW-THROUGH

The gap between the constitutional principle Ranjitsinh announced and the judicially manageable standard it declined to supply is not, on the evidence of subsequent proceedings, being closed by accident. In *Ridhima Pandey v. Union of India*, an appeal from the National Green Tribunal's 2019 dismissal of a youth-led climate petition, the Supreme Court, by order dated 21 February 2025, acknowledged the inadequacy of the existing legal framework for addressing climate-specific harms, directed a review of environmental statutes with a view to incorporating climate-centric mandates, and impleaded eight central ministries after criticising their siloed approach to climate governance.⁴⁰ This is precisely the kind of institutional coordination that Ranjitsinh's rights announcement implied but did not itself construct, and its emergence in a related proceeding suggests that the Court is prepared to use continuing supervisory jurisdiction, the same instrument it has long used in conventional environmental litigation, to give the climate right incremental content.

The underlying Ranjitsinh dispute itself reached final disposition on 19 December 2025, when a two-judge bench delivered its concluding judgment on the Great Indian Bustard question, adopting the Expert Committee's revised framework, recognising narrower Priority Areas of approximately fourteen thousand square kilometres in Rajasthan, and issuing time-bound, corridor-based directions for transmission-line mitigation in place of the 2021 order's near-blanket undergrounding mandate.⁴¹ The final judgment is instructive for what it does not do: notwithstanding nearly two years since the climate right's initial announcement, the Court's concluding order in the very case that produced the right continues to resolve the underlying conservation-versus-renewable-energy conflict through calibrated, expert-driven, site-specific balancing rather than through any doctrinal test derived from the right itself. This confirms, rather than answers, the critique advanced in Part 6: the right exists in the law reports but has not yet supplied a rule of decision.

On this evidentiary basis, three concrete steps are needed to convert the right from constitutional aspiration into an enforceable standard. First, Parliament should enact a framework climate statute along lines periodically proposed by Indian legal scholars, one that assigns cross-ministerial responsibility along the lines the Court itself demanded in *Ridhima Pandey*, sets sector-specific emissions or adaptation benchmarks, and mandates climate risk assessment as a precondition for environmental clearance of high-emission

⁴⁰ *Ridhima Pandey v. Union of India*, Civil Appeal No. 388 of 2021, Order dated Feb. 21, 2025 (India).

⁴¹ *M.K. Ranjitsinh v. Union of India*, 2025 INSC 1472 (India).

projects.⁴² Such a statute could usefully adopt the carbon-budgeting technique the Strasbourg Court endorsed in *KlimaSeniorinnen*, requiring the executive to fix and publish an economy-wide carbon budget consistent with India's Paris Agreement pledges, against which individual sectoral targets and, in time, individual project clearances could be measured, giving reviewing courts an objective benchmark that *Ranjitsinh* itself withheld. Second, courts should develop a bifurcated standard of review that treats mitigation claims, where the State's obligation is to pursue a rational, evidence-based trajectory toward its own stated targets, differently from adaptation claims, where the Article 14 equality analysis requires courts to ask whether identifiable vulnerable groups have been provided a baseline level of protection, a distinction the judgment gestures toward but never operationalises. Third, the Court should extend the model of continuing supervisory jurisdiction it has already adopted in *Ridhima Pandey* to *Ranjitsinh*'s own progeny, requiring periodic compliance reporting from the ministries the right implicates, so that the right's content accretes through structured judicial oversight rather than through sporadic, fact-specific litigation of the kind that produced the original judgment. A fourth, more modest step available immediately to the National Green Tribunal and High Courts is to begin citing *Ranjitsinh*'s Article 14 reasoning explicitly whenever environmental clearance disputes involve identifiably vulnerable communities, building an incremental body of subordinate case law that could, over time, supply the causation and evidentiary standards the Supreme Court itself has not yet articulated. The National Green Tribunal is particularly well positioned for this role: unlike the Supreme Court, whose docket reaches climate-adjacent questions only sporadically and through the accident of unrelated litigation, as *Ranjitsinh*'s own origin in a bird-conservation dispute illustrates, the Tribunal hears environmental clearance and pollution matters as a matter of routine jurisdiction and could, through its accumulated case law, develop the fact-specific causation and vulnerability tests that a apex court delivering occasional, high-profile judgments is structurally ill-suited to generate. A fifth and final consideration concerns institutional capacity rather than doctrine: any of the preceding recommendations presupposes that the ministries and regulatory bodies tasked with implementation possess the technical capacity to generate the data, carbon budgets and vulnerability assessments a rights-based standard of review would require. The *Ridhima Pandey* proceedings already reveal the scale of this deficit, with the Court itself noting the absence of a coordinated data infrastructure across the ministries it impleaded; legislative reform and judicial doctrine will each prove hollow unless accompanied by sustained investment in the administrative capacity needed to make a rights-based climate framework operable in practice rather than aspirational on paper.

⁴² Gyanvi Khanna, *A Moment for Just Transition Litigation to Take Wing*, *The Hindu* (Aug. 9, 2024).

8. CONCLUSION

The M.K. Ranjitsinh judgment solidifies what may fairly be called a constitutional right to climate security, signalling that protection from climate catastrophe is a matter of justice and state duty rather than policy preference alone. It reinforces India's position among a small group of jurisdictions willing to translate the abstract language of human rights into an explicit climate guarantee, going further textually than the Dutch, Pakistani and German precedents surveyed in Part 4 even as it falls short of their operational precision. The right equips litigants and civil society with a constitutional vocabulary for framing climate harm as a rights violation rather than a diffuse policy failure, a genuine advance for a country acutely exposed to climate impacts.

That advance, however, remains incomplete. The judgment left open the standard of review, the horizontal or vertical reach of the right, the relative weight of mitigation against adaptation, and the institutional mechanism through which the right's content would be filled in over time. The Supreme Court's own subsequent conduct, its supervisory intervention in *Ridhima Pandey* and its calibrated, non-rights-derived final disposal of the *Ranjitsinh* dispute itself in December 2025, illustrates both the promise and the present limits of the doctrine: the Court is willing to keep climate governance under judicial supervision but has not yet supplied the legal standards that would make such supervision predictable rather than *ad hoc*. Whether the right becomes a genuine instrument of accountability or recedes into aspirational language will depend on whether Parliament supplies the legislative framework the Court itself found wanting, and whether future benches are prepared to do what *Ranjitsinh* did not: convert a broadly stated constitutional principle into a rule capable of deciding concrete cases. The comparative record surveyed in this paper suggests that such conversion is achievable within a rights-based framework, as *Urgenda*, *Leghari*, *Neubauer* and *KlimaSeniorinnen* each demonstrate in their different ways, but that it does not happen automatically upon a right's announcement. It happens through the accretion of subsequent litigation, legislative codification, and sustained judicial willingness to hold the political branches to standards the courts themselves are prepared to define and defend. India's climate right has cleared the first of these hurdles. The remainder of the work lies ahead.

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