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CLIMATE LITIGATION IN INDIA: FROM ENVIRONMENTAL CONSTITUTIONALISM TO CLIMATE RIGHTS

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Abstract

India's legal response to climate change has not arrived through legislation. It has arrived through courts. This paper maps the trajectory of climate-related litigation in India across three interconnected dimensions: the doctrinal shift from pollution-centric environmental law to explicit climate constitutionalism; a taxonomy of Indian climate cases drawing on the framework of climate consciousness, climate accountability, and climate futurity, supplemented by analysis of under-recognized adaptation and vulnerability litigation; and a critical assessment of what rights-based, court-driven governance can and cannot accomplish in the absence of dedicated climate legislation. The paper situates India's experience within a global 'rights turn' in climate litigation identified by Peel and Osofsky (2018) as a discernible shift from statutory to rights-based arguments across multiple jurisdictions while arguing that constitutional innovation alone cannot substitute for statutory scaffolding. The promise of [2]*M.K. Ranjitsinh v. Union of India* (2024), the first judicial acknowledgment that Articles 14 and 21 protect citizens from the adverse effects of climate change, cannot deliver its full potential unless Parliament follows through with enabling legislation. The paper draws on a range of Indian and comparative case law to argue that judicial creativity and legislative action are complements, not substitutes, in the governance of climate change.[3]

Keywords*: Climate Constitutionalism; Climate Litigation; Article 21; Judicial Activism; National Green Tribunal; Intergenerational Equity; M.K. Ranjitsinh; Rights Turn; Environmental Rule of Law; India*.

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[3] M.K. Ranjitsinh v. Union of India, 2024 INSC 280 (India).

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I. Introduction

India sits in an uncomfortable position in global climate governance. It is simultaneously a top emitter, acutely exposed to climate risk, and still without a standalone climate law. India's average temperature has climbed by 0.86°C since 1901; extreme weather events more than doubled between the 1970s and 2023, rising from around 100 per year to 271; glacial retreat in some Himalayan basins exceeds 40%; and sea levels along Indian coasts are rising at 3.3 mm per year, putting over 250 million coastal inhabitants at risk (Khandwe, 2025). Climate-related disasters cost India close to USD 87 billion in economic losses in 2022 alone, and projections suggest the country could forfeit up to 2.8% of annual GDP by 2050 under current warming trajectories.[4]

Against this backdrop, Parliament has remained largely silent. India's statutory architecture for the environment the Environment (Protection) Act 1986, the Forest (Conservation) Act 1980, the Water and Air Pollution Prevention Acts, and the National Green Tribunal Act 2010 was designed to address localized pollution and resource conservation, not the temporal and spatial complexity of climate change. The National Action Plan on Climate Change (NAPCC) of 2008 and India's Nationally Determined Contributions (NDCs) under the Paris Agreement are policy instruments, not legally binding mandates carrying enforceable compliance mechanisms.

Into this vacuum, the judiciary has stepped. Through Public Interest Litigation (PIL), constitutional interpretation, and the progressive expansion of Article 21, Indian courts have steadily woven climate considerations into environmental adjudication. Gill and Ramachandran (2021) describe the Indian judiciary as a 'lever of transformation' in climate governance, one that, despite the absence of comprehensive domestic climate legislation, is slowly addressing climate cases through decisions that create conditions for incremental but cumulative change. At the same time, a global 'rights turn' in climate litigation, identified by Peel and Osofsky (2018) as a discernible shift across multiple jurisdictions, has found expression in India, culminating in the landmark 2024 [5]*Ranjitsinh* judgment.

This paper proceeds in three parts. Section II traces the doctrinal evolution from environmental to climate constitutionalism. Section III maps Indian climate litigation through the tripartite lens of climate consciousness, accountability, and futurity, supplemented by a

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[4] Aditya Anand Khandwe, Climate Change Litigation in India: Rising Judicial Activism post–MK Ranjitsinh v Union of India (2024), 7 Int'l J. Multidisciplinary Rsch. IJFMR250663229 (2025).

[5] Gitanjali Nain Gill & Gayathri Ramachandran, Sustainability Transformations, Environmental Rule of Law and the Indian Judiciary: Connecting the Dots through Climate Change Litigation, 23 Envtl. L. Rev. 228, 232 (2021).

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distinct analysis of adaptation and vulnerability cases. Section IV critically assesses the strengths and structural limits of court-driven climate governance, with reference to the global rights-turn literature and the persistent legislative gap.

II. From Environmental to Climate Constitutionalism: A Doctrinal Shift

2.1 Constitutional Foundations

The Indian Constitution, as originally enacted, contained no explicit environmental provisions. The 42nd Amendment of 1976, influenced by the 1972 Stockholm Declaration (at which Prime Minister Indira Gandhi was personally present), inserted Article 48A, directing the state to protect and improve the environment, and Article 51A(g), placing a civic duty on citizens to protect natural resources (Debbarma, 2025). These provisions, read alongside Article 47's mandate to improve public health, formed the constitutional backdrop against which environmental litigation would subsequently develop.[6]

The decisive move came through judicial interpretation of Article 21. In *Subhash Kumar v. State of Bihar* (1991), the Supreme Court held that living in a pollution-free environment falls within the right to life under Article 21. This converted environmental claims from statutory grievances into fundamental rights enforceable through writ jurisdiction dramatically lowering the threshold for standing and opening the courts to PIL petitioners who lacked the resources for conventional adversarial litigation.[7]

2.2 Doctrine-Building: Mehta, Vellore, and the Foundational Principles

The M.C. Mehta litigation series across the late 1980s and 1990s established the institutional architecture of Indian environmental law. The Oleum Gas Leak Case (1987) articulated absolute liability for enterprises engaged in hazardous activities. The Ganga Pollution Cases extended judicial oversight over state institutions and established a supervisory role for courts in executive environmental management. The [8][9]*Taj Trapezium* case (1997) addressed industrial air pollution with structural implications that prefigured later climate-adjacent reasoning about energy use and emissions.[10]

Vellore Citizens' Welfare Forum v. Union of India (1996) was the formal entry point for international environmental principles into domestic jurisprudence. The Court absorbed

[6] R. Debbarma, The Role of Law in Addressing Climate Change: Insights from the Indian Context, 38 Int'l J. Applied Mathematics 2164, 2167 (2025).
[7] Subhash Kumar v. State of Bihar, (1991) 1 SCC 598 (India).
[8] M.C. Mehta v. Union of India (Ganga Pollution Case), (1988) 1 SCC 471 (India).
[9] M.C. Mehta v. Union of India (Oleum Gas Leak Case), AIR 1987 SC 965 (India).
[10] M.C. Mehta v. Union of India (Taj Trapezium Case), (1997) 2 SCC 353 (India).

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sustainable development, the precautionary principle, and the polluter-pays principle from international law, pronouncing them part of Indian law through Articles 21, 48A, and 51A(g), read alongside the Stockholm and Rio Declarations. The precautionary principle did significant doctrinal work: it shifted the burden of proof in environmental disputes, requiring those proposing potentially damaging activities to demonstrate safety rather than placing that burden on affected communities to prove harm a shift with direct relevance to climate risk assessment.[11]

Narmada Bachao Andolan[12] (2000) and the *T.N. Godavarman* forest series introduced intergenerational equity, the principle that present decisions about resource use implicate the rights of future citizens. The public trust doctrine, developed through *M.C. Mehta v. Kamal Nath* (1997), held that natural resources are held by the state in trust for the public and cannot be alienated for private benefit, creating a legal basis for challenging decisions that degrade climate-sensitive commons like forests, wetlands, and river systems.[13]

This doctrinal accumulation is what Gill and Ramachandran (2021) characterize as the foundation of 'climate consciousness' in Indian jurisprudence a phase in which courts began constructing the narrative of climate threats, developing awareness through decisions that, while not explicitly framed as climate litigation, embedded climate-relevant principles that would later be directly deployed.

2.3 The NGT and Institutional Specialization

The National Green Tribunal Act 2010 established a dedicated adjudicatory body with original jurisdiction over environmental matters, providing a faster and less procedurally rigid forum than conventional courts. For climate litigation, the NGT's significance is double-edged. On one hand, it provided a faster, technically competent forum with lower procedural formalism important for PIL petitioners. Its jurisdiction over 'substantial questions relating to the environment' allowed engagement with cases carrying indirect climate dimensions: coal mine expansions, renewable energy siting disputes, pollution regulatory gaps. On the other hand, the NGT proved conservative when confronted with explicitly climate-focused claims.

Ridhima Pandey v. Union of India (NGT, 2019) illustrates this tension directly. A nine-year-old petitioner invoking intergenerational equity and the Paris Agreement asked the tribunal to declare that India's NAPCC was inadequately target-oriented and that the government had

[11] Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647 (India).
[12] Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664 (India); T.N. GodavarmanThirumulpad v. Union of India, W.P. (Civil) No. 202 of 1995 (India).
[13] M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388 (India).

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failed its climate obligations. The NGT dismissed the petition, holding that there was no basis to presume that international climate commitments were not reflected in government policy (Chaturvedi, 2021). The dismissal treated Paris compliance as an executive determination unreviewable by the tribunal conservative in the sense of deferring to executive discretion, but consistent with a court that was willing to enforce specific regulations while reluctant to interrogate the adequacy of policy ambition itself. Ridhima subsequently appealed to the Supreme Court.[14][15]

The Ridhima outcome captures an important feature of NGT-era climate litigation: the tribunal operated within what Gill and Ramachandran describe as a 'climate accountability' frame ensuring procedural compliance with existing environmental law but was unwilling to move to the stronger, future-oriented mode of 'climate futurity' that would require courts to evaluate the substantive sufficiency of climate commitments.

2.4 The Rights Turn: Global Context and India's Position

Before analyzing Ranjitsinh, it is worth situating India's doctrinal evolution within the global pattern identified by Peel and Osofsky (2018). Their account of a 'rights turn' in climate litigation identifies a shift from statutory and tort-based climate claims which dominated early cases, especially in the United States toward constitutional and human rights arguments that frame governmental climate inaction as a violation of fundamental rights. This rights turn is strategic as well as doctrinal: rights-based claims invoke stronger legal obligations, allow claimants to demand affirmative state action rather than merely challenge individual decisions, and carry symbolic resonance that purely regulatory claims lack.

The turn was catalyzed by *Leghari v. Federation of Pakistan* (2015), in which the Lahore High Court ruled that governmental delay in acting on Pakistan's own climate framework violated citizens' fundamental rights, and went on to order the creation of an oversight body to track implementation. [16]*Urgenda Foundation v. The Netherlands* (2015, affirmed on appeal 2019) held that the Dutch government's inadequate emissions reduction targets violated the duty of care toward citizens under Dutch tort law, supplemented by rights reasoning under the European Convention on Human Rights. [17]*Neubauer v. Germany* (2021) went further, finding that insufficient emissions targets violated future generations'

[14] Eshana Chaturvedi, Climate Change Litigation: Indian Perspective, 22 German L.J. 1459, 1471 (2021).
[15] Ridhima Pandey v. Union of India, O.A. No. 187/2017 (Nat'l Green Tribunal Jan. 15, 2019) (India).
[16] Leghari v. Federation of Pakistan, W.P. No. 25501/2015 (Lahore High Ct. 2015) (Pak.).
[17] Urgenda Foundation v. State of Netherlands, C/09/456689/HA ZA 13-1396 (Rb. Den Haag 2015) (Neth.), aff'd, ECLI:NL:HR:2019:2006 (Hoge Raad Dec. 20, 2019).

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constitutional rights under the Basic Law (Hermansyah, 2025). The Colombian Constitutional Court recognized the rights of future generations to constitutional standing to demand environmental protection.[18][19]

What makes the rights turn analytically distinctive, as Peel and Osofsky (2018) explain, is that it shifts the nature of the obligation courts are asked to enforce. A statutory climate case asks whether the government followed its own rules. A rights case asks whether the government met its fundamental obligation to protect people whose lives and futures depend on a stable climate. The second question is harder to deflect through administrative discretion or political argument, because rights are not policy options subject to cost-benefit balancing: they are entitlements states must protect.

Importantly, Peel and Osofsky (2018) observe that even cases where rights arguments do not formally succeed (where courts rule on other grounds or dismiss rights claims) still shift the terms of public and political debate about climate change. Rights framing re-orients the climate debate from technical and scientific questions about emission levels to human questions about whose lives and futures are being protected or sacrificed. The discursive effect is real and consequential even when it does not produce favorable judgments. Losing cases build legal arguments, mobilize public attention, and prime courts for the next round of litigation.

India was not immune to this global current. Ridhima's petition drew explicitly on the same intergenerational equity reasoning as the US *Juliana* case and the Pakistani *Leghari* case. Its dismissal did not extinguish the rights framing; it simply deferred the constitutional confrontation to the Supreme Court, where it eventually arrived in the form of *Ranjitsinh*.

2.5 M.K. Ranjitsinh and the Constitutional Turn

The most consequential development in Indian climate law came in 2024. *M.K. Ranjitsinh v. Union of India* began as a conservation dispute: overhead power transmission lines required for solar energy infrastructure threatened the Great Indian Bustard, a critically endangered species. The case forced the Court to engage directly with the tension within climate governance between the renewable energy transition (necessary for mitigation) and biodiversity protection (itself a climate-linked concern). But the Court's resolution produced something considerably larger.

[18] Hermansyah, Judging the Climate: Comparative Human Rights Approaches to Climate Litigation in Global Courts, 3 Legalis: J.L. Rev. 28, 34 (2025).
[19] Neubauer v. Germany, BVerfG, 1 BvR 2656/18 (Fed. Const. Ct. Apr. 29, 2021) (Ger.).

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The Supreme Court ruled, for the first time, that a constitutional right to protection from the adverse effects of climate change is implicit in Articles 14 and 21 of the Constitution (Khandwe, 2025; Debbarma, 2025). The Article 14 dimension (equality before law) was the most novel element. It acknowledged that climate harm is not distributed equally: it falls hardest on the poor, on coastal populations, on farmers, and on future generations, creating structural inequality that the guarantee of equal protection must address. Climate change was framed not merely as an environmental problem but as a justice problem, located within the constitutional core.[20]

This reasoning marks India's entry into what the comparative literature identifies as 'climate constitutionalism' a mode of climate governance in which courts derive binding climate obligations directly from constitutional provisions rather than specific climate statutes (Khandwe, 2025). The judgment aligns India with *Leghari*, *Urgenda*, *Neubauer*, and the Colombian Constitutional Court's *Future Generations* case, confirming the global rights turn's reach into South Asian public law. Gill and Ramachandran's (2021) category of 'climate futurity' (judicial decisions that envision and help steer a decarbonisation trajectory) is nowhere better illustrated than in this judgment.

III. Mapping Indian Climate Litigation

3.1 The Tripartite Framework

Gill and Ramachandran (2021) offer a useful taxonomy for Indian climate cases, categorizing them as climate conscious, climate accountability, and climate futurity decisions. This framework reveals the landscape more accurately than a simple count of explicitly 'climate' cases.

Climate conscious decisions create awareness and narrative. They transform abstract climate threats into legally cognizable harms, often by interpreting existing environmental principles in ways that acknowledge climate dimensions. *Vellore Citizens* and the foundational PIL cases fall here. These decisions do not resolve climate disputes but construct the conceptual vocabulary sustainable development, precautionary principle, intergenerational equity that later, more explicit climate cases will deploy.

[20] Khandwe, supra note 24, at IJFMR250663229.

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Climate accountability decisions emphasize procedural integrity ensuring that decision-making processes are transparent, participatory, and scientifically grounded. *Hanuman Laxman Aroskar v. Union of India* (2019/2020) is a prime example: the Supreme Court strengthened Environmental Impact Assessment standards for an airport project and directed regulatory authorities to explore best practices for climate change and energy conservation, including green infrastructure, low-emission technologies, and airport carbon accreditation (Gill and Ramachandran, 2021). This is accountability without prescribing substantive outcomes the court insists that climate considerations be genuinely incorporated into decisions without telling the executive what those decisions must be.[21]

Climate futurity decisions go further, directly shaping decarbonization trajectories. The NGT's direction in *Utkarsh Panwar v. CPCB* to brick kiln industries to explore cleaner fuels including compressed natural gas and biogas; the directive in *Babubhai Saini v. Gujarat PCB*[22] ordering closure of coal gasifier units unless they switched to clean technology; the Karnataka NGT's acceptance of a state commitment to electric vehicle transition all reflect incremental judicial nudges toward low-carbon futures (Gill and Ramachandran, 2021). In [23]*Hindustan Zinc Limited v. Rajasthan Electricity Regulatory Commission*[24] (2015), the Supreme Court promoted renewable energy in the public interest, linking Kyoto Protocol ratification to domestic energy policy. Carbon credit mechanisms have been recognized in revenue cases, integrating market-based climate mechanisms into domestic legal reasoning.
Ranjitsinh sits at the apex of the futurity category. It does not merely ensure procedural compliance or create awareness; it articulates a positive constitutional obligation on the state to protect citizens from climate harm and embeds the renewable energy transition within fundamental rights reasoning.

3.2 Adaptation and Vulnerability Cases

The tripartite framework, valuable as it is, does not fully capture the category of cases that address climate harm in its most immediate, lived form: adaptation and vulnerability litigation. This category includes disputes over displacement from coastal flooding and cyclones, water access during drought conditions, heatwave mortality, agricultural failure from erratic monsoons, and glacier-fed water security. These cases rarely describe themselves

[21] Hanuman Laxman Aroskar v. Union of India, (2019) 15 SCC 401; (2020) 12 SCC 1 (India).
[22] Babubhai Saini v. Gujarat PCB, NGT Order (Mar. 6, 2019) (India).
[23] Vinay Shivanand Naik v. State of Karnataka, 2020 SCC OnLine NGT 613 (India).
[24] Hindustan Zinc Ltd. v. Rajasthan Electricity Regulatory Commission, (2015) 12 SCC 611 (India).

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as climate litigation, but they engage directly with the consequences of climate change for India's most vulnerable populations.

The public trust doctrine developed through *M.C. Mehta v. Kamal Nath* (1997) has been invoked in water access disputes that track closely with climate-driven scarcity. *Paryavaran Suraksha Samiti v. Union of India*[25] (2017) enforced pollution control accountability across states in ways that directly reduce the regulatory failures that compound climate vulnerability for low-income communities. Cases concerning groundwater extraction, river pollution, wetland encroachment, and coastal zone management all contain adaptation dimensions they determine whether communities exposed to climate-linked water stress and flooding have functioning regulatory protection.

This category matters for several reasons. First, it is quantitatively large adaptation and vulnerability disputes are far more numerous than explicitly mitigation-oriented climate cases. Gill and Ramachandran (2021) note that the Indian judiciary has historically engaged most extensively with cases involving direct, identifiable environmental harm to human health and livelihoods precisely the domain that adaptation litigation occupies. Second, it is the category most directly linked to human rights: the people appearing in these cases are experiencing climate harm now, not in future projections. Article 21's right to life is at its most concrete when it engages with present-tense harm to identifiable individuals rather than future-oriented probabilistic risk assessments.

Third, adaptation cases are systematically under-counted in climate litigation databases and scholarly analysis because their climate dimension is implicit rather than express. Peel and Osofsky (2018) note globally that adaptation cases represent a distinct and under-appreciated strand of rights-based climate litigation, one that is particularly amenable to rights framing because harm is concrete and present rather than probabilistic and future. The authors observe that the rights turn is not only about courts setting emissions targets; it is equally about courts enforcing governmental obligations to protect citizens from the climate harms that are already arriving.

India's courts have in practice engaged extensively with adaptation concerns through environmental law frameworks, and this engagement predates the explicit climate rights discourse by decades. What is missing is the legal and analytical vocabulary that would allow litigants to frame adaptation claims directly in climate terms invoking *Ranjitsinh*'s constitutional right to climate protection rather than routing them through narrower

[25]Paryavaran Suraksha Samiti v. Union of India, (2017) 5 SCC 326 (India).

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environmental or health law arguments. A strategic shift toward explicit adaptation framing in PIL and High Court litigation could significantly expand the practical reach of *Ranjitsinh*'s constitutional mandate, extending it from aspirational declarations about climate policy to enforceable obligations in the cases of floods, droughts, and displacement that are already before the courts.

3.3 Youth, Intergenerational Litigation, and Strategic Cases

The PIL framework's relaxed standing requirements allow minors or adults petitioning on behalf of future generations to bring climate claims. *Ridhima Pandey* is the most prominent example, but youth-initiated litigation is a growing and strategically important strand. Youth petitions typically invoke intergenerational equity, framing climate inaction as a form of inter-temporal injustice: decisions made today by those who will not live with their full consequences impose costs on those who had no voice in making them (Mukherjee, 2025).[26]

Globally, youth climate cases have achieved significant results. *Held v. Montana*[27] (2023) found that Montana's fossil fuel policies violated the constitutional right to a clean and healthy environment as applied to young plaintiffs. The *Juliana* case in the United States, though not yet finally resolved in favor of the plaintiffs, generated substantial public and political attention to governmental climate obligations illustrating Peel and Osofsky's (2018) point that even 'losing' cases can produce important non-judicial effects by reshaping public discourse, influencing business attitudes, and elevating political debate.

India's youth litigation has been less immediately successful before courts but has contributed to doctrinal development. The principles articulated in Ridhima's petition that India's climate policy lacks binding targets and that the NAPCC is insufficiently scientific influenced subsequent academic commentary and the framing of *Ranjitsinh*. Youth litigation also performs the consciousness-raising function identified by Chaturvedi (2021): it strengthens climate awareness among the general public, generates media coverage that sustains political salience, and models the kinds of arguments that will eventually succeed before courts primed by prior advocacy.

3.4 Strategic Gaps

[26] S. Mukherjee, Climate Litigation and Youth Movements in India: Emerging Jurisprudence, 16 J. Advances Developmental Rsch. IJAIDR25021628, 5 (2025).

[27] Held v. Montana, CDV-2020-307 (Mont. 1st Jud. Dist. Ct. Aug. 14, 2023).

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The mapping exercise also reveals what is absent. Litigation against private corporate actors for climate contributions is essentially absent from the Indian landscape, despite growing global interest in corporate climate accountability. India's major coal producers, steel and cement manufacturers, and fossil fuel infrastructure companies have not faced the kind of climate liability claims emerging in the Netherlands (*Milieudefensie v. Royal Dutch Shell*[28], 2021) or the United States. The absence is partly structural Indian tort law lacks the developed duty-of-care framework that enabled *Urgenda* and *Shell* and partly strategic, reflecting a litigation culture that has focused on state accountability rather than corporate liability.

Regulatory challenge litigation is similarly underdeveloped: cases that challenge government approvals for development projects on the grounds that they failed to incorporate adequate climate risk assessment would fit naturally within India's EIA-review jurisprudence, but have not been developed as a systematic litigation strategy. This gap is significant because regulatory challenge cases can constrain carbon-intensive infrastructure even without a statutory climate framework, by insisting that existing EIA obligations extend to climate impacts.

IV. Strengths and Limits of Rights-Based, Court-Driven Climate Governance

4.1 What Courts Do Well

The constitutional route to climate governance has genuine advantages that statutory mechanisms cannot replicate. Rights-based framing converts climate from a policy preference subject to the ordinary trade-offs of democratic bargaining and executive discretion into an obligation. Once the Supreme Court declares a constitutional right to protection from climate harm, the executive cannot simply claim that development priorities override it. The obligation is judicially enforceable and not contingent on political will.

Indian courts have also demonstrated real procedural capacity for complex environmental governance. The expansion of PIL standing, the use of amicus curiae and court-appointed technical experts, and the development of continuing mandamus ongoing judicial supervision of policy implementation allow courts to engage with dynamic, multi-party situations that single-shot litigation cannot address. The *Godavarman* forest case, running for decades and

[28]Milieudefensie et al. v. Royal Dutch Shell plc, ECLI:NL:RBDHA:2021:5337 (Rb. Den Haag May 26, 2021) (Neth.).

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generating hundreds of orders, demonstrates that the Supreme Court can function as something approaching an ongoing environmental regulator when necessary.

The PIL framework democratizes access in a way that matters specifically for climate justice. Climate harm falls most heavily on those least able to fund conventional litigation: farmers, coastal communities, urban poor, and tribal populations. PIL allows individuals and civil society organizations to bring these claims without bearing full litigation costs. Youth petitioners like Ridhima Pandey were able to reach the highest tribunals at minimal legal cost precisely because PIL anticipates public interest claimants without resources.

Peel and Osofsky (2018) add a further dimension: rights-based climate litigation reshapes the public conversation around climate even when it loses in court. It puts faces to the harm, shifts the terms of political and public discourse, and accumulates a body of legal argument that subsequent cases can build on. The consciousness-raising effect is real and not adequately captured by simply tallying judicial victories.

4.2 The Institutional Competence Problem

The limits are equally real. Climate governance requires managing long-term, scientifically complex, cross-sectoral risk under conditions of deep uncertainty. It demands coordinated decisions across energy, agriculture, transport, urban planning, and finance the kind of whole-of-government policy integration that requires institutional architecture, political accountability, and technical capacity that courts do not have.

Courts are built for something structurally different: adjudicating specific disputes, applying existing law to established facts, and issuing determinate orders. Gill and Ramachandran (2021) acknowledge that while the judiciary is a 'lever of transformation,' it works incrementally each decision enabling conditions for change rather than directly producing it. The NGT's *Ridhima* dismissal can be read, in part, as institutional self-awareness: evaluating whether a national climate action plan is 'sufficiently ambitious' requires the kind of scientific and political judgment that courts are poorly positioned to make, not because judges lack intelligence, but because adjudicative process is not built for ongoing, multi-variable policy optimization.

Reddy (2026) identifies this as the central tension in Indian climate governance: judicial creativity has been crucial in filling legislative gaps, but it comes with risks of policy overreach and inconsistency that undermine the predictability and coherence that effective climate governance requires. Courts cannot write carbon budgets or set sectoral

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decarbonization pathways; they can insist that whoever does so acts transparently, scientifically, and with regard to constitutional rights a meaningful contribution, but a limited one.[29]

4.3 The Implementation Gap

Even where courts have issued climate-relevant orders, enforcement has been uneven. India's environmental jurisprudence has a well-documented implementation problem: landmark orders on industrial pollution, forest clearances, and EIA requirements have been regularly defied or circumvented, with courts forced to issue repeated follow-up directions to limited lasting effect. The M.C. Mehta litigation has been active for nearly four decades; the Yamuna and Ganga remain severely degraded. The *Godavarman* case demonstrates both the potential and the limits of judicial supervision: forests were better protected than they would have been without the case, but compliance remained patchy and contested throughout.

Climate litigation will face the same structural problem. A judicial declaration that climate rights are constitutional does not automatically generate the institutional machinery to protect them: emissions monitoring systems, inter-ministerial coordination mechanisms, adaptation finance channels, or compliance enforcement bodies. These require legislative and executive action that courts cannot substitute for. Peel and Osofsky (2018) note that implementation challenges are a consistent feature of rights-based climate litigation even where courts rule in favor of petitioners the *Leghari* case required sustained follow-up, and the Nigerian gas-flaring case faced significant implementation challenges despite a favorable ruling.

4.4 The Legislative Vacuum

India's lack of a Climate Change Act is not a passive condition. It is an active structural problem. Statutory frameworks provide things that constitutional interpretation cannot: specific emissions reduction trajectories, carbon budgeting mechanisms, defined institutional responsibilities, enforceable timelines, and clear benchmarks against which judicial review can operate meaningfully. Without these, courts adjudicating climate claims lack reliable legal standards against which to measure state performance. Judges reviewing executive climate decisions can insist on procedural compliance and constitutional conformity, but cannot manufacture the substantive standards against which compliance is measured.

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[29] J.J. Reddy, Climate Law and Environmental Governance in India: Emerging Judicial Trends, 4 Indian J.L. 35, 42 (2026).

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Khandwe (2025) puts the point directly: a climate right without enabling legislation risks remaining aspirational. The comparison with the right to education is instructive: Article 21's right to life encompassed the right to education well before the Right to Education Act 2009, but substantive realization required statutory scaffolding enrollment targets, infrastructure obligations, funding mechanisms. The same logic applies to climate. *Ranjitsinh* provides the constitutional compass, but Parliament must build the regulatory map.

Among the specific reforms that the literature identifies as necessary: a national climate framework with binding emission targets; statutory carbon budgeting; mandatory climate impact assessments for major development approvals; a national climate commission with inter-ministerial coordination authority; and strengthened adaptation provisions for vulnerable communities (Khandwe, 2025; Mukherjee, 2025; Reddy, 2026). Some of these could be initiated by the executive under existing statutory powers the Environment (Protection) Act 1986 grants the central government broad powers to issue environmental notifications that could incorporate climate considerations. Others require primary legislation. All require political will that judicial decisions alone cannot supply.

The Pakistani model offers a partial alternative worth considering. In *Leghari*, the Lahore High Court ordered the creation of a Climate Change Commission by judicial fiat and retained supervisory jurisdiction over its implementation. This represents a more interventionist form of climate constitutionalism than India has attempted using judicial orders to create institutional architecture in the absence of legislation, rather than waiting for Parliament to act. Whether the Indian Supreme Court will follow a similar path post-*Ranjitsinh* requiring Parliament or the executive to establish implementation bodies, report on climate risk assessments, or create coordination mechanisms is one of the most important open questions in Indian climate law.

There is historical precedent for such interventionism. In *Vishaka v. State of Rajasthan*[30] (1997), the Supreme Court, in the absence of legislation on workplace sexual harassment, issued binding guidelines that carried the force of law until Parliament enacted the Protection of Women from Sexual Harassment Act 2013. The *Godavarman* case created an ongoing supervisory mechanism over forest governance that effectively substituted for legislative clarity on forest rights of communities. A similar model for climate judicial guidelines on climate impact assessment, renewable energy obligations, or adaptation planning is constitutionally available, even if it carries the institutional competence risks discussed

[30] Vishaka v. State of Rajasthan, (1997) 6 SCC 241 (India).

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above. The question is whether the Court, emboldened by *Ranjitsinh*, will choose to exercise that authority.

4.5 The Promise and Its Conditions

The critical assessment points in a consistent direction. Rights-based, court-driven climate governance is necessary it provides constitutional legitimacy, democratic access, accountability mechanisms, and discursive reorientation that would be unavailable without it. But it is not sufficient. Ranjitsinh marks the end of the phase in which climate governance in India could proceed without constitutional grounding. It does not mark the end of the need for legislative action.

Gill and Ramachandran (2021) frame the relationship correctly: judicial decisions on climate create conditions for transformative change they do not themselves constitute the transformation. The Indian judiciary, acting as a lever, can generate movement. But where the lever points, and how far it moves, depends on institutions and processes that lie beyond the courts' reach.

There is reason for cautious optimism. Historically, Indian judicial creativity has preceded and sometimes produced legislative action: *Vishaka* guidelines on workplace harassment eventually produced the POSH Act; judicial interventions on forest rights shaped the Forest Rights Act 2006; sustained environmental PILs contributed to the creation of the NGT itself. The relationship between litigation and legislation in India is not one-directional. Courts need statutes, but sustained and creative litigation can also generate the political salience that eventually compels statutory action. *Ranjitsinh* has created the constitutional foundation; sustained climate litigation strategy exploiting the adaptation framing, expanding corporate accountability claims, and developing regulatory challenge cases alongside mitigation PILs can build the case for legislative action that courts, by themselves, cannot compel.

V. Conclusion

Climate litigation in India has traveled a remarkable doctrinal distance: from pollution control PILs that incidentally addressed environmental harm, through the consolidation of environmental rights under Article 21, through the climate consciousness and accountability decisions of the NGT era, to the explicit constitutional recognition in 2024 of a right to protection from the adverse effects of climate change. That trajectory is not accidental. It reflects the cumulative effort of litigants, advocates, petitioners, and judges who have, over three decades, built a body of doctrine capable of supporting constitutional climate claims.

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The mapping exercise across the tripartite framework of climate consciousness, accountability, and futurity reveals a litigation landscape more extensive and more varied than is commonly recognized. Adaptation and vulnerability cases (disputes over water, displacement, heatwave mortality, ecological degradation) engage courts with the material consequences of climate change for millions of Indians, even when not labeled as climate litigation. Youth petitions have advanced doctrinal development and civic awareness even when dismissed on the merits. The global rights turn has reached India, and India has now contributed to it in a manner that other jurisdictions, particularly those in South and Southeast Asia facing comparable climate vulnerabilities and constitutional architectures, are likely to reference.

The critical assessment, however, is equally clear. Rights-based, court-driven governance has identifiable strengths (democratic access, constitutional obligation, and the discursive reorientation that Peel and Osofsky (2018) rightly identify as one of rights-based litigation's most durable contributions) and identifiable limits: institutional competence constraints, implementation gaps, and the inherent incapacity of courts to construct the legislative and administrative architecture that comprehensive climate governance requires. Gill and Ramachandran (2021) frame this correctly: judicial decisions on climate create conditions for transformative change; they do not themselves constitute the transformation. The lever can generate movement, but the direction and distance of that movement depends on institutions and processes that lie beyond the judiciary's reach.

Ranjitsinh is a watershed, but it is not a destination. India's legislature has so far declined to engage seriously with climate law. That absence is now constitutionally more costly than it was before 2024. The Supreme Court has declared that climate protection is a fundamental right. Parliament has a corresponding obligation to make that right real through legislation that sets binding targets, creates accountable institutions, mandates climate impact assessment, and builds the adaptive governance architecture that the country's 1.4 billion people, and the generations who will follow them, urgently need

Appendix: Note on Methodology

This paper adopts a doctrinal and qualitative legal research methodology. Primary sources, namely constitutional provisions, statutory texts, and judicial decisions, are analyzed to trace the evolution of climate-related jurisprudence. The analysis draws on recent studies of Indian climate and environmental litigation (Chaturvedi 2021; Gill & Ramachandran 2021; Peel &

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Osofsky 2018; Khandwe 2025; Debbarma 2025; Reddy 2026; Mukherjee 2025) and situates Indian case law within comparative climate litigation scholarship. The tripartite categorization of climate conscious, climate accountability, and climate futurity cases follows Gill and Ramachandran's (2021) framework, supplemented by a separate analysis of adaptation and vulnerability cases that their taxonomy does not fully capture. The global rights-turn framework draws on Peel and Osofsky's (2018) analysis of the shift from statutory to rights-based climate litigation across jurisdictions.

The paper's scope is limited to judicial developments in India's higher courts the Supreme Court, High Courts, and the NGT. District court and quasi-judicial proceedings are not examined. The analysis extends to 2024, encompassing the *Ranjitsinh* judgment, and does not include subsequent developments in that litigation or related cases filed post-2024. Legislative and policy developments are discussed only insofar as they illuminate the legal landscape within which judicial decisions operate; a comprehensive analysis of India's climate policy architecture is beyond the scope of this paper.

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