

Climate Change Litigation in India: Rising Judicial Activism Post–M.K. Ranjitsinh v. Union of India (2024)

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ABSTRACT

Climate change is increasingly recognized as a constitutional, developmental, and human rights crisis—particularly in countries like India where ecological vulnerability intersects with high population density, resource dependency, and rapid industrialization. Over the last two decades, India has experienced unprecedented climatic variability, including intensified heatwaves, severe cyclones, erratic monsoons, riverine floods, glacial lake outburst events, and prolonged drought conditions. According to publicly available datasets, India recorded over 271 extreme weather events in 2023 alone, with an estimated 45% increase in frequency compared to the 1990s. Meanwhile, economic losses attributed to climate-linked disasters reached nearly USD 87 billion in 2022, and India is expected to lose up to 2.8% of its GDP annually by 2050 if current warming trends continue.

In this context, the Supreme Court of India delivered a landmark judgment in *M.K. Ranjitsinh v. Union of India* (2024), declaring—for the first time—the existence of a constitutional "right to be protected from the adverse effects of climate change" under Articles 14 and 21. This judicial recognition of climate rights represents a transformative moment in Indian jurisprudence. It shifts climate policy from a discretionary domain of the executive to a constitutionally enforceable obligation. Furthermore, the judgment signals an emerging era of climate constitutionalism in India, where the judiciary plays a central role in shaping climate governance.

This study provides a comprehensive doctrinal and analytical examination of the *Ranjitsinh* judgment and situates it within the broader trajectory of environmental and climate litigation in India. Using a combination of case law analysis, comparative jurisprudence, climate statistics, and constitutional reasoning, the article evaluates how judicial activism addresses legislative and institutional gaps—particularly in the absence of a dedicated Climate Change Act. It further explores the implications of climate rights for environmental clearances, renewable energy transitions, habitat conservation, and intergenerational equity.

The paper argues that India's judiciary is uniquely positioned to safeguard climate justice due to the expansive interpretation of fundamental rights. However, judicial intervention alone cannot substitute for a robust legislative framework. The study concludes with policy recommendations, including the need for national climate law, statutory carbon budgeting, mandatory climate impact assessments, and strengthened institutional capacity.

By synthesizing legal doctrine with empirical climate data, the article contributes to scholarship on climate governance and offers a roadmap for embedding climate justice within India's constitutional, administrative, and developmental structures.

KEYWORDS: Climate Constitutionalism; Judicial Activism; Article 21; Climate Rights; M.K. Ranjitsinh; Environmental Jurisprudence; Intergenerational Equity; Climate Governance.

1. INTRODUCTION

Climate change is no longer an abstract ecological phenomenon but a concrete socio-legal crisis that threatens lives, livelihoods, and constitutional rights. India, due to its geography, population distribution, and economic structure, is ranked among the world's most climate-vulnerable nations. The country faces recurring extreme weather patterns, with severe implications for agriculture, public health, water security, infrastructure stability, and biodiversity.

1.1 India's Climate Vulnerability in Numbers

According to aggregated public datasets from global climate reports:

- India's average temperature has increased by 0.86°C since 1901.
- Heatwave days have tripled in many states between 1980 and 2020.
- Himalayan regions show glacial retreat at an accelerated rate (over 40% in some basins).
- Sea level rise along India's coasts is 3.3 mm per year, affecting over 250 million coastal inhabitants.
- India lost 32 million hectares of tree cover between 2001–2023.
- The number of extreme climatic events increased from ~100 events per year in the 1970s to 271 events in 2023.
- India accounts for nearly 12% of global climate-related fatalities.

These numbers reflect a growing disconnect between environmental degradation and existing legal frameworks.

1.2 Constitutional Law Meets Climate Crisis

Environmental law in India was historically driven by the judiciary through public interest litigation. Landmark cases such as *MC Mehta*, *Vellore Citizens*, *Subhash Kumar*, *Tehri Bandh*, and *Godavarman* expanded the doctrine of environmental rights under Article 21. Yet, until 2024, India lacked:

- A constitutional articulation of climate-specific rights
- A legal mandate for climate risk impact assessments
- A national framework for climate mitigation and adaptation

The 2024 judgment in *M.K. Ranjitsinh v. Union of India* is a watershed moment.

1.3 Why Ranjitsinh Matters

While adjudicating a dispute concerning the Great Indian Bustard (GIB) and renewable energy transmission lines, the Supreme Court declared:

“The right to be protected from the adverse impacts of climate change is inherent in Articles 14 and 21 of the Constitution.”

This pronouncement is significant because it:

- Embeds climate action within fundamental rights
- Creates legally enforceable obligations
- Expands judicial review over climate-relevant decisions
- Enhances accountability of the executive and industries
- Strengthens intergenerational equity principles

The judgment marks the entry of climate constitutionalism into Indian law—a field previously seen only in jurisdictions such as Germany, the Netherlands, and Colombia.

2. OBJECTIVES / PURPOSE / RATIONALE OF THE STUDY

2.1 Objectives of the Study

This research aims:

1. To critically examine the constitutional foundation of the right to climate protection post-Ranjitsinh.
2. To trace the evolution of environmental and climate litigation in India leading to the 2024 jurisprudential shift.
3. To analyse how judicial activism is shaping India's climate governance framework.
4. To compare India's climate rights jurisprudence with global developments.
5. To identify persistent institutional and legislative gaps in India's climate policy architecture.
6. To propose actionable reforms, including the adoption of national climate law.

2.2 Purpose / Rationale

The rationale for the study derives from three intersecting realities:

(A) Legal Vacuum

India lacks a comprehensive climate law addressing:

- Emission reduction targets
- Carbon budgeting
- Climate displacement
- Adaptation planning
- Climate risk assessment
- Institutional coordination

The judiciary has become the de facto protector of climate rights.

(B) Scientific Urgency

Climate data unequivocally shows India is warming faster than global averages. The country faces:

- Intensifying cyclones
- Erratic monsoons
- Drought and desertification
- Landslides in Himalayan regions
- Repeated crop failures

This necessitates a rights-based framework for climate governance.

(C) Human Rights Implications

Climate change affects:

- Right to life
- Right to health
- Right to equality
- Right to livelihood
- Right to clean air and water

Thus, climate rights are not environmental luxuries but constitutional necessities.

3. RESEARCH DESIGN / METHODOLOGY

The study uses a qualitative doctrinal methodology supported by comparative and analytical tools.

3.1 Doctrinal Analysis

This includes:

- Case law interpretation

- Constitutional reading of Articles 14, 21, 48A, 51A(g)
- Examination of environmental jurisprudential doctrines such as:
 - Precautionary principle
 - Polluter pays
 - Sustainable development
 - Public trust doctrine
 - Intergenerational equity

3.2 Comparative Legal Method

The study compares India's developments with:

- *Urgenda v. Netherlands* (emission reduction duty)
- *Neubauer v. Germany* (intergenerational rights)
- *Leghari v. Pakistan* (policy enforcement)
- *Juliana v. USA* (children's climate rights)
- Colombia Amazon case (rights of ecosystems)

3.3 Use of Climate Statistics

Climate data used includes:

- Temperature anomalies
- Extreme weather frequency
- Forest cover loss
- Sea-level rise
- Glacial retreat
- Economic loss estimates

All statistics are drawn from publicly accessible datasets and reports.

3.4 Analytical Framework

The study assesses:

- Impact of judicial activism on policy
- Constitutional validity of climate rights
- Institutional effectiveness
- Feasibility of proposed legislative reforms

4. DISCUSSION

The discussion section examines the jurisprudential, constitutional, socio-economic, and global dimensions of climate change litigation in India. It also interprets the *M.K. Ranjitsinh v. Union of India* (2024) judgment within the broader context of climate governance failures, policy gaps, and scientific urgency. This section is structured into thematic sub-sections for analytical clarity.

4.1 India's Climate Crisis: Scientific and Statistical Dimensions

India's climate vulnerability is rooted in its geographic diversity, large population, dependence on monsoon rainfall, coastal exposure, and fragile Himalayan ecosystems. Climate-related stressors are no longer cyclical but continuous, with data indicating accelerating rates of environmental degradation.

4.1.1 Rising Temperatures and Heatwaves

- India's average temperature has increased by 0.86°C since 1901, with accelerated warming after the year 2000.
- Heatwave days have increased by nearly 138% since the 1980s.

- In 2023, severe heatwaves affected 23 states, resulting in hundreds of reported and unreported deaths and agricultural stress.

4.1.2 Extreme Weather Events

Public datasets indicate:

- A 55% rise in extreme climatic events between 2000 and 2023.
- India experienced 271 extreme weather events in 2023 alone, the highest in recorded history.
- Frequent cyclones such as Amphan, Fani, Tauktae, and Biparjoy showcase high-intensity storms becoming the norm.

4.1.3 Monsoon Variability

India's monsoon cycle has become erratic:

- Spatial and temporal distribution patterns have shifted.
- Flash floods, particularly in Himachal Pradesh and Uttarakhand, have increased.
- The 2023 monsoon recorded over 50% excess rainfall in specific regions within 48 hours.

4.1.4 Sea Level Rise

- Sea levels along India's coasts are rising by 3.3 mm annually.
- Coastal erosion threatens cities such as Mumbai, Kochi, Chennai, and Visakhapatnam, with millions living in highly vulnerable zones.

4.1.5 Loss of Biodiversity and Forests

- India lost 32 million hectares of tree cover (2001–2023).
- The Great Indian Bustard, central to the Ranjitsinh case, has fewer than 150 individuals remaining, making it critically endangered.

4.1.6 Economic Losses

- Climate-linked economic damage in India was estimated at USD 87 billion in 2022.
- India may lose up to 2.8% of its GDP annually by 2050 if warming exceeds 2°C.

Interpretation:

These statistics underscore the judiciary's role as an urgent constitutional responder in the absence of robust legislative action.

4.2 Evolution of Environmental Jurisprudence in India: From Pollution to Climate Rights

Environmental litigation in India has evolved across three phases:

Phase 1 (1980s–1990s): Pollution and Natural Resource Protection

Cases such as:

- *Rural Litigation and Entitlement Kendra*
- *Subhash Kumar v. State of Bihar*
- *MC Mehta* (Ganga pollution, Taj Trapezium, vehicular emissions)

These cases expanded Article 21 to include the right to a healthy environment.

Phase 2 (2000–2015): Sustainable Development and Precautionary Principles

Key contributions:

- *Vellore Citizens* introduced “sustainable development” into Indian law.
- *Godavarman* cases protected forests through continuing mandamus.
- *Lavasa*, *POSCO*, and other clearance-related cases strengthened environmental review.

Phase 3 (2016–2024): Climate-Oriented Judicial Reasoning

Before Ranjitsinh, climate reasoning was implicit, not explicit.

- Judgments touched upon intergenerational equity, ecological balance, and public trust doctrine.

- However, no case articulated climate change as a fundamental rights issue.

Phase 4 (2024 onwards): Climate Constitutionalism

M.K. Ranjitsinh constitutes Phase 4:

- Recognizes climate rights.
- Links climate justice to Articles 14 & 21.
- Elevates climate change to constitutional harm.

4.3 The Ranjitsinh Judgment: A Turning Point in Constitutional Climate Rights

4.3.1 Case Background

The dispute arose from:

- Conservation of the Great Indian Bustard (GIB)
- Installation of overhead power lines for renewable energy
- Conflict between biodiversity conservation and green energy

4.3.2 Constitutional Innovation

The Supreme Court identified:

- Climate threats as violations of Article 21 (Right to Life)
- Unequal climate burdens as violations of Article 14 (Right to Equality)
- Duty of the State under Article 48A
- Duty of citizens under Article 51A(g)

4.3.3 Recognition of Climate Rights

The Court declared:

“The right to be protected from the adverse effects of climate change is inherent in fundamental rights.”

This is unprecedented.

4.3.4 Impact on Environmental Clearances

Post-2024:

- Projects with significant emissions may require stricter review.
- Renewable energy cannot override conservation imperatives.
- Climate impact assessment may become a future legal requirement.

4.3.5 Implications for Policy

The judgment compels:

- Integration of climate science into governance
- Enhanced accountability of ministries
- Potential for climate litigation challenging inadequate policies

4.4 Judicial Activism vs. Legislative and Executive Gaps

India lacks a Climate Change Act. Current laws (EPA 1986, Forest Act, Water Act) are outdated for climate governance.

4.4.1 Institutional Fragmentation

Climate functions are scattered across:

- MoEFCC
- MNRE
- Ministry of Power
- Ministry of Agriculture

- Ministry of Water Resources

This leads to poor coordination.

4.4.2 Policy Weaknesses

- No carbon budget
- No mandatory climate resilience planning
- No climate-based land use framework
- Limited climate adaptation funding

4.4.3 Reliance on Judiciary

The judiciary fills gaps through:

- Public trust doctrine
- Precautionary principle
- Expansive Article 21 interpretation
- PIL as participatory litigation

While necessary, courts cannot permanently substitute Parliament.

4.5 Comparative Analysis with Global Jurisdictions

4.5.1 Netherlands: *Urgenda Foundation v. State of Netherlands*

The Dutch Supreme Court held:

- The State has a duty to reduce greenhouse gases.
- Human rights obligations mandate climate mitigation.

4.5.2 Germany: *Neubauer v. Germany (2021)*

- Climate inaction violates intergenerational equity.
- The government must revise climate targets.

4.5.3 Pakistan: *Leghari v. Federation of Pakistan*

- Failure to implement national climate policy violates fundamental rights.
- A Climate Change Commission was created via judicial direction.

4.5.4 Colombia Amazon Case

- The Amazon rainforest declared a legal person.
- Climate reasoning is integrated with ecological jurisprudence.

4.5.5 Comparison to India

India's uniqueness lies in:

- Absence of climate law
- Yet strong constitutional climate rights
- Expansive judicial powers
- Larger socio-economic complexities

India's judiciary is more proactive than many global courts but works under greater structural constraints.

4.6 Socio-Economic Dimensions of Climate Litigation in India

4.6.1 Impact on Vulnerable Communities

Marginalized groups face disproportionate climate burdens:

- Farmers experience crop losses due to erratic monsoons
- Coastal communities face inundation
- Indigenous groups lose forest livelihoods

- Women bear increased caregiving burdens during climate disasters

4.6.2 Climate Displacement

India already has over 4 million climate displaced persons (public estimates).

Judicial recognition of climate rights opens the door to:

- Claims for rehabilitation
- Demands for State accountability
- Rights-based climate migration frameworks

4.7 The Need for Climate Impact Assessment (CIA)

CIA is distinct from EIA:

- EIA focuses on pollution and ecological damage
- CIA evaluates emissions, resilience, and climate risk

The *Ranjitsinh* judgment makes CIA an urgent necessity.

4.8 Intergenerational Equity: A Strengthened Doctrine

India has long accepted intergenerational justice in forests and ecology cases.

After 2024:

Intergenerational equity → Constitutionally required for climate policy.

This strengthens youth-led climate petitions.

5. FINDINGS

1. India faces severe climate vulnerability backed by strong statistical evidence.
2. The *Ranjitsinh* judgment marks the first explicit recognition of climate rights as fundamental rights.
3. Judicial activism has compensated for legislative inactivity.
4. India lacks a comprehensive climate law, weakening enforcement.
5. Climate litigation is entering a constitutional era focusing on rights, equality, and justice.
6. Comparative analysis shows India aligning with global climate constitutionalism trends.
7. The judgment strengthens intergenerational equity and public trust doctrine.

6. CONCLUSION

The 2024 Supreme Court judgment in *M.K. Ranjitsinh v. Union of India* represents a defining moment in the trajectory of Indian environmental and constitutional law. For the first time, the Court explicitly articulated that *climate justice is inseparable from constitutional justice*, thereby embedding climate concerns within the normative core of Articles 14 and 21. This transformation elevates climate change from a policy matter governed by executive discretion to a constitutionally enforceable rights-based obligation, demanding accountability, transparency, and scientific integrity in all State actions that bear upon climate risk and ecological integrity.

By recognising a fundamental right to be protected from the adverse effects of climate change, the judiciary has expanded India's long-standing environmental rights jurisprudence into the domain of climate constitutionalism—an area that remained normatively underdeveloped despite the country's vulnerability to climatic extremes. This shift not only protects present generations but also fortifies the legal foundation for intergenerational equity, ensuring that children, youth, and unborn generations are morally and constitutionally entitled to a climate-stable future. In doing so, the judgment aligns India with

global climate jurisprudence seen in the Netherlands, Germany, Pakistan, and Colombia, marking India's entry into a global conversation on climate rights, human dignity, and ecological protection.

However, the Court's doctrinal innovation—while groundbreaking—cannot independently reshape the entirety of India's climate governance architecture. Judicial pronouncements have historically filled systemic voids in India's environmental administration (as seen in the *MC Mehta* and *Godavarman* series), but climate change poses challenges far more complex, multi-layered, and cross-sectoral than traditional environmental cases. Climate governance demands scientific data systems, inter-ministerial coordination, long-term carbon reduction strategies, adaptation planning, and financial mechanisms—all of which require institutional capacity and legislative frameworks that courts alone cannot construct.

The Court's recognition of climate rights must therefore serve as a constitutional compass, guiding Parliament and the executive toward enacting a robust, coherent, and forward-looking National Climate Change Law. Without such legislative scaffolding—incorporating statutory carbon budgeting, climate impact assessments, mitigation pathways, accountability mechanisms, and climate transition strategies—the newly articulated climate right risks remaining aspirational rather than transformative. A Constitution may illuminate principles, but without enabling legislation, its promises may remain unfulfilled.

India thus stands at a historic crossroads. On one path lies the possibility of constructing a comprehensive, rights-based, scientifically informed climate governance model capable of protecting vulnerable communities, strengthening resilience, and ensuring equitable distribution of climate burdens. This approach would harmonise economic development with ecological sustainability, embedding climate considerations into energy, infrastructure, agriculture, transport, and urban planning. Such a model would not only fulfil India's constitutional obligations but also enhance its credibility in global climate negotiations.

On the other path, however, lies the risk of fragmented governance, policy inertia, and continued reliance on judicial intervention in the absence of legislative and administrative reform. If climate rights remain judicial declarations without structural implementation, India may face escalating humanitarian crises, deepening social inequalities, and irreversible ecological degradation. The impacts of climate change—displacement, heat stress, agricultural collapse, disease proliferation, and biodiversity loss—will disproportionately burden the poor, coastal populations, indigenous communities, and future generations, thereby exacerbating existing vulnerabilities.

Ultimately, the *Ranjitsinh* judgment provides an unprecedented legal foundation, but the responsibility to transform constitutional climate rights into lived realities rests with the legislature, the executive, industries, and civil society. The moment demands political courage, institutional innovation, scientific collaboration, and public participation. India possesses the constitutional vision, judicial leadership, and societal momentum necessary to become a global leader in climate governance—what remains is the collective will to act.

The judgment is not an endpoint but a starting point, signaling the beginning of a new era in Indian environmental jurisprudence—one where climate protection is not merely a development objective but a constitutional mandate. Whether India succeeds in operationalizing this mandate will determine not only the shape of its environmental future but also the integrity of its democracy, the dignity of its people, and the sustainability of generations yet to come.

7. SUGGESTIONS

7.1 Enact a National Climate Change Act

Including:

- Emission reduction targets
- Carbon budgeting
- Climate risk assessments
- Climate courts or tribunals

7.2 Mandate Climate Impact Assessments

Introduce CIA for major infrastructure, mining, urban, and energy projects.

7.3 Establish a National Climate Commission

To coordinate across ministries and supervise policy implementation.

7.4 Strengthen Adaptation Policies

- Coastal zone resilience plans
- Heatwave mitigation programs
- Glacier region monitoring

7.5 Integrate Climate Education

Promote climate literacy in legal and public governance institutions.

7.6 Develop Climate Justice Funds

Support vulnerable groups facing displacement or livelihood loss.

7.7 Expand Judicial & Administrative Training

Equip judges and administrators with climate science knowledge.

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