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Climate Litigation in India: Constitutional Rights, Judicial Intervention, and the Limits of Court-Led Climate Governance

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Abstract

This paper examines the development of climate litigation in India and the role of the judiciary in addressing environmental harm in the absence of a comprehensive national climate statute. It analyses the constitutional foundations of environmental protection, relevant environmental legislation, and principles such as precaution, polluter pays, public trust, sustainable development, and intergenerational equity. It then considers the contribution of public interest litigation, continuing mandamus, and the National Green Tribunal, alongside landmark decisions including M.C. Mehta v. Union of India, Vellore Citizens Welfare Forum v. Union of India, Subhash Kumar v. State of Bihar, Ridhima Pandey v. Union of India, and M.K. Ranjitsinh v. Union of India. The paper evaluates the achievements of litigation in recognising environmental rights, widening access to justice, and prompting specific remedies, while also examining persistent limitations involving enforcement, delay, institutional fragmentation, and the absence of comprehensive climate legislation. It argues that judicial intervention has established an important constitutional foundation for climate accountability, but cannot replace coordinated legislative and regulatory action. [10]

Keywords: Climate Litigation, India, Environmental Law, Article 21, Public Interest Litigation, National Green Tribunal, Climate Justice [1]

Research Methodology and Sources of Data

This paper adopts a qualitative, doctrinal and desk-based research methodology. It examines constitutional provisions, environmental statutes, judicial decisions, international instruments, institutional reports, and secondary commentary to trace the development and effectiveness of climate litigation in India. The analysis is based on documentary research; no survey, interview, experiment, or other independently collected respondent data is presented in the project.

Primary Sources of Data

The primary sources comprise the Constitution of India, including Articles 14, 21, 48A and 51A(g); the Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981; the Environment (Protection) Act, 1986; the National Green Tribunal Act, 2010; relevant Supreme Court and National Green Tribunal decisions discussed in the paper; and international legal instruments, including the Rio Declaration and the Paris Agreement. These materials are treated as

primary sources because they contain the legal provisions, judicial reasoning, and formal commitments examined in the study. [2]

Secondary Sources of Data

The secondary sources comprise institutional and scientific publications, reports, academic and legal commentary, and news or explanatory articles listed in the references. These sources provide context on climate impacts, the operation of environmental institutions, and scholarly or public analysis of the cases and legal principles. They are used to supplement, contextualise, and explain the primary legal materials.

Merits of the Research Methodology

The doctrinal approach allows the paper to examine the legal foundations of climate litigation directly through constitutional provisions, legislation, and judicial decisions. The use of both primary and secondary materials enables the legal position to be considered alongside scientific, institutional, and contemporary developments. A case-based analysis also makes it possible to trace the gradual development of environmental rights and the emerging recognition of climate-related rights.

Limitations of the Research Methodology

The study is limited by its reliance on publicly available documentary material and does not include interviews with litigants, judges, lawyers, government officials, or affected communities. It does not independently measure the environmental outcomes or implementation of court orders, and therefore relies on reported information and existing commentary when discussing effectiveness. Further, the paper focuses on selected Indian cases and legal developments rather than providing an exhaustive review of every climate-related proceeding. The absence of a dedicated national climate statute and the continuing development of some proceedings also mean that the legal position may evolve.

1. Introduction

In 2024, the world experienced its hottest year on record, with the global average surface temperature exceeding 1.5°C above pre-industrial levels for the first calendar year in recorded history. This milestone, confirmed independently by the Copernicus Climate Change Service, the World Meteorological Organization, and NASA, does not mean that the long-term Paris Agreement threshold has been permanently breached — that goal is measured as a multi-decade average — but it signals, in the words of WMO Secretary-General Celeste Saulo, that "climate history is playing out before our eyes." For India, a country of over 1.4 billion people with a long coastline, monsoon-dependent agriculture, Himalayan glacial systems, and dense urban populations exposed to extreme heat, the stakes of this accelerating crisis are not abstract, but rather widespread and highly disruptive. Recurring heatwaves, erratic monsoons, glacial retreat, and worsening air quality are already imposing measurable costs on public health, food security, and economic productivity across the country. [20, 32]

Against this backdrop, litigation has emerged as one of the few available mechanisms through which citizens, civil society organisations, and even future generations can compel state and private accountability for environmental and climate harm — particularly in a political system where comprehensive climate legislation remains absent. India has no single, umbrella statute analogous to the United Kingdom's Climate Change Act, 2008, that directly regulates greenhouse gas emissions or imposes binding national targets enforceable by courts. In the absence of such a framework, Indian

courts — and the Supreme Court in particular — have played an unusually generative role in shaping environmental jurisprudence, repeatedly reading environmental protection into the fundamental rights guaranteed by the Constitution, and, in 2024, going a step further by articulating a distinct constitutional right against the adverse effects of climate change itself.

This paper examines the evolution, substance, and limitations of climate litigation in India. It begins by mapping the constitutional and statutory foundations on which Indian environmental and climate jurisprudence rests, before turning to the judiciary's expanding role in environmental governance through mechanisms such as public interest litigation (PIL) and the specialised forum of the National Green Tribunal. It then examines landmark cases — from the foundational environmental jurisprudence of M.C. Mehta v. Union of India and Vellore Citizens Welfare Forum v. Union of India to the more recent and explicitly climate-focused M.K. Ranjitsinh v. Union of India (2024) — to trace how Indian courts have progressively moved from a general right to a clean environment toward a more specific, climate-conscious rights framework. Finally, the paper assesses the effectiveness of this litigation-driven model of climate governance, considering both its achievements in advancing environmental accountability and its structural limitations — including weak enforcement, fragmented institutional capacity, and the absence of legislative follow-through — before offering some observations on the likely future trajectory of climate litigation in India. [10]

The central argument advanced here is that Indian courts have been remarkably willing to innovate doctrinally in response to the climate crisis, but that judicial pronouncements alone cannot substitute for a coherent legislative and regulatory framework. Litigation has proven to be an effective tool for articulating rights and prompting government action in specific, high-profile disputes; it has proven far less effective as a systemic mechanism for driving the scale of emissions reduction and adaptation planning that the crisis demands.

2. Legal Foundations of Climate Litigation in India

Before looking at individual court cases, it is important to understand the legal "building blocks" that Indian judges have used to create climate and environmental jurisprudence. India does not have one single climate law that says, in plain terms, "the government must reduce emissions by X% by Y year, and if it doesn't, you can sue." Instead, Indian courts have pieced together a right to a healthy environment — and, more recently, a right to be protected from climate change — from three different sources: (1) the Constitution, (2) ordinary environmental statutes passed by Parliament, and (3) broad legal principles borrowed from international environmental law. Each of these is explained below.

A. Constitutional Framework

The Constitution of India is the highest and supreme law of the land. Every other law, and every court decision, must be consistent with it. Three provisions of the Constitution have become especially important for environmental and climate litigation.



Figure 1: Supreme Court of India, which has played a significant role in developing environmental and climate jurisprudence.

1. Article 21 — Right to Life



Article 21 of the Constitution says: "No person shall be deprived of his life or personal liberty except according to procedure established by law." On its face, this looks like a simple criminal-law protection — it stops the state from arbitrarily killing or imprisoning someone. But starting in the 1980s, the Supreme Court of India began interpreting "life" very broadly. The Court said that "life" does not just mean physical survival; it means a life of dignity, which includes things like clean air, clean drinking water, and a pollution-free environment. This is sometimes called "reading in" a right — the words "clean environment" do not appear anywhere in Article 21, but the courts have effectively added them through interpretation. [1]

This matters enormously for climate litigation because it means that if a person can show that climate change (say, through worsening air pollution, extreme heat, or crop failure caused by erratic rainfall) is threatening their life or health, they may be able to argue that the government is violating their Article 21 right. This is exactly the reasoning the Supreme Court expanded upon in 2024, when it recognized a distinct "right to be free from the adverse effects of climate change" as flowing partly from Article 21. [1]

Landmark Supreme Court Case - M.K. Ranjitsinh v. Union of India

This expansive reading of Article 21 reached its most significant turning point in 2024, in M.K. Ranjitsinh and Others v. Union of India. The case began as a dispute about protecting the Great Indian Bustard, a critically endangered bird threatened by collisions with overhead power lines — not, on its

face, a climate case at all. But in resolving it, a three-judge Supreme Court bench went further than any prior judgment, explicitly carving out a new, distinct right: the "right to be free from the adverse effects of climate change," grounded directly in Article 21. The Court reasoned that a person's right to life cannot be fully realised without a stable climate, and that this new climate right is inseparable from — "two sides of the same coin" with — the pre-existing right to a clean environment. In effect, Ranjitsinh took the decades-long judicial project of reading environmental protection into Article 21 and gave it, for the first time, a name and a scope specific to climate change itself — moving Indian jurisprudence from a general right to a healthy environment toward a right explicitly responsive to the climate crisis. (This case is discussed in full detail, including its facts and outcome, in Section IV.E.) [1]

2. Article 48A — Protection of the Environment

Article 48A is a Directive Principle of State Policy. It states that "the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country." Directive Principles are a unique feature of the Indian Constitution: they are goals that the government is supposed to work toward, but — unlike fundamental rights such as Article 21 — they cannot, by themselves, be enforced directly in court. In other words, a citizen cannot walk into court and sue the government only under Article 48A and expect an order forcing immediate compliance. [1]

However, Article 48A still matters a great deal in practice. Courts routinely use it alongside Article 21 to strengthen their reasoning — essentially saying, "the Constitution's own directive principles show that environmental protection is a core state obligation, and this reinforces our reading of Article 21." The 2024 Ranjitsinh judgment relied on Article 48A in exactly this supporting role. [1]

3. Article 51A(g) — Fundamental Duty to Protect the Environment

Article 51A lists the Fundamental Duties of Indian citizens. Clause (g) says it is the duty of every citizen "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures." Like the Directive Principles, Fundamental Duties are not directly enforceable against private citizens in the way that fundamental rights are enforceable against the state. But courts have used Article 51A(g) to support a broader, more community-oriented understanding of environmental protection — the idea that safeguarding the environment is not only the government's job, but a shared civic responsibility. It has also been cited in cases balancing conservation of endangered species against other developmental goals. [1]

Together, Articles 21, 48A, and 51A(g) form what many scholars call India's "constitutional environmental architecture" — a right (21), a state goal (48A), and a citizen's duty (51A(g)) that all point in the same direction and reinforce one another.

B. Environmental Statutes

Alongside the Constitution, Parliament has passed several specific laws that regulate pollution and environmental harm. These statutes give the constitutional principles teeth by creating concrete rules, regulatory bodies, and penalties.

1. The Water (Prevention and Control of Pollution) Act, 1974

This was one of India's first major environmental laws. It was passed in response to growing concern about industrial waste being dumped into rivers and lakes. The Act set up Pollution Control Boards at the central and state levels, gave them the power to set water quality standards, and made it a punishable

offence to discharge pollutants into water bodies without permission. Courts have enforced this prohibition seriously: in Indian Council for Enviro-Legal Action v. Union of India (1996), the Supreme Court held chemical industries in Bichhri village, Rajasthan, liable for producing "H-acid" discharged highly toxic effluents that contaminated local groundwater and farmland, ordering them to bear the full cost of remediation and compensation to affected villagers — a direct application of the polluter pays principle to a Water Act violation [11]

While the Act was not written with climate change in mind, it remains relevant today because climate stress (such as droughts and reduced river flow) interacts directly with pollution — polluted water becomes more dangerous when there is less of it to dilute contaminants.

2. The Air (Prevention and Control of Pollution) Act, 1981

Passed seven years after the Water Act, this law extended a similar regulatory model to air pollution. It empowered the same Pollution Control Boards to declare "air pollution control areas," regulate industrial emissions, and prosecute polluters. Rather than simply fining individual polluters under the Act, the Court did something far more ambitious: it directed the entire public transport fleet of Delhi — buses, taxis, and autorickshaws — to convert from diesel to Compressed Natural Gas (CNG) by a fixed deadline, treating this as a necessary step to protect the right to clean air under Article 21, read together with the Air Act's mandate. This is worth sitting with for a second, because it's not a small thing — the Court essentially forced a citywide infrastructure and fuel-policy shift through a judicial order, something you'd normally expect only a legislature or a city planning authority to do. That's the real significance of this Act for climate litigation: it gave courts a statutory hook to act on air pollution at a systemic level, not just a case-by-case one. And because so many of the pollutants driving Delhi's smog — carbon dioxide, black carbon, methane from vehicle exhaust and waste burning — are also greenhouse gases, this kind of litigation ends up doing double duty. It was fought and won as an air quality case, but the emissions cuts it produced are, in substance, climate action, even though the word "climate" never had to appear in the judgment for the outcome to matter for the climate. [1]

3. The Environment (Protection) Act, 1986

This Act was passed shortly after the Bhopal Gas Tragedy of 1984, one of the worst industrial disasters in history, and it is often described as an "umbrella" law because it gives the central government broad power to take "all such measures as it deems necessary" to protect and improve the environment. This includes the power to set standards for pollutants, restrict industrial locations, and lay down safeguards for hazardous substances.

4. The National Green Tribunal Act, 2010



This is arguably the most important environmental statute of the last two decades. Before 2010, if someone wanted to challenge an environmental violation, they generally had to go to a regular civil court or file a writ petition in a High Court or the Supreme Court — a slow and expensive process. The National Green Tribunal (NGT) Act created a specialised tribunal staffed with both judges and technical/scientific experts, specifically to hear environmental cases quickly and effectively. The NGT has the power to award compensation for environmental damage, order restoration of damaged ecosystems, and enforce all the major environmental laws described above. A good example of the NGT actually using this power on a climate-adjacent issue is Vardhaman Kaushik v. Union of India, filed before the NGT in 2014 in response to Delhi's worsening air quality. Rather than leaving the problem to slow-moving bureaucratic processes, the Tribunal issued a series of concrete, technically detailed directions — restricting the burning of waste and leaves in the open, tightening rules around construction dust, and pushing for stricter vehicle emission norms in the National Capital Region. [5]

The most telling thing about this case is how procedural it is compared to a Supreme Court judgment like Ranjitsinh — there's no grand constitutional language about a "right to be free from climate change" here, just a technical body grinding through specific, enforceable orders on dust, waste burning, and vehicles. But that's precisely the point of the NGT: it's built to be the slow, unglamorous machinery that keeps environmental law running day to day, in between the rarer, headline-making constitutional cases. And since so much of what drives Delhi's air pollution — vehicle exhaust, biomass and waste burning — also drives greenhouse gas emissions, this kind of routine, technical enforcement ends up doing quiet climate work even when climate change itself is never the case's legal centrepiece. [16]

C. Environmental Principles

Beyond specific constitutional articles and statutes, Indian courts have also imported several broad legal principles — most of them originally developed in international environmental law and comparative case law — into Indian jurisprudence. These principles function almost like tools of interpretation: when a case does not fit neatly into a specific statute, judges often reach for these principles to guide their reasoning.

1. The Precautionary Principle

The precautionary principle did not originate in India, or even in environmental case law generally — its roots trace back to West Germany in the 1970s, where policymakers developed the concept of Vorsorgeprinzip, roughly translated as "forecaring," as a legal basis for taking early action against acid rain and the resulting die-off of German forests, well before scientists could establish complete, courtroom-grade proof of causation. From there, the idea moved steadily into international law: the 1987 Montreal Protocol used precautionary reasoning to justify phasing out ozone-depleting substances even while scientific understanding of the ozone layer was still developing, and the principle received its clearest global articulation in Principle 15 of the 1992 Rio Declaration, which states that a lack of full scientific certainty shall not be used as a reason to postpone cost-effective measures to prevent environmental degradation. By the time the Maastricht Treaty formally wrote the principle into European Union law in 1992, and the 1998 Wingspread Statement further hardened its logic by explicitly shifting the burden of proof onto whoever proposes a potentially harmful activity, rather than requiring the public to prove harm after the fact, the precautionary principle had become one of the most widely used tools in international environmental governance. [17]

India absorbed this principle into its own legal system relatively early, through the Supreme Court's judgment in Vellore Citizens Welfare Forum v. Union of India (discussed in full in Section 4), which formally recognized it as part of Indian environmental law. In practical terms, the principle means that where there is a threat of serious or irreversible environmental damage, the government does not have to wait for 100 percent scientific proof before acting to prevent it — a reasonably confident scientific consensus is enough to justify preventive measures now, rather than remedial measures later. [10]

This paper treats the precautionary principle as one of the most important ideas in this entire framework, and not merely a procedural technicality. Climate change is, almost by definition, a precautionary problem: the exact scale, timing, and local distribution of future harm can never be known with certainty in advance, yet the risk of serious, irreversible damage — to glaciers, to monsoon patterns, to entire agricultural regions — is already well established by the scientific record. A legal system that waited for full certainty before permitting any climate-related intervention would, in effect, be waiting until the damage was no longer preventable. It is precisely because of this logic that the precautionary principle, more than perhaps any other doctrine discussed in this section, gives Indian courts a legitimate basis to act on climate change now, ahead of certainty rather than in spite of its absence. [17]

2. The Polluter Pays Principle

The polluter pays principle has its origins in economics rather than ecology. It was first formally introduced by the Organisation for Economic Co-operation and Development (OECD) in 1972, as a way of correcting what economists call an "externality" — the tendency of a business to enjoy the profits of a polluting activity while pushing the actual cost of that pollution (contaminated water, degraded soil, public health damage) onto the wider public or the environment itself, essentially for free. The OECD's original idea was that if a polluter has to pay for the harm it causes, that cost gets built into the price of doing business, which in turn creates a financial incentive to pollute less in the first place. From that starting point, the principle spread rapidly into international treaties, European Union environmental law, and the domestic law of countries well beyond Europe.

In practice, the principle operates in two different modes. It can be remedial, requiring a polluter to pay for cleanup after damage has already occurred, as with an oil spill or a toxic waste site, or it can be preventive, built directly into the economic structure of an activity before any damage happens at all, through tools like carbon taxes, emission standards, and cap-and-trade schemes that make pollution costly by design rather than by punishment after the fact. It is also worth being honest about one limitation of the principle that is often left out of simpler explanations. While the polluter is the one legally required to pay, that cost does not necessarily stay with the polluter. Depending on market conditions, a company can often pass some or all of that cost down to consumers through higher prices — meaning "the polluter pays" in a strict legal sense, but the public may still end up bearing part of the financial burden indirectly.

3. The Public Trust Doctrine

In 1997, the Supreme Court struck down a government decision that most people would have assumed was perfectly ordinary: a state government had leased ecologically fragile forest land along the Beas River to a private company to build a commercial resort. On paper, this looked like a routine land deal. In M.C. Mehta v. Kamal Nath, the Court disagreed, ruling that the government had no authority to hand the land over in the first place — not because of any specific statute the deal violated, but because of a

much older idea: that certain natural resources are held by the state in trust for the public, and a trustee cannot simply give away or sell what it holds on someone else's behalf. [12]

This is the public trust doctrine, and what makes it distinctive compared to the other principles discussed so far is how far back it goes and how narrow its original purpose was. It has nothing to do with modern environmentalism at its origin. The earliest version appears in the Institutes of the Roman Emperor Justinian, which held that air, running water, the sea, and the seashore are, by their nature, common to all mankind and cannot become anyone's private property. English common law picked this up centuries later and applied it specifically to navigable waters — the idea that the Crown holds rivers and the land beneath them not as an owner, but as a custodian safeguarding the public's right to fish, travel, and trade on them. For most of its history, in other words, this was a doctrine about boats and fishing rights, not forests or climate.

It took a substantial reinterpretation — one that happened mainly in the United States and India over the twentieth century — to stretch the doctrine from "the government can't block your fishing boat" into something closer to "the government can't destroy a forest or hand over a coastline for a quick profit." Under this newer reading, the category of protected resources expanded well past navigable water to include forests, air, and ecologically significant land generally, and the government's role was reframed as that of a fiduciary — a legal term for someone entrusted to manage an asset responsibly on behalf of someone else, without exploiting the position for private gain. Applied to the state, this means natural resources fundamental enough to matter to human life and the environment are treated as though they belong, in some sense, to everyone, including people not yet born, and no sitting government gets to treat them as disposable assets simply because it happens to be in power at the time.

4. Sustainable Development

This principle, popularised internationally by the 1987 Brundtland Report, calls for development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. Indian courts have repeatedly invoked this idea to balance economic and infrastructure development against environmental protection — a tension that lies at the heart of many climate-related disputes, including the 2024 Ranjitsinh case, which had to balance renewable energy expansion against the survival of an endangered species. [16]

5. Intergenerational Equity

Closely related to sustainable development, this principle holds that the present generation has a duty not to leave future generations with a degraded environment, depleted resources, or an unstable climate. It has taken on particular significance in youth-led climate litigation around the world — including India's own Ridhima Pandey v. Union of India case (discussed in Section 4), where a child petitioner argued that the government's failure to act on climate change violated the rights of children and future generations. [14, 15]

Taken together, this constitutional, statutory, and principle-based foundation gives Indian courts a wide toolkit. As the next section shows, the judiciary has used this toolkit not passively, but proactively — expanding access to justice, inventing new remedies, and, in recent years, extending environmental jurisprudence explicitly into the domain of climate change.

3. Role of the Judiciary in Climate Governance

If Section 2 described the tools available to Indian courts, this section explains how the judiciary has actually picked up and used those tools. What makes India's story unusual — compared to many other countries — is just how active a role its courts have taken in environmental governance. In most legal systems, judges wait for a specific, narrow dispute to be brought to them and decide only that dispute. Indian courts, especially the Supreme Court from the 1980s onward, took on a much broader role: they treated environmental degradation almost like a public emergency requiring ongoing supervision, not a one-time dispute to be resolved and forgotten.

A. Public Interest Litigation (PIL): Opening the Courtroom Door

Ordinarily, to file a case in court, you must show that you personally have been harmed — this is called "standing" or locus standi. If a factory pollutes a river 500 kilometers away from you, under strict traditional rules, you would not normally be allowed to sue on behalf of the villagers living near that river, because you were not personally harmed.

Starting in the late 1970s and 1980s, the Indian Supreme Court relaxed this rule dramatically through what became known as Public Interest Litigation (PIL). Under PIL, any public-spirited citizen, journalist, lawyer, or organisation can bring a case to court on behalf of people who cannot easily access the legal system themselves — whether because they are poor, illiterate, geographically remote, or simply unaware of their rights. Courts even began accepting a simple letter or newspaper article as the basis for starting a case, a practice sometimes called "epistolary jurisdiction" (from the word "epistle," meaning letter).

This procedural innovation mattered enormously for the environment specifically, because environmental harm is often diffuse, since it affects entire communities, ecosystems, or even future generations, none of whom fit neatly into the traditional model of "one specific victim suing one specific wrongdoer." PIL allowed environmental lawyers, scientists, and activists (such as the lawyer M.C. Mehta, whose name appears on dozens of landmark environmental cases) to bring systemic environmental problems directly to the Supreme Court, on behalf of the public at large. [13]

B. Continuing Mandamus: Courts That Don't Let Go

A second important innovation is what legal scholars call "continuing mandamus."A mandamus is simply a court order directing a government authority to do (or stop doing) something. Normally, once a court issues its order, the case is over, which means that the court moves on to the next case. But in many major Indian environmental cases, the Supreme Court has kept a case open for years, sometimes decades, issuing a stream of follow-up orders, appointing monitoring committees, and requiring government agencies to report back periodically on their compliance.

This is significant because environmental problems are rarely fixed by a single order. Cleaning a river, or converting a city's public transport to cleaner fuel, is a long, technical, multi-year process. Continuing mandamus lets the judiciary act almost like a slow-moving regulator, checking in repeatedly to make sure its orders are actually carried out — something ordinary litigation is not designed to do.

C. The National Green Tribunal: A Specialised Forum

As discussed in Section 2, the National Green Tribunal (NGT), created in 2010, gave environmental litigation a dedicated, faster, and more technically informed home. Unlike ordinary courts, NGT benches include not only judges but also "expert members" — scientists and environmental specialists — who can assess technical evidence (pollution levels, environmental impact assessments, remediation costs) more rigorously than generalist judges might be able to. [5]

The NGT has decided thousands of cases involving air and water pollution, illegal construction, mining violations, and waste management. However, its record on explicitly climate-focused cases has been more mixed — most famously, its brief and widely criticised two-page dismissal of the Ridhima Pandey petition in 2019, discussed in detail in Section 4, which many scholars view as a missed opportunity for the NGT to engage seriously with climate science and India's international climate commitments. [14, 15]

D. Judicial Activism: A Double-Edged Sword

Together, PIL, continuing mandamus, and the NGT reflect what is often called "judicial activism" — courts stepping beyond their traditional role of dispute resolution to actively shape environmental and, increasingly, climate policy. This has produced real benefits: cleaner air in some cities during specific periods, closure of the most polluting industries near sensitive rivers, and, in 2024, a brand-new constitutional right against the adverse effects of climate change.

But judicial activism also has limits. Courts are not elected, they do not have unlimited technical expertise, and they cannot easily design and enforce something as complex as a national carbon budget or an emissions trading scheme — the kind of comprehensive policy tools that many other countries have created through legislation. As the Supreme Court itself acknowledged in a 2025 order in the ongoing Ridhima Pandey appeal, India's existing environmental statutes were not designed with climate change specifically in mind, and various government ministries currently appear to be "working in silos" rather than in a coordinated fashion. This tension — between what courts can do through creative interpretation and what only Parliament should do through comprehensive legislation — runs through the rest of this paper. [14, 15]

4. Landmark Indian Climate and Environmental Cases

1972 — Stockholm Conference on the Human Environment; India commits to environmental protection internationally;
1974 — Water (Prevention and Control of Pollution) Act;
1976 — Articles 48A and 51A(g) added to the Constitution via the 42nd Amendment;
1981 — Air (Prevention and Control of Pollution) Act;
1984 — Bhopal Gas Tragedy;
1986 — Environment (Protection) Act; M.C. Mehta (Oleum Gas Leak) case establishes absolute liability;
1991 — Subhash Kumar v. State of Bihar reads a clean-environment right into Article 21;
1996 — Vellore Citizens adopts the precautionary and polluter pays principles; Indian Council for Enviro-Legal Action (Bichhri case);
1997 — M.C. Mehta v. Kamal Nath (public trust doctrine); Taj Trapezium case;
2010 — National Green Tribunal Act;
2014 — Vardhaman Kaushik v. Union of India (NGT air pollution case);
2015 — India ratifies the Paris Agreement;
2017 — Ridhima Pandey files her NGT petition;
2019 — NGT dismisses Ridhima Pandey; Pandey appeals to the Supreme Court;
2021 — Supreme Court's interim order restricting transmission lines in Ranjitsinh;
2024 — M.K. Ranjitsinh recognizes the constitutional right against climate change; world's hottest year on record;

2025 — Supreme Court's Ridhima Pandey order impleads eight ministries, calls out "silos"; [1]

Timeline: Important events in the history of Indian climate litigation

This section examines five cases in detail. The first three — M.C. Mehta, Vellore Citizens, and Subhash Kumar — are not, strictly speaking, "climate change" cases; they were decided before climate change became a mainstream legal concern in India. However, they are essential to understand because they built the constitutional and doctrinal foundation — discussed in Section 2 — that later, explicitly climate-focused cases like Ridhima Pandey and M.K. Ranjitsinh has relied upon. [10]

A. M.C. Mehta v. Union of India

"M.C. Mehta v. Union of India" is not actually a single case, but it is the name attached to a whole family of landmark public interest litigation cases filed over several decades by the environmental lawyer M.C. Mehta. Two of the most famous examples illustrate the range of this body of litigation. [13]

In the Oleum Gas Leak case (1986), a Delhi-based factory suffered a leak of toxic oleum gas shortly after the Bhopal Gas Tragedy, causing panic and injury among nearby residents. The Supreme Court used this case to develop a completely new legal doctrine: "absolute liability." Under ordinary law, a company could sometimes escape liability for an accident by showing it took reasonable precautions or that the accident was caused by something outside its control. The Supreme Court held that companies engaged in inherently hazardous activities (such as handling dangerous chemicals) must be held absolutely liable for any harm caused, with no such excuses available, precisely because the potential harm to the public is so severe. This doctrine has since been applied well beyond gas leaks, and its underlying logic — that those who create serious environmental risk should bear the full cost of that risk — closely echoes the polluter pays principle discussed earlier. [6]

In the separate Ganga Pollution case (starting in 1985), M.C. Mehta brought a PIL asking the Supreme Court to order the closure or upgrading of tanneries and other industries discharging untreated effluent directly into the Ganga river, one of India's most culturally significant and heavily used waterways. The Court ordered numerous industries to install effluent treatment plants or shut down, and it kept the case open for years under continuing mandamus, periodically checking on compliance. While pollution in the Ganga remains a serious problem today, this case is widely regarded as a foundational example of Indian courts using PIL and continuing mandamus together to address a large-scale, ongoing environmental harm — a model later applied, with mixed success, to air pollution and, more tentatively, to climate change. [7]

A third case in this same family shows M.C. Mehta's litigation extends into yet another kind of remedy: locational control over industry. In the Taj Trapezium case (1997), M.C. Mehta petitioned the Supreme Court over a slow, corrosive threat to the Taj Mahal itself because of the sulphur dioxide emissions from coal- and coke-based industries operating around Agra which were reacting with atmospheric moisture to produce acid rain, gradually discolouring and eroding the monument's white marble. Rather than simply fining the offending industries, the Court ordered over two hundred industries operating within the designated "Taj Trapezium Zone" to either switch to natural gas as a cleaner fuel source or relocate away from the area entirely. [8]

B. Vellore Citizens Welfare Forum v. Union of India (1996)

This case arose because tanneries in the town of Vellore, in Tamil Nadu, were discharging untreated tox-

ic waste into local water bodies and agricultural land, severely damaging the environment and public health. The Supreme Court's judgment is remembered less for its specific facts and more for the legal principles it formally adopted into Indian law: the precautionary principle and the polluter pays principle, both explained in Section 2. [17]

The Court held that these principles were now part of Indian environmental law, meaning that going forward, industries could be required to take preventive action even without complete scientific certainty of harm, and polluters could be made to pay the full cost of environmental remediation and compensation. This case is frequently cited as the moment these two principles — which are especially important for climate change, where the future risks are serious but the science necessarily deals in probabilities rather than certainties — became firmly embedded in Indian jurisprudence.

C. Subhash Kumar v. State of Bihar (1991)

This case involved a petitioner who alleged that a company was discharging slurry from its iron ore washeries into the Bokaro river, polluting the water used by local residents. While the Supreme Court ultimately dismissed the specific claim on the facts, the judgment is remembered for one crucial line of reasoning: the Court explicitly held that "the right to live is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution-free water and air for full enjoyment of life." [1]

This is one of the clearest and most frequently cited statements of the idea, introduced in Section 2, that Article 21's "right to life" includes an implicit right to a healthy environment. Every later case — including Ridhima Pandey and M.K. Ranjitsinh — that connects environmental or climate harm to Article 21 ultimately traces its reasoning back to judgments like this one. [1]

D. Ridhima Pandey v. Union of India (2017–ongoing)



Figure 4: Ridhima Pandey's youth-led climate litigation highlights the role of young people in seeking government accountability for climate action.

This is India's most prominent example of youth-led climate litigation, and its long, unfinished journey through the courts is itself instructive about the strengths and weaknesses of India's litigation-driven approach to climate governance.

In 2017, Ridhima Pandey, then just nine years old, filed a petition before the National Green Tribunal through her father. Drawing inspiration from similar youth-led climate cases abroad — such as the Urgenda case in the Netherlands and the Leghari case in

Pakistan — her petition argued that the Indian government's climate policies were inadequate, that this inadequacy violated India's existing environmental laws and its international commitments under the Paris Agreement, and that children and future generations bear a disproportionate share of the harm

caused by present-day climate inaction. She specifically asked the NGT to direct the government to incorporate climate change considerations into environmental impact assessments, prepare a national greenhouse gas inventory, and develop a "carbon budget" — a science-based limit on how much more carbon dioxide India's economy could emit while staying consistent with global climate goals. [14, 15]

In January 2019, the NGT dismissed the petition in a brief, two-page order, reasoning that climate change concerns were "already covered" under the existing framework of the Environment (Protection) Act, 1986, and that there was "no reason to presume" that India's international commitments were not already being reflected in government policy. This dismissal was widely criticised by legal scholars as superficial, and as failing to engage seriously with the substance of the petition. [4]

Pandey appealed to the Supreme Court later in 2019, and for several years the case moved very slowly, sitting largely at the preliminary "pleadings" stage. However, the case gained new life after the 2024 M.K. Ranjitsinh judgment established a constitutional right against the adverse effects of climate change. In a significant procedural order dated 21 February 2025, the Supreme Court acknowledged "the inadequacies of [the] extant legal framework" in addressing climate change, called for a thorough review of existing environmental statutes to build in climate-specific obligations, noted that different government ministries currently appear to be "working in silos," and directed that eight central government ministries be added as parties to the case. As of this writing, the appeal (Civil Appeal No. 388 of 2021) remains actively pending before the Supreme Court, with two amici curiae (independent expert advisors to the Court) appointed to assist in the proceedings. [16]

Ridhima Pandey illustrates both the promise and the frustration of climate litigation in India: a compelling, well-researched claim that took over five years just to survive its first serious judicial engagement, but which may now, thanks to the precedent set in Ranjitsinh, finally produce a substantive ruling on the Indian government's climate obligations. [14, 15]

E. M.K. Ranjitsinh and Others v. Union of India and Others (2024)


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Saving Great Indian Bustard must be balanced with energy needs: SC

This is, to date, the single most significant climate judgment in Indian legal history, and it did not even begin as a climate case.

The dispute originated in a 2019 writ petition filed by wildlife conservationist M.K. Ranjitsinh and others, concerned about the near-extinction of the Great Indian Bustard (GIB), a large, critically endangered bird found mainly in the grasslands of Rajasthan and Gujarat. The IUCN (International Union for Conservation of Nature) estimates that as few as 50 to 249 individual GIBs remain in the wild. Among the threats facing the bird, one stood out as particularly severe and legally significant: because GIBs are large, heavy birds with poor frontal vision, they frequently collide fatally with overhead high-voltage power transmission lines — many of which had been built specifically to carry electricity from new solar and wind energy projects in the same grassland regions. [16]

In 2021, the Supreme Court issued an interim order restricting the construction of new overhead transmission lines and requiring the undergrounding of existing lines across a huge area of roughly 99,000 square kilometers — a decision clearly favouring bird conservation. However, several government ministries and renewable energy companies later asked the Court to reconsider this order, arguing that undergrounding transmission lines at that scale was technically very difficult, extremely expensive, and — crucially — that it would slow down India's transition to solar and wind power, which is itself essential to fighting climate change.

This set up what commentators have called a genuine "green versus green" dilemma: protecting one endangered species versus accelerating the clean energy transition needed to fight a global crisis that threatens countless species (including humans). To resolve this dilemma, the three-judge bench, led by then-Chief Justice D.Y. Chandrachud undertook a wide-ranging review of India's international climate commitments, its constitutional framework, and its renewable energy targets — including India's stated goal of reaching 500 GW of non-fossil-fuel-based electricity generation capacity by 2030.

In the course of this analysis, the Court made its most historic move: it formally recognized a new, distinct constitutional right — the "right to be free from the adverse effects of climate change" — grounding this right in Article 21 (right to life) and, notably, also in Article 14 (right to equality). The Court explained that this new right and the pre-existing right to a clean environment are "two sides of the same coin," and that "without a clean environment which is stable and unimpacted by the vagaries of climate change, the right to life is not fully realised." The reference to Article 14 was particularly significant, because the Court explicitly acknowledged that climate change does not affect everyone equally — poorer, rural, and geographically vulnerable communities in India bear a disproportionately heavy burden, and treating this disparity as an equality issue opened up a new constitutional pathway for addressing climate injustice. [1]

On the immediate dispute, the Court ultimately took a middle path: it lifted the blanket prohibition on overhead transmission lines across the full 99,000 square-kilometer area, holding that undergrounding all lines was not practical everywhere and would not necessarily guarantee the GIB's survival, but it directed the constitution of an expert committee to assess where undergrounding was genuinely feasible, evaluate the effectiveness of "bird diverters" (devices attached to power lines to make them more visible to birds), and recommend a balanced, area-specific conservation plan.

Legal commentators have noted an important irony in the judgment: despite creating a groundbreaking new constitutional right, the Court's actual resolution of the underlying dispute was arguably less protective of the environment than its own 2021 order had been, and the judgment has been criticized for being somewhat "anthropocentric" (human-centered) in its treatment of the GIB itself, even while breaking new ground on climate rights for humans. Nonetheless, M.K. Ranjitsinh has already begun reshaping Indian climate litigation — most visibly by giving fresh momentum to the long-stalled Ridhima Pandey appeal, and by providing future litigants with a clear constitutional hook for climate-related claims that previously did not exist. [14, 15]

5. Effectiveness of Climate Litigation in India

Having examined the legal foundations, judicial mechanisms, and landmark cases, this section steps back to ask a harder question: has all of this litigation actually worked? "Worked" can mean different things — did it change government behaviour, did it improve environmental outcomes, did it create

durable legal precedent — and the honest answer is that Indian climate litigation has achieved real, meaningful successes, while also facing serious, structural limitations.

A. Achievements

1. Building a constitutional right where legislation was absent. Perhaps the single greatest achievement of Indian climate litigation is that it has produced something resembling a legal foundation for climate accountability, in a country that still has no dedicated climate change statute. The steady judicial progression from Subhash Kumar's recognition of an environmental right under Article 21, through Vellore Citizens' adoption of the precautionary and polluter pays principles, to M.K. Ranjitsinh's explicit recognition of a right against the adverse effects of climate change, shows a judiciary willing to fill a legislative vacuum rather than simply waiting for Parliament to act.
2. Expanding access to justice through PIL. By relaxing standing requirements, Indian courts have allowed environmental and climate concerns to be raised by ordinary citizens, students, lawyers, and civil society groups — not just directly injured parties. This is especially important for climate change, where the people most affected (future generations, the rural poor, coastal communities) are often the least able to litigate on their own behalf. Ridhima Pandey, brought by a nine-year-old with the support of legal advocates, exemplifies how PIL has opened the courtroom door to unconventional but important claims.
3. Concrete environmental remedies in specific disputes. Litigation has produced tangible results in individual cases: industries have been ordered to install pollution control equipment or shut down (as in the Ganga pollution litigation), hazardous industries have been held to a stricter "absolute liability" standard (as in the Oleum Gas case), and specific conservation measures have been ordered for endangered species (as in Ranjitsinh). While these remedies are narrower than comprehensive climate policy, they demonstrate that courts can and do produce enforceable, specific outcomes.
4. Signaling effect on government and industry. Even when litigation does not immediately achieve everything petitioners ask for, high-profile judgments send a signal to government ministries, regulators, and private industry that environmental and, increasingly, climate harm can carry real legal consequences. The Supreme Court's blunt acknowledgment, in the 2025 Ridhima Pandey order, that government ministries are "working in silos" on climate issues is itself a form of accountability — a public, judicial call-out of institutional fragmentation that may pressure the government toward better coordination.

B. Challenges

1. Absence of comprehensive climate legislation. The single biggest structural weakness underlying all of Indian climate litigation is that it is built almost entirely on judicial interpretation rather than democratically enacted, purpose-built climate law. Courts can recognize rights and issue orders, but they cannot set detailed, economy-wide emissions targets, design a national carbon market, or allocate rural and urban adaptation budgets — the kind of granular, resource-intensive policymaking that only the legislature and executive can properly carry out. As the Supreme Court itself noted in M.K. Ranjitsinh, "there is no single or umbrella legislation in India which relates to climate change and the attendant concerns."
2. Weak enforcement and slow implementation. Winning a case in court is often only the first step. Continuing mandamus was designed to solve this problem, but even decades-long judicial supervision (as in the Ganga pollution litigation) has not fully solved persistent pollution problems,

partly because courts lack the on-the-ground administrative capacity of specialized regulatory agencies, and partly because compliance ultimately still depends on the same government bodies whose inaction prompted the litigation in the first place.

3. Slow-moving procedural delays. Ridhima Pandey took nearly two years just to reach a (poor-quality) first decision from the NGT, and then sat largely dormant at the Supreme Court for roughly five more years before gaining real momentum. Given how urgently scientists say climate action is needed, this pace of litigation is a serious practical limitation — a legal system built for resolving individual disputes over months or a few years struggles to keep pace with a crisis unfolding over a much shorter, more urgent timeline.
4. Institutional fragmentation. As the Supreme Court itself observed, different ministries — environment, power, renewable energy, agriculture, disaster management, and others — often operate without adequate coordination on climate issues. Litigation targeting a single ministry or a single project (like the GIB transmission lines) can resolve that specific dispute without addressing the underlying, cross-cutting coordination failures that allow climate risk to persist elsewhere.
5. Tension between development and environmental protection. India remains a rapidly developing economy with significant poverty-reduction and infrastructure needs. Courts are frequently asked to balance environmental and climate protection against economic development, energy access, and infrastructure expansion — exactly the dilemma at the heart of M.K. Ranjitsinh. This tension does not have a clean legal resolution, and it means that even landmark, rights-expanding judgments can, in their practical application, end up permitting the very activity (such as renewable energy infrastructure encroaching on a species' habitat) that gave rise to the underlying environmental concern.
6. Limited remedies against private actors and diffuse global emissions. Much Indian climate litigation targets the government, because most of the relevant statutes and constitutional provisions are enforceable primarily against the state. But a significant share of greenhouse gas emissions comes from private industry, and an even larger share of the causes of global climate change lies outside India's borders altogether. Domestic litigation, however successful, cannot by itself address the fundamentally global nature of the climate crisis.

6. The Future of Climate Litigation in India

Building on the trends described above, several developments seem likely to shape the next phase of Indian climate litigation.

1. A more active Ridhima Pandey appeal. With the Supreme Court now actively engaged — appointing amici curiae, impleading eight ministries, and openly acknowledging gaps in the existing legal framework — the long-pending Ridhima Pandey case may finally produce a substantive ruling in the coming years. Given that it directly asks the Court to address government inaction on climate change (rather than a narrower dispute like the GIB case), a strong ruling here could go significantly further than M.K. Ranjitsinh in defining concrete government obligations.
2. Growing pressure for comprehensive climate legislation. Both M.K. Ranjitsinh and the ongoing Ridhima Pandey proceedings have explicitly flagged the absence of a unified national climate law as a serious gap. Judicial commentary of this kind often puts political pressure on Parliament and the executive to legislate — as happened, for example, after early environmental PILs contributed to the eventual creation of the National Green Tribunal itself. It is plausible that continued litigation

pressure, combined with India's international climate commitments, will eventually push toward dedicated climate legislation, even if the timeline remains uncertain.

3. Expansion of "just transition" litigation. As India accelerates its transition to renewable energy, more disputes are likely to resemble M.K. Ranjitsinh — conflicts between climate mitigation projects (solar parks, wind farms, transmission infrastructure, mining for battery minerals) and other values, including biodiversity conservation and the rights of local and indigenous communities. Some scholars have argued that Indian courts should more explicitly adopt the international concept of a "just transition" — ensuring that the shift to clean energy is fair and inclusive, rather than simply prioritizing speed.
4. Rise of corporate and private-sector climate accountability. Globally, an increasing share of climate litigation targets private companies directly, rather than governments — for example, cases alleging that a company misled investors about climate risk, or that a fossil fuel company should be held liable for its historical contribution to global warming. India's litigation to date has focused mostly on the state, but as Indian companies face growing pressure from international investors, environmental, social, and governance (ESG) disclosure rules, and supply-chain regulations abroad, private-sector climate litigation may become more common domestically as well.
5. Greater reliance on international and comparative precedent. Indian courts have already begun explicitly referencing foreign climate rulings — such as the Dutch Urgenda case, the Pakistani Leghari case, the American youth climate case Juliana v. United States, and the 2024 European Court of Human Rights ruling in Verein KlimaSeniorinnen Schweiz v. Switzerland.

Urgenda Foundation v. State of the Netherlands (2015, 2019)

The Urgenda case, brought by the Dutch environmental organisation Urgenda Foundation together with nearly 900 individual co-plaintiffs, is widely regarded as the first case in the world in which a court ordered a national government to cut its greenhouse gas emissions on human rights grounds. The Dutch Supreme Court, in its final 2019 ruling, held that the Netherlands' existing emissions targets were legally inadequate given the scale of the climate threat, and that the government's own duty of care — combined with its obligations under Articles 2 and 8 of the European Convention on Human Rights, protecting the right to life and the right to private and family life — required it to cut emissions by at least 25 percent below 1990 levels by the end of 2020. What made Urgenda so influential globally is that it proved a court could translate a broad human rights obligation into a specific, numerical emissions target and actually enforce it against a government — a template that has since been cited and adapted by climate litigants, including in India, well beyond the Netherlands.

Ashgar Leghari v. Federation of Pakistan (2015)

Ashgar Leghari, a Pakistani farmer, sued the Pakistani government in the Lahore High Court, arguing that its failure to implement the country's own 2012 National Climate Change Policy and its accompanying 2014 framework was leaving farmers like him directly exposed to worsening droughts and unpredictable water availability, threatening both his livelihood and his fundamental rights. The Lahore High Court agreed, finding that the "delay and lethargy of the State in implementing the

Framework" offended the fundamental rights of Pakistani citizens, and it ordered the creation of a Climate Change Commission made up of government representatives, NGOs, and technical experts to monitor and push forward the government's climate commitments. Leghari is often cited alongside Indian cases as a useful regional comparison, since it shows a South Asian court — operating under a similarly under-legislated climate framework — using ordinary constitutional rights language to compel government follow-through on policies that already existed on paper but were not being acted upon.

Juliana v. United States (2015–2025)

Juliana was, for nearly a decade, the most closely watched climate case in the United States, and its long, ultimately unsuccessful journey through the courts illustrates a very different outcome from Urgenda or Leghari. Filed in 2015 by 21 young plaintiffs, aged 8 to 19 at the time, the case argued that the U.S. government's decades of policies promoting fossil fuel extraction and consumption violated the plaintiffs' constitutional rights to life, liberty, and property, and breached the public trust doctrine by knowingly degrading a resource — a stable climate system — held in trust for the public. The case survived years of procedural battles and was at one point set for trial, but the Ninth Circuit Court of Appeals ultimately ruled, first in 2020 and again after an amended complaint, that the plaintiffs lacked the legal standing to sue, because their injuries — however real — could not be adequately redressed by a court order against the government. On March 24, 2025, the U.S. Supreme Court declined to hear a further appeal, formally ending the case after almost ten years of litigation. Despite this loss, Juliana is still widely credited with inspiring a wave of related state-level youth climate cases in the U.S., including successful ones like Held v. State of Montana, and its central argument — that a stable climate is a public trust resource the government cannot squander — remains influential even in defeat.

Verein KlimaSeniorinnen Schweiz v. Switzerland (2024)

This is the most significant international climate ruling to date, decided by the Grand Chamber of the European Court of Human Rights in April 2024. The case was brought by Verein KlimaSeniorinnen Schweiz, an association of over 2,000 elderly Swiss women, along with four individual members, who argued that Switzerland's inadequate climate policies left them especially exposed to the health risks of extreme heat — a risk that affects older women in particular — and that this exposure violated their right to respect for private and family life under Article 8 of the European Convention on Human Rights. The Court agreed, ruling for the first time that a state's failure to take adequate action on climate change can itself amount to a human rights violation, and holding that Article 8 encompasses a right to effective protection from the serious adverse effects of climate change on life, health, and well-being.

This trend is likely to continue, with Indian courts increasingly drawing on a growing global body of climate jurisprudence to inform domestic decisions.

6. Climate-linked disaster and displacement litigation. As extreme weather events — heatwaves, floods, cyclones, glacial lake outburst floods in the Himalayas — become more frequent and severe, litigation is likely to expand beyond the "rights and principles" framing of past cases toward disaster-specific claims:

challenges to inadequate disaster preparedness, disputes over compensation for climate-linked crop failure, and, potentially, the rights of Indians displaced by rising seas or vanishing glacial water sources. Taken together, these trends suggest that Indian climate litigation is entering a more active, more consequential phase — one in which courts may be asked not just to recognize rights in the abstract, but to define concrete, enforceable government obligations on emissions, adaptation planning, and institutional coordination.

7. Conclusion

Climate litigation in India tells a story of a judiciary reaching, sometimes creatively and sometimes only partially successfully, to fill a gap left open by the absence of dedicated climate legislation. Beginning with a broad, purposive reading of the right to life under Article 21, and building through the precautionary principle, the polluter pays principle, and decades of public interest litigation, Indian courts constructed an environmental rights framework long before "climate change" became an explicit legal category. The 2024 judgment in M.K. Ranjitsinh v. Union of India marks the clearest culmination of this trajectory: an explicit constitutional right to be free from the adverse effects of climate change, grounded in both the right to life and the right to equality. [1]

Yet this paper has also shown the limits of what litigation alone can achieve. Courts can recognize rights, order specific remedies, and pressure the government to act, as the ongoing, newly reinvigorated Ridhima Pandey case illustrates, but they cannot substitute for the sustained, coordinated, resource-backed policymaking that only comprehensive legislation and effective institutions can provide. The Supreme Court's own candid acknowledgment that India's ministries are "working in silos," and that its environmental statutes were never designed with climate change specifically in mind, is perhaps the most important lesson to draw from this body of case law: judicial innovation has bought India time and created important precedent, but it has not yet been matched by the legislative and institutional transformation the climate crisis demands. [14, 15]

As India continues to navigate the tension between rapid development and environmental protection, a tension made vivid in the very case that created its most significant climate right, the years ahead are likely to test whether litigation can continue to serve as an effective stopgap, or whether its limits will finally force the sustained legislative attention that comprehensive climate governance requires.

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