
THE CONSTITUTIONALIZATION OF CLIMATE JUSTICE: A CRITICAL ANALYSIS OF M.K. RANJITSINH V. UNION OF INDIA (2024) AND THE EMERGENCE OF THE RIGHT AGAINST THE ADVERSE EFFECTS OF CLIMATE CHANGE

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ABSTRACT

The intersection of environmental protection, wildlife conservation, and climate change mitigation represents one of the most complex jurisprudential challenges of the twenty-first century. For decades, the Indian higher judiciary has expanded the scope of Article 21 of the Constitution of India to encompass the right to a clean and healthy environment. The accelerating crisis of global warming has demanded a decisive shift from traditional environmentalism toward a distinct framework of climate justice. In *M.K. Ranjitsinh v. Union of India* (2024 INSC 280), the Supreme Court of India constitutionalized the right to be free from the adverse effects of climate change, anchoring it in both Article 14 (right to equality) and Article 21 (right to life). This ruling emerged from an unprecedented factual matrix pitting the conservation of the critically endangered Great Indian Bustard against India's international commitments to transition toward renewable solar energy.

This paper critically analyses the *Ranjitsinh* judgment, examining the historical evolution of environmental jurisprudence in India, the development-environment dichotomy, and the State's positive obligations to mitigate climate-induced harm. By assessing the integration of international environmental frameworks including the United Nations Framework Convention on Climate Change and the International Solar Alliance into domestic constitutional law, this paper argues that the Supreme Court has transformed climate change from a policy issue into an actionable constitutional mandate. The paper further examines the implications of this newly recognized right for vulnerable populations, particularly regarding climate-induced displacement and the absence of a dedicated legislative framework. Through the lens of transformative constitutionalism, this research contends that the *Ranjitsinh* decision establishes a formidable precedent balancing ecological preservation with sustainable development while imposing rigorous State accountability in the face of the existential

threat posed by climate change.

Keywords: Article 21, Climate Justice, Constitutional Rights, Environmental Jurisprudence, Great Indian Bustard, Right Against Adverse Effects of Climate Change, Transformative Constitutionalism, Climate-Induced Displacement, Paris Agreement, Renewable Energy.

1. INTRODUCTION

The constitutional landscape of India has long been shaped by a judiciary that reads the Constitution not as a static document but as a living instrument responsive to evolving societal needs.¹ Among the most consequential transformations in this landscape has been the judicial expansion of Article 21, which guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law.² What began as a procedural safeguard against arbitrary executive action has, through decades of purposive interpretation, come to shelter a broad array of unenumerated socio-economic rights.³

One of the most significant products of this judicial evolution has been India's environmental jurisprudence. Beginning in the late 1980s, the Supreme Court recognized that the right to a clean and healthy environment is an indispensable component of the right to live with human dignity.⁴ Through sustained public interest litigation (PIL), the courts operationalized international principles including the polluter pays principle, the precautionary principle, and the public trust doctrine directly into the domestic legal order.⁵ Yet, despite this rich jurisprudential tradition, the systemic, slow-onset, and global phenomenon of climate change remained largely on the periphery of constitutional adjudication.

This gap was bridged in 2024 with the Supreme Court's ruling in *M.K. Ranjitsinh v. Union of India*.⁶ The case presented a genuine ecological dilemma: a conflict between the urgent need to protect the critically endangered Great Indian Bustard (GIB) and the State's imperative to expand renewable energy infrastructure to mitigate global climate change. In resolving this conflict, the Court took a historic doctrinal step recognizing, for the first time in Indian legal history, a distinct fundamental right to be free from the adverse effects of climate change,

¹ UPENDRA BAXI, *THE INDIAN SUPREME COURT AND POLITICS* (1980).

² INDIA CONST. ART. 21.

³ M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* 1134 (8th ed. 2018).

⁴ Subhash Kumar v. State of Bihar, (1991) 1 SCC 598, 604 (India).

⁵ Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647 (India).

⁶ *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280 (India), https://api.sci.gov.in/supremecourt/2019/20754/20754_2019_1_25_51677_Judgement_21-Mar-2024.pdf.

grounded in both Article 14 and Article 21.

This paper provides a comprehensive critical analysis of the *Ranjitsinh* judgment. Section 2 addresses the factual matrix and the GIB conservation crisis. Section 3 traces the historical expansion of Article 21. Section 4 analyses India's international climate commitments and their domestic legal significance. Section 5 examines the Court's reasoning in constitutionalizing the climate right. Section 6 explores the implications for climate-induced displacement and the legislative deficit. Section 7 considers urban governance and heritage conservation dimensions. Section 8 offers a critical appraisal. Section 9 concludes.

2. FACTUAL MATRIX: THE CONSERVATION CRISIS OF THE GREAT INDIAN BUSTARD

The *Ranjitsinh* litigation originates in the catastrophic decline of the Great Indian Bustard (*Ardeotis nigriceps*), a large terrestrial bird endemic to the Indian subcontinent. Historically widespread across the arid grasslands of western India, the GIB has suffered a severe demographic collapse. As confirmed by the International Union for Conservation of Nature (IUCN), the species was classified as 'threatened' in 1988, 'endangered' from 1994 to 2008, and 'critically endangered' from 2011 onwards. The IUCN estimates the current mature GIB population at between 50 and 249 individuals,⁷ the majority concentrated in Rajasthan's Thar Desert landscape, with smaller subpopulations persisting in Gujarat, Maharashtra, Karnataka, and Andhra Pradesh.

The primary proximate threat to the GIB alongside historical pressures of poaching and habitat fragmentation is the proliferation of overhead transmission lines (OTLs) deployed to evacuate power from solar and wind energy installations in Rajasthan and Gujarat.⁸ The GIB's heavy build and limited frontal vision render it acutely susceptible to fatal mid-flight collisions with these structures.⁹ The Wildlife Institute of India identified OTL collisions as contributing significantly to annual GIB mortalities, representing an unsustainable drain on an already

⁷ Asad R. Rahmani, *Need for an Urgent Action Plan to Save the Great Indian Bustard*, 91 CURRENT SCI. 1294 (2006); IUCN Red List, *Great Indian Bustard* (2018), <https://www.iucnredlist.org/species/22691932/134188105>.

⁸ WILDLIFE INSTITUTE OF INDIA, *POWER-LINE MITIGATION TO CONSERVE GREAT INDIAN BUSTARDS* (2018).

⁹ INDIA CONST. ART. 32.

imperilled population.¹⁰

In 2019, M.K. Ranjitsinh a prominent conservationist and one of the architects of the Wild Life (Protection) Act, 1972 along with other petitioners invoked the Supreme Court's writ jurisdiction under Article 32,¹¹ seeking urgent directions for an emergency response plan, including a moratorium on new power infrastructure in GIB habitats and the undergrounding of existing OTLs.

2.1 The 2021 Interim Order and the Government's Response

In April 2021, the Supreme Court issued a sweeping interim order imposing restrictions on the laying of new OTLs in approximately 99,000 square kilometres of priority and potential GIB habitat.¹² The Court directed the conversion of existing OTLs to underground cables where technically feasible and mandated the installation of bird diverters pending such conversion.¹³

The order generated significant friction with India's renewable energy programme. In November 2021, the Ministries of Environment, Power, and New and Renewable Energy applied for modification, arguing that the restricted area encompassed a disproportionate share of India's solar and wind energy potential.¹⁴ The Government contended that the 2021 order would bottleneck power evacuation and impede India's ability to fulfil its Nationally Determined Contributions (NDCs) under the Paris Agreement.¹⁵ The State's argument was that the macro-environmental imperative of decarbonization affecting the entire biosphere and the right to life of hundreds of millions could not be held hostage to restrictions addressing only one localized species.¹⁶

This confrontation established a novel jurisprudential challenge. The Court was not arbitrating a conventional conflict between industrial development and environmental protection; it was adjudicating a 'green-on-green' dilemma between two distinct environmental goods species-

¹⁰ M.K. Ranjitsinh v. Union of India, 2021 SCC OnLine SC 326 (India).

¹¹ Id.

¹² Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104.

¹³ Lavanya Rajamani, *India's Approach to International Law in the Climate Change Regime*, 57 INDIAN J. INT'L L. 1, 15 (2017).

¹⁴ INDIA CONST. ART. 21.

¹⁵ GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION* 101-05 (1966).

¹⁶ A.K. Gopalan v. State of Madras, AIR 1950 SC 27 (India).

level biodiversity and systemic climate stability.

3. THE EXPANSION OF ARTICLE 21: A JURISPRUDENTIAL RETROSPECTIVE

To appreciate the magnitude of the right recognized in *Ranjitsinh*, it is necessary to trace the evolutionary arc of Article 21. The provision's text is deliberately sparse: no person shall be deprived of life or personal liberty except according to procedure established by law.¹⁷ The Constituent Assembly's deliberate choice of this formula over the American concept of 'due process of law' was made on the advice of Justice Felix Frankfurter, communicated through Sir B.N. Rau, reflecting a concern that open-ended due process review might obstruct progressive social legislation.¹⁸

This originalist intent prevailed in the immediate post-independence period. In *A.K. Gopalan v. State of Madras* (1950), the Supreme Court held that 'procedure established by law' required only an enactment by a competent legislature, and read 'personal liberty' in a narrow, compartmentalized fashion restricted essentially to freedom from physical confinement.¹⁹²⁰²¹ The Court explicitly declined to read unenumerated rights into Article 21 or to treat the fundamental rights in Part III as an interconnected whole.

3.1 The Substantive Turn: From Kharak Singh to Maneka Gandhi

The foundations of *Gopalan* began to erode in *Kharak Singh v. State of U.P.* (1964), where Justice K. Subba Rao's powerful dissent argued that Article 21 housed a comprehensive set of residual liberties beyond those explicitly enumerated in Article 19(1).²²²³ The decisive break came in *Maneka Gandhi v. Union of India* (1978), decided by a seven-judge bench in the constitutional reckoning that followed the national Emergency. The Court overruled *Gopalan* and held that the fundamental rights in Part III form an interwoven web of guarantees rather than isolated silos.²⁴²⁵ Any law or executive action depriving a person of life or personal liberty must therefore satisfy Article 21, and also the standards of non-arbitrariness under Article 14

¹⁷ Id. at 39 (opinion of Kania, C.J.).

¹⁸ Id. at 43.

¹⁹ *Kharak Singh v. State of U.P.*, (1964) 1 SCR 332 (India).

²⁰ Id. at 358 (Subba Rao, J., dissenting).

²¹ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

²² Id. at 280.

²³ Id. at 281.

²⁴ Id. at 284.

²⁵ GAUTAM BHATIA, *THE TRANSFORMATIVE CONSTITUTION: A RADICAL BIOGRAPHY IN NINE ACTS* 142 (2019).

and the specific freedoms guaranteed by Article 19.²⁶

Justice P.N. Bhagwati, writing for the majority, held that the phrase 'procedure established by law' in Article 21 connotes a procedure that is just, fair, and reasonable not arbitrary, fanciful, or oppressive.²⁷ This construction effectively imported substantive due process into the constitutional order, despite the framers having explicitly rejected it.²⁸ The Court further affirmed that 'life' under Article 21 encompasses not merely biological existence but the right to live with human dignity and all that this entails.²⁹

3.2 The Environmental Dimension

The expansive, dignitarian understanding of Article 21 established in *Maneka Gandhi* became the constitutional foundation for India's environmental jurisprudence. As rapid industrialization generated acute ecological degradation, courts recognized that the right to life is rendered illusory if the environment sustaining that life is destroyed.³⁰ In *Subhash Kumar v. State of Bihar* (1991), the Supreme Court held that the right to life under Article 21 includes the right to the enjoyment of pollution-free water and air.³¹

This principle was elaborated in *Virender Gaur v. State of Haryana* (1995), where the Court declared that environmental and ecological pollution constitutes a violation of Article 21 and that a hygienic environment is an integral facet of the right to a healthy life.³² The Court also identified an affirmative constitutional duty on the State, pursuant to Article 48A of the Directive Principles of State Policy, to protect and improve the environment.³³

Through sustained PIL by advocates such as M.C. Mehta, the Supreme Court issued landmark directions closing polluting tanneries near the Ganges, mandating clean fuel standards in Delhi, and protecting the Taj Mahal from industrial emissions.³⁴ In *Vellore Citizens Welfare Forum v. Union of India* (1996), the Court confirmed that the precautionary principle and the polluter

²⁶ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608, 618 (India).

²⁷ Rural Litigation and Entitlement Kendra v. State of U.P., (1985) 2 SCC 431 (India).

²⁸ Subhash Kumar v. State of Bihar, (1991) 1 SCC 598, 604 (India).

²⁹ Virender Gaur v. State of Haryana, (1995) 2 SCC 577, 580 (India).

³⁰ INDIA CONST. ART. 48A.

³¹ M.C. Mehta v. Union of India, (1987) 4 SCC 463 (India); M.C. Mehta v. Union of India, (1997) 2 SCC 353 (India).

³² Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647 (India).

³³ M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388, 413 (India).

³⁴ United Nations Framework Convention on Climate Change art. 3, May 9, 1992, 1771 U.N.T.S. 107.

pays principle form essential features of domestic environmental law.³⁵ And in *M.C. Mehta v. Kamal Nath* (1997), the public trust doctrine was established: the State holds natural resources such as rivers, forests, and air as trustee for public use, and cannot alienate this trust for private commercial gain.³⁶

Despite this rich jurisprudential tradition, the specific threat of climate change systemic, cumulative, transboundary, and characterized by rising temperatures, altered precipitation patterns, and accelerating sea-level rise had not been crystallized into a standalone constitutional right. Earlier decisions addressed localized pollution and discrete ecosystem harm. The *Ranjitsinh* judgment remedied this omission decisively.

4. INDIA'S INTERNATIONAL CLIMATE COMMITMENTS AND THEIR DOMESTIC LEGAL SIGNIFICANCE

A distinctive feature of the *Ranjitsinh* judgment is its seamless integration of India's international climate obligations into domestic constitutional reasoning. The Court treated these commitments not as purely political aspirations but as binding normative inputs that inform the content and scope of constitutional rights.

India's engagement with the global climate regime is shaped by its assertion of the principle of Common But Differentiated Responsibilities and Respective Capabilities (CBDR-RC) under the UNFCCC,³⁷ which recognizes that developed States bear primary historical responsibility for greenhouse gas accumulation and must shoulder a commensurately greater mitigation burden.³⁸ Despite this posture in negotiations, India has progressively embraced an ambitious renewable energy agenda as its primary domestic contribution to global decarbonization.

In its Intended NDC submitted to the UNFCCC in October 2015 pursuant to the Paris Agreement,³⁹ India committed to reducing the emissions intensity of its GDP by 45 percent by 2030 relative to 2005 levels, and to achieving approximately 50 percent of cumulative installed

³⁵ Lavanya Rajamani, *The Principle of Common But Differentiated Responsibilities and Respective Capabilities and the Balance of Commitments under the Climate Regime*, 9 REV. EUR. COMP. & INT'L ENVTL. L. 120 (2000).

³⁶ MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOV'T OF INDIA, *INDIA'S INTENDED NATIONALLY DETERMINED CONTRIBUTION: WORKING TOWARDS CLIMATE JUSTICE* (2015), <https://unfccc.int/sites/default/files/NDC/2022-06/INDIA%20INDC%20TO%20UNFCCC.pdf>.

³⁷ Id. at 3.

³⁸ Vyoma Jha, "Soft Law in a Hard Shell": India, International Rulemaking and the International Solar Alliance, 10 TRANSNAT'L ENVTL. L. 517 (2021).

³⁹ M.K. Ranjitsinh v. Union of India, 2024 INSC 280, ¶ 17 (India).

electric power capacity from non-fossil fuel sources by 2030.⁴⁰ The NDC document explicitly framed this transition as a contribution to 'climate justice.' The Court in *Ranjitsinh* also highlighted India's central role in establishing the International Solar Alliance (ISA), a treaty-based intergovernmental organization launched at COP21 in Paris in 2015 to accelerate solar energy deployment among sun-rich nations.⁴¹

By cataloguing these commitments, the Court elevated India's clean energy transition from a policy preference to a 'fundamental necessity for environmental preservation.'⁴² This framing carries significant constitutional implications: if renewable energy deployment is constitutionally mandated as a corollary of the right to life and the right to equality, then obstacles to such deployment must be assessed against that constitutional imperative. The Court's methodology also reflects a broader principle of harmonious construction between domestic and international law, using treaty obligations as interpretive aids to give concrete content to open-textured constitutional guarantees.

5. THE RANJITSINH JUDGMENT: CONSTITUTIONALIZING CLIMATE JUSTICE

5.1 Modification of the 2021 Interim Order

In its final disposition on 21 March 2024, the Supreme Court, presided over by then-Chief Justice Dr. Dhananjaya Y. Chandrachud, substantially modified the 2021 interim order. The Court accepted the Government's technical submissions that blanket undergrounding of high-voltage transmission lines across vast tracts of Rajasthan and Gujarat is practically infeasible and economically prohibitive.⁴³ More fundamentally, the Court accepted that the unhindered expansion of solar and wind energy infrastructure in the affected regions is indispensable to India's fulfilment of its NDC commitments a goal which, if unachieved, would itself destroy the habitat conditions upon which the GIB's long-term survival depends.⁴⁴

Rather than maintaining the absolutist conservation mandate of the 2021 order, the Court constituted a high-powered expert oversight committee charged with case-by-case evaluation

⁴⁰ Id. ¶ 22.

⁴¹ INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, *CLIMATE CHANGE 2022: IMPACTS, ADAPTATION, AND VULNERABILITY SUMMARY FOR POLICYMAKERS* 13 (2022).

⁴² M.K. Ranjitsinh v. Union of India, 2024 INSC 280, ¶ 19 (India).

⁴³ See Shibani Ghosh, *Climate Litigation in India*, in *CLIMATE CHANGE LITIGATION IN THE ASIA PACIFIC* 161 (Jolene Lin & Douglas A. Kysar eds., 2020).

⁴⁴ M.K. Ranjitsinh v. Union of India, 2024 INSC 280, ¶ 25 (India).

of the necessity and feasibility of undergrounding specific transmission lines, balancing GIB corridor vulnerability against the technical and strategic requirements of individual renewable energy projects. This committee-based approach reflects a pragmatic application of the sustainable development principle: neither conservation nor climate mitigation operates as an absolute trump, and their reconciliation demands expert, evidence-based judgment rather than blanket judicial mandates.

5.2 Recognizing the Right Against the Adverse Effects of Climate Change

The most enduring contribution of the *Ranjitsinh* judgment is its formal recognition of a right to be free from the adverse effects of climate change as a distinct constitutional entitlement. The Court identified a fundamental legislative gap: 'there is no single or umbrella legislation in India which relates to climate change and the attendant concerns.'⁴⁵ Existing instruments such as the Environment (Protection) Act 1986, the Air (Prevention and Control of Pollution) Act 1981, and the Water (Prevention and Control of Pollution) Act 1974, while addressing specific forms of pollution, lack the structural capacity to address the cumulative, cross-sectoral character of greenhouse gas emissions and their resulting climate harms.⁴⁶

Faced with this legislative vacuum, the Court held that the absence of dedicated parliamentary legislation does not deprive Indian citizens of constitutional protection against climate change. Drawing on its established Article 21 jurisprudence, the Court reasoned that the right to a clean environment necessarily encompasses protection from the adverse effects of climate change. Those effects increasingly severe heatwaves, catastrophic flooding, prolonged droughts, and crop failures directly threaten human life, health, and livelihoods.⁴⁷ Without a stable climate system, the rights to health, adequate food, and dignified life each recognized as components of Article 21 are comprehensively undermined.⁴⁸

The Court's resort to Article 14 is equally significant. Article 14 guarantees equality before the law and equal protection of the laws.⁴⁹ The Court explicitly recognized the intensely

⁴⁵ *Paschim Banga Khet Mazdoor Samity v. State of W.B.*, (1996) 4 SCC 37 (India).

⁴⁶ INDIA CONST. ART. 14.

⁴⁷ U.N. Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship Between Climate Change and Human Rights, U.N. Doc. A/HRC/10/61 (Jan. 15, 2009).

⁴⁸ *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280, ¶¶ 25–26 (India).

⁴⁹ WALTER KÄLIN & NINA SCHREPFER, *PROTECTING PEOPLE CROSSING BORDERS IN THE CONTEXT OF CLIMATE CHANGE: NORMATIVE GAPS AND POSSIBLE APPROACHES* 15 (2012).

inequitable distributional consequences of climate change: its burdens fall disproportionately on those least responsible for the emissions that cause it and least equipped to adapt to its effects.⁵⁰ Coastal communities facing inundation, subsistence farmers exposed to erratic monsoons, and urban slum dwellers suffering extreme heat events bear a share of climate risk that is inversely proportional to their contribution to the emissions driving it.⁵¹ The State's failure to mitigate climate change or to protect vulnerable populations from its consequences therefore implicates not merely the right to life but the constitutional guarantee of equal protection.

In its operative paragraphs, the Court held that the right to equality under Article 14 and the right to life under Article 21, read together with judicial precedent, India's international commitments, and scientific consensus, give rise to a right to be free from the adverse effects of climate change. The Court was careful to note that this right must be balanced against other constitutional entitlements, including rights against displacement, and that its exercise in any given case demands careful weighing of competing constitutional values.

6. CLIMATE-INDUCED DISPLACEMENT AND THE INADEQUACY OF THE EXISTING LEGAL FRAMEWORK

The recognition of the right against the adverse effects of climate change in *Ranjitsinh* has profound implications for the burgeoning crisis of climate-induced displacement. South Asia is already experiencing the consequences of rising temperatures and more frequent extreme weather events: recurring cyclones in the Bay of Bengal, intensifying flood seasons in the Brahmaputra and Ganga basins, and progressive coastal erosion in low-lying deltaic regions.⁵²

A particularly acute manifestation of this crisis is unfolding in the Sundarbans delta of West Bengal, where rising sea levels, heightened cyclonic activity, and severe erosion are systematically destroying the agricultural and fishing livelihoods of communities whose existence is inseparable from the mangrove ecosystem. Gradual but irreversible environmental degradation is already compelling thousands into internal displacement, generating what scholars term 'climate refugees' individuals forced to migrate by environmental conditions

⁵⁰ Disaster Management Act, No. 53 of 2005 (India).

⁵¹ AMITA SINGH ED., *DISASTER LAW: EMERGING THRESHOLDS* (2018). The volume analyses the event-centric, relief-oriented character of existing disaster management legislation and its structural inadequacy in addressing long-term rehabilitation and displacement.

⁵² Convention Relating to the Status of Refugees art. 1A(2), July 28, 1951, 189 U.N.T.S. 137.

rendering their homelands uninhabitable, yet unrecognized as such by any existing legal framework.

The domestic legislative framework is structurally unsuited to address this challenge. The Disaster Management Act, 2005 is event-centric and relief-oriented: it provides mechanisms for acute emergency response but contains no provisions for long-term rehabilitation, secure resettlement, land tenure protection, or recognition of slow-onset displacement caused by gradual environmental change.⁵³⁵⁴ International law offers no greater comfort: the 1951 Refugee Convention requires a well-founded fear of persecution on the grounds of race, religion, nationality, political opinion, or membership of a particular social group, entirely excluding environmental and climate displacement from its protective ambit.⁵⁵

The *Ranjitsinh* right fills this legislative void by generating affirmative State obligations. Grounded in Article 21, the constitutionalization of climate protection implies that the State's duty is not confined to post-disaster emergency relief. The potential loss of life, livelihood, and cultural identity through foreseeable climate displacement cannot be dismissed as an acceptable consequence of governmental inaction.⁵⁶ The Court's recognition that Article 14 is implicated in climate vulnerability reinforces this obligation: the State must implement equitable, non-discriminatory adaptation policies that prevent already-marginalized communities from absorbing disproportionate climate burdens.

Applying the transformative constitutionalism framework which demands that constitutional guarantees produce structural, material change rather than merely formal recognition the *Ranjitsinh* precedent can be read to require proactive State action: adaptive coastal management, community-based relocation planning for imminently threatened settlements, and comprehensive social security programmes encompassing livelihood restoration and cultural preservation for climate-displaced populations. Where the State fails to act against foreseeable and preventable harm, such inaction may be challenged as a violation of Articles

⁵³ *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 SCC 545, 572 (India).

⁵⁴ Harsh Vardhan Bhati, *Implementing Cultural Heritage Conservation and Energy Sustainability in the UNESCO World Heritage Site of Jaipur City, India*, 7 FRONTIERS SUSTAINABLE CITIES 1 (2025), <https://doi.org/10.3389/frsc.2025.1548279>.

⁵⁵ UNITED NATIONS ENVIRONMENT PROGRAMME, 2024 GLOBAL STATUS REPORT FOR BUILDINGS AND CONSTRUCTION (2024).

⁵⁶ Pratap Bhanu Mehta, *The Inner Conflict of Constitutionalism: Judicial Review and the "Basic Structure"*, in *INDIA'S LIVING CONSTITUTION: IDEAS, PRACTICES, CONTROVERSIES* 99 (Zoya Hasan, E. Sridharan & R. Sudarshan eds., 2002).

14 and 21.

7. URBAN GOVERNANCE, CULTURAL HERITAGE, AND CLIMATE SUSTAINABILITY

The *Ranjitsinh* judgment's constitutional elevation of climate mitigation extends naturally to urban governance, including the management of India's cultural heritage assets in the context of energy sustainability. Cities consume approximately 75 percent of global energy and generate over 70 percent of annual greenhouse gas emissions; in India, the building and construction sector accounts for a substantial proportion of national CO₂ output.

This challenge assumes particular complexity in historic urban environments. The city of Jaipur, inscribed as a UNESCO World Heritage Site, exemplifies the tension between heritage conservation and climate imperatives.⁵⁷ Strict architectural conservation guidelines premised on principles of material authenticity and aesthetic integrity may resist the retrofitting of historic structures with modern energy-efficient systems or renewable energy installations. Yet India's obligations under the 1972 World Heritage Convention and its commitments under the 2015 Paris Agreement do not admit of an either/or choice: heritage conservation frameworks must evolve to accommodate climate resilience without sacrificing the outstanding universal value for which sites were inscribed.

The *Ranjitsinh* principle that climate mitigation is a constitutional necessity supplies a normative compass for these urban policy choices. Local authorities confronting heritage-energy conflicts can no longer treat preservation as an absolute bar to decarbonization measures. The constitutional imperative of climate mitigation requires an active search for integrated solutions passive cooling derived from traditional architectural design, sensitive incorporation of small-scale renewables, and adaptive reuse strategies that reduce embodied carbon that serve both heritage and climate goals simultaneously.⁵⁸ The judgment thus operates not only at the level of national energy policy but also at the level of local governance, requiring bureaucratic silos to yield to integrated, cross-sectoral planning.

8. A CRITICAL APPRAISAL: LIMITATIONS AND CHALLENGES

While *Ranjitsinh* represents a significant advance in India's environmental constitutionalism,

⁵⁷ B. SHIVA RAO, *THE FRAMING OF INDIA'S CONSTITUTION: A STUDY* 235 (1968).

⁵⁸ Douglas A. Kysar, *What Climate Change Can Do About Tort Law*, 41 ENVTL. L. 1, 9–11 (2011).

it raises important questions of institutional competence, separation of powers, and practical enforceability.

The first concern is institutional. The creation of new constitutional rights through expansive interpretation of Article 21 without legislative action or explicit constitutional text places the Court in the role of policy architect, generating obligations whose implementation requires resource allocation decisions that courts are institutionally ill-equipped to supervise.⁵⁹ The framers' deliberate rejection of open-ended 'due process' review was intended precisely to guard against this kind of judicial policy-making.⁶⁰ The *Ranjitsinh* Court's response delegating technical determinations to an expert committee rather than issuing blanket judicial mandates represents a partial accommodation of this concern, though it does not eliminate it entirely.

The second concern is causation and attribution. Climate change is a polycentric phenomenon produced by the aggregate conduct of billions of actors across the globe over more than a century.⁶¹ India's own historical contribution to cumulative global emissions is modest in relative terms. If a coastal community in Lakshadweep seeks to enforce its constitutional rights against the Indian State for failure to prevent sea-level rise, the causal chain between specific domestic acts or omissions and the international physical process of oceanic warming is sufficiently attenuated to present genuine justiciability difficulties. The *Ranjitsinh* right is therefore better understood as imposing obligations of reasonable domestic climate action ambitious NDC implementation, just transition planning, and adequate adaptation investment than as creating a direct State liability framework for climate damages attributable to global emissions.

A third objection concerns the utilitarian calculus embedded in the modification of the 2021 order. By permitting continued overhead transmission line development under expert oversight rather than maintaining an absolute moratorium, the Court accepted that the survival of a critically endangered species may be weighed against macro-level climate policy objectives. The reliance on expert committees, while pragmatic, raises concerns about regulatory capture

⁵⁹ Hannah Ritchie, Pablo Rosado & Max Roser, *CO₂ and Greenhouse Gas Emissions*, OUR WORLD IN DATA (2023), <https://ourworldindata.org/co2-and-greenhouse-gas-emissions>. India's share of cumulative global CO₂ emissions from 1850–2021 is approximately 3%, compared to over 25% for the United States and over 20% for the European Union.

⁶⁰ ARMIN ROSENCRAZ & SHYAM DIVAN, *ENVIRONMENTAL LAW AND POLICY IN INDIA: CASES, MATERIALS, AND STATUTES* 45 (2d ed. 2002).

⁶¹ Geetanjoy Sahu, *Implications of Indian Supreme Court's Innovations for Environmental Jurisprudence*, 4 LAW, ENV'T & DEV. J. 1 (2008).

by energy interests, the rigour of environmental impact assessments, and the transparency of case-by-case determinations. The GIB's population is so small that even marginal annual mortality rates can materially impair genetic viability, and expert oversight mechanisms in India have a mixed record of resisting commercial pressure.

A fourth issue concerns doctrinal completeness. The Court acknowledged that the climate right must be balanced against other constitutional entitlements, including rights against displacement, but offered limited guidance on the normative framework for resolving such conflicts. It remains unclear, for instance, by what standard a court should assess whether a renewable energy project that displaces communities has adequately justified that displacement under Articles 14 and 21. This doctrinal incompleteness leaves considerable uncertainty for lower courts and implementing authorities, and will require further judicial elaboration or legislative intervention to resolve.

9. CONCLUSION

The Supreme Court of India's judgment in *M.K. Ranjitsinh v. Union of India* (2024 INSC 280) marks a watershed in Indian constitutional law. By recognizing the right to be free from the adverse effects of climate change under Articles 14 and 21, the Court has moved Indian environmental jurisprudence from the domain of localized pollution control into the arena of systemic climate justice. The judgment correctly identifies the climate crisis as a constitutional issue not merely a policy preference because its consequences are borne most severely by those least responsible for its causes, and because its unchecked progression threatens the very foundations of life, health, equality, and dignity that the Constitution is designed to protect.

The judgment is doctrinally innovative in two respects. First, it draws Articles 14 and 21 into a unified constitutional framework for climate accountability, giving the right both a dignitarian dimension (the right to live free from climate harm) and an anti-discrimination dimension (the right to equal protection from the disproportionate burdens of climate change). Second, it treats India's international climate commitments as normative inputs that shape domestic constitutional obligations, demonstrating how international environmental law can be absorbed into rights adjudication even in the absence of implementing legislation.

The practical and doctrinal challenges identified in Section 8 are real and must not be minimized. They demand a legislative response. Parliament should act on the Court's

identification of the legislative void by enacting a comprehensive framework statute on climate change that establishes clear standards for State action, justiciable rights for affected communities, and robust institutional arrangements for climate governance. Such legislation would reduce the need for case-by-case constitutional improvisation and provide lower courts with the normative tools to adjudicate climate claims with greater precision and consistency.

What *Ranjitsinh* establishes is that the Indian State's response to the climate crisis will no longer be evaluated solely by political or economic metrics but will be measured against the exacting standards of fundamental rights. For vulnerable communities confronting inundation, displacement, and the erosion of their livelihoods by forces beyond their control, this transformation provides a powerful legal vocabulary and a concrete institutional forum in which to assert their claims. For that reason, the judgment deserves recognition as one of the most significant contributions to global climate jurisprudence of the twenty-first century.