THE NEPAL GLACIER-FLOOD DISASTER OF AUGUST 2026: A LEGAL ANALYSIS IN THE LIGHT OF ENVIRONMENTAL LAW OF INDIA AND CLIMATE CHANGE AND ITS ADVERSE IMPACTS

S.R. Prabakaran, Dr. B.R. Ambedkar University Delhi

ABSTRACT

On 26 August 2026, a catastrophic glacial collapse and cascading landslide-flood disaster struck the Nepal-Tibet border region, mainly impacting Nepal's Rasuwa, Nuwakot and Dhading districts, killing several hundred people, missing well over a thousand and destroying homes, bridges, roads and hydropower infrastructure. Scientists have tied the triggering glacial and permafrost collapse to long-term atmospheric warming, making the event one of the clearest recent examples of climate change's ability to turn a slow-moving planetary issue into an abrupt and deadly local disaster. This paper uses the Nepal disaster of August 2026 as a simple entry point for an exploration of India's domestic environmental legal architecture, emphasising the constitutional obligation for environmental protection under Articles 21, 14, 48A and 51A(g) of the Constitution of India and the Supreme Court's recent recognition of a right unique to climate change in M.K. Ranjitsinh v. Union of India. In plain and accessible Indian English, it looks at the legal, political and social implications that a transboundary Himalayan climate disaster of this kind carries for India. It studies the enduring tug-of-war between environmental protection and developmental activity in the fragile Himalayan ecosystem. It also identifies the significant gaps that persist because India still has no dedicated, comprehensive climate change statute. Concluding, the report makes tangible policy solutions to bridge the gap between constitutional promise and legislative reality.

Keywords: Climate change; Nepal glacial flood 2026; Himalayan calamities; Article 21; right against ill impacts of climate change; M. K. Ranjitsinh; environmental jurisprudence; Environment (Protection) Act, 1986; Disaster Management Act, 2005; sustainable development; transboundary river basins; glacial lake outburst flood (GLOF).

1. Introduction

In the last two decades, climate change has stopped being a faraway prediction seen exclusively in scientific publications. It is an urgent and recurring cause of mass-casualty disaster in the Himalayan region. The Hindu Kush Himalaya mountain system, across Afghanistan, Pakistan, India, Nepal, Bhutan, China and Myanmar, is warming faster than the global average.[1] As a direct consequence its glaciers, its permafrost and its glacial lakes are correspondingly less stable than at any time in recorded history. The most recent, and one of the most deadly, examples of this instability manifesting itself from a long natural process into rapid human tragedy is the Nepal disaster of August 2026.[2]

Nepal and India have the same mountain structure, the same monsoon dynamics and the same river basins in the case of Koshi, Gandak and Kali (Mahakali) rivers. The common geography means the calamity in Nepal is not just a misfortune for a neighbouring country. Indeed, it is a foretaste of the risk that is increasingly being faced by the Indian Himalayan States, particularly

Uttarakhand, Himachal Pradesh, Sikkim and the hill districts of West Bengal and the Northeast. The 2021 Chamoli disaster in Uttarakhand, detailed further below, already shown that this is not a hypothetical problem for India, but a lived and recurring event.[3]

This work is arranged around on five connected enquiries, First, it reconstructs the factual and scientific record of the Nepal disaster of August 2026 from contemporaneous international reporting. Secondly, it lays out the Indian constitutional requirement for environmental protection and the judicial theory that the Supreme Court of India has developed on that obligation over four decades. Third, it discusses the legal, political and social ramifications that such a calamity holds for a constitutionally and geographically tied neighbour like India. Fourth, it looks at the age-old struggle between environmental conservation and development activities, mainly shown by Himalayan hydropower and infrastructural expansion. Fifth, it cites particular ways in which India's environmental laws do not address climate change as a separate regulatory issue, and suggests reforms.

[1]The Conversation, *When a Mountain Falls: How Ice and Rock Triggered Nepal's Catastrophic Flood – and Why Climate Change Is Raising the Risks* (Aug. 2026).
[2]EarthSky, *Nepal Flash Flood Nightmare: What Caused It?* (Aug. 2026).
[3]CNN, *Nepal Flooding Shows How Living Downstream from a Glacier Has Become a Deadly Liability* (Aug. 28, 2026).

Research Questions

1. To what extent does India's existing environmental and disaster-management legal framework adequately address glacial, landslide, and flood risks in the fragile Himalayan region?

2. How has Indian environmental jurisprudence developed climate and mountain ecosystem protection under Article 21, and what legal and regulatory gaps remain in protecting the Himalayas from development-related risks?

Research Methodology

This study uses a doctrinal and case-study approach. It examines the Constitution of India, environmental and disaster-management laws, and major Supreme Court and National Green Tribunal decisions. The August 2026 Nepal-Tibet flood is used as a case study to assess legal preparedness for similar Himalayan disasters. The study also refers to international climate instruments, comparative laws, policy documents, scientific reports, and relevant news sources. The research is primarily interpretive and analytical, focusing on statutory interpretation, judicial decisions, and policy analysis to identify gaps in India's legal framework for Himalayan environmental and climate risks.

2. August 2026 Nepal Disaster: Facts and Scientific Findings

2.1 Chronology of Events

A vast amount of rock and ice broke away from the Langtang Lirung peak on the boundary between Nepal and Tibet on 26 August 2026 and plunged into the valley below. The resulting landslip generated a signal that registered as a magnitude 5.2 seismic event on local equipment, however the event was not tectonic in origin, but instead a mass-movement failure.[4] The fall obstructed the Lhende Khola, a tributary of the Bhote Koshi, which in turn is a tributary of the Trishuli River. It is estimated that within about half an hour the Trishuli climbed as much as nine meters an exceptionally quick rise which allowed virtually no time for residents downstream to respond.[5]

[4]ABC News, *What Caused Nepal Flood? Scientist Says It Was Enormous Landslide, Glacier Fall* (Aug. 2026).
[5]Al Jazeera, *Nepal-Tibet Floods*, supra note 5.

A second collapse occurred a few hours later, prompting fears of further slope failures and the makeshift debris barrier collapsing and releasing a second wave of floodwater.[6] Nepal's Rasuwa district, comprising the settlements of Timure and Syabrubesi, was the worst affected, with the water then moving downstream to Nuwakot and Dhading districts. And beyond the international border, mud and debris also hit Gyirong Port in China's Shigatse district of Tibet, underscoring the transboundary character of the threat from the very beginning.[7]

Official numbers released within a few days of the incident put the death toll at several hundred fatalities, with well over a thousand people reported missing, including a substantial number of foreign nationals and trekking tourists who were present in the Langtang valley at the time. Bridges, roads, hydropower installations and local shops have been damaged, cutting off entire towns from aid and badly damaging the regional economy of a valley that depends heavily on hiking tourism and minor hydropower generating.[8]

2.2 The Climate Change Connection

Glaciologists and geologists who have studied the event have blamed the starting collapse on the steady thawing of mountain permafrost, the frozen ground and ice that ties steep Himalayan slopes together. With the increase in global average temperature this permafrost is weakened and masses of rock-ice that had been stable for centuries become susceptible to unexpected and catastrophic disintegration.[9] Scientists have been quick to point out that it is not possible to demonstrate that all such collapses are caused by climate change in a strict, single-event sense. But there is a strong and mounting scientific consensus that warming temperatures are driving such catastrophic slope failures to become far more regular across the Himalaya, the Andes, the Alps, and other high-mountain regions of the world.[10]

For this reason, the 2026 Nepal event has been widely characterised, including by international climate scientists quoted in its immediate aftermath, as a paradigmatic example of a cascading climate disaster: a glacier collapse triggers a landslip, the landslip forms a temporary debris dam, and the debris dam then bursts to release a second flood wave. It is a chain of dangers

[6]CNN, *Nepal Flooding Shows How Living Downstream*, supra note 4.
[7]Al Jazeera, *Nepal-Tibet Floods*, supra note 5.
[8]EarthSky, *Nepal Flash Flood Nightmare*, supra note 2.
[9]The Conversation, *When a Mountain Falls*, supra note 1.
[10]*Id.*

that is more likely with every fraction of a degree of global warming.[11] It is this cascading aspect, not any one discrete cause, that makes the incident so illuminating for attorneys and policy-makers who are thinking about anticipatory regulation as opposed to after-the-fact remedy.

The occurrence is very similar to the 2021 Uttarakhand (Chamoli) tragedy in India, when the collapse of a hanging glacier on Ronti Peak released a flash flood that devastated hydropower infrastructure and killed over two hundred people.[12] The avalanche is also strikingly similar to the 2015 Langtang avalanche which devastated the same Nepali valley just over a decade ago. The recurrence of catastrophic slope failure in the same geography in a single decade alone is strong indication of a deteriorating risk environment that regular disaster-relief thinking is just not equipped to meet.

3. Constitutional Provisions for Environmental Protection in India

3.1 Directive Principles and Fundamental Duties.

The Constitution of India as initially enacted in 1950 included no express reference whatsoever to the environment. It was only after India attended the Conference on the Human Environment in Stockholm in 1972 that Parliament enacted the Constitution (Forty-Second Amendment) Act, 1976, which introduced Article 48A in the Directive Principles of State Policy and Article 51A(g) in the newly introduced chapter on Fundamental Duties.[13]

Article 48A, directs the State to maintain and improve the environment and to safeguard the woods and wildlife of the country.[14] Similarly, Article 51A(g) imposes a fundamental duty on every citizen to maintain and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.[15] Both these articles are non-justiciable in strict constitutional terms. Directive Principles cannot be enforced directly by the courts and Fundamental Duties provide no separate cause of action upon which a person may sue.[16] But their actual importance resides in the interpretive weight placed by Indian courts on them in construing the only legally enforceable environmental guarantee, the fundamental right

[11]EarthSky, *Nepal Flash Flood Nightmare*, supra note 2.
[12]CNN, *Nepal Flooding Shows How Living Downstream*, supra note 4.
[13]The Constitution (Forty-Second Amendment) Act, 1976 (India).
[14]India Const. art. 48A.
[15]India Const. art. 51A, cl. (g).
[16]India Const. art. 37, supra note 18.

to life under Article 21.

3.2 Article 21 and the Judicial Construction of a Right to Healthy Environment

In 1980s the Supreme Court of India read Articles 48A and 51A(g) in the light of Article 21 and held that the right to life encompasses the right to a clean and healthy environment. In M.C. Mehta v. Kamal Nath, the Court held that any disturbance of the basic environmental elements namely air, water and soil, which are necessary for life would be hazardous to life within the meaning of Article 21. For this purpose, Articles 48A and 51A(g) had to be read together with Article 21.[17]

In Virender Gaur v. State of Haryana the Court emphasised that the right to life under Article 21 also means the right to a clean environment, including protection against air and water pollution.[18] Earlier in Rural Litigation and Entitlement Kendra v. State of U.P. popularly known as the Doon Valley case and in the successive line of M.C. In the Mehta decisions on Ganga and air quality in Delhi, the Court had already begun to see environmental deterioration as a constitutional wrong and not just as a regulatory wrong.[19]

This line of cases is important background for the present study in that it shows that, long before climate change entered mainstream legal discourse, Indian courts had already normalised the notion that a directive principle can be given real bite through judicial interpretation once it is included in Article 21. This was exactly the interpretive strategy the Supreme Court employed again, in 2024, when it acknowledged a specific right against the detrimental impacts of climate change.

3.3 2024 Recognition of a Separate Right Against the Adverse Effects of Climate Change

The most significant recent constitutional development for present purposes is the Supreme Court's judgement in M.K. Ranjitsinh & Others v. Union of India, decided in a public interest litigation ostensibly for conservation of the Great Indian Bustard threatened by overhead transmission wires of renewable energy projects in Rajasthan and Gujarat.[20]

The three-judge Bench declared for the first time in Indian constitutional history that the right

[17] *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388 (India).
[18] *Virender Gaur v. State of Haryana*, (1995) 2 S.C.C. 577 (India).
[19] *Rural Litig. & Entitlement Kendra v. State of U.P.*, AIR 1988 SC 2187 (India).
[20] *M.K. Ranjitsinh & Ors. v. Union of India & Ors.*, 2024 SCC OnLine SC 286 (India).

to be free from the ill impacts of climate change was an independent element of the fundamental right to life under Article 21 and the right to equality under Article 14.[21] The Court held that a clean and stable environment free from the vagaries of climate change is a precondition to the full realisation of the right to life. The Court also relied on India's obligations under Article 3(3) of the United Nations Framework Convention on Climate Change, 1992 to base a duty of precautionary State action.[22]

This ruling is directly relevant to the Nepal disaster because it establishes, at least in principle, that Indian citizens exposed to climate-linked hazards such as glacial lake outburst floods, flash floods and slope failures in the Himalayan States may now frame their claims against State inaction not simply as ordinary environmental grievances but as violations of a distinct constitutional right.[23]

At the same time commentators have criticised the judgement as somewhat anthropocentric and doctrinally thin in its actual remedy. The court balanced the newly recognised right against renewable energy imperatives by ordering technical mitigation measures such as underground cabling and bird diverters, rather than testing government climate policy against any clearly enforceable standard.[24] This has led to an underdeveloped practical content of the right, a problem that this article revisits in Part 7.

4. Domestic Environmental Legal Framework of India

Beneath the above-mentioned constitutional layer lies a body of regular legislation passed especially in the wake of the Stockholm Conference and the Bhopal gas tragedy in 1984.[25] It is helpful to set down these legislation together, in plain language, before examining their inadequacies in Part 7.

The Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 are sectoral pollution-control laws overseen by the Central and State Pollution Control Boards.[26] The overarching legislation adopted following Bhopal is the

[21] *Id.*
[22] United Nations Framework Convention on Climate Change art. 3(3), May 9, 1992, 1771 U.N.T.S. 107.
[23] *M.K. Ranjitsinh v. Union of India*, supra note 26.
[24] UNEP & Sabin Ctr. for Climate Change Law, Columbia L. Sch., *Global Climate Litigation Report: 2025 Status Review* (2025).
[25] See generally *Union Carbide Corp. v. Union of India*, 1991 SCC (2) 217 (India) (arising out of the 1984 Bhopal gas disaster).
[26] Water (Prevention and Control of Pollution) Act, No. 6 of 1974, India Code.

Environment (Protection) Act, 1986. This Act empowers the Union Government to set standards, regulate industrial siting and issue notifications like the Environmental Impact Assessment Notification, 2006.[27]

The Forest (Conservation) Act, 1980 prohibits any diversion of forest land for non-forest use without the approval of the Central government.[28] The Wildlife (Protection) Act, 1972, protects species and habitats and the Biological Diversity Act, 2002, gives effect to India's duties under the Convention on Biological Diversity.

The National Green Tribunal Act, 2010 provides for a specialised tribunal having jurisdiction over important problems connected the environment including the questions arising from the enforcement of the acts stated above.[29] Finally, the Disaster Management Act, 2005, provides for the establishment of the National, State and District Disaster Management Authorities and the institutional framework for disaster preparedness, mitigation and response.[30] As stated in Part 7, this list does not include any statute that tackles climate change as a separate phenomenon in its own right.

5. Legal, Political and Social Implications of Nepal Disaster for India

5.1 Legal Consequences

There are at least three sets of legal concerns arising out of the Nepal disaster that are directly relevant to India, each of which needs to be addressed plainly. First, it buttresses the case for officially recognising glacial lake outburst floods and slope failures as legislatively defined disaster categories, with mandated hazard mapping, early-warning systems and construction limits in sensitive districts of the Himalayas. This is an extension of the piece-meal attempts made following the 2013 Kedarnath and 2021 Chamoli disasters in Uttarakhand.

Second, with rivers like the Koshi, the Gandak, the Kali (Mahakali) and the Karnali flowing from Nepal to India, a Nepal-origin glacial disaster represents the transboundary nature of Himalayan climate risk and the corresponding inadequacy of a purely domestic, single-jurisdictional regulatory response. Existing bilateral arrangements between India and Nepal on

[27]Environment (Protection) Act, No. 29 of 1986, India Code.
[28]Forest (Conservation) Act, No. 69 of 1980, India Code.
[29]National Green Tribunal Act, No. 19 of 2010, India Code.
[30]Disaster Management Act, No. 53 of 2005, India Code.

flood forecasting and river management were simply not intended with this scale or suddenness of hazard in mind.

Third, the disaster provides evidentiary and doctrinal heft to the kind of climate lawsuit envisioned by the Supreme Court in M.K. Ranjitsinh. In future litigation over Himalayan hazards petitioners will have a well-documented, contemporaneous regional precedent linking permafrost melt, glacier collapse and mass deaths to point to, rather than depending merely on generic climate-science estimates.[31]

5.2 Political Consequences

Politically, the accident further complicates India-Nepal-China trilateral relations in the eastern Himalaya, where the original fall occurred on the Nepal-Tibet border and devastated villages on both sides of the border. It also presents concerns of disaster diplomacy and cross-border assistance, as debris and floodwater did not respect the international borders.

The disaster will also likely be a major factor in India's own domestic political debate over the pace and manner of Himalayan infrastructure expansion, particularly hydropower and all-weather road projects such as the Char Dham highway, in terrain that is both seismically and glacially unstable.[32] However, because Himalayan States are electorally significant, and because infrastructure spending in the region has both developmental and strategic border-security value, political incentives for continuing construction may be at direct odds with the precautionary approach the scientific evidence increasingly advocates.

5.3 Social Consequences

Socially, the tragedy highlights the disproportionate toll that climate-linked Himalayan hazards take on subsistence and tourism-dependent mountain communities, daily-wage construction and hydropower workers, and foreign trekkers and pilgrims, who account for a large share of casualties in such events.[33]

Displacement, loss of livelihood and the psychological toll of recurrent disaster in the same valley, having already witnessed a catastrophic avalanche in Langtang in 2015, raise long-term

[31] *M.K. Ranjitsinh v. Union of India*, supra note 26.
[32] *In re: Alignment of Char Dham Pariyojna, In Reference to Road Safety*, W.P. (C) No. 700 of 2016 (Sup. Ct. India).
[33] CNN, *Nepal Flooding Shows How Living Downstream*, supra note 4.

questions of climate-induced migration and resettlement that neither India's nor Nepal's existing disaster or environment law addresses in any comprehensive manner. This is a gap revisited in Part 7 of this article when talking about the absence of a legislative loss-and-damage mechanism in India.

6. The Himalayan Conflict: Environmental Protection vs. Developmental Activities

The oldest and most persistent subject in Indian environmental law is the tension between ecological preservation and infrastructural development, and nowhere is this tension more acute than in the Himalaya. Hydropower expansion, road-widening for pilgrimage and border security, tunnelling, mining and unregulated tourism-driven construction are all proceeding in terrain that is geologically young, seismically active and, as the Nepal disaster confirms, increasingly destabilised by warming-driven glacier and permafrost loss.

6.1 Judicial Balancing Attempts

The Supreme Court has tried, with varying degrees of success, to strike a balance between these competing imperatives through the doctrines of sustainable development, the precautionary principle and the polluter-pays principle, first articulated in comprehensive form in Vellore Citizens' Welfare Forum v. Union of India.[34] In the case of M/s. Alaknanda Hydro Power Co. Ltd. v. Anuj Joshi the court assessed the cumulative impact of various hydroelectric projects on the delicate Alaknanda-Bhagirathi river system in the aftermath of Uttarakhand floods.[35]

The Court has been monitoring forest clearances all over the country including those in Himalayan States in a continuing mandamus since 1996 in T.N. Godavarman Thirumulpad v. Union of India.[36] More recently, litigation over the Char Dham all-weather road project tested the limits of judicially imposed road-width restrictions against the Ministry of Defence's assertion of wider roads for strategic movement, with the Court ultimately deferring substantially to the security rationale advanced by the Union Government.[37]

The M.K. Ranjitsinh judgement itself is an example of this similar structural tension transferred into the climatic context. The Court was reluctant to impose a complete ban on overhead

[34] *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).
[35] *Alaknanda Hydro Power Co. Ltd. v. Anuj Joshi*, (2014) 1 S.C.C. 769 (India).
[36] *T.N. Godavarman Thirumulpad v. Union of India*, W.P. (C) No. 202 of 1995 (India) (Sup. Ct., continuing mandamus filed 1996).
[37] *In re: Alignment of Char Dham Pariyojna*, supra note 45.

transmission lines necessary for renewable energy deployment, considering that such lines threatened the Great Indian Bustard, and chose technical mitigation instead. This approach of balancing rather than prioritising is said to risk becoming the default judicial posture for climate cases more broadly, diluting the practical bite of the newly recognised right against adverse climate change effects whenever it comes into conflict with a competing developmental or even green-transition objective.[38]

6.2 The Regulatory Aspect

At the regulatory level, successive amendments and dilutions of the Environmental Impact Assessment Notification, 2006, including exemptions for projects below certain size thresholds, post-facto or ex-post environmental clearance regimes and expedited clearance for projects framed as being in the national or strategic interest, have reduced the scope of mandatory environmental scrutiny.[39] This shrinking has occurred exactly as vulnerability to climate-related hazards in fragile terrain such as the Himalaya has been growing, not waning.

The end effect is an ever-widening gulf between the constitutional language of environmental protection spoken by the courts (covered in Part 3), and the administrative reality of faster project clearance on the ground. This gap is, in a sense, the core puzzle to be addressed by the rest of this study.

7. Absence of Climate Change in the Legal Statutes of India

While the Supreme Court has recognised a right to be protected from the detrimental impacts of climate change under the Constitution, India still does not have any independent legislation on climate change, like the Climate Change Act, 2008 of the United Kingdom.[40] The absence of this leads to various Legal gaps or lacunae that the crisis in Nepal throws into sharp perspective.

None of India's key environmental regulations include a statutory definition of climate change, or climate-linked risks such as glacial lake outburst floods, permafrost slope breakdown, or extreme rainfall events.[41] All these legislation pre-date serious public or scientific attention to

[38]UNEP & Sabin Ctr., *Global Climate Litigation Report*, supra note 30.
[39]EIA Notification, 2006, supra note 35.
[40]Climate Change Act 2008, c. 27 (UK).
[41]Environment (Protection) Act, 1986, supra note 34.

anthropogenic warming and were meant to deal with point-source industrial pollution, not systemic atmospheric warming or cryospheric change in high-altitude terrain.

The Environment (Protection) Act, 1986, under which the Environmental Impact Assessment Notification, 2006 was issued, does not require climate-risk or glacial-hazard assessment as a separate head of evaluation for hydropower, road or tourism infrastructure projects in the Himalaya.[42] Where climate factors are present at all, they are informally integrated into general environmental assessment, no specific criteria, altitude requirements or thresholds of glacier proximity being laid down.

The Disaster Management Act, 2005 is non-hazard specific and response-oriented. However, it does not make it mandatory in a statutory enforceable manner for the National or State Disaster Management Authorities to incorporate long-range climate projections (e.g. glacier retreat rates, trends in permafrost temperature) into hazard mapping or early-warning system planning.[43]

The National Action Plan on Climate Change, 2008 and the accompanying State Action Plans on Climate Change and India's Nationally Determined Contributions under the Paris Agreement are policy instruments and not statutory laws.[44] They do not create any immediately enforceable duties, nor any citizen right of action similar to the one that currently exists under the basic pollution-control statutes discussed in Part 4.

Indian law does not further have a formal regime for climate-attributable loss and harm. This means that communities affected by a glacier-collapse or glacial lake outburst flood event of the kind in Nepal have no particular compensatory or liability framework apart from the usual discretionary disaster-relief provisions available under the Disaster Management Act and the various State relief codes.[45]

For quite some time, government and expert bodies have examined drafts and recommendations for a comprehensive Indian climate law on an ad hoc basis, but none have been passed into law.[46] This leaves the M.K. Ranjitsinh right, but not with the legal and

[42]EIA Notification, 2006, supra note 35.
[43]Disaster Management Act, 2005, supra note 40.
[44]National Action Plan on Climate Change, Government of India (2008).
[45]Disaster Management Act, 2005, supra note 40.
[46]UNEP & Sabin Ctr., *Global Climate Litigation Report*, supra note 30.

administrative superstructure that would make it operationally important to an ordinary citizen seeking remedy.[47]

In sum, there is a structural mismatch: India's Supreme Court, through interpretation, has gotten ahead of Parliament in recognising a constitutional right against the adverse impacts of climate change, but the statutory and regulatory architecture supporting that right is organised around a pre-climate-change model of environmental regulation. This mismatch leaves affected people, notably those in Himalayan States most vulnerable to the very kind of hazard that devastated Nepal in August 2026, without a clear, enforceable statutory avenue to require anticipatory climate-risk regulation as opposed to mere post-disaster aid.

8. Conclusion

As a data point in an increasing regional pattern that immediately implicates India's own Himalayan States, the glacial-flood disaster in Nepal in August 2026 is best viewed not as an isolated tragedy. India's constitutional jurisprudence, from M.C. Mehta v. Kamal Nath and M.K. Ranjitsinh and Ors. v. Union of India, has gradually broadened the scope of interpretation of Article 21 to include, most recently, a specific right to be free from the detrimental impacts of climate change.

But there has been no legislative Reform of this fundamental achievement. India's environmental laws continue to be essentially tools of twentieth century pollution control rather than twenty first century climate governance and the unending contest between environmental protection and developmental activity continues to be decided more often than not in favour of development, moderated only by ad hoc judicial balancing.

Bridging this gap by way of a dedicated climate law, climate sensitive reform of the environmental impact assessment and disaster management regimes and meaningful trans-boundary cooperation with Nepal and other Himalayan neighbours is not only a matter of good governance. On the Supreme Court's reasoning in M.K. Ranjitsinh, it is a constitutional commitment which is owed to every citizen whose right to life is threatened by the severe impacts of climate change.

[47] *M.K. Ranjitsinh v. Union of India*, supra note 26.

9. Suggestions

Based on the aforementioned study, this paper presents the following recommendations, which are straightforward and implementable.

First, Parliament should establish a dedicated Climate Change Act which specifies climate-linked hazards, lays down enforceable mitigation and adaptation requirements on the Union and State Governments, and gives statutory content to the Article 21 and Article 14 right recognised in M.K. Ranjitsinh.

Secondly, the Environmental Impact Assessment Notification, 2006, should be amended to make it compulsory to conduct a glacial and permafrost hazard assessment, a cumulative-impact assessment, and disclosure of climate-risk for all hydropower, road and tourism infrastructure projects located above a specified altitude or within a specified distance of glaciers and glacial lakes in Himalayan States.

Third, the Disaster Management Act, 2005, should be amended to mandate the inclusion of long-range climate and cryospheric projections in hazard mapping, early-warning system design and land-use zoning in Himalayan districts, subject to periodic mandatory review by the National Disaster Management Authority.

Fourth, India must develop a statutory transboundary early-warning and data-sharing protocol with Nepal, and where feasible with China, for monitoring glacial lake and slope stability in shared river basins, on the basis of, but going meaningfully beyond, existing bilateral flood-forecasting arrangements.

Fifth, there should be a separate compensation process for climate loss and damage, apart from regular disaster relief, for communities demonstrably affected by climate-attributable Himalayan hazards. Sixth and finally, Parliament and the executive should re-establish and expand, not diminish, required public consultation and independent scientific assessment, as part of the environmental clearance process for high-altitude infrastructure projects.

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