

CLIMATE CHANGE AND HUMAN RIGHTS: THE RIGHT TO LIFE AND ENVIRONMENTAL JUSTICE IN INDIA

by

AKSHAYA P.D¹

&

ABDUL RAHMAN M²

&

SURYA R C³

ABSTRACT

This paper critically examines the intersection of climate change and human rights, specifically focusing on the right to life and environmental justice in India. It analyses the legal frameworks, policy measures, and judicial pronouncements that address the adverse impacts of climate change on vulnerable populations. Uncovering the multi-dimensional threats posed by environmental degradation, the study notes India's severe vulnerability to extreme weather events. The study adopts an analytical approach to identify the functional gaps between constitutional guarantees and on-ground realities, particularly for populations living in highly vulnerable districts. It compares western approaches, such as statutory climate litigation in the Netherlands and Germany, with those in Latin America and the Global South. Furthermore, it scrutinizes India's evolving jurisprudence, notably the Supreme Court's recognition of a distinct right against the adverse effects of climate change under Article 21. By examining socio-economic data and legal precedents, the study reveals systemic administrative shortcomings in achieving true environmental justice. The paper concludes by recommending targeted legal reforms, statutory

¹Author: Student of S. Thangapazham Law College affiliated to Dr. Ambedkar Law University, Chennai, Tamil Nadu, India.

²Co Author: Student of S. Thangapazham Law College affiliated to Dr. Ambedkar Law University, Chennai, Tamil Nadu, India.

³Co Author: Student of S. Thangapazham Law College affiliated to Dr. Ambedkar Law University, Chennai, Tamil Nadu, India.

climate goals, and equitable resilience strategies to ensure the protection of marginalized communities.

KEYWORDS: Climate Change, Environmental Justice, Right to Life, Climate Litigation, Constitutional Law, Climate Refugees.

INTRODUCTION

Historically, environmental degradation and climate change have posed severe threats to basic human rights, disproportionately affecting vulnerable populations across the globe. In the Global South, nations like India face profound marginalization stemming from rising sea levels, extreme heatwaves, and agricultural disruptions. India ranked seventh in the Global Climate Risk Index, highlighting a severe vulnerability to extreme weather events.⁴ According to the Intergovernmental Panel on Climate Change (IPCC), extreme weather events have already caused widespread loss and damage to human systems, with India expected to experience a significant decline in agricultural yield by 2050 if emissions remain unchecked.⁵ While western democracies such as the Netherlands and Germany have utilized binding judicial mandates to enforce carbon reduction, India's approach has largely relied on an expansive interpretation of the constitutional right to life.⁶ During the recent heatwaves, an estimated 90 percent of India's total area fell into the danger zone, directly threatening the right to life and health of informal workers.⁷

This paper examines the trajectory of climate justice from international standards to contemporary Indian frameworks. It utilizes a comparative analytical methodology to gauge the legislative and judicial milestones across different global jurisdictions, contrasting the European model of statutory emission targets with rights-based climate litigation in Colombia and India. Further, the study adopts a socio-economic method to address the localized problems faced by vulnerable communities, aiming to highlight the gap between formal environmental laws and the lived realities in India. Based on this comparative study, the paper recommends necessary reforms for

⁴Germanwatch, Global Climate Risk Index 2021 (2021).

⁵ Intergovernmental Panel on Climate Change, Climate Change 2022: Impacts, Adaptation and Vulnerability (2022).

⁶Constitution of India, art. 21.

⁷India Meteorological Department, Annual Statement on Climate of India (2022).

the Indian legal sphere to attain functional environmental justice and secure the fundamental rights of its citizens.

LITERATURE REVIEW

The discourse surrounding climate change and human rights has evolved significantly at the international level, fundamentally marked by the United Nations General Assembly resolutions.⁸ This legal evolution serves as a landmark recognition that access to a clean, healthy, and sustainable environment is a universal human right. David R. Boyd, in his seminal work "The Environmental Rights Revolution," highlights the critical role of constitutionalizing environmental rights, providing empirical evidence that nations integrating such rights see robust ecological outcomes.⁹

In the realm of comparative climate litigation, the Urgenda Foundation case is broadly viewed by academics as the global gold standard.¹⁰ In this judgment, the Dutch Supreme Court mandated the state to reduce emissions based on international human rights conventions. Contrasting this with the Indian context, Lavanya Rajamani explores the structural limits of environmental public interest litigation.¹¹ Rajamani argues that while the Indian Supreme Court has expansively interpreted Article 21, the systemic enforcement of macro-level climate policy remains dangerously weak. Recent scholarly discourse heavily surrounds the M.K. Ranjitsinh apex court ruling, celebrating the explicit recognition of a distinct right to be free from the adverse effects of climate change, yet noting the absence of binding administrative timelines.¹²

⁸UN General Assembly, Resolution 76/300, UN Doc A/RES/76/300 (July 28, 2022).

⁹David R. Boyd, *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (UBC Press 2012).

¹⁰*Urgenda Foundation v. State of the Netherlands*, ECLI: NL:HR:2019:2006 (Supreme Court of the Netherlands 2019).

¹¹Lavanya Rajamani, *The Right to Environmental Protection in India: Many a Slip between the Cup and the Lip?*, 16 RECIEL 274 (2007).

¹²*M.K. Ranjitsinh v. Union of India*, 2024 INSC 280.

RESEARCH GAP

While the current literature extensively examines India's statutory environmental frameworks and general environmental public interest litigations, there is a distinct lack of comparative analysis measuring the functional gap between formal climate rights and administrative execution. Most studies focus on the theoretical expansion of constitutional rights without juxtaposing the empirical data on climate vulnerabilities against the execution of national action plans. This paper fills that gap by utilizing socio-economic data to juxtapose European, Latin American, and Indian models, thereby proposing effective, binding climate justice reforms tailored for India.

STATEMENT OF PROBLEMS

Despite possessing progressive jurisprudence where the Supreme Court of India ensures environmental protections under Articles 14, 19, and 21 of the Constitution, massive functional gaps arise due to systemic friction between statutory intent and administrative enforcement.¹³ Even after the creation of the National Action Plan on Climate Change, implementation remains heavily fragmented across state and central departments.¹⁴ In practical socio-economic reality, marginal farmers, coastal communities, and indigenous groups face continuous marginalization from state inaction on climate adaptation. According to the Internal Displacement Monitoring Centre, weather-related disasters displaced approximately 2.5 million people in India in a single year, creating a severe crisis of internal climate refugees who lack formal legal recognition.¹⁵ The core problem is that while formal law exists on paper, the administrative machinery fails to protect vulnerable populations from livelihood loss, heatwaves, and displacement.

¹³Constitution of India, art. 14, 19, 21.

¹⁴Government of India, National Action Plan on Climate Change (2008).

¹⁵Internal Displacement Monitoring Centre, Global Report on Internal Displacement (2023).

OBJECTIVES OF THE STUDY

First, to study the trajectory of climate change jurisprudence compared to the constitutional mandate of the Right to Life and the administrative requirements of India's environmental laws.

Second, to comparatively analyze the frameworks of western democracies, specifically the Netherlands and Germany, along with Latin America's Colombian model, to discover global best practices for enforcing climate justice.

Third, to investigate the socio-economic and cultural obstacles, supported by empirical data, that sustain the functional gap between India's climate policies and ground-level adaptation.

Fourth, to analyze recent landmark judgments and evaluate the state's failure in respect of enforcing binding environmental statutory mandates and judicial directives.

Fifth, to propose comprehensive reforms to bridge the gaps between environmental law and practice upon the study of socio-economic data, international human rights standards, and comparative analysis.

HYPOTHESIS

NULL HYPOTHESIS: The existing environmental legislation and executive policies in India have successfully integrated climate justice and made significant positive changes to the socio-economic status and physical security of climate-vulnerable communities.

ALTERNATIVE HYPOTHESIS: The administrative barriers and the lack of binding statutory climate targets have led to the systemic exclusion and heightened vulnerability of marginalized populations, proving that the mere existence of constitutional declarations is insufficient, establishing the need for a mandatory, codified climate litigation framework in India.

METHODOLOGY

This research adopts the doctrinal research methodology to examine the constitutional, statutory, and judicial frameworks by relying heavily on secondary sources, legal texts, and case laws. This doctrinal approach is fundamentally supplemented by socio-economic data and empirical studies from international organizations to critically assess the practical impacts and enforcement deficits of these laws on vulnerable communities.

1. INTERNATIONAL FRAMEWORKS AND HUMAN RIGHTS STANDARDS

1.1 UN General Assembly and Institutional Recognition

In 2021, the UN Human Rights Council passed a resolution recognizing for the first time that the right to a clean, healthy, and sustainable environment is a human right.¹⁶ This was subsequently cemented by the UNGA Resolution 76/300.¹⁷ This global legal evolution shifted the narrative by anchoring climate action not just in diplomatic environmental treaties, but as a non-derogable human rights obligation.

1.2 The Paris Agreement and Human Rights Integration

The Paris Agreement serves as the cornerstone of international climate commitments, focusing heavily on Nationally Determined Contributions.¹⁸ While primarily an intergovernmental treaty concerning emission reductions, its preamble explicitly dictates that states should respect,

¹⁶UN Human Rights Council, Resolution 48/13, UN Doc A/HRC/RES/48/13 (Oct.8, 2021).

¹⁷ UN General Assembly, Resolution 76/300, UN Doc A/RES/76/300 (July 28, 2022).

¹⁸Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104.

promote, and consider their respective obligations on human rights when taking action to address climate change.

1.3 Interpretation of Core International Treaties

Historical treaties such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights do not explicitly mention the term climate change.¹⁹ However, modern international jurisprudence, such as the UN Human Rights Committee's findings in the Torres Strait Islanders case, interprets the failure of a state to mitigate climate impacts as a direct violation of the right to life and the right to private, family, and home life.²⁰

2. COMPARATIVE ANALYSIS OF CLIMATE LITIGATION ACROSS DIFFERENT NATIONS

2.1 The Netherlands

The Netherlands governs its climate obligations strictly through human rights interpretations integrated with tort law. The landmark Urgenda case saw the Dutch Supreme Court ruling that the government's inadequate action on climate change violated its duty of care under the European Convention on Human Rights.²¹ Consequently, the court mandated an absolute 25 percent reduction in greenhouse gas emissions by 2020, setting a global precedent.²²

2.2 Germany

In Neubauer, et al. v. Germany, the German Federal Constitutional Court ruled that the nation's Federal Climate Change Act was partially unconstitutional.²³ The Court held that pushing the extreme burden of greenhouse gas reduction onto future generations violated their fundamental freedoms and intergenerational equity. This decision legally compelled the legislature to immediately enact stricter, accelerated emission targets.²⁴

¹⁹Universal Declaration of Human Rights, G.A. Res.217(III), U.N.T.S. 171.

²⁰International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

²¹UN Human Rights Committee, Daniel Billy et al. v. Australia, CCPR/C/135/D/3624/2019 (2022).

²²European Convention on Human Rights, Nov. 4, 1950, 213 U.N.T.S. 221.

²³Urgenda Foundation v. State of the Netherlands, ECLI:NL:HR:2019:2006 (Supreme Court of the Netherlands 2019).

²⁴Neubauer, et al. v. Germany, 1 BvR 2656/18 (Federal Constitutional Court of Germany 2021).

2.3 Colombia

Colombia provides a progressive, rights-based model for the Global South, bridging ecology with human rights. In *Future Generations v. Ministry of the Environment*, the Colombian Supreme Court recognized the Amazon rainforest as a distinct legal entity subject to rights.²⁵ The court linked the deforestation of the Amazon directly to climate change and the violation of the fundamental right to a healthy environment.

2.4 India

India's environmental jurisprudence is primarily driven by reactive judicial activism rather than binding, proactive climate-specific statutes. While the Environment (Protection) Act of 1986 exists, it does not mandate specific carbon budgets or climate adaptation timelines.²⁶ Instead, India relies on Supreme Court directives expanding Article 21 to include the right to a pollution-free environment, and most recently, the right against the adverse effects of climate change.²⁷

3. RIGHTS ENJOYED OR THREATENED ACROSS VARIOUS FIELDS DUE TO CLIMATE CHANGE

3.1 Right to Livelihood and Employment

In India, changing monsoon patterns and extreme droughts directly threaten the livelihoods of over 50 percent of the workforce engaged in agriculture.²⁸ According to the International Labour Organization, India is projected to lose an equivalent of 34 million full-time jobs by 2030 purely due to heat stress in the agricultural and construction sectors.²⁹

3.2 Right to Health and Bodily Safety

Increasing frequencies of heatwaves and the expansion of vector-borne diseases disproportionately affect marginalized urban populations living in informal settlements. Data indicates that a mere 8 percent of Indian households possess air conditioning, exposing the vast majority to lethal

²⁵Federal Climate Change Act (Bundes-Klimaschutzgesetz), 2019 (Germany).

²⁶*Future Generations v. Ministry of the Environment*, STC 4360-2018 (Supreme Court of Colombia 2018).

²⁷Environment (Protection) Act, 1986 NO. 29, Acts of Parliament, 1986 (India).

²⁸*M.K. Ranjitsinh v. Union of India*, 2024 INSC 280

²⁹Ministry of Agriculture and Farmers Welfare, Annual Report 2022-23 (Government of India 2023).

temperatures.³⁰ This severe lack of cooling infrastructure directly undermines the fundamental right to health.³¹

3.3 Right to Housing and Internal Displacement

Coastal communities in states like West Bengal, Odisha, and Tamil Nadu face existential threats from rising sea levels and intensified cyclonic activity.³² With mass internal displacements recorded annually, the right to housing is fundamentally violated. Climate refugees are frequently forced into unplanned urban migration without targeted state rehabilitation support.³³

4. THE SPECIFIC STUDY TO INDIAN FRAMEWORK AND JUDICIAL PRONOUNCEMENT

4.1 Landmark Judicial Pronouncements

Case Study 1: *Subhash Kumar v. State of Bihar* (1991). The Supreme Court of India foundational established that the right to life under Article 21 includes the right to the enjoyment of pollution-free water and air.³⁴

Case Study 2: *Hanuman Laxman Aroskar v. Union of India* (2019). The Court emphasized the concept of the environmental rule of law, asserting that sustainable development is inextricably intertwined with fundamental rights, demanding strict compliance with environmental clearances.³⁵

Case Study 3: *M.K. Ranjitsinh v. Union of India* (2024). This represents a critical turning point where the Supreme Court explicitly recognized that citizens have a distinct, standalone fundamental right to be free from the adverse effects of climate change under Articles 14 and 21.³⁶

³⁰International Labour Organisation, *Working on a Warmer Planet: The Impact of Heat Stress on Labour Productivity and Decent Work* (2019).

³¹International Energy Agency, *The Future of Cooling in India* (2022).

³²World Bank, *Climate and Health Vulnerability Assessment for India* (2023).

³³Council on Energy, Environment and Water, *Mapping India's Climate Vulnerability* (2021).

³⁴Internal Displacement Monitoring Centre, *Global Report on Internal Displacement* (2023).

³⁵*Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

³⁶*Hanuman Laxman Aroskar v. Union of India*, (2019) 15 SCC 401.

4.2 Legislative Framework and Administrative Gatekeeping

The Environment (Protection) Act of 1986 serves as an umbrella legislation but critically lacks specialized mechanisms to enforce climate mitigation or adaptation strategies.³⁷ Furthermore, the National Action Plan on Climate Change is formulated merely as an executive policy comprising eight specific missions.³⁸ Because it functions as a directory guideline rather than a mandatory, justiciable legal framework, it suffers from severe administrative lethargy and a stark lack of inter-departmental accountability.

5. FINDINGS

RESEARCH FIELD	EMPIRICAL FINDING AND DATA POINTS IN INDIA	COMPARATIVE COUNTERPARTS ACROSS GLOBAL	IDENTIFIED FUNCTIONAL GAP
Statutory Climate Targets	India relies on non-binding executive policies without a codified domestic climate act.	Germany enacted the Federal Climate Change Act setting legally binding emission budgets.	The transition from constitutional rhetoric to binding administrative law is completely absent in India, rendering targets non-justiciable.
Displacement and Migration	Millions displaced by extreme weather annually; climate refugees lack legal status.	Colombia recognized intergenerational equity and mandated specific regional	There is zero targeted statutory rehabilitation or legal recognition for climate-induced

³⁷M.K. Ranjitsinh v. Union of India, 2024 INSC 280

³⁸Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986 (India).

		protections for the Amazon.	displacement or livelihood loss in India.
Judicial Enforcement	M.K. Ranjitsinh (2024) recognized the right against climate change, but structural injunctions are weak.	The Netherlands' Urgenda case resulted in an immediate, court-ordered national emission reduction mandate.	Indian courts aggressively declare rights but face massive administrative friction in enforcing macro-level climate policy execution.
Occupational Health	Projected loss of 34 million jobs by 2030 due to heat stress; 90 percent of workforce is informal.	The European Union implements mandatory occupational heat standards and climate adaptation funding.	There is a profound lack of codified labor protections regarding climate extremes and inadequate local adaptation funding.

6. SUGGESTIONS TO INDIAN REFORMS ON ENVIRONMENTAL JUSTICE

Suggestion 1: Enact a Comprehensive Climate Change Act to explicitly transition from executive policies to a statutory framework that sets legally binding carbon budgets, adaptation mandates, and strict inter-ministerial accountability parameters.

Suggestion 2: Provide statutory legal recognition for climate refugees by creating robust definitions and rehabilitation frameworks for internal migrants displaced by sea-level rise, coastal erosion, and extreme weather events.

Suggestion 3: Establish specialized climate benches within the National Green Tribunal, empowering these benches with the sole focus of adjudicating complex climate litigation and enforcing emission standards independently.

Suggestion 4: Mandate localized climate adaptation plans that legally require municipal and panchayat-level governments to formulate, fund, and execute binding heat action plans and flood resilience infrastructure.

Suggestion 5: Codify environmental intergenerational equity by explicitly incorporating the legal rights of future generations into all Environmental Impact Assessment processes for state and private development projects.

Suggestion 6: Develop specific economic resilience mechanisms for the informal sector, introducing state-subsidized climate insurance schemes tailored explicitly for marginal farmers, coastal fishers, and informal urban workers who bear the brunt of climate shocks.

CONCLUSION

The socio-economic and doctrinal study of India's climate frameworks reveals a distinct constitutional paradox. Despite the judiciary's progressive expansion of Article 21, culminating in the landmark recognition of the right against adverse climate change impacts, the legislative and administrative machinery has consistently faltered. Law alone in the form of judicial declarations is highly insufficient; this empirical finding heavily complies with the alternative hypothesis. The sole reliance on non-binding executive policies like the National Action Plan on Climate Change actively sustains a devastating functional gap between abstract constitutional promises and the lived, daily realities of climate-vulnerable populations. The data indicating millions displaced and immense projected job losses cannot be ignored.

To bridge this severe functional gap and achieve true environmental justice, India must urgently transition from a directory policy approach to a compulsory, rights-based statutory framework. India must codify a domestic Climate Change Act, embedding the proactive, binding mandates

seen in European jurisdictions while centering the unique socio-economic protections necessary for the Global South. The promise of environmental justice will remain a mere letter of the law until the Indian state rigorously aligns its administrative machinery with its constitutional conscience, ensuring seamless dignity, economic safety, and a sustainable future for all marginalized communities across the nation.

REFERENCE

I. Table of Cases

1. Daniel Billy et al. v. Australia, CCPR/C/135/D/3624/2019 (UN Human Rights Committee 2022)
2. Future Generations v. Ministry of the Environment, STC4360-2018 (Supreme Court of Colombia 2018)
3. Hanuman Laxman Aroskar v. Union of India, (2019) 15 SCC 401
4. M.K. Ranjitsinh v. Union of India, 2024 INSC 280
5. Neubauer, et al. v. Germany, 1 BvR 2656/18 (Federal Constitutional Court of Germany 2021)
6. Subhash Kumar v. State of Bihar, (1991) 1 SCC 598
7. Urgenda Foundation v. State of the Netherlands, ECLI:NL:HR:2019:2006 (Supreme Court of the Netherlands 2019)

II. Table of Statutes and Legislation

1. Constitution of India 1950
2. Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986 (India)
3. Federal Climate Change Act (Bundes-Klimaschutzgesetz), 2019 (Germany)

III. Journal Articles and Books

1. Boyd, David R., *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (UBC Press 2012)
2. Rajamani, Lavanya, *The Right to Environmental Protection in India: Many a Slip between the Cup and the Lip?*, 16 *Review of European Community & International Environmental Law* 274 (2007)

IV. Reports and Institutional Publications

1. Council on Energy, Environment and Water (CEEW), *Mapping India's Climate Vulnerability* (2021)
2. Germanwatch, *Global Climate Risk Index 2021* (2021)
3. Government of India, *National Action Plan on Climate Change* (2008)
4. India Meteorological Department, *Annual Statement on Climate of India* (2022)
5. Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2022: Impacts, Adaptation and Vulnerability* (2022)
6. Internal Displacement Monitoring Centre (IDMC), *Global Report on Internal Displacement* (2023)
7. International Energy Agency (IEA), *The Future of Cooling in India* (2022)
8. International Labour Organization (ILO), *Working on a Warmer Planet: The Impact of Heat Stress on Labour Productivity and Decent Work* (2019)
9. Ministry of Agriculture and Farmers Welfare, *Annual Report 2022-23* (Government of India 2023)
10. World Bank, *Climate and Health Vulnerability Assessment for India* (2023)

V. International Treaties and UN Documents

1. European Convention on Human Rights, Nov. 4, 1950, 213 U.N.T.S. 221
2. International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171
3. Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104
4. UN General Assembly, Resolution 76/300, UN Doc A/RES/76/300 (July 28, 2022)

5. UN Human Rights Council, Resolution 48/13, UN Doc A/HRC/RES/48/13 (Oct. 8, 2021)
6. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc A/810 (1948)

